ant in India, every individual must be counted an individual and accorded his place in the sun.

"For every person who is discounted, by so much do we allow for the spread of discontent; for every person whom we help to attain his life stature, by so much do we prevent the spread of strife.

"We are becoming aware that preventive hygiene must expand beyond total inoculation from communicable disease to total service for every disabling condition, or we are liable to be afflicted by the consequence. The social loss or the social gain is shared by all."

Today we dedicate Little City, a living example of the shared responsibility of many for the needs of the mentally retarded.

SENATE

TUESDAY, AUGUST 11, 1959

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

O God our Father, safely to another week with its toiling days Thou hast brought us on our way. May the way we take be Thy way for our feet in these tense times. We need Thy presence every passing hour.

In spite of rude and bitter winds of opposition to our designs for world betterment, in this land of the free may we keep the torch of hope blazing for the distressed and disinherited across all the frontiers of want and woe.

Save the Republic we love, and whose servants we are, from policies without principle, from pleasures without moral or spiritual control, from labor uninspired by a sense of honor, from a level of life in which the servants of the soul become its masters.

In this garish day so rich in things and poor in soul deliver us from the tyranny of the tangible. May the sacred temple of our inner lives harbor nothing unworthy of our high calling in Thee.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Friday, August 7, 1959, was dispensed with.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of August 7, 1959, the following report of a committee was submitted:

Mr. HUMPHREY, from the Committee on Foreign Relations, on August 10, 1959, reported favorably, with an amendment, the bill (S. 1711) to promote the foreign policy of the United States and help to build essential world conditions of peace, by the more effective use of U.S. agricultural commodities for the relief of human hunger, and for promoting economic and social development in less-developed countries, and submitted a report (No. 632) thereon.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts:

On August 7, 1959:

S. 1928. An act to provide for the participation of the United States in the Inter-American Development Bank.

On August 11, 1959:

S. 906. An act to amend section 1622 of title 38 of the United States Code in order to clarify the meaning of the term "change of program of education or training" as used in such section;

S. 1110. An act to amend the act of August 4, 1955 (Public Law 237, 84th Cong.), to provide for conveyance of certain interests in the lands covered by such act;

S. 1694. An act to extend the existing authority to provide hospital and medical care for veterans who are U.S. citizens temporarily residing abroad to include those with peacetime service-incurred disabilities;

S. 2153. An act to authorize the Coast Guard to accept, operate, and maintain a certain defense housing facility at Yorktown, Va., and for other purposes; and

S. 2183. An act granting the consent of Congress to interstate compacts for the development or operation of airport facilities.

EXECUTIVE MESSAGES REFERRED

As in executive session,

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1371) to repeal the act approved March 3, 1897, and to amend the act approved December 20, 1944, relating to fees for transcripts of certain records in the District of Columbia.

The message also announced that the House had passed the bill (S. 746) to amend the act entitled "An act to regulate the placing of children in family homes, and for other purposes," approved April 22, 1944, as amended, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H.R. 137. An act to allow a deduction, for Federal estate tax purposes, in the case of certain transfers to charities which are subjected to foreign death taxes; and

H.R. 451. An act to amend the Longshoremen's and Harbor Workers' Compensation Act, with respect to the payment of compensation in cases where third persons are liable.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 7508) to amend title 10, United States Code, to establish a Bureau of Naval Weapons in the Department of the Navy and to abolish the Bureaus of Aeronautics and Ordnance.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 213) to provide additional time within which certain State agreements under section 218 of the Social Security Act may be modified to secure coverage for nonprofessional school district employees; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. FORAND, Mr. KING of California, Mr. SIMPSON of Pennsylvania, and Mr. MASON were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 7629) to make permanent the authority of the Secretary of Agriculture to make loans under section 17 of the Bankhead-Jones Farm Tenant Act, as amended, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. COOLEY, Mr. POAGE, Mr. GRANT, Mr. HOEVEN, and Mr. DAGUE were appointed managers on the part of the House at the conference.

The message further announced that the House insisted upon its amendment to the amendment of the Senate numbered 45 to the bill (H.R. 7453) making appropriations for the legislative branch for the fiscal year ending June 30, 1960, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. NORRELL, Mr. KIRWAN, Mr. CANNON, Mr. HORAN, and Mr. TABER were appointed managers on the part of the House at the conference.

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

H.R. 6585. An act to amend the District of Columbia Teachers' Salary Act of 1955, as amended;

H.R. 8225. An act to amend the Uniform Narcotic Drug Act of the District of Columbia, as amended, to permit paregoric to be dispensed by oral as well as written prescription;

H.R. 8392. An act to amend the District of Columbia Stadium Act of 1957 with respect to motor-vehicle parking areas, and for other purposes;

H.R. 8527. An act to exempt certain pension and other employee trusts from the laws of the District of Columbia relating to perpetuities, restraints on alienation, and accumulation of income; and

H.R. 8575. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1960, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1289. An act to increase and extend the special milk program for children;

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

S. 1455. An act to amend the Agricultural Adjustment Act of 1938, as amended, with respect to the preservation of acreage history and the reallocation of unused cotton acreage allotments;

S. 1512. An act to amend the Federal Farm Loan Act to transfer responsibility for making appraisals from the Farm Credit Administration to the Federal land banks, and for other purposes;

H.R. 4243. An act for the relief of Peter Sergeevich Deryabin, also known as Theodore Stanley Orel;

H.R. 4405. An act to authorize and direct the Secretary of the Interior to conduct studies and render a report on the feasibility of developing the water resources of the Salt Fork and the Prairie Dog Town Fork of the Red River in the State of Texas;

H.R. 4644. An act to credit to postal revenues certain amounts in connection with postal activities, and for other purposes;

H.R. 5849. An act to amend the act of July 7, 1958, providing for the admission of Alaska into the Union, relating to selection by the State of Alaska of certain lands made subject to lease, permit, license, or contract; and

H.R. 8283. An act making appropriations for the Atomic Energy Commission for the fiscal year ending June 30, 1960, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 6585. An act to amend the District of Columbia Teachers' Salary Act of 1955, as amended;

H.R. 8225. An act to amend the Uniform Narcotic Drug Act of the District of Columbia, as amended, to permit paregoric to be dispensed by oral as well as written prescription;

H.R. 8392. An act to amend the District of Columbia Stadium Act of 1957 with respect to motor-vehicle parking areas, and for other purposes; and

H.R. 8527. An act to exempt certain pension and other employee trusts from the laws of the District of Columbia relating to perpetuities, restraints on alienation, and accumulation of income; to the Committee on the District of Columbia.

H.R. 8575. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1960, and for other purposes; to the Committee on Appropriations.

COMMITTEE MEETINGS DURING SENATE SESSION

On the request of Mr. JOHNSON of Texas, and by unanimous consent, the Finance Committee was authorized to meet during the session of the Senate today.

On the request of Mr. JOHNSON of Texas, and by unanimous consent, the State Department Subcommittee of the Committee on Foreign Relations was authorized to meet in executive session during the session of the Senate tomorrow.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

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

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON OVEROBLIGATIONS OF APPROPRIATIONS

A letter from the Postmaster General, reporting, pursuant to law, on the overobligations of two budgetary allotments, as of April 3, and June 30, 1959; to the Committee on Appropriations.

NOTICE OF PROPOSED DISPOSITION OF CERTAIN CHROMITE

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a copy of a notice to be published in the Federal Register of a proposed disposition of approximately 2,050 long tons of low grade chromite now held in the national stockpile (with an accompanying paper); to the Committee on Armed Services.

AMENDMENT OF ACT ESTABLISHING A CODE OF LAW FOR THE DISTRICT OF COLUMBIA, RELATING TO GAMBLING

A letter from the Acting President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend section 866(c) of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended, relating to gambling (with an accompanying paper); to the Committee on the District of Columbia.

REPORT ON PERSONAL PROPERTY MADE AVAILABLE FOR DISTRIBUTION AND REAL PROPERTY DISPOSED OF TO PUBLIC HEALTH AND EDUCATIONAL INSTITUTIONS

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on personal property made available for distribution and real property disposed of to public health and educational institutions, for the period April 1, through June 30, 1959 (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORT ON BUREAU OF THE MINT

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Bureau of the Mint, Treasury Department, fiscal years 1956–58 (with an accompanying report); to the Committee on Government Operations.

REPORT ON ACTIVITIES AND TRANSACTIONS UNDER MERCHANT SHIP SALES ACT OF 1946

A letter from the Acting Secretary of Commerce, transmitting, pursuant to law, a report of the Maritime Administration on the activities and transactions under the Merchant Ship Sales Act of 1946, from April 1, 1959, through June 30, 1959 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

REPORT ON PAYMENT OF CLAIMS ARISING FROM CORRECTION OF MILITARY RECORDS OF COAST GUARD PERSONNEL

A letter from the Acting Secretary of the Treasury, transmitting, pursuant to law, a report on the payment of claims arising from correction of military records of Coast Guard personnel, for the 6-month period ended June 30, 1959 (with an accompanying report); to the Committee on the Judiciary.

AMENDMENT OF SECTION 8 OF CLAYTON ACT, RELATING TO INTERLOCKING DIRECTORATES

A letter from the Attorney General, transmitting a draft of proposed legislation to amend section 8 of the Clayton Act, relating to interlocking directorates (with an accompanying paper); to the Committee on the Judiciary.

REPORT ON CLAIMS PAID FOR DAMAGE OCCASIONED BY VESSELS OF THE NAVY

A letter from the Assistant Secretary of the Navy (Personnel and Reserve Forces), transmitting, pursuant to law, a report on the payment of claims for damage caused by naval vessels, for the fiscal year ended June 30, 1959 (with an accompanying report); to the Committee on the Judiciary.

AMERICAN PRESIDENT LINES, LTD., NITTO SHOSEN CO., LTD., AND KONINKLIJKE JAVA-CHINA-PAKETVAART LIJNEN N.V. (ROYAL INTEROCEAN LINES)

A letter from the Secretary of the Army, transmitting a draft of proposed legislation for the relief of American President Lines, Ltd., Nitto Shosen Co., Ltd., and Koninklijke Java-China-Paketvaart Lijnen N.V. (Royal Interocean Lines) (with an accompanying paper); to the Committee on the Judiciary.

REPORT ON TORT CLAIMS PAID BY DEPARTMENT OF THE ARMY

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on tort claims paid by the Department of the Army, for the fiscal year 1959 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON CLAIMS SETTLED UNDER MILITARY PERSONNEL CLAIMS ACT

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on claims settled by that Department under provisions of the Military Personnel Claims Act, for the fiscal year 1959 (with an accompanying report); to the Committee on the Judiciary.

