IOWA

George G. Hendricks, Fort Dodge, Iowa, in place of R. J. Gilday, retired.

KANSAS

Chloe E. Huffman, Englewood, Kans., in place of E. J. Lee, retired.

George Paul Gerardy, Hanover, Kans., in place of R. J. Munger, retired.

Jack D. Warnock, Stafford, Kans., in place of W. L. Kent, retired.

KENTUCKY

Minnie M. Staley, Lackey, Ky., in place of Mike Staley, retired.

LOUISIANA

Ivy M. Lytton, Gilliam, La., in place of S. H. Reid, resigned.

Billy R. Johnson, Harrisonburg, La., in place of J. L. Beasley, retired.

Roberta G. Landry, Mathews, La., in place of B. A. Gautreaux, retired.

Ora G. Thomas, Mooringsport, La., in place of A. H. Barre, retired.

William A. Bulcao, Slidell, La., in place of C. D. Block, resigned.

MAINE

Chandler Byrant Paine, Bar Harbor, Maine, in place of T. L. Roberts, deceased.

Raymond M. Flynn, Sanford, Maine, in place of F. C. Creteau, resigned.

Donald L. Lapointe, Van Buren, Maine, in place of L. N. Poirer, retired.

MASSACHUSETTS

Katherine C. Brown, Littleton Common, Mass., in place of R. C. West, retired.

James H. Bradley, Woburn, Mass., in place of J. H. Murphy, retired.

MICHIGAN

Budd A. Goodwin, Adrian, Mich., in place of P. F. Frownfelder, retired.

James Patejdl, Harbert, Mich., in place of O. W. Tornquist, retired.

MINNESOTA

Edward J. Shega, Babbitt, Minn., in place of R. J. Slade, resigned.

Arthur Peter Hein, Excelsior, Minn., in place of F. J. Mason, retired.

Orlin A. Ofstad, Orr, Minn., in place of A. M. Rude, retired.

Sylvester V. Zitzmann, Vesta, Minn., in place of T. C. Kline, deceased.

MISSISSIPPI

Maxie A. Grozinger, Crowder, Miss., in place of O. B. Jones, transferred.

Hobert Riley, Jr., Pattison, Miss., in place of J. D. Burch, transferred.

George W. Benson, Webb, Miss., in place of L. A. White, retired.

MISSOURI

Kenneth C. James, Gravois Mills, Mo., in place of M. L. McKinley, retired.

Wilhelmine E. Jacobi, Martinsburg, Mo., in place of F. J. Jacobi, Jr., deceased.

Willard H. Dowden, Pickering, Mo., in place of J. L. Bosch, deceased.

MONTANA

Virgil S. Davis, Anaconda, Mont., in place of F. J. J. Finnegan, removed.

NEBRASKA

James C. Dowding, Bellevue, Nebr., in place of J. H. Schaller, resigned.

Edward W. Divis, Brainard, Nebr., in place of Fred Hlavac, retired.

Malcolm E. Jensen, Emerson, Nebr., in place of R. L. McPherran, resigned.

Ruth E. Fouts, Maxwell, Nebr., in place of R. C. Dolan, retired.

NEW HAMPSHIRE

Clyde H. Seavey, Candia, N. H., in place of R. B. Dinsmore, retired.

NEW JERSEY

Ellen E. Benson, Lawnside, N. J., in place of Helen Davis, removed.

Lawrence H. Emmons, Sergeantsville, N. J., in place of L. J. Myers, deceased.

NEW YORK

Peter S. Tosi, Boiceville, N. Y., in place of M. D. Robeson, retired.

Grace E. Pfeiffer, Middle Island, N. Y., in place of E. H. Pfeiffer, deceased.

Minor J. Leonard, Odessa, N. Y., in place of H. H. Rundle, retired.

Alice B. Larsen, Peconic, N. Y., in place of W. E. Way, resigned.

Clarence B. Wilmot, Rushford, N. Y., in place of M. E. Austin, removed.

Berta R. Fellows, South Salem, N. Y., in place of J. R. Reilly, retired.

NORTH CAROLINA

Lexine G. McCarson, Balfour, N. C., in place of L. R. Geiger, retired.

James Howard Crowell, Concord, N. C., in place of B. E. Harris, resigned.

OHIO

Quindo A. Belloni, Brewster, Ohio, in place of Kathryn Schott, retired.

OKLAHOMA

Frank M. Hippard, Okeene, Okla., in place of A. M. Farhar, deceased.

Earl Dale Allee, Quapaw, Okla., in place of C. E. Douthat, retired.

OREGON

Allan T. Ettinger, Brookings, Oreg., in place of W. G. Thompson, resigned.

Wayne F. Ball, Huntington, Oreg., in place of B. K. Harvey, resigned.

PENNSYLVANIA

Charles A. Mensch, Bellefonte, Pa., in place of E. B. Bower, retired.

William R. Mundell, Birdsboro, Pa., in place of P. F. Petrillo, removed.

Richard L. Altemose, Brodheadsville, Pa., in place of M. L. Serfass, retired.

Emma Jane Kimmel, Dalmatia, Pa., in place of P. L. Tressler, retired.

Clifford C. Mills, Freeland, Pa., in place of Neale Boyle, retired.

Julia M. McCluskey, New Bedford, Pa., in place of N. R. Akens, deceased.

Charles S. Borem, Sewickley, Pa., in place of S. V. Webster, deceased.

Robert W. Kramer, Valencia, Pa., in place of T. M. Perry, retired.

PUERTO RICO

Angel Cesar Benitez Lopez, Aguas Buenas, P. R., in place of F. G. Gonzales, retired.

SOUTH CAROLINA

Urban G. Milhous, Jr., Denmark, S. C., in place of M. R. Mayfield, resigned.

Willie C. Maxwell, Inman, S. C., in place of J. G. Waters, retired.

SOUTH DAKOTA

Maynard G. Hatch, McLaughlin, S. Dak., in place of Freda Haberman, retired.

TENNESSEE

John L. Sanders, Somerville, Tenn., in place of W. A. Rhea, retired.

TEXAS

Vernon C. Johnson, Alvin, Tex., in place of B. A. Borskey, retired.

Ruby D. Cummings, Barstow, Tex., in place of A. J. Hayes, resigned.

Benedict M. Kocurek, Caldwell, Tex., in place of R. A. Bowers, transferred.

Grace M. Duncan, Crandall, Tex., in place of K. H. Jorns, resigned.

Homer R. Granberry, Douglassville, Tex., in place of E. E. McMillian, Jr., removed.

Leslie Fulenwider, Uvalde, Tex., in place of J. P. Molloy, deceased.

UTAH

Roger A. Clark, Emery, Utah, in place of J. R. Sorenson, deceased.

Daniel Clair Whitesides, Layton, Utah, in place of R. H. Barton, deceased.

VERMONT

Harold B. Wright, White River Junction, Vt., in place of C. A. O'Brien, retired.

VIRGINIA

Arthur P. McMullen, Hot Springs, Va., in place of F. L. Thompson, retired.

Elmer H. Kirby, Stanleytown, Va., in place of M. C. Stanley, resigned.

WEST VIRGINIA

Dempsey Dale Lilly, Coal City, W. Va., in place of L. L. Lilly, retired.

Franklin N. Phares, Valley Bend, W. Va., in place of A. K. Crawford, deceased.

WISCONSIN

Ruth M. Bergstrom, Comstock, Wis., in place of N. O. Peterson, deceased.

HOUSE OF REPRESENTATIVES

TUESDAY, JULY 8, 1958

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Job 5: 8: *Unto God would I commit my cause.*

Eternal God, who art the source of all our blessings, grant that daily we may commit ourselves and our way unto Thee.

Inspire us with a vivid sense of Thy presence and power as we face duties and responsibilities which are far beyond our own finite wisdom and strength.

We humbly confess that there are days when the ideals, which we cherish, seem so visionary and the outlook for a nobler civilization appears so gloomy.

May men and nations everywhere give their allegiance to the King of Kings, who rules not with the rod of iron but with the scepter of justice, righteousness, mercy, and love.

Hear us in His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 7349. An act to amend the act regulating the business of executing bonds for compensation in criminal cases in the District of Columbia;

H. R. 7452. An act to provide for the designation of holidays for the officers and employees of the government of the District of Columbia for pay and leave purposes, and for other purposes;

H. R. 9285. An act to amend the charter of St. Thomas' Literary Society;

H. R. 12643. An act to amend the act entitled "An act to consolidate the police court of the District of Columbia and the municipal court of the District of Columbia, to be known as "the municipal court for the District of Columbia,' to create 'the municipal court of appeals for the District of Columbia,' and for other purposes," approved April 1, 1942, as amended; and

H. J. Res. 479. Joint resolution to designate the 1st day of May of each year as Loyalty Day.

The message also 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. 7863. An act to amend the District of Columbia Alcoholic Beverage Control Act.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 3735. An act to amend the charter of the National Union Insurance Co. of Washington; and

S. 3817. An act to provide a program for the discovery of the mineral reserves of the United States, its Territories and possessions, by encouraging exploration for minerals, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 6006) entitled "An act 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," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD, Mr. KERR, Mr. ANDERSON, Mr. MARTIN of Pennsylvania, and Mr. WILLIAMS to be conferees on the part of the Senate.

PROHIBIT TRADING IN ONION FUTURES

Mr. FORD. 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 Michigan?

There was no objection.

Mr. FORD. Mr. Speaker, I am seriously concerned with the delay in action by the other body on H. R. 376, the bill to amend the Commodity Exchange Act to prohibit trading in onion futures in commodity exchanges.

I introduced a similar bill, H. R. 1933, on January 5, 1957. The House Committee on Agriculture held extensive hearings on the problem in 1957 as it had done previously during the 84th Congress. With many others I testified in behalf of the legislation, pointing out that there is no law in effect today to control adequately the manipulation and wild fluctuation of onion futures.

The House Committee on Agriculture favorably reported the bill on August 8, 1957, and it passed the House on March 13, 1958.

The Senate Committee on Agriculture and Forestry held further hearings and favorably reported the bill on May 26. In its report, the committee stated that "it now appears that speculative activity in the futures markets causes such severe and unwarranted fluctuations in the price of cash onions as to require complete prohibition of onion futures trading in order to assure the orderly flow of onions in interstate commerce."

The onion growers throughout the country agree with this conclusion of the committee. These growers who are generally small farmers, dependent for a livelihood on a few acres of ground, are wondering how long they must wait for the Democratic leadership to bring this meritorious measure to the floor of the Senate. They realize that they have no other protection against those big operators who manipulate the market to benefit themselves only.

H. R. 376 has been on the Senate Calendar since May 26, a period of 6 weeks. What is the leadership waiting for? The onion producers want the bill. The Senate committee reports that it is a proper and necessary measure. The House has approved it. Why this long delay on the part of the Democratic leadership in bringing H. R. 376 to a vote in the Senate?

HE DIDN'T KNOW WHAT HARRIS MEANT

Mr. SCOTT of Pennsylvania. 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 Pennsylvania?

There was no objection.

Mr. SCOTT of Pennsylvania. Mr. Speaker, Baron Shacklette, like Dr. Schwartz before him, got his signals mixed: He thought it was the "Committee on Legislative Harassment." Now Baron has gone.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first bill on the Private Calendar.

OLIVE V. RABINIAUX

The Clerk called the bill (S. 2621) for the relief of Olive V. Rabiniaux.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

EVA S. WINDER

The Clerk called the bill (S. 488) for the relief of Eva S. Winder.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

LAURANCE F. SAFFORD

The Clerk called the bill (S. 1524) for the relief of Laurance F. Safford.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Laurance F. Safford, out of any money in the Treasury not otherwise appropriated, the sum of $100,000, in full satisfaction of all claims against the United States in connection with cryptographic systems and apparatus invented and developed by him while serving on active duty in the United States Navy which have been held in secrecy status by the United States Government: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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.

CASEY JIMENEZ

The Clerk called the bill (S. 1879) for the relief of Casey Jimenez.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

WILLIAM F. PELTIER

The Clerk called the bill (S. 2146) for the relief of William F. Peltier.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

DONALD R. PENCE

The Clerk called the bill (H. R. 1565) for the relief of Donald R. Pence.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Donald R. Pence, Los Angeles, Calif., the sum of $332.53. The payment of such sum shall be in full settlement of all claims of the said Donald R. Pence against the United States for reimbursement to him of expenses incurred as a result of hospitalization and medical treatment which was denied him by the United States Veterans' Administration, and to which he was entitled as a veteran with service-connected disability: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 3, strike out "in excess of 10 percent thereof."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN F. SMITH

The Clerk called the bill (H. R. 2062) for the relief of John F. Smith.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Chief Electrician John F. Smith, United States Navy, retired (serial number 377339), is relieved of liability to repay to the United States the sum of $23,317.40, which was erroneously paid to him as retired pay for the period beginning April 26, 1946, and ending June 30, 1954, both dates inclusive, in violation of section 212 of the act approved June 30, 1932 (5 U. S. C., sec. 59a). In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for any amounts for which liability is relieved by this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MR. AND MRS. CARMEN SCOPPETTUOLO

The Clerk called the bill (H. R. 4059) for the relief of Mr. and Mrs. Carmen Scoppettuolo.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. Carmen Scoppettuolo, of Belleville, N. J., the sum of $1,540. Payment of such sum shall be in full settlement of all claims of the said Mr. and Mrs. Carmen Scoppettuolo against the United States by reason of the expenses incurred by them in making a visit to the United States Military Cemetery St. Laurent (Normandy), France. The Department of the Army had erroneously informed them that their son, Pfc. James V. Scoppettuolo, was buried there: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 3, strike out "in excess of 10 percent thereof."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HARLEE M. HANSLEY

The Clerk called the bill (H. R. 5351) for the relief of Harlee M. Hansley.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Harlee M. Hansley (first lieutenant, United States Air Force, retired), Miami, Fla., is hereby relieved of all liability to refund to the United States the sum of $14,232.98. Such sum represents compensation received by the said Harlee M. Hansley as a retired commissioned officer of the United States Air Force during the period beginning November 2, 1947, and ending August 3, 1955, while he was also employed by the Civil Aeronautics Administration and was receiving dual compensation from the United States at a combined annual rate in excess of $3,000. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Harlee M. Hansley, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the claim of the United States for such refund.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CAPT. CARL F. DYKEMAN

The Clerk called the bill (H. R. 7293) for the relief of Capt. Carl F. Dykeman.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Capt. Carl F. Dykeman, United States Army, Retired (Army serial No. O-372323), is hereby relieved of liability to repay to the United States all amounts paid to him in violation of section 212 of the act of June 30, 1932 (5 U. S. C. 59a), for the period beginning on February 20, 1950, and ending on August 3, 1955, both dates inclusive. In the audit and settlement of the accounts of any certifying or disbursing officer, full credit shall be given for all amounts for which liability is relieved by this section.

SEC. 2. The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to the said Carl F. Dykeman an amount equal to all amounts paid by the said Carl F. Dykeman to the United States, or withheld from his retired pay, before the date of enactment of this act on account of the liability of which he is relieved by the first section of this act.

With the following committee amendment:

Page 1, lines 7 and 8, strike "February 20, 1950" and insert "April 2, 1953."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES L. McCABE

The Clerk called the bill (H. R. 8233) for the relief of James L. McCabe.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, James L. McCabe of Minneapolis, Minn., the sum of $1,197. Such sum represents the amount of settlement for which the said James L. McCabe was required to pay for the loss of money from registered mail. Said James L. McCabe, a letter carrier in the United States Post Office at Minneapolis, Minn., apparently lost the register or the register was stolen from him while making collection of mail on a scheduled collection tour. Such sum shall be paid only on condition that the said James L. McCabe shall receive this sum to pay such settlement in full: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 2, line 1, strike out "Such sum shall be paid only on condition that the said James L. McCabe shall receive this sum to pay such settlement in full."

Page 2, line 5, strike out "in excess of 10 percent thereof."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WAYNE W. POWERS

The Clerk called the bill (H. R. 8313) for the relief of Wayne W. Powers, of Walla Walla, Wash.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Wayne W. Powers, of Walla Walla, Wash., the sum of $2,203, in full settlement of all claims against the Government of the United States as reimbursement for personal property constructed by him on lot numbered I, Halibut Point, Sitka, Alaska, and confiscated by the Government of the United States in 1942: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike out the figures and insert "$400."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELLA H. NATAFALUSY

The Clerk called the bill (H. R. 8732) for the relief of Ella H. Natafalusy.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Uniformed Services Contingency Act of 1953, and chapter 73 of title 10 of the United States Code, the late Chief Warrant Officer Alex Natafalusy, United States Army, retired, shall be held and considered to have

personally signed, on January 2, 1954, the form indicating that he elected under the provisions of such act to receive reduced retired pay in order to provide an annuity for his widow of one-fourth of such reduced retired pay, which form was in fact executed by his daughter, La Nelle Natafalusy, on January 2, 1954, under authority of a power of attorney executed by the late Alex Natafalusy in favor of such daughter on December 31, 1953.

With the following committee amendments:

Page 2, line 2, strike the words "such daughter on December 31, 1953."

Page 2, line 3, insert following the word "of" the words "such daughter on December 31, 1953."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

W. G. HOLLOMON

The Clerk called the bill (H. R. 8759) for the relief of W. G. Hollomon.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. G. Hollomon, the sum of $3,189.15. The payment of such sum shall be in full and complete settlement of all claims of the said W. G. Hollomon against the United States on account of all personal injuries, medical and hospital bills, and loss of all personal property, sustained by the said W. G. Hollomon, and caused by Pfc. Harley C. Kirchner, RA-17437146, and Sgt. Bobby R. Corbett, RA-24777079, both of whom were then and there attached to Company "A," Sixth Infantry Battalion, Third Infantry Division, Fort Benning, Ga., by the said Kirschner and Corbett shooting the said W. G. Hollomon three times with a pistol while they were engaged in the commission of the offense of robbery upon the person of the said W. G. Hollomon, on the 2d day of September 1956, said robbery being committed at the place of business of the said W. G. Hollomon at Brooklyn, Ga., at which said place of business the said W. G. Hollomon carried on a mercantile business and also a United States post office, of which he was the United States postmaster.

With the following committee amendments:

Page 1, line 5, after the name "Hollomon," insert "and Mrs. W. G. Hollomon."

Page 1, line 7, after the name "Hollomon" insert "and Mrs. W. G. Hollomon."

Page 1, line 9, strike out "and loss of all personal property."

Page 1, line 10, strike out "the said W. G. Hollomon", and insert "them."

Page 2, line 12, at the end of bill, insert: "The enactment of this act shall forever bar W. G. Hollomon from receiving any compensation from the Bureau of Employees' Compensation for injuries sustained as a result of this accident."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of W. G. Hollomon and Mrs. W. G. Hollomon."

A motion to reconsider was laid on the table.

MRS. BETTY L. FONK

The Clerk called the bill (H. R. 8894) for the relief of Mrs. Betty L. Fonk.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, the sum of $10,000 to Mrs. Betty L. Fonk, of Bloomington, Ind., in full settlement of all claims against the United States. Such sum represents compensation for personal injuries, and all expenses incident thereto sustained as the result of an accident involving a United States Army vehicle in Frankfurt-am-Main, Germany, on June 22, 1955: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out the figures and insert "$5,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN C. HOUGHTON, JR.

The Clerk called the bill (H. R. 9006) for the relief of John C. Houghton, Jr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John C. Houghton, Jr., of Peoria, Ill., the sum of $293.25. Such sum represents reimbursement to said John C. Houghton, Jr., for paying out of his own funds a judgment against him in the courts of Illinois arising out of an accident occurring on April 8, 1957, when the said John C. Houghton, Jr., was operating a Government vehicle in the course of his duties as an employee of the Post Office Department: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. SUMPTER SMITH

The Clerk called the bill (H. R. 9197) for the relief of Mrs. Sumpter Smith.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Sumpter Smith, Birmingham, Ala., the amount certified by the Secretary of Commerce under section 2. The payment of such sum shall be in full settlement of all claims of the said Mrs. Sumpter Smith against the United States for 60 days of accumulated and accrued annual leave of her husband as an employee of the United States, which was forfeited by him when he resigned from his permanent position with the Civil Aeronautics Authority to accept a temporary appointment on November 3, 1939: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 2. The Secretary of Commerce shall determine and certify to the Secretary of the Treasury the amount which would have been paid to the husband of the said Mrs. Sumpter Smith under the act of April 7, 1942 (56 Stat. 200) pursuant to his application therefor on January 31, 1942, if the accumulated and accrued annual leave which he forfeited upon his resignation on November 30, 1939, from his permanent position with the Civil Aeronautics Authority had been validly transferred to his temporary appointment and reappointment as Special Airport Adviser to the Administrator, Civil Aeronautics Authority, Department of Commerce.

With the following committee amendment:

Page 1, line 9, strike out "sixty days" and and insert "68 days and 30 minutes."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM C. HUTTO

The Clerk called the bill (H. R. 9772) for the relief of William C. Hutto.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs is authorized and directed to pay to William C. Hutto, Atlanta, Ga., (Veterans' Administration claim No. C-19062031), out of current appropriations for the payment of compensation, an amount equal to the amount of disability compensation which would have been paid to him on account of the loss of his right ring finger, if he had filed application for such compensation with the Veterans' Administration on February 11, 1933 for the period beginning on February 11, 1933, and ending on the effective date of the award of disability compensation made to him on account of such disability: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 11, strike out "February 11, 1933", and insert "April 1, 1946" and also in line 11, strike out "February 11, 1933, and

ending on", and insert "April 1, 1946 through August 3, 1955."

Page 2, line 3, strike out "in excess of 10 percent thereof."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AETNA CASUALTY & SURETY CO., NEW YORK, N. Y.

The Clerk called the bill (H. R. 9884) for the relief of the Aetna Casualty & Surety Co., New York, N. Y.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Aetna Casualty & Surety Co. the sum of $2,000 in full settlement of its claim against the United States for reimbursement for the amounts of departure bonds posted in behalf of Laszlo Akos, Tomas Akos, Lilla Akos, and Robert Akos; each of whose status was subsequently adjusted under section 4 of the Displaced Persons Act so as to create a record of their lawful admission as of the date of their original arrival in the United States: *Provided*, That no part of the amount appropriated by this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike out "the Aetna Casualty & Surety Co." and insert in lieu thereof "Tamas Akos and Lilla Akos."

Page 1, line 6, strike out "its claim" and insert "all claims."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Tamas Akos and Lilla Akos."

A motion to reconsider was laid on the table.

1ST LT. LUTHER A. STAMM

The Clerk called the bill (H. R. 9986) for the relief of 1st Lt. Luther A. Stamm.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That 1st Lt. Luther A. Stamm, United States Army, retired, serial number O–1995032, is hereby relieved of all liability to pay to the United States the sum of $2,639.65. Such sum represents certain amounts erroneously paid to the said Luther A. Stamm during the period between August 1, 1953, and April 30, 1957, inclusive, as a result of errors made in the computation of his retired pay.

The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriate, to the said Luther A. Stamm an amount equal to the aggregate of amounts paid by him, or which have been withheld from sums otherwise due him, in complete or partial satisfaction of such claim of the United States.