STATUS OF PERMANENT RESIDENCE FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders granting the applications for permanent residence filed by certain aliens, together with a statement of the facts and pertinent provisions of law as to each alien, and the reasons for granting such applications (with accompanying papers); to the Committee on the Judiciary.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON of South Carolina, from the Joint Select Committee on the Disposition of Papers in the Executive Departments, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

A letter in the nature of a petition from the Wichita, Kans., Association of Life Underwriters, signed by Jack C. Harper, president, relating to the campaign to com-

bat inflation; to the Committee on Banking and Currency.

A resolution adopted by the 51st annual meeting of the Governors' conference, at San Juan, P.R., relating to Federal highway funds; to the Committee on Finance.

The petitions of Joseph Elonzy Camp, of Redondo Beach, Calif., relating to foreign aid and free speech; to the Committee on Foreign Relations.

A letter in the nature of a memorial from Lloyd W. Bramhall, of Portland, Maine, remonstrating against the exchange visits between the top echelon of the United States and the Russian Governments, and so forth; to the Committee on Foreign Relations.

The petition of Mrs. Paul Hauser, of New York, N.Y., praying for the enactment of labor reform legislation; to the Committee on Labor and Public Welfare.

A resolution adopted by the Council of the City of Toledo, Ohio, favoring the enactment of legislation to continue the construction of the Interstate System of Highways; to the Committee on Public Works.

A resolution adopted by the Board of City Commissioners of the City of Sallisaw, Okla., favoring the enactment of legislation to provide funds for the construction of the Markham Ferry Dam and Reservoir on Grand River, in Oklahoma; to the Committee on Public Works.

A resolution adopted by the Board of City Commissioners of the City of Sallisaw, Okla., protesting against the power exchange contract between the Grand River Dam Authority, a State agency, and the Public Service Co., of Oklahoma, a private utility; to the Committee on Public Works.

A resolution adopted by the Board of Commissioners of the City of Las Vegas, Nev., favoring the enactment of legislation to provide home rule in the District of Columbia; ordered to lie on the table.

RESOLUTION OF BOARD OF COMMISSIONERS OF KANSAS CITY, KANS.

Mr. CARLSON. Mr. President, the Board of Commissioners of the City of Kansas City, Kans., unanimously adopted a resolution urging that Congress take action which would provide additional funds for the continuance of work on the Interstate Highway System.

The board of commissioners stressed the importance of this work as it affects the Turkey Creek-Fitzgerald Road Trafficway, the 42d Street Trafficway and the Intercity Viaduct, which are projects that are not only needed improvements for the benefit of the local highway system, but also the Interstate System, as they affect the travel through both Kansas and Missouri.

I ask unanimous consent that this resolution be printed in the RECORD, and referred to the appropriate committee.

There being no objection, the resolution was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

RESOLUTION 16568

Whereas the Turkey Creek-Fitzgerald Road Trafficway, the 42d Street Trafficway, and the new Intercity Viaduct are vitally needed improvements in our local highway system, as well as in our National Highway System; and

Whereas the House Ways and Means Committee has recommended a drastic reduction in the interstate construction program; and

Whereas the reduction in the interstate construction program will result in disastrous postponement of the Turkey Creek-Fitzgerald Road Trafficway, the 42d Street Trafficway, and the new Intercity Viaduct: Now, therefore, be it

Resolved by the Board of Commissioners of the City of Kansas City, Kans., That the House Ways and Means Committee of the 86th Congress is hereby urged to reconsider its decision to reduce Federal highway expenditures; be it further

Resolved, That a copy of this resolution be mailed to each Kansas Senator and to each Kansas Congressman.

Adopted by the Board of Commissioners of the City of Kansas City, Kans., this 4th day of August 1959.

GEORGE T. GRONEMAN,
City Clerk.

STATE OFFICIALS FAVOR STUDY OF LAND ACCESS PROBLEM AND RESTRAINT ON FEDERAL POWER COMMISSION LICENSING

Mr. NEUBERGER. Mr. President, the Western Association of State Game and Fish Commissioners recently held its 39th annual conference in Portland, Oreg. During these sessions the representatives of fish and game departments in Western States discussed many vital policy matters for improvement of fish and wildlife management.

I was especially interested in action taken by the association on two matters: amendment of the Federal Power Act to curb the licensing authority of the Federal Power Commission at damsites where migratory fish are involved, and problems connected with public access to, and utilization of, publicly owned lands.

I have sought corrective action in both of these fields, so I am grateful for the support given by the Western Association of State Game and Fish Commissioners in resolutions adopted at their convention. I ask unanimous consent to have printed in the RECORD, with my remarks, Resolution No. 10 and Resolution No. 12, adopted at the conference of the Western Association on July 1, 1959.

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

RESOLUTION 10: PUBLIC LAND MANAGEMENT AND ACCESS PROBLEMS

Whereas the public domain of the United States, including some 470 million acres in the Western States and Alaska, encompass and produce natural resources of vast economic and social value to all Americans; and

Whereas overgrazing, range trespass, soil erosion, inadequate fire protection, and other land abuses are known to persist on the public domain in many areas to the detriment of the local economy and the public welfare; and

Whereas access for hunting, fishing, and other legitimate uses is denied the public in many places by the owners or operators of adjacent private lands, and preliminary estimates indicate as much as 14 million acres of Federal lands are so closed to the public in the Western States; and

Whereas the Bureau of Land Management is underfinanced and understaffed for its highly important task of managing and protecting the public land resources under its jurisdiction, and the Taylor Grazing Act and other laws under which the Bureau operates are believed to be outdated and deficient in other respects: Now, therefore, be it

Resolved, That the Western Association of State Game and Fish Commissioners commends and endorses the proposal by Senator JAMES E. MURRAY, chairman of the Senate Committee on Interior and Insular Affairs, that the Department of Interior prepare a comprehensive and long-range program for the conservation, rehabilitation, and development of the lands under the Bureau of Land Management and further endorses the proposal of Senator RICHARD L. NEUBERGER calling for a Senate committee staff study of problems of public access to the public lands; and be it further

Resolved, That this association recommends that appropriate committees of Congress initiate studies leading to the revision and strengthening of the Taylor Grazing Act and other laws relating to the conservation and multiple-use management of the public domain lands.

RESOLUTION 12: AMENDMENT TO FEDERAL POWER ACT

Whereas the Federal Power Act fails to provide adequately for the conservation of fish and wildlife and related resources in the licensing of hydroelectric dams, as evidenced by the licensing of dams on the Cowlitz River in Washington and the Deschutes River in Oregon, against the considered judgment, and over the protests of Federal and State conservation agencies, and as further evidenced by the recommendation of the Federal Power Commission that a high dam be built at the Nez Perce site on the Snake River: Now, therefore, be it

Resolved, That the Western Association of State Game and Fish Commissioners endorses the principles of S. 1420 as introduced in the 86th Congress by Senator RICHARD L. NEUBERGER and urges the Congress to enact such legislation.

RESOLUTION OF BOARD OF SUPERVISORS, RIVERHEAD, N.Y.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD, a resolution adopted by the Board of Supervisors of the city of Riverhead, N.Y., relating to certain amendments to the Internal Revenue Code.

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

RESOLUTION SUPPORTING PROPOSED AMENDMENTS TO INTERNAL REVENUE CODE

Whereas the Honorable KENNETH B. KEATING, Senator from the State of New York, has proposed certain amendments to the Federal Internal Revenue Code which would provide for the deduction from income tax of the commuting and traveling expenses of the workingman to and from his employment; and

Whereas it is the desire of this board that Senator KEATING and our other Representatives in Congress be made aware of our support for his proposed amendments: Now, therefore, be it

Resolved, That the clerk of this board be and hereby is authorized and directed to write to Senator KEATING urging him to continue his fight for amendments to the Internal Revenue Code, which would permit the commuters and the workingmen to deduct, for income tax purposes, their expenses of traveling to and from work; and be it further

Resolved, That the clerk of this board send copies of this resolution to Senator KEATING and to our other Representatives in the

U.S. Congress urging them to support Senator KEATING's proposed amendments, and to do all in their power to bring about the passage of said amendments; and be it further

Resolved, That copies of this resolution be forwarded to our representatives in the State legislature, with a view toward their submitting proposed legislation in the next session of the New York State Legislature providing for similar amendments to be applicable to New York State income tax laws.

RESOLUTION OF CITY COUNCIL OF KANSAS CITY, MO.

Mr. HENNINGS. Mr. President, my colleague, the junior Senator from Missouri [Mr. SYMINGTON] and I have received a resolution adopted by the City Council of Kansas City, Mo. This resolution urges the Congress of the United States to continue the present program for the construction of the Interstate Highway System as provided for in the Federal Highway Act of 1956. On behalf the junior Senator from Missouri and myself, I ask unanimous consent that this resolution be printed in the RECORD.

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

RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO CONTINUE THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAY PROGRAMS WITHOUT SUBSTANTIAL ABATEMENT

Whereas the Ways and Means Committee of the House of Representatives of the U.S. Congress has had under consideration the financing of the National System of Interstate and Defense Highways throughout the United States; and

Whereas the effect of the proposed program will be to delay the completion of the National System of Interstate and Defense Highways until 1976, rather than the originally scheduled date of 1972, as set forth in the Federal Highway Act of 1956; and

Whereas the congestion of motor vehicle traffic on the highways, resulting in continuance of traffic hazards, physical injuries, and unnecessary loss of life and interference with economic development, demands urgent, and immediate relief, and the proposed crippling of the highway program represents a callous disregard of the welfare of the people, both rural, and urban: Now, therefore, be it

Resolved by the Council of Kansas City, That the council urge the Congress of the United States to continue the present program of the National System of Interstate and Defense Highway construction toward completion, as scheduled by Congress in the Federal Highway Act of 1956; and be it further

Resolved, That this resolution be spread upon the minutes of the council, and copies thereof be sent to the Speaker of the House of Representatives, Hon. SAMUEL RAYBURN; the majority leader, Hon. JOHN MCCORMACK; the minority leader, Hon. CHARLES HALLECK; all members of the House Ways and Means Committee and of the House Public Works Committee; and to Hon. RICHARD BOLLING, Hon. WILLIAM J. RANDALL, Hon. W. R. HULL, Jr., Hon. STUART SYMINGTON, and Hon. THOMAS C. HENNINGS, Jr., as evidence of the deep concern of this city.