With the following committee amendment:

Page 1, line 10, after the word "pay.", insert: "In the audit and settlement of the accounts of any certifying of disbursing officers, full credit shall be given for all amounts for which liability is relieved by this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OLIN FRED RUNDLETT

The Clerk called the bill (H. R. 10096) for the relief of Olin Fred Rundlett.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That sections 15 to 20 of the Federal Employees' Compensation Act are hereby waived in favor of Olin Fred Rundlett, 1725 Mercer Avenue, NW., Roanoke, Va.; and his claim for compensation for the loss of sight of both of his eyes alleged to have begun while he was working as a draftsman at Frankford Arsenal, Philadelphia, Pa., in 1918, shall be acted upon under the remaining provisions of such act in the same manner as if such claim had been timely filed, if such claim is filed within 60 days after the date of the enactment of this act: *Provided*, That no benefits shall accrue by reason of the enactment of this act for any period prior to its enactment, except in the case of such medical or hospitalization expenditures which may be deemed reimbursable.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WALLACE Y. DANIELS

The Clerk called the bill (H. R. 10139) for the relief of Wallace Y. Daniels.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $375 to Wallace Y. Daniels, of Chelsea, Mass., in full settlement of all claims against the United States. Such sum represents the cost of an artificial limb which was damaged on June 28, 1957, as the result of an accident while on duty at the Back Bay Post Office, Boston, Mass., payment of which could not be paid by the Bureau of Compensation, Department of Labor: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HIPOLITO C. DEBACA

The Clerk called the bill (H. R. 10473) for the relief of Hipolito C. DeBaca.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That sections 15 to 20, inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended (5 U. S. C. 765–769), are hereby waived in favor of Hipolito C. DeBaca, of Las Vegas, N. Mex., for compensation for disability alleged to have been sustained while employed by the Rehabilitation Agency (United States) in Las Vegas, N. Mex., during the year 1931. Claim for compensation under this act may be filed any time within 1 year after the date of enactment of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A1C. DELBERT LANHAM

The Clerk called the bill (H. R. 10520) for the relief of A1c. Delbert Lanham.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in determining the eligibility of A1c. Delbert Lanham (Air Force serial No. AF 6270556) for retired pay from the Department of the Air Force, the provisions of the act of September 1, 1954 (68 Stat. 1142) are waived insofar as such provisions prohibit the payment of retired pay to him because of his conviction by a court-martial on November 3, 1953. The said A1c. Delbert Lanham, subsequent to such conviction, has reenlisted and served honorably in the United States Air Force.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TIBOR WOLLNER

The Clerk called the bill (H. R. 10885) for the relief of Tibor Wollner.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Tibor Wollner, New York, N. Y., the sum of $500. The payment of such sum shall be in full settlement of all claims of Tibor Wollner against the United States for reimbursement of the amount of a departure bond posted on June 16, 1948, on behalf of said Tibor Wollner, and which was declared breached on February 8, 1952: *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EBER BROTHERS WINE & LIQUOR CORP.

The Clerk called the bill (H. R. 11975) for the relief of Eber Brothers Wine & Liquor Corp.

There being no objection, the Clerk read the bill, as follows:

Be it enacted etc., That notwithstanding the lapse of time, and notwithstanding any statute of limitations including the limitations of section 322 (b) of the Internal Revenue Code of 1939, the Eber Brothers Wine & Liquor Corp., of Rochester, N. Y., shall be permitted to file its claims under section 322 of the Internal Revenue Code of 1939 for the refund of overpayments of income taxes for fiscal years 1947 and 1948 which resulted from the fact that profit from the sale of certain warehouse receipts was treated as ordinary income when, subsequently, it was established that such income should have been accorded capital gains treatment under the law; and if those claims are found to be meritorious, authority is hereby provided for the payment of such refunds.

SEC. 2. The United States shall not be liable for any interest on any portion of any such claim for any period prior to the date on which such claim is filed with the Secretary of the Treasury or his delegate pursuant to this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GIUSEPPE STEFANO

The Clerk called the bill (H. R. 1293) for the relief of Giuseppe Stefano.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Giuseppe Stefano shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

With the following committee amendment:

Page 1, line 7, after the word "fee" insert ": *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. MARGARETE BRIEST, NEE EGGERS

The Clerk called the bill (H. R. 6353) for the relief of Mrs. Margarete Briest, nee Eggers.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding the provision of section 212 (a) (3) of the Immigration and Nationality Act, Mrs. Margarete Briest (nee Eggers) may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARIA FIERRO CALOGERO

The Clerk called the bill (H. R. 6667) for the relief of Maria Fierro Calogero.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Maria Fierro Calogero, who lost United States citizenship under the provisions of section 404 (b) of the Nationality Act of 1940, may be naturalized by taking prior to 1 year after the effective date of this act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said act. From and after naturalization under this act, the said Maria Fierro Calogero shall have the same citizenship status as that which existed immediately prior to its loss.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

IWAN OKOPNY

The Clerk called the bill (H. R. 7282) for the relief of Iwan Okopny.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding the provision of section 212 (a) (6) of the Immigration and Nationality Act, Iwan Okopny may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare may deem necessary to impose: *Provided*, That, a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of said act.

With the following committee amendment:

Page 1, line 11, after the word "That," insert "unless the beneficiary is entitled to care under the Dependents' Medical Care Act (70 Stat. 250)."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEF OF CERTAIN ALIENS

The Clerk called the resolution (H. J. Res. 627) for the relief of certain aliens.

There being no objection, the Clerk read the resolution, as follows:

Resolved, etc., That, for the purposes of the Immigration and Nationality Act, Anthony J. Chaia, Joseph Tawil, Chryssoula Fotinatos (Stevens), Ezra Gindi, Sun Hsi Zen Yung (also known as Yung Sun Hsi Zen), Dusan Lezaja, Amor A. Paraso, and Florentine Laurente shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees. Upon the granting of permanent residence of each alien as provided for in this section of this act, if such alien was classifiable as a quota immigrant at the time of the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to reduce by one the quota for the quota area to which the alien is chargeable for the first year that such quota is available.

SEC. 2. For the purposes of the Immigration and Nationality Act, Sarina Goldman Tawil shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee: *Provided*, That the natural father of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

SEC. 3. For the purposes of the Immigration and Nationality Act, Lelas Constantinos Tsamopoulos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act.

SEC. 4. For the purposes of the Immigration and Nationality Act, Rabbi Haim Zeliek Kemmelman, and John Favia (also known as John J. Curry), shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees.

SEC. 5. The Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bonds, which may have issued in the cases of Paul F. V. Trojel, Gertrudis De Peralta Nartatez, and Nora Lyons. From and after the date of the enactment of this act, the said persons shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

SEC. 6. For the purposes of the Immigration and Nationality Act, John J. Flynn shall be held and considered to have been lawfully admitted to the United States for permanent residence as of November 5, 1934, upon payment of the required visa fee.

With the following committee amendment:

On page 2, at the end of line 7, add the following: "Upon the granting of permanent residence to such alien as provided for in this section of this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available."

The committee amendment was agreed to.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FACILITATING THE ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

The Clerk called the resolution (H. J. Res. 628) to facilitate the admission into the United States of certain aliens.

There being no objection the Clerk read the resolution, as follows:

Resolved, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the

Immigration and Nationality Act, the minor child, Alexandra Lazarides, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Nick Lazarides, citizens of the United States.

SEC. 2. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Ornella Buratto, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Louis Pilotto, citizens of the United States.

SEC. 3. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor children, Grigorios (Papanikolaou) Pappanicoulos and Stavroula (Papanikolaou) Pappanicoulos, shall be held and considered to be the natural-born alien children of Mr. and Mrs. Constantinos Pappanicoulos, citizens of the United States.

SEC. 4. For the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, the minor child, Francesco Villanti Seneca, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Felice Seneca, lawfully resident aliens of the United States.

SEC. 5. For the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, the minor child, Harry (Zwi) Goldenberg (Sponder), shall be held and considered to be the natural-born alien child of Mr. and Mrs. Herbert Sponder, lawfully resident aliens of the United States.

SEC. 6. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Sheila Anita Daniel (Weekes), shall be held and considered to be the natural-born alien child of Rufus Daniel, a citizen of the United States.

SEC. 7. The natural parents of the beneficiaries of sections 3, 4, and 5 of this act shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

SEC. 8. In the administration of the Immigration and Nationality Act, Masako Onta, the fiance of Dean Potter, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months: *Provided*, That the administrative authorities find that the said Masako Onta is coming to the United States with a bona fide intention of being married to the said Dean Potter and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Masako Onta, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Masako Onta, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Masako Onta as of the date of the payment by her of the required visa fee.

SEC. 9. In the administration of the Immigration and Nationality Act, Tokiko Takahashi, the fiance of Larry R. Norstrom, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months: *Provided*, That the administrative authorities find that the said Tokiko Takahashi is coming to the United States with a bona fide intention of being married to the said Larry R. Nordstrom and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Tokiko Takahashi, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Tokiko Takahashi, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Tokiko Takahashi as of the date of the payment by her of the required visa fee.

With the following committee amendment:

On page 2, line 21, after the names "Sheila Anita" strike out the names "Daniel (Weekes)" and substitute "(Daniel) Weekes."

The committee amendment was agreed to.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

QUIETING TITLE TO CERTAIN REAL PROPERTY IN CALIFORNIA

The Clerk called the bill (H. R. 8859) to quiet title and possession with respect to certain real property in the county of Humboldt, State of California.

There being no objection the Clerk read the bill, as follows:

Be it enacted, etc., That the United States hereby releases, remises, and quitclaims all right, title, and interest of the United States in and to the following described real property situated in the county of Humboldt, State of California, to the person or persons who would, except for any claim of right, title, and interest in and to such real property on the part of the United States by reason of deed recorded in the office of the county recorder of Humboldt County, State of California, on May 15, 1943, in volume 259 of deeds at page 290, Humboldt County Records, be entitled thereto under the laws of the State of California:

The east half of southwest quarter and the west half of southeast quarter of section 9 in township 10 north, range 2 east, Humboldt meridian.

Containing 160 acres, more or less.

Also beginning on the subdivision line at a point which is distant thereon 165 feet west from the northeast corner of the southwest quarter of southwest quarter of section 22 in township 10 north, range 2, east, Humboldt meridian; and running thence west along the subdivision line 1,155 feet to the section line; thence south on same 1,320 feet to the southwest corner of said section; thence east on the south line of said section 1,155 feet; and thence north 1,320 feet to the point of beginning.

Containing 35 acres, more or less.

Also the west 25 acres of the northwest quarter of northwest quarter of section 27 in said township and range, measured in a like manner as the description of land in section 22, above, and being the same as conveyed by Cornelius Thompson and wife to James B. Watkins, by deed dated January 6, 1905, and recorded January 7, 1905, in book 88 of deeds, page 614.

The east half of northeast quarter of section 34 and the south half of northwest quarter of section 35, in township 10 north, range 2 east, Humboldt meridian.

Containing 160 acres more or less.

With the following committee amendment:

Page 1, line 10, strike "May" and insert in lieu thereof "March."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELISABETH LESCH ET AL.

The Clerk called the bill (S. 1593) for relief of Elisabeth Lesch and her minor children, Gonda, Norbert, and Bobby.

There being no objection the Clerk read the bill, as follows:

Be it enacted, etc., That, in the administration of the Immigration and Nationality Act, Elisabeth Lesch, the financée of Sfc. William R. Hopper, a citizen of the United States, and her minor children, Gonda, Norbert, and Bobby, shall be eligible for visas as nonimmigrant temporary visitors for a period of 3 months: *Provided*, That the administrative authorities find that the said Elisabeth Lesch is coming to the United States with a bona fide intention of being married to the said Sfc. William R. Hopper and that they are found otherwise admissible under the immigration laws, except that section 212 (a) (9) of the said act shall be inapplicable in the case of Elisabeth Lesch: *Provided further*, That the exemption provided herein in the case of the said Elisabeth Lesch shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Elisabeth Lesch and her minor children, Gonda, Norbert, and Bobby, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Elisabeth Lesch and her mind children, Gonda, Norbert, and Bobby, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Elisabeth Lesch and her minor children, Gonda, Norbert, and Bobby, as of the date of the payment by them of the required visa fees.

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.

RELIEF OF PEDER STRAND

The Clerk called the bill (S. 1975) for the relief of Peder Strand.

There being no objection the Clerk read the bill, as follows:

Be it enacted, etc., That, in the administration of the Immigration and Nationality Act, Peder Strand shall be held to meet the requirements for physical presence set forth in section 316 (a) (1) of that act and may be permitted to file his petition for naturalization in accordance with the requirements of section 334 of that act: *Provided*, That such petition is filed not later than 1 year following the date of the enactment of this act.

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.

RELIEF OF NICHOLAS CHRISTOS SOULIS

The Clerk called the bill (S. 2638) for the relief of Nicholas Christos Soulis.

There being no objection the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Nicholas Christos Soulis shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

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.

RELIEF OF JEAN KOUYOUMDJIAN

The Clerk called the bill (S. 2665) for the relief of Jean Kouyoumdjian.

There being no objection the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provisions of paragraph (19) of section 212 of the Immigration and Nationality Act, Jean Kouyoumdjian may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such act. This act shall apply only to grounds for exclusion under such paragraphs known to the Secretary of State or the Attorney General prior to the date of the enactment of this act.

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.

RELIEF OF YOSHIKO MATSUHARA AND HER MINOR CHILD

The Clerk called the bill (S. 2944) for the relief of Yoshiko Matsuhara and her minor child, Kerry.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, in the administration of the Immigration and Nationality Act, Yoshiko Matsuhara, the fiancée of Sgt. Lawrence W. Alexander, a citizen of the United States, and her minor child, Kerry, shall be eligible for visas as nonimmigrant temporary visitors for a period of 3 months: *Provided*, That the administrative authorities find that the said Yoshiko Matsuhara is coming to the United States with a bona fide intention of being married to the said Sgt. Lawrence W. Alexander and that they are found to be otherwise admissible under the provisions of that act. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Yoshiko Matsuhara and her minor Child, Kerry, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Yoshiko Matsuhara and her minor child, Kerry, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Yoshiko Matsuhara and her minor child, Kerry, as of the date of the payment by them of the required visa fees.

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.

RELIEF OF PETER LISZCZYNSKI

The Clerk called the bill (S. 2950) for the relief of Peter Liszczynski.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding the provisions of sections 212 (a) (1) and 212 (a) (7) of the Immigration and Nationality Act, Peter Liszczynski may be issued a visa and admitted to the United States if he is found to be otherwise admissible under the provisions of that act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of said act: *Provided further*, That these exemptions shall apply only to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

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.

RELIEF OF TAEKO TAKAMURA ELLIOTT

The Clerk called the bill (S. 2965) for the relief of Taeko Takamura Elliott.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Taeko Takamura Elliott shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

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.

TAKA MOTOKI

The Clerk called the bill (S. 2984) for the relief of Taka Motoki.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, in the administration of the Immigration and Nationality Act, Taka Motoki, the fiancée of Clyde K. Crisler, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months: *Provided*, That the administrative authorities find that the said Taka Motoki is coming to the United States with a bona fide intention of being married to the said Clyde K. Crisler and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Taka Motoki, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Taka Motoki, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Taka Motoki as of the date of the payment by her of the required visa fee.

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.

LEOBARDO CASTANEDA VARGAS

The Clerk called the bill (S. 2997) for the relief of Leobardo Castaneda Vargas.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Attorney General is authorized and directed to discontinue any deportation proceedings and to cancel any outstanding order and warrant of deportation, warrant of arrest, and bond, which may have been issued in the case of Leobardo Castaneda Vargas. From and after the date of enactment of this act, the said Leobardo Castaneda Vargas shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

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.

HERTA WILMERSDOERFER

The Clerk called the bill (S. 3019) for the relief of Herta Wilmersdoerfer.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding the provisions of paragraphs (1) and (4) of section 212 (a) of the Immigration and Nationality Act, Herta Wilmersdoerfer may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act: *Provided further*, That this act shall apply only to grounds for exclusion under such paragraphs known to the Secretary of State or the Attorney General prior to the date of the enactment of this act.

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.

KIMIKO ARAKI

The Clerk called the bill (S. 3080), for the relief of Kimiko Araki.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, in the administration of the Immigration and Nationality Act, Kimiko Araki, the fiancée of Ronald Frederick Astalos, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months: *Provided*, That the administrative authorities find that the said Kimiko Araki is coming to the United States with a bona fide intention of being married to the said Ronald Frederick Astalos and that she is found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Kimiko Araki, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Kimiko Araki, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Kimiko Araki as of the date of the payment by her of the required visa fee.

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.

CRESENCIO URGANO GUERRERO

The Clerk called the bill (S. 3159) for the relief of Cresencio Urgano Guerrero.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Cresencio Urgano Guerrero shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

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.

RYFKA BERGMANN

The Clerk called the bill (S. 3172) for the relief of Ryfka Bergmann.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Ryfka Bergmann shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

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.

PRISCO DI FLUMERI

The Clerk called the bill (S. 3173) for the relief of Prisco Di Flumeri.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, notwithstanding the provisions of paragraph (9) of section 212 (a) of the Immigration and Nationality Act, Prisco Di Flumeri may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such act. This act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this act.

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.

GIUSEPPINA FAZIO

The Clerk called the bill (S. 3175) for the relief of Giuseppina Fazio.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, Giuseppina Fazio shall be held and considered to be the minor child of Mr. and Mrs. Antonio Fazio, lawful resident aliens of the United States.

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.

TEOFILO M. PALAGANAS

The Clerk called the bill (S. 3176) for the relief of Teofilo M. Palaganas.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Teofilo M. Palaganas shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

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.

MILDRED (MILKA KRIVEC) CHESTER

The Clerk called the bill (S. 3269) for the relief of Mildred (Milka Krivec) Chester.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Mildred (Milka Krivec) Chester, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Harry J. Chester, citizens of the United States: *Provided*, That no natural parent of the beneficiary, by virtue of such relationship, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

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.

SOUHAIL WADI MASSAD

The Clerk called the bill (S. 3271) for the relief of Souhail Wadi Massad.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Souhail Wadi Massad shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

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.

JANEZ (GARANTINI) BRADEK AND FRANCISKA (GARANTINI) BRADEK

The Clerk called the bill (S. 3272) for the relief of Janez (Garantini) Bradek and Franciska (Garantini) Bradek.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor children, Janez (Garantini) Bradek and Franciska (Garantini) Bradek, shall be held and considered to be the natural-born alien children of Mr. and Mrs. Joseph Peter Bradek, citizens of the United States: *Provided*, That no natural parent of the beneficiaries, by virtue of such relationship, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

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.

JOHN DEMETRIOU ASTERON

The Clerk called the bill (S. 3358) for the relief of John Demetriou Asteron.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, John Demetriou Asteron, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Arthur Asters, citizens of the United States: *Provided*, That no natural parent, by virtue of such parentage, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

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.

ANTONIOS THOMAS

The Clerk called the bill (S. 3364) for the relief of Antonios Thomas.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, in the administration of section 101 (a) (27) (A) and section 205 of the Immigration and Nationality Act, the minor child, Antonios Thomas, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Mitchel Thomas, citizens of the United States: *Provided*, That no natural parent of the beneficiary, by virtue of such relationship, shall be accorded any right, status, or privilege under the Immigation and Nationality Act.

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.

MATILDA STRAH

The Clerk called the bill (S. 832) for the relief of Matilda Strah.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Matilda Strah shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

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.

MRS. HILDEGARD PORKERT

The Clerk called the bill (S. 2497) for the relief of Mrs. Hildegard Porkert.

Mr. WALTER. Mr. Speaker, I ask unanimous consent that this bill be rereferred to the Committee on the Judiciary.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MARIA GARCIA ALIAGA

The Clerk called the bill (S. 2511) for the relief of Maria Garcia Aliaga.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Maria Garcia Aliaga shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary if State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert "That the Attorney General is authorized and directed to cancel any outstanding order and warrant of deportation, warrant of arrest, and bonds, which may have issued in the case of Maria Garcia Aliaga. From and after the date of the enactment of this act, the said Maria Garcia Aliaga shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued."

The committee amendment was agreed to.

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.

KATINA LECKAS AND ARGERY LECKAS

The Clerk called the bill (S. 3007) for the relief of Katina Leckas and Argery Leckas.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Katina Leckas shall be held and considered to be the natural-born minor alien child of John Leckas, a citizen of the United States.

SEC. 2. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Argery Leckas, shall be held and considered to be the natural-born alien child of John Leckas, a citizen of the United States: *Provided*, That no natural parent, by virtue of such parentage, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

With the following committee amendment:

On page 1, line 11, after the words "United States," change the colon to a period, strike out the remainder of the bill, and substitute a new section 3 to read as follows:

"SEC. 3. The natural parent of the beneficiaries of this act shall not, by virtue of such parentage, be accorded any right, status, or privilege under the Immigration and Nationality Act."

The committee amendment was agreed to.

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.

ROMULO A. MANRIQUEZ

The Clerk called the bill (S. 3060) for the relief of Romulo A. Manriquez.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of the Immigration and Nationality Act, Romulo A. Manriquez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of August 29, 1954, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Page 1, line 6, strike out "August 29, 1954" and insert "the date of the enactment of this act."

The committee amendment was agreed to.

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.

NATIVIDADE AGRELA DOS SANTOS

The Clerk called the bill (S. 3129) for the relief of Natividade Agrela Dos Santos.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Natividade Agrela Dos Santos, shall be held and considered to be the natural-born alien child of Rose C. Agrella and Frank Agrella, citizens of the United States: *Provided*, That no natural parent, by virtue of such parentage, shall be accorded any right, status, or privilege under the Immigration and Nationality Act.

With the following committee amendment:

On page 1, line 8, after the words *"Provided*, That", strike out the remainder of the bill and substitute in lieu thereof the following: "the natural parent of the beneficiary shall not, by virtue of such parentage, be accorded any right, status, or privilege under the Immigration and Nationality Act."

The committee amendment was agreed to.

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.

PAUL S. WATANABE

The Clerk called the bill (S. 3205) for the relief of Paul S. Watanabe.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Paul S. Watanabe, who lost United States citizenship under the provisions of section 401 (e) of the Nationality Act of 1940 may be naturalized by taking, prior to 1 year after the date of the enactment of this act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, an oath as prescribed by section 337 of such act. From and after naturalization under this act, the said Paul S. Watanabe shall have the same citizenship status as that which existed immediately prior to its loss.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following "That, for the purposes of the Immigration and Nationality Act, Paul S. Watanabe shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee."

The committee amendment was agreed to.

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.

KALKASKA AIR BASE COMMITTEE, INC.

The Clerk called the bill (H. R. 9003) for the relief of the Kalkaska Air Base Committee, Inc.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be and is hereby authorized and directed to pay, out of any money not otherwise appropriated, the sum of $6,861.29 to the Kalkaska Air Base Committee, Inc., 129 East Front Street, Traverse City, Mich., in full settlement of all claims against the United States. Such sum represents expenditures made in connection with preparation for the installation of an Air Force Jet Base at Kalkaska, Mich., during the years 1955 and 1956.

With the following committee amendment:

Page 1, line 11, strike the period and insert ": *Provided*, That no part of the amount appropriated in this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. LOUISE NANTON

The Clerk called the bill (H. R. 2319) for the relief of Mrs. Louise Nanton.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, for the purpose of paragraph (2) of subsection (a) of section 352 of the Immigration and Nationality

Act, the time (whether before or after the enactment of this act) during which Mrs. Louise Nanton has resided abroad with her daughter, Evelyn Nanton, while her daughter was an employee of the Government, shall not be counted in computing quantum of residence.

With the following committee amendments:

On page 1, line 7, after the word "while" strike out the word "here" and substitute the word "her."

On page 1, line 8, after the words "employee of the" insert the words "United States."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEF OF CERTAIN ALIENS

The Clerk called the joint resolution (H. J. Res. 635) for the relief of certain aliens.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That, for the purposes of the Immigration and Nationality Act, Desmond Bryan Boylan, Franz Oberschall, and Antonio Tovers Ramos shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act in the case of Desmond Bryan Boylan. Upon the granting of permanent residence to each alien as provided for in this section of this act, if such alien was classifiable as a quota immigrant at the time of the enactment of this act, the Secretary of State shall instruct the proper quota-control officer to reduce by one the quota for the quota area to which the alien is chargeable for the first year that such quota is available.

SEC. 2. For the purposes of the Immigration and Nationality Act, Erminia Pisotti and Maria Eustolia Cantu Holguin shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees: *Provided,* That, unless the beneficiaries are entitled to care under the Dependents' Medical Care Act (70 Stat. 250), suitable and proper bonds or undertakings, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act.

SEC. 3. For the purposes of the Immigration and Nationality Act, Ramon Rodriguez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

SEC. 4. The Attorney General is authorized and directed to cancel any outstanding order and warrant of deportation, warrant of arrest, and bonds, which may have issued in the case of Pedro Flores-Carrillo. From and after the date of the enactment of this act, the said Pedro Flores-Carrillo shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and order have issued.

SEC. 5. (a) Upon the expiration of 2 years immediately following their coming to the United States pursuant to section 212 (d) (5) of the Immigration and Nationality Act, Bogdan Biskupski, Eugeniusz Debski, Karol Kruk, and Leszek Szachogluchowicz shall be inspected and examined for admission into the United States in accordance with the provisions of sections 235, 236, and 237 of that act.

(b) Any alien who, pursuant to subsection (a) of this section, is found, upon inspection by an immigration officer or after hearing before a special inquiry officer, to have been and to be admissible as an immigrant at the time of his arrival in the United States and at the time of his inspection and examination, except for the fact that he was not and is not in possession of the documents required by section 212 (a) (20) of the Immigration and Nationality Act, shall be regarded as lawfully admitted to the United States for permanent residence as of the date of his arrival.