[SEAL] H. ROE BARTLE,
Mayor.
MARGARET STRAHM,
City Clerk.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 1072. A bill for the relief of Pierre Bertagnolio (Rept. No. 633);

S. 1856. A bill for the relief of Frank Podany (Rept. No. 634);

S. 2190. A bill for the relief of Antonio Miosi Castronovo (Rept. No. 635);

H.R. 1705. An act for the relief of Louis J. DeWinter and Simone H. DeWinter (Rept. No. 642);

H.R. 1718. An act for the relief of Oather S. Hall (Rept. No. 643); and

H.R. 7165. An act for the relief of Filip Lewensztejn (Harry Lipa Levenstein) (Rept. No. 644).

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

S. 1865. A bill for the relief of Man-Yeh Chow (Rept. No. 636); and

S. 2027. A bill for the relief of William James Harkins and Thomas Lloyd Harkins (Rept. No. 637).

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

S. 1298. A bill for the relief of Concetta Marcella (Rept. No. 638);

S. 1836. A bill for the relief of Martha Uchacz, Bartoszyce (Rept. No. 639);

S. 2050. A bill for the relief of Leokada Guzy (Rept. No. 640);

S. 2102. A bill for the relief of Irene Burda (Rept. No. 641); and

H.J. Res. 406. Joint resolution to facilitate the admission into the United States of certain aliens (Rept. No. 645).

By Mr. MURRAY, from the Committee on Interior and Insular Affairs, without amendment:

S. 2339. A bill to amend the law relating to the distribution of the funds of the Creek Tribe (Rept. No. 650); and

H.R. 2722. An act to supplement the act of April 26, 1906 (34 Stat. 137), entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," and for other purposes (Rept. No. 652).

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

S. 1715. A bill to grant minerals, including oil and gas, on certain lands in the Crow Indian Reservation, Mont., to certain Indians, and for other purposes (Rept. No. 651).

By Mr. NEUBERGER, from the Committee on Interior and Insular Affairs, without amendment:

S. 417. A bill to place in trust status certain lands on the Standing Rock Sioux Reservation in North Dakota and South Dakota (Rept. No. 655);

S. 1751. A bill to place in trust status certain lands on the Wind River Indian Reservation in Wyoming (Rept. No. 654); and

S. 2421. A bill to amend the Klamath Termination Act (Rept. No. 653).

By Mr. JOHNSTON of South Carolina, from the Committee on Agriculture and Forestry, without amendment:

H.R. 4938. An act to amend the Agricultural Adjustment Act of 1938 to extend for 2 years the definition of "peanuts" which is now in effect (Rept. No. 648).

By Mr. JOHNSTON of South Carolina, from the Committee on Agriculture and Forestry, with amendments:

S. 623. A bill to exempt the production of Durum wheat in the Tulelake area, Modoc and Siskiyou Counties, Calif., from the acreage allotment and marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (Rept. No. 649).

By Mr. HUMPHREY, from the Committee on Agriculture and Forestry, without amendment:

S. 861. A bill to provide for the control of noxious plants on land under the control or jurisdiction of the Federal Government (Rept. No. 646).

By Mr. HUMPHREY, from the Committee on Agriculture and Forestry, with amendments:

S. 662. A bill to amend section 8(b) of the Soil Conservation and Domestic Allotment Act as amended, to provide for administration of farm programs by democratically elected farmer committeemen (Rept. No. 647).

By Mr. BYRD of Virginia, from the Committee on Finance, without amendment;

H.R. 255. An act to amend section 358 of title 38, United States Code, to provide for apportionment of compensation of veterans who disappear (Rept. No. 659); and

H.R. 267. An act to amend title 38 of the United States Code to provide that multiple sclerosis developing a 10-percent or more degree of disability within 3 years after separation from active service shall be presumed to be service connected (Rept. No. 660).

By Mr. BYRD of Virginia, from the Committee on Finance, with an amendment:

S. 2282. A bill to amend the Act of July 17, 1952 (Rept. No. 662);

H.R. 271. An act to amend title 38 of the United States Code to provide a further period for presuming service connection in the case of veterans suffering from Hansen's disease (leprosy) (Rept. No. 661);

H.R. 2906. An act to extend the period for filing claims for credit or refund of overpayments of income taxes arising as a result of renegotiation of Government contracts (Rept. No. 663); and

H.R. 7106. An act to amend title 38, United States Code, with respect to forfeiture of benefits under laws administered by the Veterans' Administration (Rept. No. 664).

By Mr. BYRD of Virginia, from the Committee on Finance, with amendments:

H.R. 2411. An act to amend paragraph 1629 of the Tariff Act of 1930 so as to provide for the free importation of tourist literature (Rept. No. 665).

PROVISION AND IMPROVEMENT OF HOUSING—VETO MESSAGE OF THE PRESIDENT—REPORT OF A COMMITTEE

Mr. SPARKMAN, from the Committee on Banking and Currency, to which was referred the message from the President of the United States, returning to the Senate without his approval the bill (S. 57) to extend and amend laws relating to the provision and improvement of housing and the renewal of urban communities, and for other purposes, reported it with the recommendation that the bill pass, the objections of the President of the United States to the contrary notwithstanding, and submitted a report (No. 656) thereon, which was ordered to be printed.

FOOD ACT OF 1959—REPORT OF A COMMITTEE (S. REPT. NO. 657)

Mr. HUMPHREY, from the Committee on Agriculture and Forestry, reported an original bill (S. 2522) to provide for the enrichment and sanitary packaging of certain donated commodities and to establish experimental food stamp allot-

ment programs, which was read twice by its title, and placed on the calendar, and he also submitted a report thereon, which was ordered to be printed.

POWER OF STATES TO IMPOSE NET INCOME TAXES ON INCOME DERIVED FROM INTERSTATE COMMERCE—REPORT OF A COMMITTEE—MINORITY AND INDIVIDUAL VIEWS

Mr. BYRD of Virginia. Mr. President, from the Committee on Finance, I report an original bill relating to the power of the States to impose net income taxes on income derived from interstate commerce, and I submit a report (No. 658) thereon. I ask unanimous consent that the report be printed, together with minority and individual views.

The VICE PRESIDENT. The bill will be received and placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Virginia.

The bill (S. 2524) relating to the power of the States to impose net income taxes on income derived from interstate commerce, reported by Mr. BYRD of Virginia, from the Committee on Finance, was read twice by its title, and placed on the calendar.

ADDITIONAL FUNDS FOR COMMITTEE ON THE JUDICIARY

Mr. HENNINGS, from the Committee on the Judiciary, reported an original resolution (S. Res. 160) to provide additional funds for the Committee on the Judiciary, which was referred to the Committee on Rules and Administration, as follows:

Resolved, That Senate Resolution 62, 86th Congress, agreed to February 2, 1959 (authorizing a complete study of any and all matters pertaining to constitutional rights), is hereby amended by striking out "$115,000" and inserting in lieu thereof "$140,000".

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

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

Arthur V. Watkins, of Utah, to be an Associate Commissioner of the Indian Claims Commission.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Robert D. Murphy, of Wisconsin, to be Under Secretary of State for Political Affairs;

Livingston T. Merchant, of the District of Columbia, to be a Deputy Under Secretary of State;

Elbert G. Mathews, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Liberia;

Byron E. Blankinship, of Oregon, and sundry other persons, for appointment and promotion in the Foreign and Diplomatic Services; and

Executive D, 85th Congress, 2d session. A convention with Norway modifying a 1949 double taxation convention with that country; without reservations (Exec. Rept. No. 10).

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

Ted Dalton, of Virginia, to be U.S. district judge for the western district of Virginia; and

John A. Field, Jr., of West Virginia, to be U.S. district judge for the southern district of West Virginia.

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

James L. Brewrink, of Maryland, Malcolm F. Bailey, of Maryland, James E. Keely, of Maryland, and Joseph C. Manian, of Maryland, to be Examiners in Chief, U.S. Patent Office.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. BENNETT (for himself and Mr. BUSH):

S. 2506. A bill to impose additional individual and corporate income taxes when necessary in order to offset deficits and to provide for systematic reduction of the public debt; to the Committee on Finance.

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

By Mr. SYMINGTON:

S. 2507. A bill to relieve Joe Keller and H. E. Piper from 1958 wheat marketing penalties and loss of soil bank benefits; to the Committee on the Judiciary.

By Mr. BIBLE (by request):

S. 2508. A bill authorizing the District of Columbia to place two statues in the Statuary Hall collection; to the Committee on Rules and Administration.

By Mr. EASTLAND:

S. 2509. A bill for the relief of Wong Ting Quey and Wong Bick Sue; to the Committee on the Judiciary.

By Mr. SCHOEPPEL:

S. 2510. A bill for the relief of Mrs. Edith Kiaer; to the Committee on the Judiciary.

By Mr. MURRAY:

S. 2511. A bill to provide for the establishment of Cooperative Outdoor Recreation Research and Education Centers; to the Committee on Interior and Insular Affairs.

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

By Mr. HUMPHREY:

S. 2512. A bill for the relief of Paul Erdos; to the Committee on the Judiciary.

By Mr. HENNINGS:

S. 2513. A bill to authorize the admission into the United States of certain refugees, and for other purposes; to the Committee on the Judiciary.

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

By Mr. BARTLETT (for himself and Mr. GRUENING) (by request):

S. 2514. A bill to repeal the act of March 12, 1914 (38 Stat. 305), authorizing the construction and operation of a railroad in Alaska, to incorporate the Alaska Railroad Company, and for other purposes; to the Committee on Interstate and Foreign Commerce.

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

By Mr. CASE of New Jersey:

S. 2515. A bill to provide for the admission of the alien fiances and fiancees of citizens of the United States; to the Committee on the Judiciary.

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

By Mr. HUMPHREY (for himself, Mr. MCCARTHY, Mr. ENGLE, and Mr. WILLIAMS of New Jersey):

S. 2516. A bill to provide for stabilization and orderly marketing in the poultry industry; to the Committee on Agriculture and Forestry.

By Mr. BARTLETT:

S. 2517. A bill to amend section 7 of the Federal Home Loan Bank Act, as amended; to the Committee on Banking and Currency.

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

By Mr. LONG (for himself and Mr. ELLENDER):

S. 2518. A bill to incorporate the National District Attorneys' Association; to the Committee on the Judiciary.

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

By Mr. SPARKMAN:

S. 2519. A bill to amend the Federal Flood Insurance Act of 1956 in order to clarify the purposes thereof, provide for the establishment of a Federal-State board, define the relationship between a program of flood insurance and State insurance regulation, and encourage the wise use of flood plains, and for related purposes; to the Committee on Banking and Currency.