(c) Nothing contained in this section shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, or naturalization.

SEC. 6. For the purposes of the Immigration and Nationality Act, Chee Loy, Ku-Yung Pao, Lillian Tsai Pao, Joan Pao, Minn Pao, and Kwie Ding Wang shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act. The number of refugees to whom permanent residence in the United States may be granted under the provisions of section 6 of the Refugee Relief Act of 1953, as amended, is hereby reduced by 6.

With the following committee amendments:

On page 1, line 4, after the word "act", strike out the name "Desmond Bryan Boylan,."

On page 1, line 8, after the words "visa fees", change the colon to a period and strike out the remainder of line 8, and all of lines 9, 10, and 11.

On page 2, line 1, strike out the name "Desmond Bryan Boylan."

On page 2, line 9, after the word "act", insert the name "Desmond Bryan Boylan."

The committee amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WAIVING PROVISIONS OF IMMIGRATION AND NATIONALITY ACT IN BEHALF OF CERTAN ALIENS

The Clerk called the joint resolution (H. J. Res. 636) to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That, notwithstanding the provision of section 212 (a) (31) of the Immigration and Nationality Act, Salvador Madrigal-Salcedo may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act.

SEC. 2. Notwithstanding the provisions of section 212 (a) (9), (17), and (19) of the Immigration and Nationality Act, Joaquin Sergio Revuelta-Sahagunmay be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act.

SEC. 3. Notwithstanding the provision of section 212 (a) (1) of the Immigration and Nationality Act, Allan Levy and Vincenza Eletto may be issued visas and admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that act: *Provided,* That suitable and proper bonds or undertakings, approved by the Attorney General, be deposited as prescribed by section 213 of said act.

SEC. 4. The exemptions provided for in this act shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FACILITATING THE ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

The Clerk called the joint resolution (H. J. Res. 634) to facilitate the admission into the United States of certain aliens.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Garifalia Kilerzes, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Peter Coster, citizens of the United States.

SEC. 2. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Fitzgerald Browne, shall be held and considered to be the natural-born alien child of McDonald Fitzgerald Browne, a citizen of the United States.

SEC. 3. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Katija Bozanja, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Tony Kurtela, citizens of the United States.

SEC. 4. In the administration of the Immigration and Nationality Act, Norma Conchita Magrecia Valmores shall be held to be classifiable as a returning resident alien under the provisions of section 101 (a) (27) (B) of that act.

SEC. 5. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Alberto Salariosa Caramanzana, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Adolfo Caramanzana, citizens of the United States.

SEC. 6. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Lee MacDonald, shall be held and considered to be the natural-born alien child of Lt. Angus MacDonald, a citizen of the United States.

SEC. 7. For the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, Lucia Trombetta, shall be held and considered to be the natural-born minor alien child of Mr. and Mrs. Antonio Trombetta, lawful residents of the United States.

SEC. 8. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Assunta Ristagno, shall be held and considered to be the natural-born alien child of Mr. and Mrs. Carl Ristagno, citizens of the United States.

SEC. 9. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Eleni Hangemanole, shall be held and considered to be the natural-born alien child of Mr. and

Mrs. Emanuel Vaseleou Hangemanole, citizens of the United States.

SEC. 10. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Janusz Kurylko, shall be held and considered to be the natural-born alien child of Anna Kurylko, a citizen of the United States.

SEC. 11. The natural parents of the beneficiaries of sections 1, 3, 5, 8, and 9 of this act shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendments:

1. On page 2, after line 14, insert a new section 6 to read as follows:

"SEC. 6. For the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Walid Tawfiq Nassar, shall be held and considered to be the natural-born alien child of Mr. and Mrs. M. F. Courie, citizens of the United States."

2. On page 2, line 15 strike out "SEC. 6." and substitute "SEC. 7."

3. On page 2, line 20, strike out "SEC. 7." and substitute "SEC. 8."

4. On page 2, line 25, strike out "SEC. 8." and substitute "SEC. 9."

5. On page 3, line 5, strike out "SEC. 9." and substitute "SEC. 10."

6. On page 3, line 10, strike out "SEC. 10." and substitute "SEC. 11."

7. On page 3, line 15, strike out "SEC. 11." and substitute "SEC. 12."

8. On page 3, line 16, strike out "8, and 9" and substitute in lieu thereof the following: "6, 9, and 10."

The committee amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent to dispense with the further call of the Private Calendar.

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

There was no objection.

ADDITIONAL ASSISTANT SECRETARY OF STATE

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, and in behalf of the gentleman from Massachusetts [Mr. O'NEILL], I call up House Resolution 614 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 (S. 1832) to authorize the appointment of one additional Assistant Secretary of State, and all points of order against said bill are hereby waived. 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 Foreign Affairs, 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. COLMER. Mr. Speaker, I yield 30 minutes to the gentleman from Pennsylvania [Mr. SCOTT], and yield myself such time as I may consume.

Mr. Speaker, House Resolution 614 makes in order the consideration of S. 1832, a bill authorizing the appointment of 1 additional Assistant Secretary of State. The resolution provides for an open rule, 1 hour of general debate and waives points of order against the bill.

The bill will increase the number of Assistant Secretaries of State from 10 to 11, and also amends the Federal Executive Pay Act of 1956 to provide for this increase.

The new Assistant Secretary of State would be in charge of African affairs. In view of the growing economic and political importance of Africa to the United States and the political, economic and social developments in Africa it is felt by the advocates of the bill that the new Assistant Secretary of State to head the Bureau of African Affairs will enable the Department of State to give the proper attention to the problems of Africa.

Mr. SCOTT of Pennsylvania. Mr. Speaker, I join in the statement made by the gentleman from Mississippi in support of the rule.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that further proceedings on this matter be postponed until Thursday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma

There was no objection.

Mr. GROSS. Mr. Speaker, I withdraw my point of order.

PRESIDENT EISENHOWER'S TRIP TO CANADA UNDERSCORES THE NEED TO AMEND PUBLIC LAW 480 SO AS TO PREVENT HARM TO FRIENDLY COUNTRIES

Mr. REUSS. 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 Wisconsin?

There was no objection.

Mr. REUSS. Mr. Speaker, President Eisenhower, accompanied by Secretary of State Dulles, left this morning for a 3-day trip to Canada to confer with Prime Minister Diefenbaker. Their subject will be ways of improving Canadian-American relations, which have been allowed to run down hill. According to President Eisenhower at his press conference last week, Canada's wheat exports and the impact on them of disposals of surplus American wheat under Public Law 480, is high on the list of subjects for discussion.

The Canadians feel deeply aggrieved by what has happened to their exports of wheat since the adoption of Public Law 480. In his budget message to the Canadian House of Commons on June 17, 1958, Canadian Minister of Finance Donald M. Fleming said:

United States agricultural policies continue to be severely damaging to Canadian interests. Apart from direct restrictions imposed on Canadian agricultural products, we suffer severe harm from United States surplus disposal activities. Massive United States disposal of wheat and other grains on giveaway or subsidized terms have done serious damage to Canadian exports in some of our best commercial markets. Despite frequent and energetic Canadian complaints, these harmful practices have continued. We find it difficult to understand why the United States should treat its best customer and friendly neighbor in this way. We have made it clear to the United States authorities that measures which add to our difficulties in selling in the United States market or in third countries cannot but impair our ability and willingness to import from them.

To the same effect, Canadian Minister of Trade and Commerce Gordon Churchill said on May 22, 1958:

Canadians have taken strong objection to the policies adopted by the United States in disposing of surplus farm products. This program has resulted in a direct loss of part of Canada's world market for wheat. The main criticism of this program has been the extent to which the disposal of wheat on concessional terms has disrupted or destroyed normal commercial markets for wheat. Canada feels that this type of action which partly alienates markets for years to come is not conducive to sound world trading relations in general. There has been some improvement in this regard in recent months, but Canada simply cannot compete for world agricultural markets against the United States disposal program, backed as it is by the wealth of the United States.

Canada is merely one of many friendly countries which have complained that our surplus disposal program has displaced them from their normal world markets, with great damage to their economies. Other countries complaining of damage have included Australia, Argentina, New Zealand, Denmark, Mexico, Uruguay, Peru, Burma, and Italy. According to Assistant Secretary of State for Economic Affairs Thomas C. Mann, the list of countries complaining of being adversely affected by the operation of Public Law 480 would include a great majority of the nations of the Free World.

Public Law 480 expired on June 30, 1958, and it will shortly come before the House for an extension. In order to mitigate the injury to friendly countries, I have proposed an amendment to Public Law 480, which would add to the present policy declaration of section 2 of the act the following:

It is further the policy of Congress to take reasonable precautions to avoid displacing usual marketings of friendly countries.

Twice, recently, I have called to the attention of Members the need for such an amendment. See CONGRESSIONAL RECORD, June 24, 1958, pages 12111–12113; July 1, 1958, pages 12868–12869. Last Thursday, July 3, I was given the opportunity to testify in behalf of my amendment before the House Committee on Agriculture. From statements made by members of the committee, I gathered that it was news to them that so many friendly countries felt themselves aggrieved by the lack of a provision in Public Law 480 protecting the usual marketings of friendly countries. Specifically, it seemed to be the impression of the committee members that the State Department was unaware of the harm done friendly countries. Immediately after the July 3 hearing, therefore, I dispatched to the Secretary of State the following telegram:

Hon. JOHN FOSTER DULLES,
Secretary of State, State Department, Washington, D. C.:

I have just testified before the House Committee on Agriculture in favor of a proposed amendment to a bill extending Public Law 480 which would require that we take reasonable precautions to safeguard the usual marketings of friendly countries. At the hearing the statement was made that the State Department had not informed the committee that any friendly countries objected to our failure to protect their usual marketings. I am sure that you know as I do that many friendly countries, including Canada, Mexico, Australia, New Zealand, Argentina, and Peru are deeply distressed because of the impact on them of Public Law 480. I call upon you to inform the appropriate committees of Congress immediately of the facts, since the extension bill is scheduled to come up for House consideration next Monday. Please let me know what action you take.

HENRY S. REUSS,
Member of Congress.

Later, on July 3, I received from the Secretary of State a copy of its letter of July 3 written to the House Committee on Agriculture:

DEPARTMENT OF STATE,
Washington, July 3, 1958.

The Honorable HAROLD D. COOLEY,
Chairman, Committee on Agriculture, House of Representatives.

DEAR MR. COOLEY: The Secretary of State has received a telegram from the Honorable HENRY S. REUSS stating that during his testimony on Public Law 480 before the House Committee on Agriculture a statement was made that the committee had no information that friendly countries objected to our failure to protect their usual marketings. Mr. REUSS requests that the Department immediately inform the appropriate committee of Congress concerning the Department's position.

The Department has, as you know, supported the Public Law 480 program and large amounts of agricultural commodities have been sold under it. In the administration of this program, however, it is both in our interest and in the interest of the Free World to avoid displacing dollar sales from the United States and disrupting the normal markets of friendly countries. You will recall that I expressed this concern when I testified before the committee in May.

The barter aspect of this program is of particular concern to the Department. From time to time it will be in the national interest to engage in barter transactions on a government-to-government basis. Procedures already exist for barter transactions by private concerns which are compatible with the national interest. However, the provision in title I of H. R. 12954 directs the Secretary of Agriculture to barter agricultural commodities for certain materials in an amount not to exceed $500 million annually and also specifies that no restriction shall be placed on the countries of the Free World into which surplus agricultural commodities may be sold except where the Secretary of Agriculture has made a specific finding that the transaction will replace cash sales for dollars.

As you know a barter provision of this kind would not increase the quantity of United States surplus agricultural commodities that can be moved in the world markets without displacing normal sales. If adopted, it would be very damaging to our relations with a large number of our allies. In the past many friendly countries have taken particular exception to unlimited barter transactions of the kind referred to in the amendment and will, I am sure, continue to regard it as a dumping technique especially disruptive of world trade and injurious to their interests.

Sincerely yours,

THOMAS C. MANN,
Assistant Secretary.

Assistant Secretary Mann's letter, while in summary form, clearly expresses the State Department's concern with the harmful impact of Public Law 480 on friendly countries.

Public Law 480, with proper safeguards to protect the usual marketings of friendly countries, can be a great force for good. I hope that the Members will join me in making sure that the act contains such safeguards.

PROCEDURE OF INVESTIGATING COMMITTEES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 10 minutes.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 25 additional minutes, and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, recent events, especially the introduction of a resolution by our colleague, the gentleman from Missouri [Mr. CURTIS], asking for the appointment of a special committee of the House to ascertain how the House committees should conduct investigations, was emphasized by the morning papers and by yesterday's press.

It is a matter of common knowledge that for some time—yes, beginning back in the early thirties when Cordell Hull was Secretary of State, that Drew Pearson had some sort of disreputable and crooked arrangement with some of the employees of respectable hotels in town whereby he was in on information, on events that happened in the hotel and which had to do with governmental policies and methods.

My memory is, and if I am wrong I will correct it when I get back to the office, that at that time a telephone operator listened in on Cordell Hull's conversation with people who were guests at the hotel and then reported the substance of the matter to Drew.

Now can you think of anything that is more disreputable than that for a hotel to do? What a disgraceful way for a hotel to permit its patrons to be imposed upon.

In the press this morning, there is a statement that, on three occasions, Drew's men or man have been able to get an adjoining room to those occupied by people who were here on public business, evidently appearing before Government officials. Then Drew's stooge would listen in on conversations and report his version of what was said to Drew.

If that happened but once it might be just a coincidence without any prearrangement, but when we get three of these happenings, three of these instances, and on each one of them Drew's man is able to get an adjoining room, to that occupied by those on whom he was eavesdropping we know that somebody in that hotel was working for Drew Pearson and with him, keeping him advised when people come along to attend some of the hearings, and thereupon Drew is given that information and given an opportunity to get a spy in an adjoining room to listen in on conversations.

If there is anything that is more disgraceful in connection with the hotel business, it is difficult to name. And what a way to treat the Congress to which the city is applying for home rule. What a nasty, dirty way to treat hotel guests. And the people who at the moment are making the hotel a home.

As was stated yesterday, this man, Shacklette, is a bad, bad egg and the committee should have known it because from the well of this House several months ago some of his activities were reported and Members were warned against him. Why is it that some of our committees continue to hire that type of man?

We have heard a great deal about increasing the compensation to be paid to some of those who serve the Congress and the people and that by so doing we will get better men. I am not so concerned about their intelligence, although that is rather helpful on occasion, but how about their sense of honesty, fair play, and decency? Altogether too many just do not seem to have it, though many render fine service.

The committee of which I happen to be a member, the Committee on Government Operations, is one of the worst offenders. That committee had, in the 84th Congress, by direct appropriation in addition to expenditures made from the contingent fund, $995,000, just $5,000 less than a million dollars; and for this present 85th Congress, it was given—and this is in addition to expenditures from the contingent fund—$1,175,000 for investigations, and their men have been running all over.

To my personal knowledge, that committee had one attorney, you recall some years ago, an employee—we had him, the Republican Congress also had him—he came to us from the committee headed by Mr. SMITH of Virginia. The gentleman was just taken on because of recommendations he had. Protest was made, but he was kept on.

That employee went out West and went to financial institutions and demanded access to their files. He had no authority.

Is it not about time now, is it not about time that the House at least make some pretense of having its committees act fairly? That is all I want to say on that.

I had hopes that our colleague, the gentleman from Missouri [Mr. CURTIS] would be here. He is out of town on official business, but when he comes back it is my hope that he will press his resolution and that the House will authorize the Speaker to appoint a special committee to inquire into this bad situation. Summon Drew Pearson, Jack Anderson, the hotel manager, and employees and, under oath, make them tell what they are up to, what they have been and are doing, what the arrangement is, how much they are getting, and what their purpose is.

Call in the hotel people with their books. Disclose who rented what rooms, when and for how long. Call in the clerks. Call in all employees until the traitor is found. He or she is there all right, and the only way the hotels can clear their skirts is to show the truth. Some skunk is hiding on the hotel payroll.

Mr. AVERY. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. AVERY. Permit me to commend the gentleman from Michigan for his alertness, his sound judgment, and the vigor with which he has called attention to this present disgraceful situation. He has shown that Baron Shacklette, a $16,320 chief investigator of the House Committee on Interstate and Foreign Commerce, has in these recent investigations violated every rule of fair play, of orderly procedure, by "bugging in" and listening to conversations carried on by the attorney of Mr. Goldfine, who is under investigation by that committee and who has been here in Washington to appear as a witness.

I have heard rumors to the effect that the gentleman from Michigan is opposed in the coming primary in his State by individuals who call attention to his age, 82, and his record of long service here, and hint that because of his age and long service he should be retired.

Evidently his political critics do not know, as do the Members of this House, of the vigor, the energy, and the effectiveness of the gentleman, who, since my coming to Congress, has been always one of the most alert and effective legislators, who enjoys—as he deserves—the confidence and respect of his colleagues. I know of no Member who is more constantly in attendance, both at committee hearings and at sessions of the House, who more courageously speaks out, and that effectively, for the members of his party and the taxpayers of this Nation.

As the gentleman may know, I am a member of the Committee on Interstate and Foreign Commerce. It is a committee I am very proud to be a member of. I also have a great deal of confidence in our chairman, the gentleman from Arkansas [Mr. HARRIS].

I would like to point out to the gentleman from Michigan that before this deplorable incident I understand that the gentleman from Arkansas [Mr. HARRIS], chairman of the parent Committee on Interstate and Foreign Commerce, and now acting chairman of the Oversight Subcommittee, was of the opinion when Mr. Schwartz was dismissed that Mr. Shacklette should also be dismissed at that time, but that he was not able to receive enough support among the membership of the Oversight Subcommittee to secure his discharge.

Mr. HOFFMAN. The gentleman's statement is helpful. I have no criticism of the chairman of his committee, which is a most excellent one. Everyone on the floor knows, every Member of the House knows—that all chairmen have more than they can do. They cannot personally do everything; they must rely on some of the subordinates on the committee.

But there is somewhere around in our midst a group that keeps those fellows on.

This is not something that is new. This existed back in 1948 and 1949. I know it. A gentleman who sits back there on the floor knows there were accusations by our committee at that time and we had trouble getting rid of those crooked employees. We finally got some of them out. But something more drastic will have to be done if we are to have a clean house. People in Washington, certainly in my judgment respectable, I assume they are, someone somewhere down the line, some of their employees, are cooperating with Drew Pearson and his garbage collectors, and also, it might well be said some who have Communist tendencies are in on the deals.

It is long past time that this House cleaned up its own committees. Otherwise we will lose the respect of every decent citizen who knows the situation.

Mr. AVERY. I would like further to point out to the gentleman, if I may, that our chairman in this particular incident registered his usual sense of fair play. Our chairman usually refers all matters to our full committee when a policy decision is to be made, and for that I admire him very much regardless of any political implications it might have. In this case I think the Congress would have been better off if he had acted on his own initiative—and he would have the power to—and discharged Mr. Shacklette months ago.

Mr. HOFFMAN. He does not have the power to fire, but the committee could undoubtedly follow his wish. Shacklette should not have been permitted to resign. He should have been kicked off. He has been hanging around Congressional committees for years. So have some others who should be kicked off the Hill.

When on committees we find that there are crooks and disloyal people I cannot understand the tendency to keep them on. If you have a red tinge, apparently you are all right. If you are a so-called liberal, you are all right. I know that our own committee has at least two groups of employees. One is a public ownership group which is determined to put private enterprise out of the picture; and the other is a group that is trying to dig up apparent rot wherever they think they can find it, bringing out things which supposedly will reflect discredit on the administration. I know what I am talking about. I would like something more than just hearsay on top of hearsay to go on.

Mr. YOUNGER. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. YOUNGER. Just a moment ago the gentleman from Kansas implied that the question of employing Shacklette was referred back to the full committee.

Mr. AVERY. If I left that implication I might reply to my friend from California I did not mean to do so. I should have said and meant to imply that it was the usual sense of fair play on the part of the chairman to refer the Shacklette matter to the Oversight Subcommittee rather than making the decision himself as most chairmen would normally do.

Mr. YOUNGER. I just wanted to correct the RECORD because I know about Mr. Shacklette from my service on the Government Operations Committee.

Mr. AVERY. I am glad to clear that up.

Mr. HOFFMAN. How long back was that?

Mr. YOUNGER. Three years.

Mr. HOFFMAN. Three years ago. This matter was called to their attention, yet committees kept him on and keep him on. I cannot figure it out. There should be some broad general policies which should be followed.

For example, there came out in the papers an item about an employee of the gentleman now in the chair who got a Christmas present. Heavens on earth. What do these scandal hunters want us to do, shut off all impulses of humanitarianism? I can also criticize these lobbyists, the lobbyists that come into our offices day after day and take so much time of the staff and never even bring them a penny's worth of candy. Some of them are the tightest wads I ever saw.

One day one who was a nuisance and had taken a great deal of time asked one of the clerks to go to lunch. Immediately I said no. If you cannot afford a dinner after all she has done for your company just forget it.

Then some are fine fellows, taking no more time than necessary—giving us much worthwhile information—asking no improper or special favors.

I hope the end will come if and when I forget all tendencies to be friendly and generous toward those I meet or with whom I work.

But now to an entirely different subject, the citizens right to earn a living, food, clothing, shelter, security, the welfare of his children.

A GLIMMER OF LIGHT

Mr. HOFFMAN. Mr. Speaker, the editorial entitled "Law or No Law, There

Is a Right to Work," in the Saturday Evening Post of July 12, 1958, is a slight indication that at last at least a few publications are beginning to realize that, while we are sending billions upon billions abroad in behalf of "a free people and free nations," here at home, in what has been known as the citadel of liberty, we do not have freedom.

It was my purpose to, when the Supreme Court on May 26, 1958, handed down its opinions in case No. 21—International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, UAW–CIO, an Unincorporated Labor Organization, and Michael Volk, an Individual, Petitioners, against Paul S. Russell—October term, 1957—and case No. 31—International Association of Machinists, an Unincorporated Association; Charles Truax, Individually, and so forth, et al., Petitioners, against Marcos Gonzales—also October term, 1957—to read those opinions from the well of the House, not because any new principle of law was enunciated, but because the Court at long last had given voice in support of a basic freedom and upheld in its opinion the individual's right to work. That is a right which has long been denied through the exercise of force and violence by the officials of some unions, using goon squads to forcibly prevent the exercise of that fundamental right.

While the majority opinions announced no new principle, the dissenting opinions, especially that of Mr. Chief Justice Warren, in the Russell case, voice a complete surrender to the doctrine that the individual's right to strike and to by force enforce that right should be maintained whatever may be the result to the public. It is a reassertion many times enunciated by the so-called liberals on the Court, that the right of the individual is superior to that of the people; that the individual's desire will be enforced even though the welfare of the people as a whole, the security of the country, is completely ignored. One has but to read the Mallory case, the Watkins case, the Green case, and the earlier cases which held that the right to enforce a strike by violence was but the exercise of the right to speak freely. To sense the trend of the Court's previous thinking, permit me to read the editorial:

LAW OR NO LAW, THERE IS A RIGHT TO WORK

The poor showing made by Senator KNOWLAND in the recent California primary election is being cited as evidence of a national disapproval of right-to-work laws. He had based much of his campaign for governor on the Republican ticket on that issue.

However, it is a little early for friends of the comman man in the labor unions to throw in the towel. In several States right-to-work candidates fared better. In Alabama, Attorney General Patterson won convincingly against a candidate who vigorously opposed legislation to protect rank-and-file workers from exploitation by goons and politically ambitious union bosses. Successes were scored also in New Jersey, Illinois, Indiana, and New Mexico by candidates who showed independence of union backing.

Whatever happens to right-to-work laws, the Supreme Court, in a surprising recent decision, has conceded that there is at least a right to work. The court upheld the right of an Alabama worker who had been forced by union pickets to remain unemployed and whose automobile had been damaged in a violent assault, to sue in the State courts. Chief Justice Warren in a dissenting opinion made this extraordinary statement:

"There is a very real prospect of staggering punitive damages accumulated through successive actions by members who have succumbed to the emotion that frequently accompanies concerted activities during labor unrest."

In other words, a worker who is beaten up by pickets, his property damaged and his family terrorized should have no redress because the union might have to pay.

To curb goon violence, which is seldom the result of emotion, as the Chief Justice appears to believe, but is part of a calculated campaign of terror, it is hardly sufficient to give the aggrieved worker the right to sue the union for damages, a right which he seldom has the hardihood to exercise. The rank-and-file worker should be protected by law in his right to join or not to join a labor union as he is protected in his right to choose a church or a chainstore.