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

By Mr. KENNEDY:

S. 2520. A bill for the relief of Shin Moriyoshi; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota:

S. 2521. A bill to extend the time within which credits accruing to country warehousemen for delivering grain to Commodity Credit Corporation superior in quality to that called for may be offset against subsequent deficiencies in the quality of grain delivered; to the Committee on Agriculture and Forestry.

By Mr. HUMPHREY:

S. 2522. A bill to provide for the enrichment and sanitary packaging of certain donated commodities and to establish experimental food-stamp allotment programs; placed on the calendar.

(See the reference to the above bill when reported by Mr. HUMPHREY from the Committee on Agriculture and Forestry, which appears under the heading "Reports of Committees.")

By Mr. ALLOTT:

S. 2523. A bill for the relief of Harry L. Arkin; to the Committee on the Judiciary.

By Mr. BYRD of Virginia:

S. 2524. A bill relating to the power of the States to impose net income taxes on income derived from interstate commerce; placed on the Calendar.

(See remarks of Mr. BYRD of Virginia when he introduced the above bill, which appear under the heading of "Reports of Committees.")

By Mr. GOLDWATER:

S.J. Res. 129. Joint resolution to authorize the making of surveys of the human and natural resources of the Papago Indian Reservation; and

S.J. Res. 130. Joint resolution for the establishment of a commission to study the nonmineral public land laws of the United States to facilitate the enactment of a more effective, simplified, and adequate system of laws governing the transfer of title to public lands to individuals, associations, corporations, and to States and local governments or their instrumentalities; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. GOLDWATER when he introduced the last above-mentioned joint resolution, which appear under a separate heading.)

CONCURRENT RESOLUTION

Mr. KEATING (for himself, Mr. BENNETT, Mr. BUTLER, Mr. WILEY, and Mr. WILLIAMS of Delaware) submitted a concurrent resolution (S. Con. Res. 70) to create a Joint Committee on Federal-State Economic Relations, which was referred to the Committee on Government Operations.

(See the above concurrent resolution printed in full when submitted by Mr. KEATING, which appears under a separate heading.)

RESOLUTIONS

PRINTING OF ADDITIONAL COPIES OF PART 2 OF SECOND INTERIM REPORT OF SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

Mr. McCLELLAN submitted the following resolution (S. Res. 159), which was referred to the Committee on Rules and Administration:

Resolved, That there be printed for the use of the Select Committee on Improper Activities in the Labor or Management Field three thousand three hundred additional copies of part 2 of the second interim report of that committee, made pursuant to S. Res. 44.

ADDITIONAL FUNDS FOR COMMITTEE ON THE JUDICIARY

Mr. HENNINGS, from the Committee on the Judiciary, reported an original resolution (S. Res. 160) to provide additional funds for the Committee on the Judiciary, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full where it appears under the heading "Reports of Committees".)

TAX ADJUSTMENT AND DEBT RETIREMENT ACT OF 1959—S. 2506

Mr. BENNETT. Mr. President, I introduce, for appropriate reference, a bill called the Tax Adjustment and Debt Retirement Act of 1959.

The purpose of the bill is to provide a practical, self-enforcing method by which the Federal debt may be reduced at a steady rate of at least $2.5 billion per year in normal peacetime years.

The basic idea behind the bill is simple. It sets as the goal of our fiscal policy not merely a balanced budget, but an annual surplus of $2.5 billion; and if in any fiscal year we fail to meet that goal, the bill provides for a special 1-year increase in personal and corporate income taxes in an amount necessary to make up the difference.

The pattern of the determination and imposition of the tax is also simple, and grows out of the relation of the Federal fiscal year to the calendar year. The calendar year is the taxable year for all personal income taxpayers and most corporations, and the Federal fiscal year ends midway through it.

The existence and amount of any deficit below the desired surplus of $2.5 billion can be determined soon after July 1, and the amount of the special tax can then be calculated and collected with other taxes due the following April for the taxable year which began with the preceding January. In the case of corporations with special fiscal years the makeup tax would be payable when the regular income taxes are payable.

In order to calculate this new tax and distribute its burden fairly among all taxpayers, the bill provides that the amount needed to make up the deficit in any fiscal year shall be calculated and announced by the Treasury as a percentage of the total collections from personal and corporate taxes in the same fiscal year.

Of course, the amount thus calculated would never exactly match the previous deficit, because of the one-half year lag between the end of the fiscal year and the taxable calendar year, and because of swings in income. But since our economy is growing, the amount thus collected would tend to exceed the deficit slightly, over a span of years. This would be good, because any excess would automatically reduce the debt that much more; and this is our essential purpose, anyway.

To provide a simple and practical way by which each taxpayer can figure his own 1-year tax, the bill would apply the official percentage to the net tax due, as figured under present law. Two extra lines could be added to the tax forms—one, to show the percentage to be used for that year, with space for the resulting dollar figure of new tax; and the other, to show the final total of the normal tax, plus the 1-year special makeup tax.

If such a plan were adopted, there would be no need to change the present law with respect to rates, exemptions, exclusions, requirements for withholding, or the present ceiling on the effective rate of tax on a person's total income—currently 87 percent; and, therefore, no changes in the body of rulings and regulations would be required, nor would the cost of examination or verification of returns be materially increased.

Another feature of the bill is that it provides for a limit to the makeup tax of 10 percent in any 1 year, so that if we ever have another year like the fiscal year 1959 its effects can be spread forward for a few years, and not concentrated into one.

I realize that there are potential variations of the application of this idea which the committee might like to study, and there may be times when the automatic imposition of the makeup tax would be unwise. Obviously, I have not attempted to write these into the bill, but such as have occurred to me might well be briefly stated here.

One obvious type of variation might be in the target itself. At the minimum, the target of the bill might be set merely to create a balanced budget, with no surplus to apply on the debt. The variations above that point are unlimited. One would be to authorize automatic tax reductions equivalent to the amount of any surplus above $2.5 billion. I selected the figure $2.5 billion because it is approximately 1 percent of the debt, though even at this rate it would require at least 115 years of such a surplus to pay off the present debt, to say nothing of the stretchout that would be caused by inevitable additions to the deficit in years of war or in sterile years when, for one reason or another, it might seem wise to suspend the plan. The bill provides that Congress can suspend the program for any year, by an affirmative act signed by the President.

To look at this matter in another way, the sixth generation of our descendents, our great-great-great-great-grandchildren, would still be paying on this debt, even if there were no additional deficits.

The need for some such program is evident when we look at the record of the past 30 years. In that time we have had only 6 surplus years, and in both the prewar decade of the thirties and the postwar years of comparative peace, our average annual deficits have been approximately the same, around $3 billion. Moreover, never once in this time have we balanced the budget over a business cycle. If we can reverse the process, and pay off $2.5 billion per year, it will take 6 years to pay for the accumulated deficits prior to the thirties, 11 years to pay for the deficits of the thirties, and 10 years to pay for our excess spending since 1946. The wartime deficits will require 84 years to repay.

It is encouraging to realize that both Members of Congress and the folks back home are becoming increasingly concerned about our national debt, and are beginning to try to do something about it. Already this year more than 50 bills have been introduced whose purpose is to provide a program to reduce the debt. Unfortunately, none of the provisions of these bills is self-enforcing; and therefore, the proposals are little more than pious expressions of hope.

In addition to any other values my proposal might have, the time pattern involved would permit the people to forestall or correct any excessive spending ideas that Congress might develop, since Congress is always in session during the last half of the fiscal year when the budget deficit or surplus is finally established. If a deficit seems likely, with a tax increase sure to result, pressure on Congress to prevent or minimize it can be very effective. This is the kind of disclipine we often need.

Of course, no legal device can ever be a complete substitute for self-control, and no such program can long operate without support at every level. Debt reduction at a steady rate must become a definite national policy. The President's budget must be planned to produce the necessary annual surplus. Congress must regard it as an obligation to be met by providing adequate revenue by wise taxation, by control of appropriations, and by restraint in legislation creating new programs which require new spending. Most of all, the American people must discipline themselves as to their demands on Government, and must impose similar discipline on every unit and

function of Government. I hope the ideas contained in this bill can prove to be useful steps in that direction; and they are offered in that spirit.

Mr. President, I ask unanimous consent that the bill lie at the desk until next Monday, so that other Senators may join in sponsoring it, if they wish to do so.

Mr. BUSH. Mr. President, will the Senator from Utah yield to me?

Mr. BENNETT. I am happy to yield to the Senator from Connecticut.

Mr. BUSH. I should like to ask the Senator from Utah to allow my name to be added as a cosponsor of the bill; and I congratulate the Senator from Utah upon his introduction of the bill.

Mr. BENNETT. I thank the Senator from Connecticut, and I am very happy to have him join me in sponsoring the bill.

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

The bill (S. 2506) to impose additional individual and corporate income taxes when necessary in order to offset deficits and to provide for systematic reduction of the public debt, introduced by Mr. BENNETT (for himself and Mr. BUSH), was received, read twice by its title, and referred to the Committee on Finance.

COOPERATIVE OUTDOOR RECREATION RESEARCH AND EDUCATION CENTERS

Mr. MURRAY. Mr. President, I introduce, for appropriate reference, a bill providing for the establishment and operation of six cooperative recreation research and education centers in different parts of the country. Outdoor recreation has become so important to the entire citizenry that it now is measured in billions of man-days of participation. In addition to the beneficial exercise it provides in healthful surroundings, outdoor recreation creates a national demand for goods and services that adds untold billions of dollars to our national economy. What formerly was regarded as a luxury of only a few now is a necessity for millions.

Let me cite a few examples of the tremendous interest people have in outdoor recreation. Picnicking, hiking, hunting, fishing, camping and all other recreational uses of public lands has more than trebled since the end of World War II, and still is increasing. Recreational visits to national parks and national forests in 1958 totaled 120 million; State parks, 200 million with a steady 10 percent increase in use in each of the recent years; national wildlife refuge, 8.5 million; TVA reservoirs, 40 million; and Army Corps of Engineers reservoirs, 71 million.

In 1955, 35 percent of all households in the United States included one or more persons who either hunted or fished, and 21 percent of our entire population enjoyed these healthful outdoor sports. At least 37 million persons participated in recreational boating in 1958. More than 7 million boats were in use recreationally that year, and boaters alone spent more than $2 billion on their sport. Reasonable projections show that the demand for outdoor recreational opportunity in the year 2000 will range from 10 to 40 times the present use depending on distance from centers of population.

The resources of land and water which can be used for recreation are limited. Much of the recreation undoubtedly will continue to center on public lands and waters. The Federal Government has a definite responsibility to the people in seeing that the recreational opportunities are preserved and increased on public lands to meet the increasing demands. This means that we must begin to prepare now so that the magnitude of the change and the developing trends can be understood. My bill would assist in getting these basic studies underway. Planning for future recreational demands will be hampered severely and unnecessarily, unless the essential information is obtained.

Research into all aspects of outdoor recreation can provide better ways of evaluating the quality of recreational resources and determining their optimal and potential recreational capacity so that present and future supply can be geared to the demands. Such research will compliment the findings of the National Outdoor Recreation Resources Review Commission, established by Congress through Public Law 85–470. The studies at the proposed centers will assist in keeping the national review of outdoor recreation abreast of demands and trends.

It is believed that my bill is necessary in that no single Federal agency has either the authority or the demonstrated ability to undertake all phases of recreational research. The piecemeal work presently being done by the Federal agencies is augmented in part by State agencies and private organizations, but it is all too meager and lacks coordination. The best that can be said is that they all are contributing some statistics, facts and knowledge.

The cooperative outdoor recreation research and education centers proposed in my bill will not only initiate investigations in aspects of recreation where definite information is lacking, but will serve as clearing houses for the dissemination of information that is being contributed through the activities of all the interested agencies and groups.

Public education in the field of outdoor recreation also would be a function of the proposed work centers. Methods of identifying, expressing, measuring, and communicating outdoor recreation values simply must be developed. The results should be incorporated into a national program of outdoor education that stresses proper use, understanding, appreciation, and self-reliance in the enjoyment of outdoor recreational opportunities.

From what we know, and from experience, it is clear that the best and most efficient and economical way of starting such a proposed program is to establish the outdoor recreation research and education centers in conjunction with interested universities and colleges, where the work programs can be developed cooperatively by the State and Federal agencies, universities, and private organizations.

I believe this annual investment of $150,000 which I propose would be repaid many times over in more judicious use of public lands and waters. To cite but one example, I believe that proper selection and use of campsites will decrease damage to the public lands and increase public enjoyment of the increasingly popular recreation of camping. I would point out here that, inasmuch as many camping facilities, and other outdoor recreation areas, are located within State parks, such enhancement of campsite values will be of substantial benefit to States as well as the Federal government.

The research centers need not be elaborate. Their aim should be the attainment of desired results through flexibility and freedom of action. The staff of each center could consist of a leader, one assistant, and a part-time secretary. Cooperating members from the colleges and universities, Federal, State, and other agencies, and private organizations would serve on a voluntary, nonpaid basis. It is expected that the annual cost of operating each center will not exceed $25,000, including the salary of the leader. There is no doubt that private groups will be willing to provide funds for the conduct of specific recreational research projects at the proposed centers.

As a site for the first recreation research center, I am pleased to propose Montana State University at Missoula, in the State that I represent. Situated between two great national parks—Glacier and Yellowstone—and adjacent to large blocks of both public and private lands, all of which are blessed with an abundance of fish, wildlife, and all sorts of healthful outdoor recreational opportunities, Montana State University is an ideal location for the first of these recreational research centers. It is expected that the other centers would be located so as to take into account regional problems and similarities based on population densities, recreational habits of the people, and other pertinent factors.

Montana State University already has welcomed the opportunity of establishing the initial outdoor recreation research and education center on its campus and has offered the following support:

First. Office space on the campus.

Second. Graduate students available for work on research projects with the center. The projects most likely would lead to a master's degree in the area of resources management.

Third. Courtesy appointment of the center leader to the faculty of the university.

Fourth. University staff available for consultation and direction of specific research projects where needed by the center.

My colleague from western Montana, Representative LEE METCALF, is introducing companion legislation in the other body.

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

The bill (S. 2511) to provide for the establishment of cooperative outdoor recreation research and education centers, introduced by Mr. MURRAY, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

WORLD REFUGEE RELIEF ACT OF 1959

Mr. HENNINGS. Mr. President, for more than a quarter of a century our world has been disrupted by political upheavals and torn by local and global wars. We have seen the rise of despotic and oppressive governments, some of which, fortunately, have been destroyed and relegated to a well-deserved oblivion. Others, however, particularly nations in the Communist bloc, continue to harass and disturb the peace of the world.

One of the most tragic results of these years of war, revolution, and aggression has been the uprooting of millions of people, people driven from their homes, people who can never return to their native lands, people haunted by the fear of persecution because of race, religion, or political belief.

The U.S. Committee on Refugees has stated this problem well:

It has been said, and truly so, that this is the century of the homeless man.

More than 2 million human beings throughout the world are living a shadowy half existence. For the most part they possess neither home nor country. They are the waiting people of our time, owning only a worn suitcase or two, a few blankets, a shred of self-respect, and sometimes a dossier of papers that makes the rounds while they wait * * * and wait.

Who are these waiting people?

They are the refugees of mid-century Europe, Algeria, Palestine, Tibet, China. They are the flesh and blood symbols of the upheavals of the past two decades, escapees from the horrors of war, revolution, persecution. They are not far different from many of our own ancestors who came to the United States for the same reasons that have brought today's refugees to a dead end in a camp in Austria, a barracks in Italy, a tent in Gaza, a shack in Hong Kong.

The U.S. Committee for Refugees is an organization composed of Americans from many walks of life and of representatives of voluntary agencies who are concerned by the appalling human sorrow represented by the millions of refugees living in limbo in the free world.

They are concerned, too, by the serious humanitarian and economic implications of unsolved refugee problems for the United States. The presence of large numbers of refugees in any country contributes to its instability and directly affects U.S. appropriations for foreign economic and military aid.

Congress has not been unaware of the plight of these homeless people. We have enacted the Displaced Persons Act, the Refugee Relief Act, and special provisions for the admission of refugee-orphans. These measures have been temporary expedients directed to meet limited areas of the refugee program. Unfortunately, the refugees of the world are still with us.

On December 5, 1958, the Assembly of the United Nations adopted a resolution for a World Refugee Year to begin in July of 1959. Its purpose was to urge the members of the U.N. to undertake a concerted effort to provide relief, rehabilitation, and opportunities for resettlement to these unfortunate people.

On the 19th of May of this year, President Eisenhower issued a proclamation of U.S. participation in the World Refugee Year. In this proclamation he stated:

I invite all of our citizens to support generously, either through the voluntary welfare agencies or the U.S. Committee for Refugees, the programs developed in furtherance of that year for the assistance of refugees.

The U.S. Committee on Refugees is composed of a distinguished group of citizens dedicated to seeking solutions to the refugee problem. The Committee, headed by the Very Reverend Francis B. Sayre, Jr., dean of the National Cathedral, has brought together American citizens, and leaders of voluntary organizations thoroughly experienced in war-relief work and refugee problems. From the wealth of this experience they have proposed a U.S. program for refugees which will combine the facilities of the U.S. Government, the United Nations, and the voluntary organizations of church and private social agencies.

I have consulted with representatives of the U.S. Committee on Refugees as to the action required from the Congress to establish a continuing program to meet the refugee problem.

Their legislative recommendations are as follows:

First. A Federal appropriation of $10 million over and above present outlays for refugee programs.

Second. Generous Government allocation of additional surplus commodities.

Third. New legislation permitting the annual immigration of 20,000 refugees beyond those authorized by existing quotas.

I have incorporated these recommendations into a bill which provides for:

First. The admission of 20,000 nonquota refugees annually.

Second. The admission of 5,000 hard-core, physically handicapped refugees annually.

Third. A continuation of the refugee-orphan program by elimination of termination date, June 30, 1959.

Fourth. Authority for the President, by proclamation to permit the prompt entry of world refugees under parole with provision for permanent residence in the United States after 2 years of residence.

Fifth. Authorization of $10 million to the President to be used through such agencies as he may designate for the relief, rehabilitation, and resettlement of world refugees.

Sixth. Authorization for the allocation of surplus commodities for the relief, rehabilitation, and resettlement of world refugees.

"World refugee" is defined to include any alien who because of persecution or fear of persecution, has fled from a country because of race, religion, or political opinion, or because of natural calamity or military operation is out of his natural place of abode.

Mr. President, I therefore introduce for appropriate reference, this bill. I sincerely hope that it will become the World Refugee Relief Act of 1959.

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

The bill (S. 2513) to authorize the admission into the United States of certain refugees, and for other purposes, introduced by Mr. HENNINGS, was received, read twice by its title, and referred to the Committee on the Judiciary.

REPEAL OF THE ACT OF MARCH 12, 1914 (38 STAT. 305)

Mr. BARTLETT. Mr. President, on behalf of myself, and my colleague, the junior Senator from Alaska [Mr. GRUENING], I introduce, by request, a bill to repeal the act of March 12, 1914 (38 Stat. 305), authorizing the construction and operation of a railroad in Alaska, to incorporate the Alaska Railroad Company, and for other purposes. I ask unanimous consent that a letter from the Acting Secretary of the Interior, requesting the proposed legislation, be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 2514) to repeal the act of March 12, 1914 (38 Stat. 305), authorizing the construction and operation of a railroad in Alaska, to incorporate the Alaska Railroad Company, and for other purposes, introduced by Mr. BARTLETT (for himself and Mr. GRUENING) by request), was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The letter presented by Mr. BARTLETT is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington D.C., June 5, 1959.

Hon. RICHARD M. NIXON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "to repeal the act of March 12, 1914 (38 Stat. 305), authorizing the construction and operation of a railroad in Alaska, to incorporate the Alaska Railroad Company, and for other purposes."

We suggest that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The purpose of the proposed legislation is to incorporate the Alaska Railroad and to place the Company under the Government Corporation Control Act (31 U.S.C., sec 846 et seq.). Construction of the railroad was authorized in 1914 and it has been administered for many years by the Secretary of the Interior under authority delegated by the President.

The Commission on Organization of the Executive Branch of the Government recommended in its report to the Congress (May 1955) on business enterprises that the railroad be incorporated and made subject to the Government Corporation Control Act. In his budget message to the present Congress at the time of its convening, the President said: "Legislation will also be proposed to incorporate the Alaska Railroad to facilitate its operations on a businesslike basis."

We believe the enclosed draft, by emphasizing operational efficiency and freeing the

railroad from such general governmental procedures as have been found restrictive and inappropriate to a railroad operation, will carry out the President's purpose. The bill is designed to permit the railroad to be managed in the manner of an industrial operation, providing a general transportation service to the public.