It is seldom mentioned by opponents of right-to-work laws, but one giant in the labor movement who had serious doubts about the right of unions to decide who should work and who should not was the late Samuel Gompers. In the 1925 edition of his autobiography, Seventy Years of Life and Labor (Dutton), Gompers, after giving an account of an encounter with a man who had been thrown out of a union for strikebreaking, wrote: "I held and I hold that if a union expels a member and he is deprived of his livelihood, in theory or in fact, in so far as he and his dependents upon him are concerned it is a capital punishment."

Last year an abridged edition of the Gompers biography appeared under the editorship of Prof. Philip Taft, of Brown University, and John A. Sessions, a former professor now associated with the International Ladies' Garment Workers Union. Unfortunately this edition omits the great emancipator's comment that exclusion from membership in a union could amount to capital punishment.

If a man can be deprived of the right to work because of nonmembership in a union, he can easily be the victim of the capital punishment described by Mr. Gompers. Indeed, the files of the McClellan committee contain many tragic letters from men who are walking the streets in search of work after incurring the displeasure of a union leader and have lost their jobs because of union-shop agreements.

So that each individual who desires may judge for himself as to the soundness of the reasoning in the two cases referred to, permit me to read those opinions.

In the first case, that where Russell was involved, the Court said:

Mr. Justice Burton delivered the opinion of the Court.

"The issue before us is whether a State court, in 1952, had jurisdiction to entertain an action by an employee, who worked in an industry affecting interstate commerce, against a union and its agent, for malicious interference with such employee's lawful occupation. In *United Workers* v. *Laburnum Corp.* (347 U. S. 656, 657), we held that Congress had not given the National Labor Relations Board such exclusive jurisdiction over the subject matter of a common-law tort action for damages as to preclude an appropriate State court from hearing and determining its issues where such conduct constitutes an unfair labor practice under the Labor Management Relations Act, 1947, or the National Labor Relations Act, as amended.[1] For the reasons hereafter stated, we uphold the jurisdiction of the State courts in this case as we did in the Laburnum case.

"This action was instituted in the Circuit Court of Morgan County, Ala., in 1952, by Paul S. Russell, the respondent, against the petitioners, International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, CIO, an unincorporated labor organization, here called the union, and its agent, Volk, together with other parties not now in the case. Russell was a maintenance electrician employed by Calumet and Hecla Consolidated Copper Co. (Wolverine tube division) in Decatur, Ala., at $1.75 an hour and earned approximately $100 a week. The union was the bargaining agent for certain employees of that division but Russell was not a member of the union nor had he applied for such membership.

"The allegations of his amended complaint may be summarized as follows: The union, on behalf of the employees it represented, called a strike to commence July 18, 1951. To prevent Russell and other hourly paid employees from entering the plant during the strike, and to thus make the strike effective, petitioners maintained a picket line from July 18 to September 24, 1951. This line was located along and in the public street which was the only means of ingress and egress to the plant. The line consisted of persons standing along the street or walking in a compact circle across the entire traveled portion of the street. Such pickets, on July 18, by force of numbers, threats of bodily harm to Russell and of damage to his property, prevented him from reaching the plant gates. At least one striker took hold of Russell's automobile. Some of the pickets stood or walked in front of his automobile in such a manner as to block the street and make it impossible for him, and others similarly situated, to enter the plant. The amended complaint also contained a second count to the same general effect but alleging that petitioners unlawfully conspired with other persons to do the acts above described.

"The amended complaint further alleged that petitioners willfully and maliciously caused Russell to lose time from his work from July 18 to August 22, 1951, and to lose the earnings which he would have received had he and others not been prevented from going to and from the plant. Russell, accordingly, claimed compensatory damages for his loss of earnings and for his mental anguish, plus punitive damages, in the total sum of $50,000.

"Petitioners filed a plea to the jurisdiction. They claimed that the National Labor Relations Board had jurisdiction of the controversy to the exclusion of the State court. The trial court overruled Russel's demurrer to the plea. However, the Supreme Court of Alabama reversed the trial court and upheld the jurisdiction of that court, even though the amended complaint charged a violation of section 8 (b) (1) (A) of the Federal Act.[2] 258 Ala. 615, 64 So. 2d 384.

"On remand, petitioners' plea to the jurisdiction was again filed but this time Russell's demurrer to it was sustained. The case went to trial before a jury and resulted in a general verdict and a judgment for Russell in the amount of $10,000, including punitive damages. On appeal, the Supreme Court of

[1] 61 Stat. 136, 29 U. S. C. § 141.

[2] We assume, for the purposes of this case, that the union's conduct did violate section 8 (b) (1) (A) which provides:

"(b) It shall be an unfair labor practice for a labor organization or its agents—

"(1) to restrain or coerce (A) employees in the exercise of the rights guaranteed in section 7: *Provided,* That this paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein * * *" 61 Stat. 141, 29 U. S. C. § 158 (b) (1) (A).

Alabama reaffirmed the Circuit Court's jurisdiction. It also affirmed the judgment for Russell on the merits, holding that Russell had proved the tort of wrongful interference with a lawful occupation (264 Ala. 456, 88 So. 2d 175). Because of the importance of the jurisdictional issue, we granted certiorari (352 U. S. 915).

"There was much conflict in the testimony as to what took place in connection with the picketing, but those conflicts were resolved by the jury in favor of Russell.[3] Accepting a view of the evidence most favorable to him, the jury was entitled to conclude that petitioners did, by mass picketing and threats of violence, prevent him from entering the plant and from engaging in his employment from July 18 to August 22. The jury could have found that work would have been available within the plant if Russell, and others desiring entry, had not been excluded by the force, or threats of force, of the strikers.[4]

[3] Among the instructions given to the jury were the following requested by petitioners:

"5. I charge you that unless you are reasonably satisfied from the evidence in this case that the proximate cause of [respondent's] inability to work at the Decatur plant of Calumet & Hecla Consolidated Copper Co. (Wolverine Tube Division) during the period from July 18, 1951, to August 22, 1951, was that a picket line was conducted by the [petitioners] in a maner which by force and violence, or threats of force and violence prevented [respondent] from entering the plant, and unless you are also reasonably satisfied from the evidence that work would have been available to [respondent] in the plant during said period, except for picketing in such manner, you should not return a verdict for the [respondent].

"6. I charge you that unless you are reasonably satisfied from the evidence that the acts complained of by [respondent] occurred, and that the [respondent] suffered a loss of wages as the natural and proximate result of said acts, you should return your verdict for the [petitioners]."

In its main charge to the jury, the trial court included the following statement:

"If, in this case, after considering all the evidence and under the instructions I have given you, you are reasonably satisfied that at the time complained of and in doing the acts charged, the [petitioners] * * * actuated by malice and actuated by ill-will, committed the unlawful and wrongful acts alleged, you, in addition to the actual damages, if any, may give damages for the sake of example and by way of punishing the [petitioners] or for the purpose of making the [petitioners] smart, not exceeding in all the amount claimed in the complaint.

"In order to authorize the fixing of such damages you must be reasonably satisfied from the evidence that there was present willfulness or wantonness and a reckless disregard of the rights of the other person."

[4] On the evidence before it, the jury was entitled to find that about 400 of the employees who had attended union meetings on July 17 were in front of the plant gates at 8 o'clock the following morning. A crowd of between 1,500 and 2,000 people, including the above 400, was near the plant gates when the first shift was due to report for work at 8 a. m. Between 700 and 800 automobiles were parked along the street which led to and ended at the plant. A picket line of 25 to 30 strikers, carrying signs and walking about 3 feet apart, moved in a circle extending completely across the street. Adjacent to the street at that point, there was a group of about 150 people, some of whom changed places with those in the circle. On the other side of the street, there was another group of about 50 people. Many members of the first shift came, bringing their lunches, in expectation of working that day as usual. Russell was one of these and he tried to reach the plant gates. Because of the crowd, he proceeded slowly to within 20 or 30 feet of the picket line. There he felt a drag on his car and stopped. While thus stopped, the regional director of the union came to him and said, "If you are salaried, you can go on in. If you are hourly, this is as far as you can go." Russell nevertheless edged toward the entrance until someone near the picket line called out, "He's going to try to go through." Another yelled, "Looks like we're going to have to turn him over to get rid of him," and several yelled, "Turn him over." No one actually attempted to turn over Russell's car, but the picket line effectively blocked his further progress. He remained there for more than an hour and a half. From time to time, he tried to ease his car forward but, when he did so, the pickets would stop walking and turn their signs toward his car, some of them touching the car. When he became convinced that he could not get through the picket line without running over somebody or getting turned over, he went home. The plant's offices were open and salaried employees worked there throughout the strike. Russell and other hourly employees necessary to operate the plant were prevented from reaching the company gates in the manner described. During the next 5 weeks he kept in touch with the unchanged situation at the plant entrance, and set about securing signatures to a petition of enough employees who wished to resume work to operate the plant. After obtaining over 200 signatures, the petition was presented to the company on or about August 18. On August 20, the company advertised in a local newspaper that on August 22 the plant would resume operations. All employees were requested to report to work at 8 a. m. on August 22. At that time, about 70 State highway patrol officers and 20 local police officers were at the gates and convoyed into the plant about 230 hourly paid employees reporting for work. Russell was among them and he was immediately put to work. Thereafter, he had no difficulty in entering the plant.

There also was evidence that on August 20 the company sought to run its switch engine out of the yard to bring in cars containing copper ingots. The engine, however, was met by strikers—some of whom stood in its path. One pulled out the engine's ignition key and threw it away. Others in the crowd cut the engine's fan belts, air hoses and spark-plug wires, removed the distributor head and disabled the brakes. The engine was then rolled back into the plant yard by the crew without its mission having been accomplished. There is no evidence that Russell was present on this occasion.

This leaves no significant issue of fact for decision here. The principal issue of law is whether the State court had jurisdiction to entertain Russell's amended complaint or whether that jurisdiction had been preempted by Congress and vested exclusively in the National Labor Relations Board.

"At the outset, we note that the union's activity in this case clearly was not protected by Federal law. Indeed the strike was conducted in such a manner that it could have been enjoined by Alabama courts. *Youngdahl* v. *Rainfair, Inc.* (355 U. S. 131); *Auto Workers* v. *Wisconsin Board* (351 U. S. 266).

"In the Laburnum case, supra, the union, with intimidation and threats of violence, demanded recognition to which it was not entitled. In that manner, the union prevented the employer from using its regular employees and forced it to abandon a construction contract with a consequent loss of profits. The employer filed a tort action in a Virginia court and received a judgment for about $30,000 compensatory damages, plus $100,000 punitive damages. On petition for certiorari, we upheld the State court's jurisdiction and affirmed its judgment. We assumed that the conduct of the union constituted a violation of section 8 (b) (1) (A) of the Federal act. Nevertheless, we held that the Federal act did not expressly or impliedly deprive the employer of its common-law right of action in tort for damages.

"This case is similar to Laburnum in many respects. In each, a State court awarded compensatory and punitive damages against a union for conduct which was a tort and also assumed to be an unfair labor practice. The situations are comparable except that, in the instant case, the Board is authorized, under section 10 (c) of the Federal act, to award back pay to employees under certain circumstances. We assume, for the purpose of argument, that the Board would have had authority to award back pay to Russell.[5] Petitioners assert that the possibility of partial relief distinguishes the instant case from Laburnum. It is our view that Congress has not made such a distinction and that it has not, in either case, deprived a victim of the kind of conduct here involved of common-law rights of action for all damages suffered.

"Section 10 (c) of the Federal Act, upon which petitioners must rely, gives limited authority to the Board to award back pay to employees. The material provisions are the following:

" 'If upon the preponderance of the testimony taken the Board shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action including reinstatement of employees with or without back pay, as will effectuate the polices of this act: *Provided*, That where an order directs reinstatement of an employee, back pay may be required of the employer or labor organization, as the case may be, responsible for the discrimination suffered by him' (61 Stat. 147, 29 U. S. C. sec. 160 (c)).

"If an award of damages by a State court for conduct such as is involved in the present case is not otherwise prohibited by the Federal acts, it certainly is not prohibited by the provisions of section 10 (c). This section is far from being an express grant of exclusive jurisdiction superseding common-law actions, by either an employer or an employee, to recover damages caused by the tortious conduct of a union. To make an award, the Board must first be convinced that the award would 'effectuate the policies' of the act. 'The remedy of back pay, it must be remembered, is entrusted to the Board's discretion; it is not mechanically compelled by the act.' *Phelps Dodge*

[5] The Board has held that it can award back pay where a union has wrongfully caused a termination in the employee status, but not in a case such as this when a union merely interferes with access to work by one who remains at all times an employee. In re *United Furniture Workers of America, CIO* (84 N. L. R. B. 563, 565). That view was acknowledged in *Progressive Mine Workers* v. *Labor Board* (187 F. 2d 398, 306–307), and has been adhered to by the Board in subsequent cases. E. g., *Local 983* (115 N. L. R. B. 1123). Petitioners contend that the Board's above interpretation of its own power conflicts with the rationale of *Phelps Dodge Corp.* v. *Labor Board* (313 U. S. 177), and *Virginia Electric Co.* v. *Labor Board* (319 U. S. 533). See also, In re *United Mine Workers* (92 N. L. R. B. 916, 920) (dissenting opinion); *United Electrical, Radio and Machine Workers* (95 N. L. R. B. 391, 392, n. 3). As the decision of this question is not essential in the instant case, we do not pass upon it.

Corp. v. *Labor Board* (313 U. S. 177, 198). The power to order affirmative relief under section 10 (c) is merely incidental to the primary purpose of Congress to stop and to prevent unfair labor practices. Congress did not establish a general scheme authorizing the Board to award full compensatory damages for injuries caused by wrongful conduct. *United Workers* v. *Laburnum Corp.* (347 U. S. 656, 666–667). In *Virginia Electric Co.* v. *Labor Board* (319 U. S. 533, 543), in speaking of the Board's power to grant affirmative relief, we said:

" 'The instant reimbursement order [which directs reimbursement by an employer of dues checked off for a dominated union] is not a redress for a private wrong. Like a back pay order, it does restore to the employees in some measure what was taken from them because of the company's unfair labor practices. In this, both these types of monetary awards somewhat resemble compensation for private injury, but it must be constantly remembered that both are remedies created by statute—the one explicitly and the other implicitly in the concept of effectuation of the policies of the act—which are designed to aid in achieving the elimination of industrial conflict. They vindicate public, not private, rights. Cf. *Agwilines, Inc.* v. *Labor Board* (87 F. 2d 146, 150–51); *Phelps Dodge Corp.* v. *Labor Board* (313 U. S. 177). For this reason it is erroneous to characterize this reimbursement order as penal or as the adjudication of a mass tort. It is equally wrong to fetter the Board's discretion by compelling it to observe conventional common law or chancery principles in fashioning such an order, or to force it to inquire into the amount of damages actually sustained. Whether and to what extent such matters should be considered is a complex problem for the Board to decide in the light of its administrative experience and knowledge."

In Laburnum, in distinguishing *Garner* v. *Teamsters Union* (346 U. S. 485), we said:

"To the extent that Congress prescribed preventive procedure against unfair labor practices, that case recognized that the act excluded conflicting State procedure to the same end. To the extent, however, that Congress has not prescribed procedure for dealing with the consequences of tortious conduct already committed, there is no ground for concluding that existing criminal penalties or liabilities for tortious conduct have been eliminated. The care we took in the Garner case to demonstrate the existing conflict between State and Federal administrative remedies in that case was, itself, a recognition that if no conflict had existed, the State procedure would have survived" (347 U. S., at 665).

"In this case there is a possibility that both the Board and the State courts have jurisdiction to award lost pay. However, that possibility does not create the kind of 'conflict' of remedies referred to in Laburnum. Our cases which hold that State jurisdiction is preempted are distinguishable. In them we have been concerned lest one forum would enjoin, as illegal, conduct which the other forum would find legal, or that the State courts would restrict the excise of rights guaranteed by the Federal acts.[6]

"In the instant case, there would be no 'conflict' even if one forum awarded back pay and the other did not. There is nothing inconsistent in holding that an employee may recover lost wages as damages in a tort action under State law, and also holding that the award of such damages is not necessary to effectuate the purposes of the Federal act.

"In order to effectuate the policies of the act, Congress has allowed the Board, in its discretion, to award back pay. Such awards may incidentally provide some compensatory relief to victims of unfair labor practices. This does not mean that Congress necessarily intended this discretionary relief to constitute an exclusive pattern of money damages for private injuries. Nor do we think that the Alabama tort remedy, as applied in this case, altered rights and duties affirmatively established by Congress.

"To the extent that a back pay award may provide relief for victims of an unfair labor practice, it is a partial alternative to a suit in the State courts for loss of earnings. If the employee's common-law rights of action against a union tort-feasor are to be cut off, that would in effect grant to unions a substantial immunity for the consequences of mass picketing or coercion such as was employed during the strike in the present case.

"The situation may be illustrated by supposing, in the instant case, that Russell's car had been turned over resulting in damage to the car and personal injury to him. Under State law presumably he could have recovered for medical expenses, pain and suffering and property damages. Such items of recovery are beyond the scope of present Board remedial orders. Following the reasoning adopted by us in the Laburnum case, we believe that State jurisdiction to award damages for these items is not preempted. Cf. *International Assn. of Machinists* v. *Gonzales, ante,* p. —, decided this day. Nor can we see any difference, significant for present purposes, between tort damages to recover medical expenses and tort damages to recover lost wages. We conclude that an employee's right to recover, in the State courts, all damages caused him by this kind of tortious conduct cannot fairly be said to be preempted without a clearer declaration of Congressional policy than we find here. Of course, Russell could not collect duplicate compensation for lost pay from the State courts and the Board.

"Punitive damages constitute a well-settled form of relief under the law of Alabama when there is a willful and malicious wrong. *Penney* v. *Warren* (217 Ala. 120, 115 So. 16). To the extent that such relief is penal in its nature, it is all the more clearly not granted to the Board by the Federal Acts. *Republic Steel Corp.* v. *Labor Board* (311 N. S. 7, 10–12). The power to impose punitive sanctions is within the jurisdiction of the State courts but not within that of the Board. In Laburnum we approved a judgment that included $100,000 in punitive damages. For the exercise of the police power of a State over such a case as this, see also, *Youngdahl* v. *Rainfair, Inc.* (355 U. S. 131); *Auto Workers* v. *Wisconsin Board* (351 U. S. 266, 274, n. 12).

"Accordingly, the judgment of the Supreme Court of Alabama is affirmed."

Mr. Justice Black took no part in the consideration or decision of this case.

Mr. Chief Justice Warren, with whom Mr. Justice Douglas joins, dissenting:

"The issue in this case is whether the Taft-Hartley Act has preempted a State's power to assess compensatory and punitive damages against a union for denying a worker access to a plant during an economic strike—conduct that the Federal Act subjects to correction as an unfair labor practice under section 8 (b) (1) (A). If Congress had specifically provided that the States were without power to award damages under such circumstances, or if it had expressly sanctioned such redress in the State courts, our course of action would be clear. Because Congress did not in specific words make its will manifest, *International Union* v. *Wisconsin Employment Relations Board* (336 U. S. 245, 252) we must be guided by what is consistent with the scheme of regulation that Congress has established.

"It is clear from the legislative history of the Taft-Hartley Act that in subjecting certain conduct to regulation as an unfair labor practice Congress had no intention of impairing a State's traditional powers to punish or in some instances prevent that same conduct when it was offensive to what a leading case termed 'such traditionally local matters as public safety and order and the use of streets and highways.' *Allen-Bradley Local* v. *Wisconsin Board* (315 U. S. 740, 749). Both proponents and critics of the measure conceded that certain unfair labor practices would include acts 'constituting violation of the law of the State,'[7] 'illegal under State law,'[8] 'punishable under State and local police law,'[9] or acts of such nature that 'the main remedy for such conditions is prosecution under State law and better local law enforcement.'[10] It was this role of State law that the lawmakers referred to when they conceded that there would be 'two remedies'[11] for a violent unfair labor practice. For example, when Senator Taft was explaining to the Senate the import of the section 8 (b) (1) (A) unfair labor practice, he responded in this manner to a suggestion that it would 'result in a duplication of some of the State laws':

" 'I may say further that one of the arguments has suggested that in case this provision covered violence it duplicated State law. I wish to point out that the provisions agreed to by the committee covering unfair labor practices on the part of labor unions also might duplicate to some extent that State law. Secondary boycotts, jurisdictional strikes, and so forth, may involve some violation of State law respecting violence which may be criminal, and so to some extent the measure may be duplicating the remedy existing under State law. But that, in my opinion, is no valid argument.'[12]

"This frequent reference to a State's continuing power to prescribe criminal punishments for conduct defined as an unfair labor practice by the Federal act is in sharp contrast to the absence of any reference to a State's power to award damages for that conduct.

"In the absence of a reliable indication of Congressional intent, the Court should be guided by principles that lead to a result consistent with the legislative will. It is clear that the States may not take action that fetters the exercise of rights protected by the Federal act, *Hill* v. *Florida* (325 U. S.

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[6] See, e. g., *San Diego Council* v. *Garmon* (353 U. S. 26 (involving State injunction of peaceful picketing)), *Amalgamated Meat Cutters* v. *Fairlawn Meats, Inc.* (353 U. S. 20, 23 (same)); *United Mine Workers* v. *Arkansas Oak Flooring Co.* (351 U. S. 62, 75 (same)); *Garner* v. *Teamsters Union* (346 U. S. 485, 498–500 (same)); *Weber* v. *Anheuser-Busch, Inc.* (348 U. S. 468, 475–476, 479–481 (involving State injunction of a strike and peaceful picketing)); *Bus Employees* v. *Wisconsin Board* (340 U. S. 383, 394–395, 398–399 (involving State statute restricting right to strike of, and compelling arbitration by, public utility employees)); *Automobile Workers* v. *O'Brien* (339 U. S. 454, 456–459 (involving State statute restricting right to strike by requiring, as a condition precedent, a strike vote resulting in an affirmative majority)); *La Crosse Telephone Corp.* v. *Wisconsin Board* (336 U. S. 18, 24–26 (involving State certification of the appropriate unit for collective bargaining)); *Bethlehem Steel Co.* v. *New York Board* (330 U. S. 767, 773–776 (same)); *Hill* v. *Florida ex rel. Watson* (325 U. S. 538, 541–543 (involving State statute restricting eligibility to be a labor representative)).

[7] 93 CONGRESSIONAL RECORD 4145.

[8] S. Rept. No. 105 on S. 1126, Supp. Views, 80th Cong., 1st sess., 50.

[9] 93 CONGRESSIONAL RECORD 4139.

[10] 93 CONGRESSIONAL RECORD 4559.

[11] E g., 93 CONGRESSIONAL RECORD 4145.

[12] 93 CONGRESSIONAL RECORD 4563.

538), or constitutes a counterpart to its regulatory scheme, *International Union of United Automobile Workers* v. *O'Brien*, (339 U. S. 454), or duplicates its remedies, *Garner* v. *Teamsters Union* (346 U. S. 485). The Court must determine whether the State law 'stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.' *Hines* v. *Davidowitz* (312 U. S. 52, 67). If the State action would frustrate the policies expressed or implied in the Federal act, then it must fail. The State action here—a judgment requiring a certified bargaining representative to pay punitive and compensatory damages to a nonstriker who lost wages when striking union members denied him access to the plant—must be tested against that standard.

"Petitioners do not deny the State's power to award damages against individuals or against a union for physical injuries inflicted in the course of conduct regulated under the Federal act.[13] The majority's illustration involving facts of that sort is therefore beside the point. But the power to award damages for personal injuries does not necessarily imply a like power for other forms of monetary loss. The unprovoked infliction of personal injuries during a period of labor unrest is neither to be expected nor to be justified, but economic loss inevitably attends work stoppages. Furthermore, damages for personal injuries may be assessed without regard to the merits of the labor controversy, but in order to determine the cause and fix the responsibility for economic loss a court must consider the whole background and status of the dispute. As a consequence, precedents or examples involving personal injuries are inapposite when the problem is whether a State court may award damages for economic loss sustained from conduct regulated by the Federal act.