The draft bill will transfer to the new Company all the properties now used by the Alaska Railroad and the functions and responsibilities carried by it, as well as the authority it now has, subject to new matter relating to management, finance, etc., contained in the draft. The bill would create a body corporate to be known as the Alaska Railroad Company. The extent of the authority of the Company to provide transportation services is specified in some detail in section 3 of the bill, but comprehends generally all the usual duties of a common carrier.

By section 4 of the bill the Company is given the general corporate powers necessary to carry out these activities. These include, among others, authority to sue and be sued in its corporate name, to determine the character of and necessity for its obligations and expenditures, to acquire and dispose of real and personal property, to enter into contracts generally, to appoint officers and personnel, to use the U.S. mails as a Federal agency, to settle and adjust claims, and to do other things necessary to the efficient management and operation of the Company.

Management of the Company is to be vested in a Board of Directors consisting of seven members, which will be responsible for overall policymaking, subject to the general direction of the Secretary of the Interior. The Secretary of the Interior will appoint the members of the Board and will designate one such member as Chairman. Four of the members must be officers or employees of the United States, and one from this group may, if the Secretary chooses, be the General Manager of the Company. The remaining three members would be public members, two of whom must be experienced railroad men. The members would all serve at the pleasure of the Secretary. Administrative functions of the Company would be centered in a staff of full-time executive officers headed by a General Manager appointed by and responsible to the Board for the execution of programs and policies adopted by it.

All assets of the Alaska Railroad, including rolling stock, equipment, supplies, machinery, tools, rights in real estate, and all funds in the Alaska Railroad revolving fund would be transferred to the Company, to be used thereafter in the operation and management of the Company.

From a financial standpoint it is intended and hoped that the railroad will henceforth be fully self-supporting, paying all current costs, including adequate allowance for depreciation, from current revenue derived from the provision of transportation services. Committees of Congress have in recent years urged such a policy and the railroad has, in fact, during each of the past 6 fiscal years, been able to show a slight excess of revenues over costs. The financial provisions of the draft bill have been prepared with that policy objective in mind. While the bill includes the customary authority for appropriations to cover actual losses, it is hoped that authority will not have to be used.

Additionally, the bill contains authority for appropriation to the Company of funds required for improvement and betterment of the facilities of the Company and for purchase of equipment and the like. On any advances from appropriations for these purposes under this act, the Company would be required to pay from its revenues annually to the Treasury interest at a rate to be fixed by the Secretary of the Treasury. Any earnings remaining after an appropriate charge for depreciation and after payment of interest on outstanding advances as explained below, may be used by the Company for improvement of its facilities, or may be credited to the appropriation from which withdrawn. However, no new type of activity could be undertaken by the Company except as included in its budget submitted pursuant to the Government Corporation Control Act.

Under the bill the Company could not adopt any general rate increases or decreases except in accordance with section 4 of the Administrative Procedure Act.

The bill contains provisions protecting the rights of employees, including retirement and other administrative matters. It recognizes the right of employees and their representatives to enter into agreements covering wages, working rules, and the like, which is the practice of railroads generally, including, where desired by the employees and acceptable to management, the subordination to such agreements of any provisions of the Veteran's Preference Act, except in hiring. The Company would be authorized to adopt to the extent practicable the personnel policies and practices of the railroad industry, including the determination of hours and conditions of work, the establishment of rules and procedures governing hiring, promotion, discharge, seniority, and the like. One section proposes to write into law one of the fundamental points of a recent court decision (*David F. Samples et al.* v. *The United States*, U.S. Court of Claims No. 48637, decided July 12, 1956), and clarifies the application of section 23 of the act of March 28, 1934 (5 U.S.C., sec. 673c), on which the case was based. The Company would have the condemnation powers of the Federal Government. The bill also would repeal the statute authorizing the existing railroad and would amend certain other laws inconsistent with the proposed Act.

The Bureau of the Budget has advised that there is no objection to the submission of this proposed legislation to the Congress.

Sincerely yours,

ELMER F. BENNETT,
Acting Secretary of the Interior.

ADMISSION OF ALIEN FIANCES AND FIANCEES OF CITIZENS OF THE UNITED STATES

Mr. CASE of New Jersey. Mr. President, on June 30, 1959, I testified before the Senate Immigration Subcommittee in support of Senate bill 1919, cosponsored by Senators SALTONSTALL, JAVITS, KEATING, and me, which deals with refugee and immigration matters.

At the hearing, I mentioned the need for another desirable amendment to the Immigration and Nationality Act which was not part of our omnibus proposal, an amendment which, as I said at the time, would definitely be "in the interest of love and marriage."

I introduce, for appropriate reference, a bill to permit an alien fiance or fiancee of an American citizen to come to the United States for the purpose of getting married, and I ask unanimous consent that it be printed in the RECORD.

At present, if an American wants to marry an alien who is a native of a country with an oversubscribed quota, there is no way for the alien to be admitted to the United States to celebrate the marriage. The result, of course, can be heartbreak and broken romance. At the least, it has long delayed marriages by permitting marriages for only those affluent and patient suitors who are able to afford to go abroad and, subsequently, to file a petition for the issuance of a nonquota visa for the spouse. Once married, there is no problem.

Recently we have had a dramatic instance of the kind of situation to which my bill would apply.

We all rejoice at the good fortune of young Steven Rockefeller, who met Miss Anne-Marie Rasmussen, of Norway, while she was in this country. Subsequently he went to Norway and won the lady's hand. Their nuptials, as everyone knows, will be celebrated in a few days. Their courtship has a happy ending. But for many another young American less blessed with financial resources, there may be many months or years of weary waiting for the girl of his dreams to reach her turn on a quota list.

Love and marriage, as the song puts it, go together like a horse and carriage. Surely, it is not inappropriate for the United States to help smooth the path of true love. And that with proper safeguards to prevent abuses is the simple purpose of my bill.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2515) to provide for the admission of the alien fiances and fiancees of citizens of the United States, introduced by Mr. CASE of New Jersey, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the alien fiancé or fiancée of a citizen of the United States may be admitted into the United States with a passport visa as a nonimmigrant temporary visitor for a period of three months (unless in exceptional circumstances such period is extended by the Attorney General of the United States) under the provisions of Section 214 of the Immigration and Nationality Act (66 Stat. 163 and 8 U.S.C. 1184): *Provided,* That—

(a) the alien is not otherwise subject to exclusion from the United States under the immigration laws,

(b) the Attorney General finds that the alien is coming to the United States with a bona fide intention of being married to a citizen of the United States, and

(c) the Attorney General finds that the parties to the proposed marriage are able and intend to contract a valid marriage within the period for which the alien is admitted.

SEC. 2. In the event the marriage does not occur within the period for which the alien is admitted, the alien shall be required to depart from the United States and upon failure to do so shall be deported at any time after entry in accordance with the provisions of Sections 242 and 243 of the Immigration and Nationality Act (66 Stat. 212, 214, 8 U.S.C. 1252 and 1253).

SEC. 3. The Secretary of State shall have authority to prescribe regulations for the administration of the provisions of this Act which relate to the performance of functions by diplomatic or consular officers of the United States and he shall include in such regulations a requirement that the parties to a proposed marriage shall furnish satisfactory evidence to the American consular officer concerned, including sworn statements corroborated by other appropriate evidence showing that the parties have entered into a valid agreement to marry and are legally

able and actually willing to conclude a valid marriage in the United States within a period of three months after the alien's arrival, or within such period as may be extended by the Attorney General.

SEC. 4. The Attorney General shall have authority to prescribe regulations for the administration by the Immigration and Naturalization Service of the provisions of this Act in connection with the arrival of the aliens concerned at ports of entry in the United States, and he shall include in such regulations a requirement that the prospective American citizen spouse of an alien covered by the provisions of this Act shall furnish to the Attorney General a suitable bond, which shall be in an amount sufficient to cover the cost of the deportation of the alien concerned, and which shall be forfeited to the United States if and when the alien becomes deportable, or shall be canceled by the Attorney General upon receipt of satisfactory evidence that a valid marriage has been concluded, or that the alien has left the United States without expense to the said United States.

AMENDMENT OF SECTION 7 OF FEDERAL HOME LOAN BANK ACT

Mr. BARTLETT. Mr. President, I introduce, for appropriate reference, a bill to amend section 7 of the Federal Home Loan Bank Act, as amended. I ask unanimous consent that an explanation of the bill may be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the explanation will be printed in the RECORD.

The bill (S. 2517) to amend section 7 of the Federal Home Loan Bank Act, as amended, introduced by Mr. BARTLETT, was received, read twice by its title, and referred to the Committee on Banking and Currency.

The explanation presented by Mr. BARTLETT is as follows:

EXPLANATION OF BILL TO AMEND SECTION 7 OF THE FEDERAL HOME LOAN BANK ACT, AS AMENDED

The bill would authorize the Federal Home Loan Bank Board to increase the number of the directors of the Federal Home Loan Bank Board of San Francisco. This is the district bank for the Western States and includes Alaska and Hawaii.

It would insure that both the new States would have an elected member of the board of directors of the San Francisco Regional Bank. Under existing law, it is required that each State have an elected representative on the regional bank board. At the present time, each State has a representative on the San Francisco Bank board of directors except Alaska and Hawaii. California has three; however, California has half of the assets of the entire district. In order to preserve the present Board and permit Alaska and Hawaii elected representation, it is essential that the law be amended.

This bill has the support of all of the States affected; it has the support of the Federal Home Loan Bank Board in Washington, D.C., the support of the board of the San Francisco Regional Bank, the State leagues in all of the States, and the U.S. Loan League. It is noncontroversial and was brought about because of the admission of the two new States.

INCORPORATION OF NATIONAL DISTRICT ATTORNEYS' ASSOCIATION

Mr. LONG. Mr. President, on behalf of myself, and my colleague, the senior Senator from Louisiana [Mr. ELLENDER], I introduce, for appropriate reference, a bill to incorporate the National District Attorneys' Association. I ask unanimous consent that the bill be printed in the RECORD at this point, and that the bill lie at the desk until August 21, in order that Senators who may desire to join in sponsoring it may have an opportunity to do so.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, and held at the desk, as requested by the Senator from Louisiana.