"The majority assumes for the purpose of argument that the Board had authority to compensate for the loss of wages involved here. If so, then the remedy the State court has afforded duplicates the remedy provided in the Federal act and is subject to the objections voiced in my dissent in *International Association of Machinists* v. *Gonzales*, ante, page —, decided this day. But I find it unnecessary to rely upon any particular construction of the Board's remedial authority under section 10 (c) of the act. In my view, this is a case in which the State is without power to assess damages whether or not like relief is available under the Federal act. Even if we assume that the Board had no authority to award respondent back pay in the circumstances of this case, the existence of such a gap in the remedial scheme of Federal legislation is no license for the States to fashion correctives. *Guss* v. *Utah Labor Relations Board* (353 U. S. 1). The Federal act represents an attempt to balance the competing interests of employee, union and management. By providing additional remedies the States may upset that balance as effectively as by frustrating or duplicating existing ones.

"State court damage awards such as those in the instant case should be reversed because of the impact they will have on the purposes and objectives of the Federal act. The first objection is the want of uniformity this introduces into labor regulation. Unquestionably the Federal act sought to create a uniform scheme of national labor regulation. By approving a State court damage award for conduct regulated by the Taft-Hartley Act, the majority assures that the consequences of violating the Federal act will vary from State to State with the availability and constituent elements of a given right of action and the procedures and rules of evidence essential to its vindication. The matter of punitive damages is an example, though by no means the only one. Several States have outlawed or severely restricted such recoveries.[14] Those States where the recovery is still available entertain wide difference of opinion on the end sought to be served by the exaction and the conditions and terms on which it is to be imposed.[15]

"The multitude of tribunals that take part in imposing damages also has an unfavorable effect upon the uniformity the act sought to achieve. Especially is this so when the plaintiff is seeking punitive or other damages for which the measure of recovery is vague or nonexistent. Differing attitudes toward labor organizations will inevitably be given expression in verdicts returned by jurors in various localities. The provincialism this will engender in labor regulation is in direct opposition to the care Congress took in providing a single body of nationwide jurisdiction to administer its code of labor regulations. Because of these inescapable differences in the content and application of the various State laws, the majority's decision assures that the consequences of engaging in an unfair labor practice will vary from State to State. That is inconsistent with a basic purpose of the Federal act.

"The scant attention the majority pays to the large proportion of punitive damages in plaintiff's judgment[16] cannot disguise the serious problem posed by that recovery.[17] The element of deterrence inherent in the imposition or availability of punitive damages for conduct that is an unfair labor practice ordinarily makes such a recovery repugnant to the Federal act. The prospect of such liability on the part of a union for the action of its members in the course of concerted activities will inevitably influence the conduct of labor disputes. There is a very real prospect of staggering punitive damages accumulated through successive actions by parties injured by members who have succumbed to the emotion that frequently accompanies concerted activities during labor unrest. This threat could render even those activities protected by the Federal act too risky to undertake. Must we assume that the employer who resorts to a lockout is also subject to a succession of punitive recoveries at the hands of his employees? By its deterrent effect the imposition or availability of punitive damages serves a regulatory purpose paralleling that of the Federal act. It is precisely such an influence on the sensitive area of labor relations that the preemption doctrines are designed to avoid.

"There are other vices in the punitive recovery. A principal purpose of the Wagner and Taft-Hartley Acts is to promote industrial peace.[18] Consistent with that aim Congress created tribunals, procedures and remedies calculated to bring labor disputes to a speedy conclusion. Because the availability of a State damage action discourages resort to the curative features of the pertinent Federal labor law, it conflicts with the aims of that legislation. In a case such as the present one, for example, the plaintiff is unlikely to seek a cease-and-desist order, which would quickly terminate the section 8 (b) (1) (A) unfair labor practice, if he is assured compensatory damages and has the prospect of a lucrative punitive recovery as well.

In Alabama, as in many other jurisdictions, the theory of punitive damages is at variance with the curative aims of the Federal Act. The jury in this case was instructed that if it found that the defendant was "actuated by ill-will" they might award "smart money" (punitive damages) "for the purpose of making the defendant smart.[19] The parties to labor controversies have enough devices for making one another "smart" without this Court putting its stamp of approval upon another. I can conceive of nothing more disruptive of congenial labor relations than arming employee, union and management with the potential for "smarting" one another with exemplary damages. Even without the punitive element, a damage action has an unfavorable effect on the climate of labor relations. Each new step in the proceedings rekindles the animosity. Until final judgment the action is a constant source of friction between the parties. In the present case, for example, it has been nearly 6 years since the complaint was filed. The numerous other actions awaiting outcome of this case portend more years of bitterness before the courts can conclude what a Board cease-and-desist order might have settled in a week. As the dissent warned in *United Constr. Workers* v. *Laburnum Constr. Corp* (347 U. S. 656, 671), a State-court damage action for conduct that constitutes an unfair labor practice "drags on and on in the courts, keeping old wounds open, and robbing the administrative remedy of the healing effects it was intended to have."

"The majority places its principal reliance upon *United Constr. Workers* v. *Laburnum Constr. Corp., supra*. I joined in that decision, but my understanding of the case differs from that of the majority here. That case was an action by an employer against a stranger union for damages for interference with contractual relations. While engaged in construction work on certain mining properties the plaintiff employer had used AFL laborers pursuant to its collective bargaining contract. A field representative of the United Construction Workers, an affiliate of the United Mine Workers, informed plaintiff's foreman that he was working in 'Mine Workers territory,' and demanded that his union be recognized as the sole bargaining agent for the employees.

[13] *Hall* v. *Walters* (226 S. C. 430, 86 S. E. 2d 729, cert. denied, 349 U. S. 953); *McDaniel* v. *Textile Workers* (36 Tenn. App. 236, 254 S. W. 2d 1).

[14] Louisiana, Massachusetts, Nebraska, and Washington allow no such recovery. Indiana forbids it when the conduct is also punishable criminally. Connecticut limits the recovery to the expenses of litigation. McCormick, Damages, sec. 78. Note, 70 Harv. L. Rev. 517.

[15] Some States regard the damages as extra compensation for injured feelings. In most jurisdictions the recovery is calculated to punish and deter rather than compensate, though some States permit the jury to consider the plaintiff's costs of litigation. In most State courts a principal must answer if the wrongful conduct was within the general scope of the agent's authority. This list of differences is not exhaustive. McCormick, secs. 78–85. Note, 70 Harv. L. Rev. 517.

[16] Plantiff's wages were approximately $100 per week and he was out of work 5 weeks. Therefore, about $9,500 of his $10,000 verdict represents punitive damages and damages for "mental pain and anguish."

[17] *Republic Steel Corp.* v. *N. L. R. B.* (311 U. S. 7) is not authority for the majority's holding on punitive damages. That case held that the Board overstepped the remedial authority conferred by sec. 10 (c) of the Wagner Act when it required an employer to reimburse the Work Projects Administration for wages paid wrongfully discharged employees subsequently employed on WPA projects. The Court said this payment was in the nature of a penalty and concluded that the act conferred no authority on the Board to exact such a penalty. There was no question of preemption and no discussion directed at whether an award of punitive damages by a State would be consistent with the Federal act.

[18] 29 U. S. C., secs. 141, 151.

[19] R 632.

Otherwise, he threatened, the United Construction Workers would 'close down' all of the work. At the time of this ultimatum not a single worker in Laburnum's employ belonged to the stranger union. Plaintiff refused. A few days later the union representative appeared at the job site with a 'rough, boisterous crowd' variously estimated from 40 to 150 men. Some were drunk. Some carried guns and knives. Plaintiff's employees were informed that they would have to join the United Construction Workers or 'we will kick you out of here.' A few workers yielded to the mob. Those who refused were subjected to a course of threats and intimidation until they were afraid to proceed with their work. As a consequence, the employer was compelled to discontinue his work on the contract and it was lost. The employer sued the United Construction Workers for the profits lost by this interference, recovering compensatory and punitive damages.[20] This Court affirmed.

"There are at least three crucial differences between this case and Laburnum. First, in this case the plaintiff is seeking damages for an interference with his right to work during a strike. Since the right to refrain from concerted activities is protected by section 7 of the act, a section 8 (b) (1) (A) unfair labor practice is inherent in the wrong of which plaintiff complains, and the Federal act offers machinery to correct it. The section 8 (b) (1) (A) unfair labor practice in Laburnum, on the other hand, was involved only fortuitously. Damages were awarded for interference with the contractual relationship between the employer and the parties for whom the construction work was being performed. The means defendants chose to effect that interference happened to constitute an unfair labor practice, but the same tort might have been committed by a variety of means in no way offensive to the Federal act. Laburnum simply holds that a tort-feasor should not be allowed to immunize himself from liability for a wrong having no relation to Federal law simply because the means he adopts to effect the wrong transgress a comprehensive code of Federal regulation. The availability of State-court damage relief may discourage the employer from invoking the remedies of the Federal act on behalf of his employees.[21] But that effect may be tolerated since the employer's interest is at most derivative, and there will be nothing to dissuade the employees, who are more directly concerned, from using the Federal machinery to correct the interference with their protected activity.

"Second, the defendant in this case is the certified bargaining agent of employees at the plant where plaintiff is employed, and the wrong involved was committed in the course of picketing incident to an economic strike to enforce wage demands. Thus, the controversy grows out of what might be called an ordinary labor dispute. Continued relations may be expected between the parties to this litigation. The defendant in Laburnum, on the other hand, was a total stranger to the employer's collective bargaining contract, and could claim the membership of not a single worker. There was no prospect of a continuing relationship between the parties to the suit, and no need for concern over the climate of labor relations that an action might impair. The defendant was attempting to coerce Laburnum's employees, either by direct threats or employer pressures, to join its ranks. Such predatory forays are disfavored when undertaken by peaceful picketing, and even more so when unions engage in the crude violence used in Laburnum.

"Finally, the effect of punitive damages in cases such as the present one is entirely different from that which results from the recovery sanctioned in Laburnum. Since the wrong in Laburnum was committed against an employer, the damages exacted there were probably the extent of the defendant's liability for that particular conduct. Where it is employees who have been wronged, however, there may be dozens of actions for the same conduct, each with its own demand for punitive damages. In the instant case, for example, Russell is only 1 of 30 employees who have filed suits against the union for the same conduct, all of them claiming substantial punitive damages.[22] Whatever the law in other States, Alabama seems to hold to the view that evidence of a previous punitive recovery is inadmissible as a defense in a subsequent action claiming punitive damages for the same conduct.[23] Thus, the defendant union may be held for a whole series of punitive as well as compensatory recoveries. The damages claimed in the pending actions total $1,500,000, and to the prospect of liability for a fraction of that amount may be added the certainty of large legal expenses entailed in defending the suits. By reason of vicarious liability for its members' ill-advised conduct on the picket lines, the union is to be subjected to a series of judgments that may and probably will reduce it to bankruptcy, or at the very least deprive it of the means necessary to perform its role as bargaining agent of the employees it represents. To approve that risk is to exact a result Laburnum does not require.

"From the foregoing I conclude that the Laburnum case, to which the majority attributes such extravagant proportions, is not controlling here. In my judgment, the effect of allowing the State courts to award compensation and fix penalties for this and similar conduct will upset the pattern of rights and remedies established by Congress and will frustrate the very policies the Federal act seeks to implement. The prospect of that result impels me to dissent."

In the second case, Mr. Justice Frankfurter delivered the majority opinion. He stated:

Mr. Justice Frankfurter delivered the opinion of the Court:

"Claiming to have been expelled from membership in the International Association of Machinists and its local No. 68 in violation of his rights under the constitution and by-laws of the unions, respondent, a marine machinist, brought this suit against the international and local, together with their officers, in a superior court in California for restoration of his membership in the unions and for damages due to his illegal expulsion. The case was tried to the court, and on the basis of the pleadings, evidence, and argument of counsel, detailed findings of fact were made, conclusions of law drawn, and a judgment entered ordering the reinstatement of respondent and awarding him damages for lost wages as well as for physical and mental suffering. The judgment was

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[20] 194 Va. 872, 75 S. E. 2d 694.

[21] It is clear that the employer in Laburnum could have invoked the investigative and preventive machinery of the Board. An unfair labor practice charge may be filed by "any person." 29 C. F. R., 1955 Cum. Supp., sec. 102.9. *Local Union No. 25* v. *New York, New Haven & H. R. Co.*, 350 U. S. 155, 160.

[22] Petitioner has supplied the court with the following list of those cases. All are held in abeyance pending decision of the instant case. Unless otherwise noted each action is in the Circuit Court of Morgan County, Ala. The amount shown is the total damages asked, which is composed of a relatively insubstantial loss of wages claim and a balance of punitive damages. Petitioners' Appendixes, pp. 7a–9a.

1. *Burl McLemore* v. *United Automobile, Aircraft, and Agricultural Implement Workers of America, AFL–CIO, et al.*, No. 6150, $50,000. Verdict and judgment of $8,000. New trial granted because of improper argument of plaintiff's counsel (264 Ala. 538, 88 So. 2d 170).

2. *James W. Thompson* v. *Same*, No. 6151, $50,000. Appeal from $10,000 verdict and judgment pending in Supreme Court of Alabama.

3. *N. A. Palmer* v. *Same*, No. 6152, $50,000. Appeal from $18,450 verdict and judgment pending in Supreme Court of Alabama.

4. *Lloyd E. McAbee* v. *Same*, No. 6153, $50,000.

5. *Tommie F. Breeding* v. *Same*, No. 6154, $50,000.

6. *David G. Puckett* v. *Same*, No. 6155, $50,000.

7. *Comer T. Jenkins* v. *Same*, No. 6156, $50,000.

8. *Joseph E. Richardson* v. *Same*, No. 6157, $50,000.

9. *Cois E. Woodard* v. *Same*, No. 6158, $50,000.

10. *Millard E. Green* v. *Same*, No. 6159, $50,000.

11. *James C. Hughes* v. *Same*, No. 6160, $50,000.

12. *James C. Dillehay* v. *Same*, No. 6161, $50,000.

13. *James T. Kirby* v. *Same*, No. 6162, $50,000.

14. *Cloyce Frost* v. *Same*, No. 6163, $50,000.

15. *E. L. Thompson, Jr.* v. *Same*, No. 6164, $50,000.

16. *J. A. Glasscock, Jr.* v. *Same*, No. 6165, $50,000.

17. *Hoyt T. Penn* v. *Same*, No. 6166, $50,000.

18. *Spencer Weinman* v. *Same*, No. 6167, $50,000.

19. *Joseph J. Hightower* v. *Same*, No. 6168, $50,000.

20. *A. A. Kilpatrick* v. *Same*, No. 6169, $50,000.

21. *Charles E. Kirk* v. *Same*, No. 6170, $50,000.

22. *Richard W. Penn* v. *Same*, No. 6171, $50,000.

23. *Robert C. Russell* v. *Same*, No. 6172, $50,000.

24. *T. H. Abercrombie* v. *Same*, No. 6173, $50,000.

25. *James H. Tanner* v. *Same*, No. 6174, $50,000.

26. *Charles E. Carroll* v. *Same*, No. 6175, $50,000.

27. *Ordell T. Garvey* v. *Same*, No. 6176, $50,000.

28. *A. R. Barran* v. *Same*, No. 6177, $50,000.

29. *Russell L. Woodard* v. *Same*, No. 6178, $50,000.

[23] *Alabama Power Co.* v. *Goodwin* (210 Ala. 657, 99 So. 158). That was an action by a passenger against a streetcar company for injuries sustained in a collision. As a defense to a count for punitive damages, the defendant sought to show that punitive damages had already been awarded against it in another suit growing out of the same collision. The court held that the evidence was properly excluded, for "in its civil aspects the single act or omission forms as many distinct and unrelated wrongs as there are individuals injured by it" (210 Ala., at 658–659, 99 So., at 160). While conceding the logical relevancy of a previous recovery, the court felt that the rule of exclusion was the better rule since it would prevent the introduction of such collateral issues as whether and to what extent punitive damages had been included in a previous verdict. This rule of exclusion was applied in *Southern R. Co.* v. *Sherrill* (232 Ala. 184, 167 So. 731). Cf. McCormick. Damages, sec. 82, and 2 Southerland, Damages, sec. 402 (4th ed., 1916), discussing the majority rule that evidence of prior criminal punishment is inadmissible in an action for punitive damages for the same misfeasance.

affirmed by the District Court of Appeal (142 Cal. App. 2d 207) and the Supreme Court of California denied a petition for hearing. We brought the case here (352 U. S. 966) since it presented another important question concerning the extent to which the Labor Management Relations Act of 1947 (61 Stat. 136), as amended (29 U. S. C., secs. 141–197), has excluded the exercise of State power.

"The crux of the claim sustained by the California court was that under California law membership in a labor union constitutes a contract between the member and the union, the terms of which are governed by the constitution and bylaws of the union, and that State law provides, through mandatory reinstatement and damages, a remedy for breach of such contract through wrongful expulsion. This contractual conception of the relation between a member and his union widely prevails in this country and has recently been adopted by the House of Lords in *Bonsor* v. *Musicians' Union* ([1956] A. C. 104). It has been the law of California for at least half a century. See *Dingwall* v. *Amalgamated Assn. of Street R. Employees* (4 Cal. App. 565). Though an unincorporated association, a labor union is for many purposes given the rights and subject to the obligations of a legal entity. See *United Mine Workers* v. *Coronado Coal Co.* (259 U. S. 344, 383–392); *United States* v. *White* (322 U. S. 694, 701–703).

"That the power of California to afford the remedy of reinstatement for the wrongful expulsion of a union member has not been displaced by the Taft-Hartley Act is admitted by petitioners. Quite properly they do not attack so much of the judgment as orders respondent's reinstatement. As *Garner* v. *Teamsters Union* (346 U. S. 485) could not avoid deciding the Taft-Hartley Act undoubtedly carries implications of exclusive Federal authority. Congress withdrew from the States much that had theretofore rested with them. But the other half of what was pronounced in Garner—that the act leaves much to the States—is no less important (see 346 U. S., at 488). The statutory implications concerning what has been taken from the States and what has been left to them, are of a Delphic nature, to be translated into concreteness by the process of litigating elucidation. See *Weber* v. *Anheuser-Busch, Inc.* (348 U. S. 468, 474–477).

"Since we deal with implications to be drawn from the Taft-Hartley Act for the avoidance of conflicts between enforcement of Federal policy by the National Labor Relations Board and the exertion of State power, it might be abstractly justifiable, as a matter of wooden logic, to suggest that an action in a State court by a member of a union for restoration of his membership rights is precluded. In such a suit there may be embedded circumstances that could constitute an unfair labor practice under section 8 (b) (2) of the act. In the judgment of the Board, expulsion from a union, taken in connection with other circumstances established in a particular case, might constitute an attempt to cause an employer to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than his failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership (61 Stat. 141, 29 U. S. C., sec. 158 (b) (2)). But the protection of union members in their rights as members from arbitrary conduct by unions and union officers has not been undertaken by Federal law, and, indeed, the assertion of any such power has been expressly denied. The proviso to section 8 (b) (1) of the act states that "this paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein" (61 Stat. 141, 29 U. S. C., sec. 158 (b) (1)). The present controversy is precisely one that gives legal efficacy under State law to the rules prescribed by a labor organization for retention of membership therein. Thus, to preclude a State court from exerting its traditional jurisdiction to determine and enforce the rights of union membership would in many cases leave an unjustly ousted member without remedy for the restoration of his important union rights. Such a drastic result, on the remote possibility of some entanglement with the Board's enforcement of the national policy, would require a more compelling indication of Congressional will than can be found in the interstices of the Taft-Hartley Act. See *United Constr. Workers* v. *Laburnum Constr. Corp.* (347 U. S. 656).

"Although petitioners do not claim that the State court lacked jurisdiction to order respondent's reinstatement, they do contend that it was without power to fill out this remedy by an award of damages for loss of wages and suffering resulting from the breach of contract. No radiation of the Taft-Hartley Act requires us thus to mutilate the comprehensive relief of equity and reach such an incongruous adjustment of Federal-State relations touching the regulation of labor. The National Labor Relations Board could not have given respondent the relief that California gave him according to its local law of contracts and damages. Although if the unions' conduct constituted an unfair labor practice the Board might possibly have been empowered to award back pay, in no event could it mulct in damages for mental or physical suffering. And the possibility of partial relief from the Board does not, in such a case as is here presented, deprive a party of available State remedies for all damages suffered. See *International Union, United Automobile Workers* v. *Russell* (— U. S. —).

"If, as we held in the Laburnum case, certain State causes of action sounding in tort are not displaced simply because there may be an argumentative coincidence in the facts adducible in the tort action and a plausible proceeding before the National Labor Relations Board, a State remedy for breach of contract also ought not be displaced by such evidentiary coincidence when the possibility of conflict with Federal policy is similarly remote. The possibility of conflict from the court's award of damages in the present case is no greater than from its order that respondent be restored to membership. In either case the potential conflict is too contingent, too remotely related to the public interest expressed in the Taft-Hartley Act, to justify depriving State courts of jurisdiction to vindicate the personal rights of an ousted union member. This is emphasized by the fact that the subject matter of the litigation in the present case, as the parties and the court conceived it, was the breach of a contract governing the relations between respondent and his unions.[1]

[1] "In determining the question of whether the exclusive jurisdiction to grant damages in a case of this kind lies in the Labor Relations Board, it is first necessary to determine the character of the pleadings and issues in this case. The petition alleged a breach of contract between the union and plaintiff, one of its members. * * * It took the form of a petition for writ of mandate because damages alone would not be adequate to restore to petitioner the things of value he had lost by reason of the breach. No charge of 'unfair labor practices' appears in the petition. The answer to the petition denied its allegations and challenged the jurisdiction of the court, but said nothing about unfair labor practices. The evidence adduced at the trial showed that plaintiff, because of his loss of membership, was unable to obtain employment and was thereby damaged. However, this damage was not charged nor treated as the result of an unfair labor practice but as a result of the breach of contract. Thus the question of unfair labor practice was not raised nor was any finding on the subject requested of, or made by, the court" (142 Cal. App. 2d 207, 217).

[2] 346 U. S., at 490.

[3] 346 U. S., at 498–499.

[4] "In Garner the emphasis was not on 2 conflicting labor statutes but rather on 2 similar remedies, 1 State and 1 Federal, brought to bear on precisely the same conduct."

The suit did not purport to remedy or regulate union conduct on the ground that it was designed to bring about employer discrimination against an employee, the evil the Board is concerned to strike at as an unfair labor practice under section 8 (b) (2). This important distinction between the purposes of Federal and State regulation has been aptly described: 'Although even these State court decisions may lead to possible conflict between the Federal Labor Board and State courts they do not present potentialities of conflicts in kind or degree which require a hands-off directive to the States. A State court decision requiring restoration of membership requires consideration of and judgment upon matters wholly outside the scope of the National Labor Relations Board's determination with reference to employer discrimination after union ouster from membership. The State court proceedings deal with arbitrariness and misconduct vis-a-vis the individual union members and the union; the Board proceeding, looking principally to the nexus between union action and employer discrimination, examines the ouster from membership in entirely different terms' (Isaacson, Labor Relations Law; Federal Versus State Jurisdiction (42 A. B. A. J. 415, 483)).

"The judgment is affirmed."

Mr. Justice Black took no part in the consideration or decision of this case.

Mr. Chief Justice Warren, with whom Mr. Justice Douglas joins, dissenting:

"By sustaining a State-court damage award against a labor organization for conduct that was subject to an unfair labor practice proceeding under the Federal Act, this Court sanctions a duplication and conflict of remedies to which I cannot assent. Such a disposition is contrary to the unanimous decision of this Court in *Garner* v. *Teamsters C. & H. Local Union* (346 U. S. 485):

"In Garner, we rejected an attempt to secure preventive relief under State law for conduct over which the Board has remedial authority. We held that the necessity for uniformity in the regulation of labor relations subject to the Federal act forbade recourse to potentially conflicting State remedies. The bases of that decision were clearly set forth:

" 'Congress evidently considered that centralized administration of specially designed procedures was necessary to obtain uniform application of its substantive rules and to avoid these diversities and conflicts likely to result from a variety of local procedures and attitudes toward labor controversies.[2]

" 'Further, even if we were to assume, with petitioners, that distinctly private rights were enforced by the State authorities, it does not follow that the State and Federal authorities may supplement each other in cases of this type. The conflict lies in remedies, not rights. The same picketing may injure both public and private rights. But when two separate remedies are brought to bear on the same activity, a conflict is imminent.'[3]

"The two subsequent opinions of this Court that have undertaken to restate the holding in Garner, one of them written by the author of today's marjority opinion, confirm its prohibition against duplication of remedies. *Weber* v. *Anheuser-Busch* (348 U. S. 468, 479);[4] *United Constr. Workers* v. *Laburnum*

Constr. Corp. (347 U. S. 656, 663, 665).[5] And if elucidating litigation was required to dispel the Delphic nature of that doctrine, the requisite concreteness has been adequately supplied. This Court has consistently turned back efforts to utilize State remedies for conduct subject to proceedings for relief under the Federal Act. *District Lodge 34, Int'l Assn. of Machinists* v. *L. P. Cavett Co.* (355 U. S. 39); *Local Union 429, Int'l Brotherhood of Electrical Workers* v. *Farnsworth & Chambers Co.* (353 U. S. 969); *Retail Clerks International Assn.* v. *J. J. Newberry Co.* (352 U. S. 987); *Pocatello Building & Constr. Trades Council* v. *C. H. Elle Constr. Co.* (352 U. S. 884); *Building Trades Council* v. *Kinard Constr. Co.* (346 U. S. 933). With the exception of cases allowing the State to exercise its police power to punish or prevent violence, *United A. A. & A. I. W.* v. *Wisconsin Employment Relations Board* (351 U. S. 266); *Youngdahl* v. *Rainfair, Inc.* (355 U. S. 131), the broad holding of Garner has never been impaired. Certainly *United Constr. Workers* v. *Laburnum Constr. Corp., supra,* did not have that effect. The Laburnum opinion carefully notes that the Federal act excludes conflicting State procedures, and emphasizes that 'Congress has neither provided nor suggested any substitute'[6] for the State relief there being sustained.[7]

"The principles declared in *Garner* v. *Teamsters C. & H. Local Union,* supra, were not the product of imperfect consideration or untried hypothesis. They comprise the fundamental doctrines that have guided this Court's preemption decisions for over a century. When Congress, acting in a field of dominant Federal interest as part of a comprehensive scheme of Federal regulation, confers rights and creates remedies with respect to certain conduct, it has expressed its judgment on the desirable scope of regulation, and State action to supplement it as conflicting, offensive, and invalid as State action in derogation. E. g., *Pennsylvania* v. *Nelson* (350 U. S. 497); *Missouri P. R. Co.* v. *Porter* (273 U. S. 341); *Houston* v. *Moore* (5 Wheat. 1, 21–23). This is as true of a State common-law right of action as it is of State regulatory legislation. *Texas & P. R. Co.* v. *Abilene Cotton Oil Co.* (204 U. S. 426). As recently as *Guss* v. *Utah Labor Relations Board* (353 U. S. 1) we had occasion to reemphasize the vitality of these preemption doctrines in a labor case where, due to NLRB inaction, the conduct involved was either subject to State regulation or it was wholly unregulated. We set aside a State-court remedial order directed at activity that had been the subject of unfair labor practice charges with the Board, declaring that: 'the [secession of jurisdiction] proviso to section 10 (a) is the exclusive means whereby States may be enabled to act concerning the matters which Congress has entrusted to the National Labor Relations Board.'[8]

"That the foregoing principles of preemption apply to the type of dispute involved in this case cannot be doubted. Comment hardly need be made upon the comprehensive nature of the Federal labor regulation in the Taft-Hartley Act. One of its declared purposes is 'to protect the rights of individual employees in thier relations with labor organizations whose activities affect commerce.'[9] The act deals with the very conduct involved in this case by declaring in section 8 (b) (2) that it shall be an unfair labor practice for a labor organization to cause or attempt to cause an employer to discriminate in regard to hire or tenure of employment against an employee who has been denied union membership on some ground other than failure to tender periodic dues.[10] The evidence disclosed the probability of a section 8 (b) (2) unfair practice in the union's refusal to dispatch Gonzales from its hiring hall after his expulsion from membership and his inability thereafter to obtain employment. If a causal relation between the nondispatch and the refusal to hire is an essential element of section 8 (b) (2),[11] there was ample evidence to satisfy that requirement. A few months after Gonzales' expulsion, the union signed a multiemployer collective-bargaining agreement with a hiring-hall provision. One witness testified that there was no material difference between hiring procedures before and after the date of that agreement.[12] There were other indications to the same effect.[13] In any event, since the uncontested facts disclose the probability of a section 8 (b) (2) unfair labor practice, the existence of the same must for preemption purposes be assumed. As we said in *Weber* v. *Anheuser-Busch* (supra, at 478), "The point is rather that the Board, and not the State court, is empowered to pass upon such issues in the first instance.'

"Assuming that the union conduct involved constituted a section 8 (b) (2) unfair labor practice,[14] the existence of a conflict of remedies in this case cannot be denied. Section 10 (c) of the act empowers the Board to redress such conduct by requiring the responsible party to reimburse the worker for the pay he has lost. Relying upon the identical conduct on which the Board would premise its backpay award,[15] the State court has required of the union precisely what the Board would require: that Gonzales be made whole for his lost wages. Such a duplication and conflict of remedies is the very thing this Court condemned in Garner.

"The further recovery of $2,500 damages for 'mental suffering, humiliation and distress' serves to aggravate the evil. When Congress proscribed union-inspired job discriminations and provided for a recovery of lost wages by the injured party, it created all the relief it thought necessary to accomplish its purpose. Any additional redress under State law for the same conduct cannot avoid disturbing this delicate balance of rights and remedies. The right of action for emotional disturbance, like the punitive recovery the plaintiff sought unsuccessfully in this case, is a particularly unwelcome addition to the scheme of Federal remedies because of the random nature of any assessment of damages. Without a reliable gage to which to relate their verdict, a jury may fix an amount in response to those 'local procedures and attitudes toward labor controversies' from which the Garner case sought to isolate national labor regulation. The prospect of such recoveries will inevitably exercise a regulatory effect on labor relations.

"The State and Federal courts that have considered the permissibility of damage actions for the victims of job discrimination lend their weight to the foregoing conclusion. While most sustain the State's power to reinstate members wrongfully ousted from the union, they are unanimous in denying the State's power to award damages for the employer discriminations that result from nonmembership.[16]

"The legislative history and structure of the Federal act lend further support to a conclusion of preemption. While section 8 (b) (2) and the other provisions defining unfair labor practices on the part of labor organizations were first introduced in the Taft-Hartley Act, similar conduct by an employer had been an unfair labor practice under section 8 (a) (3) of the Wagner Act. Committee reports dealing with that provision leave no doubt that the Congress was prescribing a complete code of Federal labor regulation that did not contemplate actions in the State court for the same conduct.

" 'The Board is empowered, according to the procedure provided in section 10, to prevent any person from engaging in any unfair labor practice listed in section 8 "affecting commerce," as that term is defined in section 2 (7). This power is vested exclusively in the Board and is not to be affected by any other means of adjustment or prevention.

" 'The most frequent form of affirmative action required in cases of this type is specifically provided for, i. e., the reinstatement of employees with or without back pay, as the circumstances dictate. No private right of action is contemplated.' [17]

"There is nothing in the Taft-Hartley amendments that detracts in the slightest from this unequivocal declaration that private rights of action are not contemplated within the scheme of remedies Congress has chosen to prescribe in the regulation of labor relations.[18] It is consistent with every indi-

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[5] "In the Garner case, Congress had provided a Federal administrative remedy, supplemented by judicial procedure for its enforcement, with which the State injunctive procedure conflicted. * * * The care we took in the Garner case to demonstrate the existing conflict between State and Federal administrative remedies in that case was, itself, a recognition that if no conflict had existed, the State procedure would have survived."

And see *Guss* v. *Utah Labor Relations Board* (353 U. S. 1, 6): "The National Act expressly deals with the conduct charged to appellant which was the basis of the State tribunals' actions. Therefore, if the National Board had not declined jurisdiction, State action would have been precluded by our decision in *Garner* v. *Teamsters Union.*"

[6] 347 U. S., at 663.

[7] Speaking of the Laburnum case in *Weber* v. *Anheuser-Busch* (348 U. S. 468, 477), the Court stated that "this Court sustained the State judgment on the theory that there was no compensatory relief under the Federal act and no Federal administrative relief with which the State remedy conflicted."

[8] 353 U. S. 8, at 9.

[9] 29 U. S. C., sec. 141.

[10] 29 U. S. C., sec. 158 (b) (2).

[11] But cf., *International Union of Operating Engineers, Local No. 12* (113 N. L. R. B. 655, 662–663, enforcement granted, 237 F. 2d, 670).

[12] Reply Brief for Petitioner, p. 4; R. 73–74, 134.

[13] The State appellate court concluded that "employers of the type of labor provided by members of the organization only hire through the union hiring hall" (142 Cal. App. 2d, at 214; 298 P. 2d, at 97). The opening statement for Gonzales in the trial court declared that "every time he applies for a job, he is told to go to the hall to get a clearance" (R. 36). Gonzales' testimony on that subject was excluded as hearsay (R. 60–61).

[14] It is unnecessary to consider whether a sec. 8 (b) (1) (A) violation was also involved.

[15] The cause of action under State law arose when the union denied Gonzales the benefits of membership by refusing dispatch. Subsequent employer refusals to hire merely established the damages. With the unfair labor practice, on the other hand, employer refusal or failure to hire is an essential element of the wrongful conduct. In either case Gonzales is required to prove the same union and employer conduct to qualify for compensation.

[16] *Born* v. *Laube* (213 F. 2d 407, rehearing denied, 214 F. 2d 349); *McNish* v. *American Brass Co.* (139 Conn. 44, 89 A. 2d 566); *Morse* v. *Local Union No. 1058 Carpenters and Joiners* (78 Idaho 405, 304 P. 2d 1097); *Sterling* v. *Local 438, Liberty Assn. of Steam and Power Pipe Fitters* (207 Md. 132, 113 A. 2d 389); *Real* v. *Curran* (285 App. Div. 552, 138 N. Y. S. 2d 809); *Mahoney* v. *Sailors Union of the Pacific* (45 Wn. 2d 453, 275 P. 2d 440).

[17] H. Rept. No. 1147 on S. 1958, 74th Cong., 1st sess., 23–24; H. Rept. No. 972 on S. 1958, 74th Cong., 1st sess., 21; H. Rept. No. 969 on H. R. 7978, 74th Cong., 1st sess., 21.

[18] The new act deleted the provision in sec. 10 (a) that the Board's power to pre-

cation of legislative intent. As the act originally passed the House, section 12 created a private right of action in favor of persons injured by certain unfair labor practices.[19] The Senate rejected that approach, and the section was deleted by the conference.

"Special considerations prompted adoption of a Senate amendment creating an action for damages sustained from one unfair labor practice, the secondary boycott.[20]

"Aside from the obvious argument that the express inclusion of one private action in the scheme of remedies provided by the act indicates that Congress did not contemplate others, the content of section 301 furnishes another distinguishing feature. The right of action is Federal in origin, assuring the uniformity of substantive law so essential to matters having an impact on national labor regulation.[21] The right of action that the majority sanctions here, on the other hand, is a creature of State law and may be expected to vary in content and effect according to the locality in which it is asserted. Free to operate as what Senator Taft characterized 'a tremendous deterrent' [22] to the unfair labor practice for which it gives compensation, this damage recovery constitutes a State-created and State-administered addition to the structure of national labor regulation that cannot claim even the virtue of uniformity.

"Since the majority's decision on the permissibility of a State-court damage award is at war with the policies of the Federal act and contrary to the decisions of this Court, it is not surprising that the bulk of its opinion is concerned with the comforting irrelevancy of the State's conceded power to reinstate the wrongfully expelled. But it will not do to assert that the 'possibility of conflict with Federal policy' is as 'remote' in the case of damages as with reinstatement. As we have seen, the Board has no power to order the restoration of union membership rights, while its power to require the payment of back pay is well recognized and often exercised. If a State court may duplicate the latter relief, and award exemplary or pain and suffering damages as well, employees will be deterred from resorting to the curative machinery of the Federal act. The majority apparently blinks at that result in order that the State court may 'fill out its remedy.' To avoid 'mutilat[ing]' the State equity court's conventional powers of relief, the majority reaches a decision that will frustrate the remedial pattern of the Federal Act. How different that is from *Guss* v. *Utah Labor Relations Board*, supra, where the remedial authority of a State was denied in its entirety because Congress had 'expressed its judgment in favor of uniformity.'

"The majority draws satisfaction from the fact that this was a suit for breach of contract, not an attempt to regulate or remedy union conduct designed to bring about an employer discrimination. But the presence or absence of preemption is a consequence of the effect of State action on the aims of Federal legislation, not a game that is played with labels or an exercise in artful pleading. In a preemption case decided upon what now seem to be discarded principles,[23] the author of today's majority opinion declared: 'Controlling and therefore superseding Federal power cannot be curtailed by the State even though the ground of intervention be different than that on which Federal supremacy has been exercised.' *Weber* v. *Anheuser-Busch* (*supra*, at 480). I would adhere to the view of preemption expressed by that case and by *Garner* v. *Teamsters C. &. H. Local Union*, *supra*, and reverse the judgment below."

vent unfair labor practices was "exclusive," but the committee report made abundantly clear that the deletion was only made to avoid conflict with the new provisions authorizing a federal-court injunction against unfair labor practices (sections 10 (j) and (1), 29 U. S. C. sec. 160 (j) and (l), and the provision making unions suable in the Federal courts (sec. 301, 29 U. S. C. sec. 185). H. Conference Rept. No. 510, on H. R. 3020, 80th Cong., 1st sess., 52. *Amazon Cotton Mill Co.* v. *Textile Workers Union* (167 F. 2d 183.

[19] H. R. 3020, 80th Cong., 1st sess.; H. Rept. No. 245 on H. R. 3020, 80th Cong., 1st sess., 43–44.

[20] Sec. 303, Labor Management Relations Act of 1947 (29 U. S. C. sec. 187). An examination of the committee reports and debates concerning this provision reveals that the additional relief was a product of Congressional concern that, for this type of conduct, the Board's ordinary cease-and-desist order was "a weak and uncertain remedy." Corrective action was entirely in the discretion of the Board, and the delay involved in setting its processes in motion could work a great hardship on the victims of the boycott. S. Rept. No. 105 on S. 1126, supplemental views, 80th Cong., 1st sess., 54–55; 93 CONGRESSIONAL RECORD 5038–5040. The Senate rejected a proposal for injunctive relief in the State courts (93 CONGRESSIONAL RECORD 5049), but created this Federal right of action for damages. Senator Taft, the author of the amendment, voiced its two objectives: it would effect restitution for the injured parties (93 CONGRESSIONAL RECORD 5046, 5060), and "the threat of a suit for damages is a tremendous deterrent to the institution of secondary boycotts and jurisdictional strikes" (93 CONGRESSIONAL RECORD 5060).

[21] "By this provision [sec. 303], the act assures uniformity, otherwise lacking in rights of recovery in the State courts" (*United Constr. Workers* v. *Laburnum Constr. Corp.* (347 U. S. 656, 665–666)).

[22] 93 CONGRESSIONAL RECORD 5060.

[23] Compare the characterization of the Laburnum case in *Weber* v. *Anheuser-Busch*, *supra*, with the proportions that case has assumed in today's decision. Then: "*United Constr. Workers* v. *Laburnum Constr. Corp.* (347 U. S. 656) was an action for damages based on violent conduct, which the State court found to be a common-law tort. While assuming that an unfair labor practice under the Taft-Hartley Act was involved, this Court sustained the State judgment on the theory that there was no compensatory relief under the Federal act and no Federal administrative relief with which the State remedy conflicted" (348 U. S., at 477). Now: "If, as we held in the Laburnum case, certain State causes of action sounding in tort are not displaced simply because there may be an argumentative coincidence in the fact adducible in the tort action and a plausible proceeding before the National Labor Relations Board, a State remedy for breach of contract also ought not be displaced by such evidentiary coincidence when the possibility of conflict with Federal policy is similarly remote."

THE COMMUNITY FACILITIES ACT OF 1958

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. HIESTAND] is recognized for 30 minutes.

Mr. HIESTAND. Mr. Speaker, the Community Facilities Act of 1958 is another in a long line of so-called anti-recessionary measures introduced in this Congress. It offers boundless opportunity for taxing and taxing, spending and spending, and thus is a joy to the hearts of big government promoters of New Deal and Fair Deal vintage. By the same token, it is an insult to the intelligence of those of us who advocate fiscal responsibility in Government.

The bill would provide $2,000 million Federal funds for the purchase of bonds or for loan to city and local governments, for use in construction of public works and public facilities.

The money is to be put up, "at the request of the municipality or other political subdivision," when it is not otherwise available on equally favorable terms. Under the interest rate formula written into the law, it is hardly likely that funds would ever be available "on equally favorable terms." Therefore, if this law is passed, we can anticipate the shifting of this type of financing from private investment channels, in which money is now plentiful, to the Federal bureaucracy, operating deep in the red. There is no State or community which is not more sound, financially, than your Federal Government.

In addition, the Federal Government is borrowing money eevry day at interest rates higher than would be charged under this act. When money is loaned out by the Government at less than its borrowing rate, the citizens of your district pay the difference.

On the record, the municipal financing phase of our free enterprise system is working well. It is a bright spot in the present economic picture. Clearly, Federal intervention on the massive, broad scale proposed in this bill, is not justified.

In fact, I cannot see that the substitution of Federal for private financing would in itself create any new jobs at any time.

Aside from the financial aspects of this scheme, which are irresponsible, it is another nail in the coffin of free enterprise.

Philosophers have long since discovered that when you put up the money for something, you just automatically have (and we are responsible to have) a big say-so on how it's spent. And, pretty soon, it gets to be like owning what it is spent for. In this case, "what it is spent for" can include repair, construction and improvement of parking lots, hospitals, health centers, police and fire protection, sidewalks, parkways, highways, bridges, parks, recreational facilities, refuse and garbage disposal facilities, sewage, water, and sanitary facilities. Sandwiched in the midst of all this, you will find the neat little phrase "and other public facilities," namely, schools, offices, timber conservation, and public utilities, without regard to existing or competing facilities. Thus, nothing is really excluded. It is not exclusive.

Backers of the community facilities bill claim as its primary purpose, "to stimulate our lagging economy." This is panic-button politics at its worst. As an anti-recessionary measure, if one is to concede there is a recession, it is a dud.

The unemployment problem is not in the construction industry. Seasonally adjusted figures compiled by the Department of Commerce show nonresidential building to be off less than 1 percent, while public works construction has actually increased. No new employment could result from this act for at least 18 months, if ever, and then not in the areas

of unemployment. Presently shrinking unemployment very probably will have disappeared a year and half from now. We almost surely will be fighting inflation and increased cost-of-living harder than ever.

Finally, the way this bill is written, it would encourage municipal projects of a marginal character by giving priority to jobs which could not easily be financed through regular investment channels. This puts a premium on poor projects. It is a wide open invitation to pork-barrel politics on the part of local government officials. Even now, the very existence of the Community Facilities Act of 1958, as a proposal, has caused communities throughout the country to defer their projects, in anticipation of a Federal handout at a later date.

Mr. Speaker, to go into some of the details we might dwell briefly upon this as an alleged antirecessionary motive. We have said it is ineffective for 18 months to 2 years and that it is for construction only, in which there is virtually no unemployment. Added to that, major projects such as are proposed may be located in all other areas than where unemployment is the rule.

Mr. HOSMER. Mr. Speaker, will the gentleman yield?

Mr. HIESTAND. I yield to the gentleman from California.

Mr. HOSMER. Possibly the unemployment aspects of the bill have to do with hiring thousands of bureaucrats to administer it if it is passed. Has that been considered?

Mr. HIESTAND. I thank the gentleman. I had not considered it, but I think the gentleman has made a valuable contribution. I do not know that we need to go into that in detail, but the very fact that these large public projects can have very little effect on the present unemployment is due to the fact that construction cannot possibly be started for 18 months or more.

We have said also that this is unnecessary and unwarranted Federal spending. I have a little memorandum of some of the investments that have been successful in the last several years. For the past 5 years more than $30 billion worth of new State and municipal bonds have been sold in the private investment market; $6.9 billion of financing in 1957 came within one-tenth of 1 percent of setting a new alltime record. There are plenty of private funds available. In the first 4 months of 1958 sales of new State and municipal bonds in the private investment market totaled $2.9 billion. This is a new alltime high for such sales in the first 4 months of any year and represents a 17½ percent gain over the first 4 months of 1957.

Mr. VURSELL. Mr. Speaker, will the gentleman yield?

Mr. HIESTAND. I yield to the gentleman from Illinois.

Mr. VURSELL. Is it not a fact that if this $2-billion boondoggling loan is finally passed by this House and this Congress it will have the effect of absolutely driving out ready capital, private capital; driving it out and substituting Federal capital, with more concentration of power and more socialism in our economic structure?

Mr. HIESTAND. The gentleman has put his finger on the most important part of this whole thing.

Mr. VURSELL. Now, is it not further a fact that the debt limit at present is about $280 billion and the debt is about $276 billion? There is a cushion of about $4 billion, and we know that the Secretary of the Treasury has been calling for elbowroom of at least $4 billion coverage. And yet this committee of which the gentleman is a member will consider adding $2 billion of funds, which they do not have, which they would have to borrow from the public, to get which they would have to sell bonds to the public, which would force another increase in the national debt.

Mr. HIESTAND. I thank the gentleman. I think every Member should realize that he is going to be asked to raise the debt limit at this session, and he should have that in mind every time he votes for such tremendous and unjustified expenditures as this one.

I quote from a letter from a chamber of commerce:

> We view with real concern any general program which, through the lure of Federal financing, influences local governments to go to Washington for money to finance local public works, thus bypassing local citizen control through the submission of capital improvement programs to the electorate. Should such a large loan fund be established as is proposed, local governments will be quick to run to the Central Government for financial aid rather than to take the hard course of justifying local improvements to the people. Moreover, as hard pressed as are our State and local governments for revenue, they are still in a much more solvent condition than is the debt-ridden Federal Government.
>
> We believe in the traditional principle, borne of long experience, that those who decide on expenditure policies should bear the political responsibility for raising the necessary funds. More than dollars alone are involved in a massive loan program such as is proposed—with all the extravagance that it would encourage. These "costs" include the weakening of local government and the surrender of local determination upon which sound finance is based, together with an erosion of a sense of responsibility for local problems, all of which reduces the opportunity for citizens to govern themselves.

Mind you, Mr. Speaker, this comes from a chamber of commerce, and we know that chambers of commerce have been notable in the past for asking for projects. They are now changing, they are coming to their senses. I certainly appreciate that attitude.

There are no more jobs with financed public funds than now—privately financed at the local level.

As the gentleman from Illinois would say, this bill would force financing from private to Federal funds; that is it in a nutshell.

Then there is this question of a 50-year wide-open limit, together with a moratorium, which is granted either for the first 2 years or the last 2 years at the borrower's request. That is, the lender does not have anything to say about it. The borrower decides whether there will be a moratorium extending it to 52 years. That is hardly sound financing.

Another part of the measure states that $400 million of this fund shall be a revolving fund. Mr. Speaker, just how much can a 50-year loan, taken up to the limit, revolve and turn its funds back into the Federal Treasury for other loaning? I suggest, Mr. Chairman, that this is unsound in every way.

Mr. VURSELL. Mr. Speaker, will the gentleman yield further?

Mr. HIESTAND. I am happy to yield.

Mr. VURSELL. Is it not a fact that those who would have to administer this act, if it is passed, have testified before the committee that they do not need this money; that they have a facility loan program; that it is taking care of the needs of the small communities of the country and doing a very good job; that they are entirely satisfied? And the Housing Administration, Mr. Cole, and others, are now in a position where the Congress proposed to force another $2 billion of spending money on them, that they are going to have to go out and borrow? And is it not a further fact that while there may be some cases made out for small facility loans, this is going to put the country in a position where the big cities, the medium-size cities, and everyone else, will come in and take up the money for which there might be some need under the present facility loan program that is being operated in the interest of small communities which need such improvements as waterworks, sewerage, and so forth?

Mr. HIESTAND. The gentleman is essentially correct. It is a fact that there is no limit to any given project under this bill. The only limitation is a maximum of 10 percent for any one State. There is no limit to any project. Where is the attention and the care that is presently being exhibited by the public facilities division of the Housing and Home Finance Corporation for small projects? Where is that going to go? It is obvious it is going to go down the drain in behalf of the big ones.

I have not dwelt enough on this matter of the 25 specific public facilities. I listed them, but it excludes none. It has no regard for existing facilities. Competition with utility companies or publicly owned utilities can be included. Public housing is not excluded. Loans to public housing are perfectly eligible. Whereas the committee stated that school construction was not specifically included, it is not excluded, and that is important.