The bill (S. 2518) to incorporate the National District Attorneys' Association, introduced by Mr. LONG (for himself and Mr. ELLENDER), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons, J. St. Clair Favrot, district attorney, Baton Rouge, Louisiana; Edward S. Silver, district attorney, Brooklyn, New York; Vincent P. Keuper, county prosecutor, Freehold, New Jersey; Victor H. Blanc, district attorney, Philadelphia, Pennsylvania; Patrick Brennan, prosecuting attorney, South Bend, Indiana; James H. De Weese, prosecuting attorney, Troy, Ohio; Keith Mossman, county attorney, Vinton, Iowa; Blaine Ramsey, State's attorney, Lewistown, Illinois; Garrett H. Byrne, district attorney, Boston, Massachusetts; William B. McKesson, district attorney, Los Angeles, California; George M. Scott, county attorney, Minneapolis, Minnesota; and their associates and successors duly chosen are incorporated and declared to be a body corporate.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act are authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of a constitution and bylaws not inconsistent with the provisions of this Act, and the doing of such other acts as may be necessary for such purpose.

CORPORATE NAME

SEC. 3. The name of the Corporation shall be the National District Attorneys' Association.

PURPOSES OF CORPORATION

SEC. 4. The purposes for which the Corporation is formed are—

(a) to provide an appropriate national organization representing the district attorneys, county attorneys, and prosecuting attorneys of the United States of America in both criminal and civil aspects of their official functions and responsibilities;

(b) to foster periodic conferences or meetings of the various district and county attorneys, prosecutors, State attorneys, county solicitors, county counsels and officials performing similar duties, by whatever title known in any of the States, Districts, Territories, or possessions of the United States of America for the discussion and solution of problems common to such officials;

(c) to gather, exchange, and to disseminate knowledge relating to the prosecution of crime by more effective means, and to the legal problems of county government;

(d) to afford a means of coordination of law enforcement agencies among the members generally, and among Federal, State, and other local law enforcement agencies through their respective national associations, organizations, and representatives;

(e) to render technical, informational, and similar advisory services to its members for the official benefit and for the general welfare of the districts, counties, parishes, or municipalities which they represent; and

(f) to encourage and sponsor the enactment of uniform laws and procedures among the several municipalities, counties, parishes, districts, and States of the United States of America.

GENERAL POWERS

SEC. 5. The corporation shall have power (1) to have perpetual duration and succession by its corporate name; (2) to sue and be sued, complain and defend in any court of competent jurisdiction; (3) to adopt, use, and alter a corporate seal; (4) to choose such officers, managers, and agents as the business of the corporation may require; (5) to ordain and establish bylaws and regulations not inconsistent with the laws of the United States of America or any State in which such corporation is to operate for the management of its property and the regulation of its affairs; (6) to contract and be contracted with; (7) to take and hold by lease, gift, purchase, grant, device, or bequest of any property, real or personal, necessary for attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of law of any State governing the amount or kind of real and personal property which may be held by, or otherwise limiting or controlling the ownership of real and personal property by, a corporation operating in such State; (8) to transfer and convey real or personal property; (9) to borrow money for the purposes of the corporation, and issue bonds or other evidence of indebtedness therefor, and secure same by mortgage or pledge subject in every case to all applicable provisions of Federal or State law; and (10) to do any and all acts necessary to carry out the purposes of the corporation.

MEMBERSHIP AND VOTING RIGHTS

SEC. 6. (a) ACTIVE MEMBERSHIP.—Each person of good moral character holding any of the following offices, or one assistant or deputy of such person, designated by the holder of such office, in any of the districts, counties, parishes, or municipalities of the United States of America or any of its Districts, Territories, or possessions shall be eligible to active membership in the corporation: District attorney, district solicitor, county solicitor, prosecuting attorney, prosecutor of the pleas, State's attorney, county counsel, county attorney, municipal prosecutor, general counsel for any State or National association of counties or county officials, an office the duties of which are similar to any of those set forth above: *Provided, however,* That any active charter member may continue as such for a period of two years after the termination of his incumbency in the office or position which qualified him for such active membership.

(b) ASSOCIATE MEMBERSHIP.—Any assistant or deputy in any of the offices listed, or any member of the corporation whose term of office may have expired, shall be eligible to associate membership in the corporation.

(c) HONORARY MEMBERSHIP.—Honorary members shall be: Past presidents of the corporation; any person who shall have made an outstanding contribution to the public welfare and purposes of the corporation may hereafter be proposed for honorary membership by five active members of the corporation. Such nomination shall be in writing subscribed by such members and submitted in writing to the president of the corporation. An affirmative vote of a majority of the board of directors shall be required to elect such members.

Each active member shall have the right to one vote either in person or by proxy on each matter submitted to a vote at all meetings of the members of the corporation.

Associate members, other than directors, and honorary members, other than past

presidents, shall not be entitled to vote in any of the proceedings of the corporation.

OFFICERS OF CORPORATION

SEC. 7. The officers of this corporation shall be members eligible to active membership and shall consist of a president, executive vice president and such additional vice presidents as shall be fixed by the bylaws of the corporation, a historian, a secretary, and a treasurer, all such officers to be elected at the annual meeting for a one-year term, and to have such duties as may be prescribed in the bylaws of the corporation.

BOARD OF DIRECTORS

SEC. 8. (a) The affairs of this corporation shall be governed by a board of directors consisting of not less than fifty members nor more than one hundred members for a one-year term on the basis of the allocation of one director to each State from which the corporation has active members. In the event that there is no active member in the corporation from a State, the first applicant from such State eligible for active membership shall automatically become a member of the board of directors. In addition, the current officers of the corporation shall be ex officio members of the board of directors. In addition to a director from each of the fifty States, to be chosen from the active members, there shall be five directors chosen from the associate members at large by the said associate members: *Provided*, That not more than one such director shall be chosen from the same State, which said five directors shall have the same voting privileges as other members of said board of directors: *Provided further*, That one of said directors chosen from the associate members at large shall be named by them to serve as a member of the executive committee.

(b) The president of the corporation shall serve as chairman of the board of directors. The executive vice president of the corporation shall serve as vice chairman of the board of directors.

(c) Between meetings of the board of directors an executive committee composed of the officers of the corporation, all past presidents, and a member of the directors at large chosen by the associate members shall have the authority to act for the board of directors, but shall report its action to such board. The board shall have the right to rescind any action of such committee.

(d) Both the board of directors and the executive committee may act at meetings or by mail addressed to the Secretary.

The incorporators enumerated in section 1 of this Act shall constitute the first board of directors of the corporation.

PRINCIPAL OFFICE OF CORPORATION

SEC. 9. The principal office of the corporation shall be located in Brooklyn, New York, and its activities shall be conducted throughout the United States of America through the establishment of national, regional, State, or local offices.

LIABILITY OF CORPORATION

SEC. 10. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

AGENT FOR SERVICE OF PROCESS

SEC. 11. The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process for such corporation, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

BOOKS AND RECORDS

SEC. 12. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any of the authority of the board of directors, and it shall also keep at its principal office a record giving the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS: REPORTS TO CONGRESS

SEC. 13. (a) The financial transactions of the corporation shall be audited annually, at the end of the fiscal year established by the corporation, and at its own expense, by an independent certified public accountant in accordance with the principles and procedures applicable to commercial corporate transactions. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necesssary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositors, fiscal agents, and custodian shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than six months following the close of such fiscal year for which the audit is made. The report shall set forth the scope of the audit and shall include verification by the person or persons conducting the audit of statements of (1) assets and liabilities, (2) capital and surplus or deficit, (3) surplus or deficit analysis, (4) income and expense, and (5) sources and application of funds. Such report shall not be printed as a public document.

NONPROFIT CORPORATION

SEC. 14. (a) The corporation shall be a nonprofit membership organization operating exclusively for educational and civic-improvement purposes.

(b) No part of its income or property shall inure to the private benefit of any of its members, directors, or officers, or be distributable thereto, otherwise than by the dissolution or final liquidation of the corporaton.

(c) The corporation shall not have or issue shares of stock, nor declare or pay dividends.

(d) No loans shall be made by the corporation to its officers, directors, or employees. Any director of the corporation who votes for or assents to the making of a loan or advance to an officer, director, or employee of the corporation and any officer participating in the making of any such loan or advance shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

USE OF ASSETS UPON DISSOLUTION OR LIQUIDATION

SEC. 15. In the event of dissolution or final liquidation of the corporation all of its assets and property, after payment of its liabilities and expenses, shall be distributed in a manner and for such purposes consistent with the basic objectives of this corporation as the board of directors shall determine.

PROHIBITION AGAINST ISSUANCE OF STOCK OR ISSUANCE OF DIVIDENDS

SEC. 16. The corporation shall have no power to issue any shares of stock or declare or pay dividends.

POLITICAL ACTIVITY PROHIBITED

SEC. 17. The corporation, and its officers and directors as such, shall not contribute to or otherwise support or assist any political party or candidate for elective public office.

ACQUISITION OF ASSETS AND LIABILITIES OF EXISTING ORGANIZATION

SEC. 18. The corporation may acquire any and all of the assets of the existing national organization known as "National Association of County and Prosecuting Attorneys", a body corporate organized under the laws of California, upon discharging or satisfactorily providing for the payment and discharge of all of its liabilities and upon complying with all the laws of the State of California applicable thereto.

EXCLUSIVE RIGHT TO NAME, SEAL, EMBLEM, INSIGNIA, AND BADGES

SEC. 19. The corporation and its national, regional, State, and local subdivisions shall have the sole and exclusive right to have and use the corporate name, the National District Attorneys' Association, and such seals, emblems, insignia, and badges as the corporation may lawfully adopt.

AMENDMENT OF FEDERAL FLOOD INSURANCE ACT OF 1956

Mr. SPARKMAN. Mr. President, I introduce, for appropriate reference, a bill to amend the Federal Flood Insurance Act of 1956. The bill has been prepared through the efforts of the Council of State Governments. I am introducing it at the request of Gov. Luther Hodges, of North Carolina, chairman of the committee on flood insurance of the Council of State Governments. It was under his direction that the bill was prepared.

I have not had an opportunity to study the bill in its entirety and therefore I am not in a position to say that I endorse every provision of it. My purpose in introducing it at this time is to get it before the appropriate committee for consideration.

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

The bill (S. 2519) to amend the Federal Flood Insurance Act of 1956 in order to clarify the purposes thereof; provide for the establishment of a Federal-State board; define the relationship between a program of flood insurance and State insurance regulation; and encourage the wise use of flood plains, introduced by Mr. SPARKMAN, was received, read twice by its title, and referred to the Committee on Banking and Currency.