I have here a wire from the Port Authority at New York City which I quote in part:

> This bill if enacted would authorize Federal financing in totally new field, viz., marine terminals, and would authorize such financing over terms up to 52 years and at very low interest rates, without regard to the competitive impact on such new facilities on already existing installations which were constructed with capital funds heretofore obtained at prevailing interest rates for operation on a self-sustaining basis.

When a public authority of that kind would take a position opposed to such a bill, it must be very, very bad.

Mr. VURSELL. If the gentleman will yield further, can he think of anything that is less needed, and more inflationary than this proposed $2 billion loan?

Mr. HIESTAND. I think that is a very, very important question. What is there less needed and more inflationary?

Mr. McVEY. Mr. Speaker, will the gentleman yield?

Mr. HIESTAND. I yield to the gentleman from Illinois.

Mr. McVEY. The gentleman has given many objections to the public facilities bill. I think one of the most important is the fact that we raise the debt limit by $2 billion. There are many other objections, I know. But when we raise our debt limit by $2 billion we are encouraging inflation. Inflation has a great deal to do with the fall of the dollar. Is it not true that in the course of time we will do more damage in that respect than the good we will do in the matter of loaning money for public facilities?

Mr. HIESTAND. I thank the gentleman. He is essentially correct.

There is an added thought right along that line. In 50 years, how much is the dollar going to be worth as compared with today's dollar? In the last 25 years it has shrunk 50 percent. How are we going to attempt to get the purchasing power back as these loans of that length are being paid? It is a very thought-provoking question.

Mr. HENDERSON. Mr. Speaker, will the gentleman yield?

Mr. HIESTAND. I yield to the gentleman from Ohio.

Mr. HENDERSON. Is it not true that there are abundant private funds for the purposes set forth in this bill?

Mr. HIESTAND. Absolutely. Just under $3 billion of private funds were available in the first 4 months of this year, and there is plenty of money now available for such purpose for any sound loan.

Mr. VURSELL. If the gentleman will yield further, the private funds are at a low interest rate and are very accessible now and abundant. Is that not correct?

Mr. HIESTAND. That is correct.

Mr. NEAL. Mr. Speaker, will the gentleman yield?

Mr. HIESTAND. I yield to the gentleman from West Virginia, Dr. NEAL.

Mr. NEAL. Does not the gentleman feel that over the years since the Congress has authorized projects of this kind, similar to it, though perhaps not in the same degree, these projects have accumulated to the point now where, with the interest on the public debt and such things as the expense of keeping up the veterans' obligations, they amount to approximately $20 billion?

Mr. HIESTAND. That is right.

Mr. NEAL. In other words, little by little we have added that much to the basic amount of money which the Committee on Ways and Means must first take into consideration before they attempt to set any sort of budget or to fix any sort of tax rates. Of course, projects of this kind not only this year, but year after year, accumulate from time to time and after a while there is no telling where the annual mandatory expenses of the Government will reach. I understand that this $20 billion of mandatory expenses that we are now faced with is, perhaps, at least 20 times as much as was spent during the 4 years of the presidency of President William Howard Taft. It seems to me, if we look upon measures of this kind in that light and realize what it is leading us to in the way of financial involvement, any sensible man and any sensible Member of Congress must realize after all that if we are not here to represent fundamental concepts of Government, we had better forget it all because when we adopt and approve such measures as this one, it seems to me we are losing all sense of financial responsibility.

Mr. HIESTAND. I thank the gentleman very much. He has well expressed a very important point. One other very important point, however, that I have not had a chance to touch upon. Mainly, this is an authorization to expend from the public debt receipts. Very important is the provision that this $2 billion is authorized as a direct drain on the Treasury without subsequent Congressional appropriations. It now looks as if the current year's deficit will approximate $3 billion, and the Congress has voted enough other projects to make next year's deficit approximately $10 billion. Here we would add another $2 billion without Congressional appropriations. This whole subject of voting away our constitutional control of expenditures is getting more and more serious. I find that up to last year the Congress has authorized drafts from the Treasury of over $143 billion prior to this fiscal year authorizing agencies and departments to draw from the Treasury without specific Congressional appropriations. They are in the shape of loans supposedly, but you and I know what happens to some of these long, drawn-out loans. Here we are again completely losing control in voting away Congressional responsibility which is clearly ours under the Constitution. Incidentally, this bill was passed by the Senate before authorization by the House in which all money bills must legally originate.

Mr. HENDERSON. Mr. Speaker, will the gentleman yield?

Mr. HIESTAND. I yield.

Mr. HENDERSON. Mr. Speaker, would the gentleman explain to the membership just how it is possible to bypass the Congress so that authorization for expenditures is not necessary? I think that is highly significant.

Mr. HIESTAND. I thank the gentleman for his request. The procedure to authorize loans or authorize funded expenditures other than direct expense appropriations, once those are authorized, they do not need to go through the Committee on Appropriations. That has been going on for a number of years. But, in recent years it has taken on a frightening aspect. That total of $143 billion can be documented. In addition to that, we started the year with authorized drawing power on the Treasury without appropriations of over $19 billion.

As of May 31, 1958, there were unused authorizations of nearly $26 billion which can be drawn right out of the Treasury without appropriation.

Mr. McDONOUGH. Mr Speaker, will the gentleman yield?

Mr. HIESTAND. I yield to the gentleman from California.

Mr. McDONOUGH. Mr. Speaker, I want to compliment the gentleman for his observations on these very vital fiscal responsibilities of the Nation. He has been, I would say, as close a student of this particular question as any Member of the House. I know personally of the hours of time he has spent in making a study of the fiscal responsibilities that we are assuming without much thought as to what effect it will have on the future economy of the country.

My colleague from California has the background of previous business experience that stands him in good stead in discussing a matter of this kind, and he has had the response from the people of his district for his observation of these things that I think are very vital.

But one particular problem that is coming to Congress soon out of the Committee on Banking and Currency is this additional $2 billion for community facilities providing for 50-year loans amounting to some $2 billion. Of course, there is the feeling that this money will be repaid with interest, but it is very possible that as much as a billion dollars of that money can be outstanding and the interest on it lagging. But it is said that there is authority on the part of the Federal Government to go into a State, a county, or a city and tell them they have to pay their debt. I do not know of any example in the past where we have ever exercised that kind of authority with States, cities, or counties. This is a matter the gentleman has discussed, and I want to compliment him for the fine exposition of these things he has made.

Mr. HIESTAND. I thank the gentleman most sincerely. He is doing an able job representing his district and the country as a whole. I appreciate his kind references.

In response to his final suggestion I think we may all agree that quite contrary to the idea of the Federal Government cracking down on an overdue loan to governmental entities, it has been the custom for many years to forgive a loan that is in default to a community that is in difficulty.

Now, as to this fiscal responsibility, on June 3, the Treasury offered a $1 billion new money issue of 27-year bonds bearing a 3¼ percent interest coupon. One day later this bill was reported with a loan interest rate formula under which Federal funds would be used to buy $2 billion of 50-year municipal bonds with an interest rate at present of only 2⅝ percent. That loan rate is too low. If costs of administration are added to the loss resulting from the differential between borrowing and lending rates it is apparent the Federal Government would be losing about 1 percent per year on every long-term dollar borrowed and reloaned under the program. No municipality would conduct its own financial affairs on such an unsound basis and no municipality should expect the Federal Government to do so.

Remember, we are going to have to raise the Federal debt limit, and bills like this are part of the reason why.

Can Members face their constituents on this very, very important matter?

Now, then, there is this other thought. When you look at the amount involved it is stated at $2 billion. Can we conceivably cut off at that amount when it is used up? Has it not been the history of this House over the years, and especially this particular year, that we would grant increases whenever it is needed?

What is the limit? Can we discriminate against municipalities that are late in applying? This, then, opens the door of the Treasury and wedges it open for keeps. Once started, we shall never be able to close it.

A further question is whether these are actually loans or handouts since we have established something of a precedent of forgiving debts. If this bill is passed we are going to have hundreds and hundreds of handouts from the United States Treasury. We are likely to have pressure turned on to write off these obligations. What would each Member of this House do if several communities in his own district got behind any such movement?

Mr. Speaker, this, in my judgment, is the worst measure offered so far this year, and it should be defeated.

INFORMATION ABOUT THE FLAG OF THE UNITED STATES IN RELATION TO ADMITTING ALASKA AS THE 49TH STATE

The SPEAKER pro tempore (Mrs. BLITCH). Under previous order of the House, the gentleman from Washington [Mr. PELLY] is recognized for 10 minutes.

Mr. PELLY. Mr. Speaker, in order to provide my constituents with accurate details regarding the flag of the United States and the proper procedure to be followed in line with the admission of a new State, I have consulted with the Legislative Reference Service of the Library of Congress and likewise with the Office of the Quartermaster General of the Army.

Now that President Eisenhower has signed into law the enabling legislation to admit Alaska into the Union, it is essential to give the public authentic information and, accordingly, I quote Public Law 829, chapter 806, section 4 (j), 77th Congress, 2d session, December 22, 1942, as to the disposition of old American flags:

> The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning.

Mr. Speaker, the Library of Congress informs me that many people have asked what they should do with their old 48-star flags when Alaska becomes a State and is admitted to the Union. The answer is quite simple: They may retain their 48-star flags and fly them at will. It is permissible to fly a flag with 13 stars, provided that flag was once the recognized flag of our Nation. Executive Order 2390 of May 29, 1916, stipulated that—

> All national flags and union jacks now on hand or for which contracts have been awarded shall be continued in use until unserviceable, but all those manufactured or purchased for Government use after the date of this order shall conform strictly to the dimensions and proportions herein prescribed.

This applied only to flags used by the executive departments.

The Office of the Quartermaster General of the Department of the Army is responsible for the design of the flag of the United States, and not since April 4, 1818, has Congress taken any action toward the design of the flag of the United States.

Actually, I am told there is no legally appointed authority to redesign the flag. The Office of the Quartermaster General of the Army has a Heraldic Branch which designs medals, placques, flags, and so forth, for the Army. Since this is the largest heraldic office in Government, the various recommendations of the public in regard to redesigning the flag—letters and drawings, and so forth—have been turned over to the Quartermaster's Office to be kept on file until the Congress or the President names an agency or group to redesign the flag.

Redesigning the flag will require action either by Congress or the White House to decide how it will be done. Records indicate the last time it was done was by a board headed by Admiral Dewey in 1912 when Arizona and New Mexico were admitted. The Board reported through the Secretary of the Navy and the Secretary of War to the White House. There is no record of how the Board was named, but since it reported to the White House it is assumed that the Board was named by the President.

There is no indication at the present time how the agency or group to redesign the flag will be named. However, in the public interest and to assist the business establishments who manufacture and distribute and otherwise deal in United States flags, it is desirable that a new design be promptly approved and in this connection I have written President Eisenhower urging that forthwith and with all due speed he name a nonsalaried board of patriotic public citizens to redesign our flag. At this late date in the session, I do not think it wise for Congress to undertake this responsibility which according to precedent since 1818 has become an Executive function.

Mr. Speaker, it occurs to me that it would be appropriate if both former President Hoover and President Truman were members of such a board and also various veterans and patriotic societies should be represented.

TALK ABOUT INFLUENCE

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. WESTLAND] may extend his 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. WESTLAND. Mr. Speaker, recently there has been a lot of talk about influencing some of the branches of our Government. I would like to say right here and now that I have been doing my best to influence one of our agencies on behalf of some constituents of mine.

The Bureau I have been trying to influence is the Internal Revenue Service and the constituents are a group known as the Northwest Memorial Hospital Association.

This association was formed in 1950 by a group of civic-minded citizens for the purpose of constructing a charitable or nonprofit hospital in an area of north Seattle presently located in my district. These people personally pledged themselves and bought a piece of property in the north section of Seattle consisting of 35 acres for $35,000. Due to the rapid expansion of Seattle and consequent increases in real-estate values, this property is now worth in the neighborhood of $176,600 and was actually professionally appraised in April for this amount. This group then tried soliciting for funds to build the hospital estimated to cost $2,452,000, part of the cost to be financed by Hill-Burton funds. However, this attempt failed, and realizing the enormity of the task, they sought other methods by which they could raise these funds. Since the American Legion in Seattle, Wash., and the Bremerton General Hospital had successfully used a national crossword puzzle contest, it was decided to try this method. Again, these people personally guaranteed the funds necessary to start this contest. Three attempts were made and the end result was the realization of $650,000. Now with the land, valued at $176,000, and $725,909.73 in cash and pledges, they felt that they were finally in a position to build the hospital with the help of Hill-Burton funds.

Now I am advised that Hill-Burton funds in the amount of $465,000 have been allocated by the State director for this worthy project. Now you would think that everything was O. K. and a greatly needed hospital would finally be built.

But, oh, no—you know what? Now comes the IRS and says, "You owe me $300,000 out of that $650,000 you received from the crossword-puzzle contest." Why? Because it was an unrelated business and therefore subject to 52 percent tax. Profit motive? No. Any of these people get any money out of it. No. But it was unrelated.

Now it seems to me to be apparent that before you can build a nonprofit charitable hospital, you have first got to have some money—so go out and try to raise it. No hiding what it is for or anything like that—on the contrary, it is out front for all to see.

But you know what they say? It is unrelated.

Further, they say if you had built half the hospital and run out of funds, then it would be O. K. How about if you had just dug the basement and then run out of money? This association of people had cleared the land in preparation for the hospital, had plans and specs drawn, had studied hospitals in other locations in order to get the best plans. It is unrelated.

Well, just let me say this. In my opinion, it is completely unrelated for one

agency of the Federal Government to take away with one hand, and on the other hand for the same specific purpose to give.

Influence? I wish I had more, for if I did I would use it to correct what I believe is wrong.

SHALL WE CUT THE FARMERS' INCOME IN HALF?

Mr. JOHNSON. 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 Wisconsin?

There was no objection.

Mr. JOHNSON. Mr. Speaker, I was disappointed last week when this House refused to take time to debate, consider, and pass on a proposal of our Committee on Agriculture that would have improved the existing farm program in many significant respects. I know our action was taken in the shadow of the Presidential veto earlier this year and under the threat of a veto of the proposal that was up for consideration last week.

To accept defeat of our efforts to improve the farm program is disappointing enough. But now a real threat to the future of the family farm has come to life in the other branch of the Congress.

Because I feel this development may have escaped the attention of my colleagues in the House, I wish to urge their study of the deeper long-term implications of the price support bill that has been reported to the Senate. This bill contains the most conservative and backward-looking proposals relating to farm income protection of any advanced in the Congress in more than 30 years. I am convinced that if they are put into effect, farm incomes will be cut in half. Shall we cut the farmer's income in half? That is the question I hope you will keep in mind as you consider the rest of my remarks.

The Senate Agriculture Committee bill proposes to turn back the clock to the time when the Federal Government was completely callous to the economic distress of farmers that results from their lack of bargaining power in the market. The Senate bill contains proposals that if placed into effect would turn farmers back to the same economic conditions that lead to the great depression of 1930 to 1932. To enact the bill now before the Senate would be the same treatment for farmers as if this Congress repealed the minimum wage law and the protections of collective bargaining the labor relations acts would be for labor. To return farmers to the completely free market, as the long range provisions of the Senate bill do, would be like repealing the limited liability law protecting corporations.

The new bill abandons the entire concept of parity on which our farm programs have been based for nearly 30 years. Instead of parity as the measuring stick of fair farm prices, the proposal before the Senate establishes 10 percent below the market price as the support level for cotton, rice, corn, and other feed grains. To add insult to injury, the proposal is worded in slick Madison Avenue terms of supports at 90 percent of the average market price for the preceding 3 years instead of more honestly stating supports would be at 10 percent less than the 3-year average market price. By such devious means do they seek to trap the support of the unwary friend of the farmer who legitimately endorses 90 percent of parity as a worthwhile goal and fails to note this is 90 percent not of parity, but of the average market price for the preceding 3 years.

Beginning in 1959 this cutrate standard would be applied to corn and the feed grains, and application of the standard to rice and cotton would be delayed for only 2 years.

When asked reasons for this delay, the proponents of this proposal told our House Agriculture Committee that rice and cotton producers are not yet ready to accept the free-market support level. But with 2 years of additional education and propaganda, they could probably be brought to accept supports based upon a standard 10 percent below the average market price in the preceding 3 years, we were told.

As important as are the price support cuts included in the bill before the Senate, even more important is the fact that the bill makes a complete reverse in the fundamental principles of the farm program.

The Senate bill does not contain any provisions for the dairy program. Maybe we are fortunate that it does not, if the major purpose of the bill is to weaken and largely destroy the fundamental basis for the program.

However, even though the backward proposals embodied in the bill are not applied to milk and dairy products, we can be sure if this proposal is adopted for such important commodities as cotton, corn, and rice that sooner or later it will become economically and politically impossible not to apply the same reactionary program to milk and dairy products.

Application of the Senate bill formula to manufacturing milk and butterfat, that is supports at 10 percent below the average market prices of the previous 3 years, would mean that the price supports and market prices of manufacturing milk and butterfat would be allowed to drop rather sharply over the next few years to the free market clearing level. Farmers would be prevented from using marketing quotas or any other self-help machinery to bring market supplies into reasonable balance with demand. The Senate bill abolishes the corn supply management completely and seriously weakens the programs for both rice and cotton.

Applying these same principles to manufacturing milk and butterfat, as they sooner or later would be applied, would mean that the price of butterfat would be allowed by the Federal Government through its price support program to drop to the oleomargarine price. The support level would float down 10 percent from the moving average market price each year until it rested 10 percent below the wholesale market price of oleomargarine. This would be a drop from current supports of 56.8 cents per pound to not more than 18 cents per pound. Similarly the price of milk used for manufacturing in the United States would drop to a level at which United States dairy products would sell in European markets at a lower price than dairy products from other exporting countries minus the freight charge required to get our products to Europe.

Mr. Speaker, I do not mean to be an alarmist, I have not publicly attacked the 10 percent below market support theory as long as it was not being seriously considered by responsible groups in the Congress. But now that this ultra-conservative proposal has been given the stature of approval for major commodities by the Senate Committee on Agriculture, I feel that I can no longer be silent. I feel that I have a responsibility to my colleagues in the House and to the dairy farmers in my District and State to alert them to the long-term implications involved in the Senate bill. I hope, of course, that the bill will be amended and improved on the Senate floor. I hope the Senate refuses to follow this backward movement to put farmers on the unprotected free market. I am hoping the House will not be called upon to take action on this bill.

As attractive as temporary increases in rice, cotton, and corn acreages may seem in the shadow and threat of a veto, we should not be led to take action which would in significant ways completely destroy all basic vestiges of the Federal farm income protection programs.

The Federal farm program over the past 4 years, as grievously as it has been weakened by the administration, still accounted for 44 percent of total national farm family operating net income in 1955. If these programs are destroyed by eliminating their parity base and return to the unprotected free market, we can expect a national average farm family income below $1,200 per year instead of the $2,400 per year under existing programs. We should be moving toward enabling farmers to earn and receive incomes something closer to the national average non-farm income of nearly $6,000 per year per family. Certainly we should not act consciously to approve legislation with built-in economic and political time bombs that will further reduce farm income by 50 percent.

UNITED STATES NAVY'S BARRIER WARNING SYSTEM

Mr. HOSMER. 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. HOSMER. Mr. Speaker, from Alaska far out into the Pacific Ocean and from Newfoundland more than a 1,000 miles out into the Atlantic stretch a pair of imaginary lines never shown on any commercial map, but nevertheless as realistic as today's H-bombs. Termed the Pacific Barrier and the Atlantic Barrier, respectively, these two lines serve as mammoth radar screens

with just one objective: to prevent a surprise attack on the coastal cities of North America.

They are patrolled constantly by the Navy's huge, radar-equipped Super Constellation aircraft and its versatile radar picket ships. Together with the Air Force's Distant Early Warning Line, the two oceanic radar barriers complete a protective detection shield that circles from islands in the mid-Pacific across the northern perimeter of Canada and down to the general vicinity of the Azores Islands in the Atlantic.

The mere presence of this endless marathon of vigilance acts as a deterrent against hostile forces by eliminating from any planned attack the element of surprise. Furthermore, unlike the fixed DEW line, the two oceanic barriers, manned by mobile units, can be moved at any time in any direction to keep a potential agressor guessing as to their whereabouts.

The sailors who fly the aircraft and sail the picket ships maintaining this network of radar, scanning constantly the air and sealanes of the two greatest oceans on earth are among the most extensively trained men in the United States Navy. The undisclosed number of planes and ships which continually patrol these two radar webs contain some of the most complex electronics apparatus designed to date.

Commanding the Atlantic extension of the barrier from headquarters at the United States Naval Station, Argentia, Newfoundland, is a friendly, capable 46-year-old Paterson, N. J., naval officer, Capt. Paul Masterton, United States Navy. Masterton's mobile seaborne and airborne radar network stretches from Newfoundland far southeast toward the Azores Islands. His aircraft have been on patrol in the air, and his ships have been on station at sea constantly for over 2 years. Nothing but the worst of arctic weather moves them even for a moment from strict and carefully calculated schedules.

Typical of the dedicated officers and men who carry out the difficult work of Masterton's Airborne Early Warning Wing is Capt. Robert C. Lefever, United States Navy, commanding officer of Airborne Early Warning Squadron 11, at Argentia. A Whittier, Calif. native, Lefever has worn the gold wings of a naval aviator almost 20 years. A 1937 graduate of the University of Southern California and former All-American football player, Captain Lefever's job now is the prevention of another such surprise attack upon America as he experienced at Pearl Harbor, December 7, 1941.

His squadron, as do all others in the difficult airborne early warning business, flies Radar Super Constellation, or WV–2s in Navy terminology, each containing a labyrinth of electronics gear weighing more than 6 tons. Even in sub-zero winter temperatures, the WV–2's cabin must be air-conditioned to offset the heating effect of all the electronics equipment it contains.

From the antennas on these planes the searching radar beams probe outward to sweep 45,000 square miles every revolution.

When a "bogey," or unidentified flying object, shows up on the radar scopes inside the aircraft's Combat Information Center, it is rapidly evaluated and plotted. The trained technicians at the radar consoles quickly calculate the bogey's speed, altitude, bearing, and exact position.

This data is then immediately relayed to one of the pair of operational control centers on each coast. In the Pacific these centers are located at Hawaii and Adak, Alaska; in the Atlantic, at Norfolk, Va., and Argentia, Newfoundland, which is the western anchor of the Atlantic barrier.

There in these nerve centers the information is compared with flight plans and position reports of friendly aircraft known to be crossing the barriers. If the radar contact cannot be identified by the operational control centers, then the Nation's defense system is promptly alerted.

The entire chain of action, from first contact with a bogey to the possible alerting of NORAD interceptor forces, requires only a handful of minutes.

In addition to the latest radar equipment, both the planes and the ships are furnished with complex electronics countermeasures apparatus, more commonly referred to as ECM. These ECM instruments can detect radar and other electronic signals and even locate the source of the signals. But beyond that basic description of ECM operations, the Navy is keeping silent for security reasons.

Flying with the WV–2's crew on each roundtrip over the barriers are a pair of highly trained electronics maintenance technicians who can accomplish in flight more than 60 percent of all radar repair work required. From the cabin they have access to both the 7½-foot radar fin protruding above the long, bony Super Constellation fuselage and the pot-bellied radar dome hanging below it.

In the cockpit of the 70-ton WV–2 the pilot is also equipped to combat almost any mechanical emergency. For instance, the flight engineer who serves as his right-hand man could determine for him within seconds which one of the 144 spark plugs in the 4 engines was misfiring, if such would be the case.

To keep its radar sentries in the sky, the barrier patrol has achieved the unique position of being practically the only air operation in the world that flies regardless of weather conditions. In Newfoundland winds can and do reach 100 knots. Snow may reduce visibility to almost nil. But the chain of barrier flights must remain unbroken to provide maximum surveillance of the early warning barriers.

One copilot sums up the weather situation bluntly: "If we can taxi, we fly."

Even better equipped than the WV–2's are the converted World War II destroyer escorts patroling the two barriers as the surface segment of the air-and-sea radar team. The radar picket ships strung out along the two barriers halfway around the world from each other possess, besides their radar and ECM devices, sonar (sound navigation ranging) equipment to detect submarines under water. And they have the armament with which to reply to an enemy attack.

The ships, especially those in the North Atlantic, also encounter an obstacle in the unpredictable weather conditions. However, despite ice, lightning, winds, towering waves, and overcast skies, boredom remains the greatest hazard to the barrier patrols. Long, tiresome flights and the cramped spaces of the picket ships are natural breeders of boredom when the results of the men's efforts are always negative; yet so long as the results continue to be negative the mission is being accomplished. These men on the barriers know they cannot afford to relax.

Adm. Jerauld Wright, commander in chief, United States Atlantic Fleet, evaluates the Navy's endless watch over the world's two largest oceans by stating:

"I desire to reaffirm the crucial importance of the arduous tasks performed by the men who man the ships and planes in this advance echelon of vigilance. The outstanding manner in which the job is done engenders the keenest admiration for the spirit, perseverance and devotion of all hands participating in this vital national defense mission."

I flew the Atlantic barrier on July 4, saw these men at their stations, and endorse Admiral Wright's every good word regarding our naval officers and men who carry on this vital mission for the protection of America. The Nation is indeed fortunate that men of such ability and devotion will, 24 hours a day, day after day, week after week, month after month, year after year, carry on this sometimes dangerous, always difficult work, so their fellow countrymen may live a little more securely in these times of peril.

ACTIVITIES OF COMMITTEE ON POLITICAL EDUCATION IN IDAHO

Mr. BUDGE. 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 Idaho

There was no objection.

Mr. BUDGE. Mr. Speaker, the State of Idaho has for many years been almost free of serious labor disputes and the ills resulting therefrom. The decisions of union labor in Idaho have been made by union members and officers of long-time residence in the State.

About 2 years ago, a new element called COPE was imported into the State. No one paid much attention to COPE until quite recently when some of its principles, objectives, and methods started to become known. For example, no one ever thought much about whether a committee on political education would have a constitution and most everybody assumed that if COPE had one it would follow the principles of the Constitution of the United States and simply provide the rules under which COPE would operate. No one had any thought that the constitution of COPE would prohibit

or at least discourage a union member from running for a public office unless by sufferance of COPE. No one thought it would be proper or even legal for COPE to mail the political brochures of candidates for public office with appropriate inserts. No one thought that these people called COPE, who are strangers to Idaho and to Idaho's Democratic Party, would in a primary campaign be picking the candidates on the Democratic ticket for governor and for the Congressional seats. In fact, I guess, no one really thought much about COPE; but the following article should make everyone in Idaho and everyone in the Nation give thought to COPE. The union men and women whose involuntary payments go to support it should be more concerned than anyone else, that is more concerned than anyone else except the Members of this Congress who have a clear duty to perform for American labor and for the American people generally.

The article which follows appeared in the Idaho Daily Statesman, published at Boise, Idaho, on Wednesday morning, July 2, 1958. It was written by John Corlett, a newsman of unquestioned ability and integrity with many years of experience. The facts set forth by Mr. Corlett were subsequently checked and doublechecked by the wire services and other news agencies and their correctness is unquestioned. The only individual listed in the article who is not identified is John Glasby, who just resigned as State chairman of the Democratic Party and is currently a candidate for that party's nomination for governor in the primary election which will be held more than a month hence, on August 12, 1958.

It would be interesting to know the details of the operation of COPE in other States, and it certainly should be interesting to union members to know that they have to pass the tests set up by COPE before they can exercise the right of every citizen of this Nation to offer himself as a candidate for public office. The Robert Lenaghen referred to in Mr. Corlett's article filed as a candidate for Democratic nomination to the Idaho State Legislature. One wonders who graded Mr. Lenaghen's paper when he passed the test which Mr. Dyer failed.

Mr. Corlett's article follows:

POLITICALLY SPEAKING

(By John Corlett)

The Idaho State Federation of Labor has requested that Glenn Dyer of Blackfoot, former business representative of Pocatello, Local 648, of the Plumbers and Fitters Union, withdraw as a candidate for the Democratic nomination as second district Congressman.

This unusual state of affairs was disclosed Tuesday to this reporter by Dyer and confirmed by Darrell H. Dorman, secretary-treasurer of the Idaho State Federation of Labor.

And the reason Dyer was asked to withdraw as a candidate was because he had not conformed with the constitution of COPE (committee on political education of the AFL–CIO) by asking the proper committee of COPE whether he should seek the nomination in the first place.

Dyer said he resigned from his union job when he announced his candidacy for the second district post last spring.

Not only did the executive board of the Idaho federation turn thumbs down on Dyer, but it inferentially, at least, put its blessing on Tim Brennan of Pocatello, for the Democratic second district nomination. Minutes of the meeting at which Dyer was formally requested to withdraw his candidacy show a favorable tone for the candidacy of John Glasby for the Democratic nomination as Governor.

Dyer told me he had been called to a meeting held Sunday, June 22, at the Labor Temple in Boise where candidates for the second district were to be discussed. He said he had been told that COPE would start financing him if "I would go along with them all the way." Dyer said he told Robert Lenaghen, president of the Idaho federation and chairman of the executive committee, and C. Al Green, western director of COPE, that he was not interested in making a deal.

Dorman said "we did not ask Mr. Dyer to make any deal and he knows that."

In any event, the minutes of the June 22 meeting, supplied to this reporter by Dyer, shows that the executive board did discuss Democratic second district candidates.

Tim Brennan was introduced, according to the minutes, and gave a brief explanation of the program he was setting up and stated that he felt a man must be nominated who would be able to beat HAMER BUDGE in the forthcoming campaign. He stated to the group he would wage an active campaign with the view of beating HAMER BUDGE in the Second Congressional District race.

Lenaghen told the board that Glenn Dyer, the other favorable candidate for the Congressional seat, had been invited to the meeting and should be there.

The minutes read that no action on the Second Congressional District would be taken until the last order of business before adjournment.

Dyer told me that after he talked to Lenaghen and Green he left the labor temple. Dorman said Dyer was invited to the meeting and he did not put in an appearance.

Then came the motion to request Dyer to withdraw from the Congressional race due to the fact that he didn't comply with the COPE constitution before filing for the election.

The resolution as drafted cited that portion of the COPE constitution as follows: "Any AFL–CIO member has the same right as any other American citizen to run for public office. However, any AFL–CIO member running for public office who desires COPE endorsement should, before filing his nomination, meet with the proper committee of COPE and discuss the advisability of his running, and any other matters connected with his campaign. Failure to follow this procedure will preclude an endorsement to such AFL–CIO members."

The resolution went on to say that "we believe Glenn Dyer to be a sincere, dedicated union officer, committed to the principles, aims, and objectives of organized labor," but did not believe "Brother Dyer's candidacy would be in the best interests of the Idaho labor movement."

Dyer, who owns and operates a farm near Blackfoot and was in the machinery business before he became a union official said, "I don't have to sell out to the union or anyone else. I may not win, but believe me I will sleep good," adding, "What burns me up is that they expect me to come and make a deal with them before they tell me they will support me. I was the only labor man on the ticket. I don't see why I should have to meet with any 'proper committee' of COPE.

"I am not throwing the worker over by not going along here, but I can't go along with these big boys. I am for the Idaho worker and not the international worker, I'm still for the union, but I would go for a right-to-work bill if it was right; one that was not too restrictive against the union."

Dyer said he will finance his own primary campaign, "but I have had some help from the farmers." He added that "the workers at the Atomic Energy Commission operation (at Arco) are still behind me. A lot of fellows told me they were proud of me for standing up to the big boys."

As for Brennan, the minutes of the meeting show that the executive board went on record to advise labor members in Idaho of the favorable record in the last session of the legislature of Tim Brennan, candidate for the Second Congressional District.

At that time, the only other announced candidate was State Senator Ralph Litton, Fremont County Democrat. He voted for the right-to-work bill in the last legislature and doubtless will be opposed by labor. Robert Summerfield, Twin Falls jeweler, had not yet announced his candidacy for the Democratic second district nomination.

The board also voted to notify members of organized labor of the favorable record of GRACIE PFOST in the Congress of the United States, and further: "That we mail John Glasby brochures to the members of organized labor in Idaho and that a fly be inserted pointing out Glasby's opposition to so-called restrictive labor laws."

Dorman said that the Idaho federation does not flatly endorse candidates during the primary election. He said that local labor unions had been sent the legislative record of H. Max Hanson, who has served 10 years in the Idaho legislature and is a Democratic candidate for the governorship nomination.

The board also moved that the committee draw up a proposed budget of what it would cost to elect favorable candidates to the Idaho Legislature and also favorable candidates on a national level. This letter to be sent to the western director of COPE, C. Al Green, and National Director James McDevitt.

A news article datelined Pocatello, Idaho, and appearing after publication of Mr. Corlett's article is also revealing:

LENAGHEN SAYS DYER AVOIDED COPE TEST

POCATELLO.—Robert Lenaghen, president of the Idaho State Federation of Labor, said Wednesday that Glenn Dyer, Blackfoot, candidate for the Democratic nomination as Second District Congressman, "did not care" to subject himself to a test for candidates used by the Idaho Committee on Political Education.

Dyer revealed Tuesday that the executive board of the Idaho federation had asked that he withdraw as a candidate. Dyer has been serving as secretary of the Pocatello local plumbers and fitters union and only recently resigned.

Lenaghen said that "Dyer has never met with anyone on a State level or National level in regard to his candidacy. He never even extended the courtesy of telling us he was thinking about running for office. We learned he was going to be a candidate for office by reading it in the Boise Statesman."

In a prepared statement, Lenaghen said:

"Our Idaho Committee on Political Education is committed to the support of honest, sincere, qualified, progressive candidates for public office, who by their record have demonstrated their support of the objectives to which the AFL–CIO is dedicated.

"In the making of endorsements, the capability, intelligence, unqualified integrity and the past record of the individual shall be employed as criteria for endorsement.

"Mr. Dyer obviously did not care to subject himself to this test."

Lenaghen said that "no one has said anything to Mr. Dyer about labor supporting him or about any kind of deals."

Dyer said he had been approached and had been offered financial assistance in his campaign if he would "go all the way" with labor. Dyer said he declined such offer.

The executive board of the Idaho federation in requesting Dyer to withdraw, said he had not conformed with the constitution of COPE in first appearing before the proper committee before filing for office.

Maybe Mr. Dyer knew his limitations.

VOTERS MAY BECOME CONFUSED

Mr. SMITH of Kansas. Mr. Speaker, I ask unanimous consent that the gentleman from North Dakota [Mr. BURDICK] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. BURDICK. Mr. Speaker, in the coming election many disconcerting trains of thought may confuse the voters. Some will hold that the presentation of free overcoats and rugs will have to be stopped if we are to have an honest Government. Others will say that the retention of Benson by the President shows an utter disregard of the family-type farms of the West.

The very fact that the President recommended to Congress that we start a school in which family-type farmers can be educated to take up some other means of livelihood indicates this. They are to become watchmakers, electricians, and babysitters. This inane plan cannot be expected to win many of these farmers to the Republican cause.

There will be, principally, two parties in the field—the Democrats and the Republicans. Does the voter have to vote a ticket straight? Does the voter have to sustain the political myth of supporting the Grand Old Party, right or wrong? No, he does not.

His duty, therefore, is to vote for the man on any ticket whose principles and platform conform best to the voter's own ideas. Become informed on what the candidate stands for, and if you approve, vote for him. The party label does not mean a thing. Only in this way can we rid the Nation of political machines and blind adherence to party labels.

I am a Republican in name, but call the shots as I see them. I vote for Democrats, I vote with Democrats, whenever I think they are right. I would not surrender my independence for any office. Other voters must act likewise if this Government is to remain an agency of the people.

On June 19, 1908, a stranger came to our home at Munich, N. Dak., and a friendship was started at that time that has continued through the years. I was a personal friend of Theodore Roosevelt, and I named this stranger after Quentin Roosevelt. Now Quentin Burdick is a candidate for Congress on the Democratic ticket. He has a good education that did not spoil his commonsense; he is experienced and successful without being a slave to it; he has principle in that he will not compromise; he has honesty that can never be questioned. If this is the type of candidate you approve, vote for him. You will find his name on the Democrat ticket, but party labels will never solve our affairs, foreign or domestic.

GROUP HOSPITALIZATION CLIENTS JARRED BY 42 PERCENT HIKE IN RATES

Mr. SMITH of Kansas. Mr. Speaker, I ask unanimous consent that the gentleman from North Dakota [Mr. BURDICK] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. BURDICK. Mr. Speaker, I have here a report on the raise in rates which will be put into effect on September 1 by Group Hospitalization, which I believe is of much importance and interest to a large segment of our population. The report, which was written by Mr. Paul O. Peters, and appears in his News Bulletin of June 30, 1958, follows:

Group Hospitalization, Inc., an organization chartered by Congress as a nonprofit corporation, claiming to have more than "three quarters of a million subscribers" has notified its clientele that effective September 1, 1958, the individual standard contract rate will be $42.00 a year and family contracts will cost $84.00 a year.

The new rates represent an increase of approximately 42 percent above the current levels. Some minor additional benefits are to be provided particularly a new arrangement relating to private room occupancy instead of semi-private accommodations provided in the regular contracts. Also held out as a further benefit is the claim that "full hospital service benefits will be provided for outpatient care for surgical cases and emergency first aid following an accident."

Group Hospitalization, Inc., has contracts with 20 hospitals in the metropolitan area of Washington, D. C. Many of these hospitals have been erected in part through the appropriation of public funds, and many of them conduct annual drives to obtain operating funds.

Generally the cost of medical services (including hospitalization) has increased approximately 22 percent since 1952 according to the indexes prepared by the Department of Commerce. For example in 1952 the index for medical care (1947–49=100) was 121. By April of this year the index had risen to 142.7 of the 1947–49 average, a gain of approximately 22 percent.

Since 1952 the purchasing power of the consumer dollar has dropped from 52.8 cents to approximately 48 cents, a general decline of slightly more than 9 percent.

In a recent comprehensive study prepared by the Foundation on Employee Health, Medical Care and Welfare, Inc., 477 Madison Avenue, New York, it is flatly stated that "More than 12 billion dollars was spent by customers for hospital, surgical, and medical care in the United States during 1956, the last year for which figures are available. During 1956 premiums for health insurance plans amounted to $3.6 billion. The research program of this foundation is designed to help the buyer be both wary and wiser in buying hospitalization services. The study claims that the average hospital stay of a Blue Cross client is 7½ days and that 1 out of 6 hospital admissions involve maternity cases.

There are 79 Blue Cross plans in the United States plus 5 in Canada, but Group Hospitalization, Inc., of Washington, D. C., is the only one officially chartered by the Government and not subject to regulation as are other insurance companies.

OUR AMERICAN GOVERNMENT: WHAT IS IT?—HOW DOES IT FUNCTION?

Mr. PATMAN. Mr. Speaker, over a long period of time and at regular intervals the Congress has caused to be distributed a booklet entitled "Our American Government: What Is It?—How Does It Function?" The most recent copy was authorized by the House, April 30, 1958, and by the Senate, May 21, 1958. House Concurrent Resolution 228, authorizing the publication and distribution of this booklet, states "in addition to the usual number there shall be printed 2,000 copies for use and distribution by each Member of Congress."

This particular booklet will contain 171 questions and answers—"a comprehensive story of the history and functions of our American Government interestingly and accurately portrayed."

The final proof for this document will be delivered to the Government Printing Office this week.

A copy of the index of the booklet is as follows:

INDEX

(Citations refer to question numbers)

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PELLY, for 10 minutes, on today.

Mr. UTT (at the request of Mr. WILSON of California), for 1½ hours, on Monday next.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. BROOKS of Louisiana in two instances and to include extraneous matter.

Mr. SHEPPARD (at the request of Mr. DOYLE) and to include extraneous matter.

Mr. ENGLE and to include extraneous matter.

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. 7349. An act to amend the act regulating the business of executing bonds for compensation in criminal cases in the District of Columbia;

H. R. 7452. An act to provide for the designation of holidays for the officers and employees of the Government of the District of Columbia for pay and leave purposes, and for other purposes;

H. R. 8439. An act to cancel certain bonds posted pursuant to the Immigration Act of 1924, as amended, or the Immigration and Nationality Act;

H. R. 9285. An act to amend the charter of Saint Thomas' Literary Society;

H. R. 12643. An act to amend the act entitled "An act to consolidate the Police Court of the District of Columbia and the Municipal Court of the District of Columbia, to be known as 'The Municipal Court for the District of Columbia,' to create 'The Municipal Court of Appeals for the District of Columbia,' and for other purposes," approved April 1, 1942, as amended;

H. J. Res. 479. Joint resolution to designate the 1st day of May of each year as Loyalty Day;

H. J. Res. 576. Joint resolution to facilitate the admission into the United States of certain aliens; and

H. J. Res. 580. Joint resolution for the relief of certain aliens.

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. 3735. An act to amend the charter of the National Union Insurance Company of Washington; to the Committee on the District of Columbia.

S. 3817. An act to provide a program for the discovery of the mineral reserves of the United States, its Territories, and possessions by encouraging exploration for minerals, and for other purposes; to the Committee on Interior and Insular Affairs.

ADJOURNMENT

Mr. METCALF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 21 minutes p. m.) the House adjourned until tomorrow, Wednesday, July 9, 1958, 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:

2105. A communication from the President of the United States, transmitting a proposed supplemental appropriation to pay claims for damages, audited claims, and judgments rendered against the United States, as provided by various laws, in the amount of $8,525,088, together with such amounts as may be necessary to pay indefinite interest and costs and to cover increases in rates of exchange as may be necessary to pay claims in foreign currency (H. Doc. No. 418); to the Committee on Appropriations and ordered to be printed.

2106. A letter from the Secretary of State, transmitting a draft of proposed legislation entitled "A bill to provide standards for the issuance of passports, and for other purposes"; to the Committee on Foreign Affairs.

2107. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting a draft of proposed legislation entitled "A bill to amend the War Claims Act of 1948, as amended, to provide compensation for certain World War II losses"; to the Committee on Interstate and Foreign Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DEROUNIAN:

H. R. 13314. A bill to establish and maintain the United States Maritime Service as a uniformed service; to the Committee on Merchant Marine and Fisheries.

By Mr. HAGEN:

H. R. 13315. A bill for the relief of certain aliens distressed as the result of natural calamity in the Azores Islands, and for other purposes; to the Committee on the Judiciary.

By Mr. HASKELL:

H. R. 13316. A bill to create an independent Federal Aviation Agency, to provide for the safe and efficient use of airspace by both civil

and military aircraft, to provide for the regulation and promotion of aviation in such manner as to best foster its development and safety, and to serve the requirements of national defense; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYS of Arkansas:

H. R. 13317. A bill for the relief of the Government of the Republic of Iceland; to the Committee on Foreign Affairs.

By Mr. KEATING:

H. R. 13318. A bill to provide standards for the issuance of passports, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LESINSKI:

H. R. 13319. A bill to provide an equitable system for the prompt and just settlement of grievances of Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LIBONATI:

H. R. 13320. A bill to authorize the establishment of the Indiana Dunes National Monument; to the Committee on Interior and Insular Affairs.

By Mr. MATTHEWS:

H. R. 13321. A bill to amend the Atomic Energy Act of 1954, as amended; to the Joint Committee on Atomic Energy.

By Mr. PATTERSON:

H. R. 13322. A bill to promote ethics in Government; to the Committee on Post Office and Civil Service.

By Mr. SAUND (by request):

H. R. 13323. A bill to provide for the equalization of allotments on the Agua Caliente (Palm Springs) Reservation in California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SCOTT of Pennsylvania:

H. R. 13324. A bill to amend title I of the Housing Act of 1949 to eliminate the limitation on urban renewal loan funds for any one State; to the Committee on Banking and Currency.

H. R. 13325. A bill to exempt from the club dues tax amounts paid to certain nonprofit swimming and skating organizations, and to exempt from the admissions tax amounts paid for admission to places providing facilities for physical exercise; to the Committee on Ways and Means.

By Mr. BURDICK:

H. J. Res. 646. Joint resolution establishing a National Shrine Commission to select and procure a site and formulate plans for the construction of a permanent memorial building in memory of the veterans of the Civil War; to the Committee on Public Works.

By Mr. NIMTZ:

H. J. Res. 647. Joint resolution to provide for the commemoration of the 150th anniversary of the birth of Abraham Lincoln; to the Committee on Rules.

By Mr. SCHWENGEL:

H. J. Res. 648. Joint resolution providing for joint session of Congress for commemorating the 150th anniversary of the birth of Abraham Lincoln; to the Committee on Rules.

By Mr. MAY:

H. Con. Res. 348. Concurrent resolution relative to insuring integrity and impartiality in the exercise of certain functions by administrative agencies of the Government; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HERLONG:

H. R. 13326. A bill for the relief of Louis Fischer, Feger Seafoods, and Mr. and Mrs. Thomas R. Stuart; to the Committee on the Judiciary.

By Mr. KEARNS:

H. R. 13327. A bill for the relief of Miss Emiko Watanabe; to the Committee on the Judiciary.

By Mr. SCOTT of Pensylvania:

H. J. Res. 649. Joint resolution providing for the conveyance of certain real property of the United States situated in Philadelphia, Pa., to Paul & Beekman, Inc., Philadelphia, Pa.; to the Committee on Government Operations.

EXTENSIONS OF REMARKS

Strategic Air Command

EXTENSION OF REMARKS
OF
HON. OVERTON BROOKS
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1958

Mr. BROOKS of Louisiana. Mr. Speaker, the prime mission of the Air Force is to deter war, any kind of war, general or limited, by being instantly ready for war. Within the Air Force, the Strategic Air Command's mission is to destroy or neutralize the essential elements of the enemy's organization for total war. Strategic Air Command's ability to instantly launch a devastating attack on targets anywhere in the world is recognized as being the mainstay of the Free World deterrent position. This Nation, more than ever before, is aware of the possibility that a potential aggressor may launch an attack against the United States should they believe our strategic forces are vulnerable to surprise attack. We are also well aware of the fact that the Soviet Union has committed itself to the development of, and has in being, an effective, long-range, and modern strategic force.

The capability of the Soviet Air Force is equally recognized as being the primary threat to our national security. This force could be launched against this country—either by design, or by miscalculation on their part. Should such an attack be launched against the United States, the Strategic Air Command would immediately counterlaunch thermonuclear attacks designed to destroy the enemy's capability to wage war. Because our national policy concedes to an enemy the advantage of initiative and surprise, our Strategic Air Command must be kept in a high state of readiness from which it can rapidly react after receipt of warning of impending attack. To insure the survival of our strategic forces, we have, in previous budgets, provided for the dispersal of the force at many locations throughout the United States. To meet the objective of quick reaction and to insure that we are ready to launch the counterattack within minutes of the first warning, we have and are providing for alert facilities at each of these dispersed locations. The planes of our Strategic Air Command must continue to embody the latest advances in weapons and techniques and must be maintained at peak efficiency in both equipment and personnel.

For these reasons, 41 percent of the $986 million to be provided the Air Force for construction will be in direct support of the strategic forces. Follow-on and short lead-time construction items in this bill complement and essentially complete the dispersion and alert facilities for our heavy bomber forces at 33 locations. Alert and dispersal facilities are being provided our medium bomber force at 20 locations. This bill also continues the northward relocation of our tanker forces. All of these provisions are highly essential to maintaining an ever-poised, ever-alert strategic force with an offensive punch the Soviets must heed and respect.

Of equal importance to note is the tremendous proportion of our resources being applied to the missile effort. One hundred and ninety-six million dollars, or approximately 50 percent of the amounts being applied in support of the strategic strike capability is for missile facilities.

Since 1954, missile research and development has been given the highest priority. We are now expediting the integration of missiles into the strike force, and the operational capability and deployment responsibility for both IRBM and ICBM have been assigned to the Strategic Air Command.

Strategic Air Command's first intercontinental missile unit, employing the air breathing subsonic Snark, has been activated. The Snark, with a 5,500-mile range can carry a nuclear warhead and tests have proven its strategic capability. To be activated and operationally deployed, in the near future, will be a substantial force of IRBM squadrons equipped with both the Thor and Jupiter missiles.

The Atlas, now under test, will likewise be employed by SAC as our first operational ICBM and shortly to follow will be the Titan, equipped with a new and improved guidance system.

The realization and integration of the weapons into the already potent manned bomber force can only serve to extend and enhance our flexibility in response to attack. Coupled with SAC's demonstrated technical know-how, targeting ability, and strategic planning experience, the most effective employment of these weapons is assured.

Long-range missiles deployed within the United States on continuous alert and capable of launch, within minutes after warning, serve to emphasize our resolute and announced intent to crush with devastating counterattack any would-be aggressor.