COMMISSION TO STUDY NONMINERAL LAND LAWS

Mr. GOLDWATER. Mr. President, I introduce a joint resolution for the establishment of a commission to study the nonmineral public land laws of the United States to facilitate the enactment of a more effective, simplified, and adequate system of laws governing the transfer of title to public lands to individuals, associations, corporations, and to States and local governments or their agencies.

I ask that the joint resolution be referred to the appropriate committee for consideration, and I recommend that it be enacted.

The joint resolution would establish a commission to study present nonmineral public land laws. It would be charged with the responsibility of recommending an adequate, modern, and simplified body of nonmineral public land laws to be administered by the Secretary of the Interior through the Bureau of Land Management.

The nine-member commission would be bipartisan. The resolution would provide $150,000 to finance the study authorized.

As this Nation extended its boundaries westward, it disposed of more than a billion acres of the public domain lands to its citizens as individuals or groups. Laws enacted to facilitate the transfer of public domain to private ownership met the requirements of the time. The Government needed revenue; the West needed settlers, and the Nation needed agricultural production.

Altogether some 5,000 laws, including private and public measures, have been enacted for this purpose. Frequently, the laws were passed to meet the Government's need for ready cash or to take care of peculiar local conditions. As a result, during the past 150 years there has been built up a patchwork law system, replete with contradictions and conflicts.

The very multiplicity of these laws under which lands are transferred into nonfederal public or private ownership are creating near-intolerable administrative difficulties. For example, a single tract of unreserved, vacant public domain can simultaneously be covered by applications under the Desert Entry, Small Trace, Homestead, Private Exchange, Public Sale, Recreation and State School Selection Acts. These conflicts place a heavy administrative burden on land classifiers and frequently the cost of resolving them far exceeds the value of the land.

The need for a thorough study of the public land laws and for their modernization has been recognized for years. A special subcommittee on revision of the public land laws of the House Committee on Interior and Insular Affairs of the 82d Congress emphasized this need and recommended that a continuing study be made.

Each year the administration of nonmineral public land laws has become more difficult. The expanding desire of the public to use or acquire Government lands and the rising needs of industry, State and local governments increase the administrative burden of the Bureau of Land Management. There are 20,000 small tract applications and 6,000 desert land entries pending in the Los Angeles land office alone.

The multiplicity and complexity of nonmineral public land laws have resulted in an increase in the number of "land locators" who have bilked the general public out of millions of dollars by assuring individuals that for a fee they can obtain title for them to public domain lands. The tremendous increase in applications traceable to these operators further adds to the administrative burden and ties up effective management and or transfer of public lands.

The legislation here proposed would limit the commission's study to nonmineral public land laws. This is not to imply that there are not some conflicts in other public land use statutes. However, it is in the field of public land disposition where administrative difficulties are penalizing the individuals seeking land, the Government and the taxpayer. Most of these difficulties are traceable to defects in the nonmineral public land law system.

The appointment of a bipartisan commission, we believe, would provide a harmonious and impartial background for the work of commission members and employees.

The Bureau of the Budget has advised that there is no objection to the presentation of this proposed legislation to the Congress.

I ask unanimous consent that the joint resolution be printed in the RECORD.

The VICE PRESIDENT. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 130) for the establishment of a commission to study the nonmineral public land laws of the United States to facilitate the enactment of a more effective, simplified, and adequate system of laws governing the transfer of title to public lands to individuals, associations, corporations, and to State and local governments or their instrumentalities, introduced by Mr. GOLDWATER, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, whereas laws governing the transfer of title to public lands have been enacted from time to time without adequate consideration being given to their relationship one to another, and

Whereas these piecemeal changes in public land policy and laws have resulted in an incongruous land laws system promoting conflicts and imposing wasteful administrative burdens, and

Whereas these conflicting laws and policies have been and are being used by unscrupulous land locators to cheat the public out of millions of dollars per year, and

Whereas the Congress has not authorized a study of nonmineral public land laws for more than half a century: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a Commission be established to study the nonmineral public land laws of the United States in order to facilitate the enactment of a more effective, simplified, and adequate system of laws governing the transfer of title to public lands to individuals, associations, and corporations, and to States and local governments or their instrumentalities.

SEC. 2. (a) The Commission authorized by section 1 shall be selected as follows:

(1) Three members whom the President shall select, as he shall deem advisable, from persons, either in the Federal Government or in private life, having professional interest in proper land use and land tenure; and

(2) Three members appointed by the President of the Senate from among the membership of the Senate, not more than two of whom shall be from the same political party; and

(3) Three members appointed by the Speaker of the House of Representatives from among the membership of the House of Representatives, not more than two of whom shall be from the same political party.

(b) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 3. (a) The Commission shall elect a Chairman and Vice Chairman from among its members.

(b) Five members of the Commission shall constitute a quorum.

(c) Members of Congress and personnel of the executive branch of the Government who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress, or employees of the Federal Government, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(d) The members from private life shall each receive compensation at the rate of $75 per diem when actually engaged in performance of the duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

SEC. 4. The Commission shall have power to appoint and fix the compensation of such personnel, including counsel and a staff director, as it deems necessary and advisable, without regard to the civil service laws and the Classification Act of 1949 (5 U.S.C., sec. 1071 and the following): *Provided,* That any such personnel who, prior to appointment was then subject to the civil service laws, shall nevertheless remain subject to the retirement provisions of those laws, and appropriate deductions for contributions to the Federal retirement fund shall be made from such employee's compensation.

SEC. 5. (a) The Commission shall study and investigate the nonmineral public land laws administered by the Secretary of the Interior through the Bureau of Land Management to ascertain their effectiveness to accomplish the policies of the Congress; to determine the need for consolidating, modernizing, simplifying, or repealing all or any of the laws; and to recommend a modern, simple, and effective system of law, including drafts of proposed legislation to accomplish these purposes.

(b) The Commission, or any member thereof duly authorized by the Commission, may, for the purpose of carrying out the provisions of this joint resolution, hold such hearings and sit and act at such times and places, and take such testimony, as the Commission or such member may deem advisable. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or before such member.

(c) Not later than ninety days after ——, the Commission shall make a report of its findings and recommendations to the Congress, together with any proposed legislation needed to implement its recommendations.

(d) Ninety days after the submission to the Congress of the report herein provided for, the Commission shall cease to exist.

SEC. 6. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $150,000 to carry out the provisions of this joint resolution.

Mr. GOLDWATER. Mr. President, I ask that the joint resolution lie on the table for 3 days so that colleagues who are interested in this important matter may be allowed to join with me.

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

JOINT COMMITTEE ON FEDERAL-STATE ECONOMIC RELATIONS

Mr. KEATING. Mr. President, several weeks ago I addressed the Senate on the subject of Federal-State eco-

nomic relations. I should like to take this subject up briefly again today.

The problems involved here go to the very core of our Federal system. The framers of the Constitution envisioned a Union of sovereign States—now 50 strong—joined together for their common welfare, but forever retaining their separate identities and responsibilities. The American experiment with federalism was the first of its kind. That it has surpassed its every expectation is a point upon which I am sure there is unanimous agreement. What is more, our success has inspired numerous attempts to create Federal unions of the same type. The postwar communities and trade areas of Western Europe may hopefully foreshadow such a union.

The Federal structure of the United States is not without its difficulties. Many of these center on the economic relations between the Federal Government and the States. The history of our Nation is full of examples. From the time of the Whisky Insurrection over excise taxes in 1794, there has been an almost steady stream of incidents in which the respective fiscal authorities of the Nation and the States have become blurred. Several such incidents, as was the case of the Whisky Insurrection, have been settled by force of arms. Fortunately, most have been resolved through peaceful recourse to the courts. Our concern for the past, however, must not be allowed to overshadow the need for action at the present time.

My main and most immediate interest is in the reevaluation and revision of the various programs under which Federal funds are granted to the States. In doing this, we must not be afraid to come up with proposals that require sweeping changes in present practices and procedures. We must never hesitate to deal with and act upon new ideas; for government, to be effective, must be dynamic.

The various programs under which Federal funds are granted to the States were established at different times—under differing circumstances. Quite a few were set up in the atmosphere of fear and uncertainty that characterized the great depression. Several of our major Federal grant-in-aid programs were initiated on an experimental basis—and, like Topsy, they just grew. Action to coordinate and update these programs is long overdue.

As a Senator from New York State, I have a special and immediate interest in this subject. The uneven and unplanned development of our now numerous Federal grant-in-aid programs has had a direct and unhappy impact on the pocketbooks of taxpayers in the larger and wealthier States. This is particularly true of New York State. Let us look at the figures. New Yorkers pay $2.95 in taxes for every dollar they receive in Federal aid. How does this compare with other States? For each dollar received, Texas paid 55 cents; Tennessee, 41 cents; Alabama, 25 cents; Arkansas, 15 cents; and Wyoming, 14 cents. Only little Delaware paid more than New York for each dollar from Uncle Sam.

In sum, New Yorkers pay about 20 percent of the total of Federal taxes, and in return get less than 8 percent of the total amount of all Federal grants-in-aid to the States.

I suggest that we examine the proposition that many of the functions now performed by the Federal Government could very well be returned to the States. I need not enumerate the many specific proposals to this effect.

A good number of the Federal grant-in-aid programs involve activities that constitutionally are the primary responsibility of the States. One has but to walk up Constitution Avenue to prove this point. We are up to our ears in agencies—many of which are doing things that might better be done by the folks back home.

Let me make myself clear. The growth of Federal power and authority in areas for which the States are legally responsible is not the fault of Washington bureaucracy alone. The States themselves bear a good part of the blame. President Eisenhower in an address before the Governors' Conference, made this point altogether clear. He said:

> The tendency of bureaucracy to grow in size and power does not bear the whole blame for the march toward Washington. Never, under our constitutional system, could the National Government have syphoned away State authority without the neglect, acquiescence, or unthinking cooperation of the States themselves.

And what is the inevitable argument against proposals for the return of various Federal functions to the States? The States and those who speak for them reply, "Sure we want to do such and such, it is our responsibility under the law—but where do we get the money?"

State officials are quick to point out that the Federal Government has preempted or virtually pre-empted all of the best sources of taxes. They claim that the taxable revenue left for the States is currently being utilized to its fullest possible extent, and that further sources of revenue are not available. Cities and towns are in an even worse position on this score.

I do not think that we should close our eyes to the possibility that the relationship between the Federal Government and the States with regard to taxation could be altered in such a way as to permit the States to finance certain programs formerly carried out by the Federal Government. Too little attention has been given to this subject.

To summarize, I am greatly concerned about three general aspects of the broad problems of Federal-State economic relations. They are:

First. The distribution of Federal funds to the States, under existing grant-in-aid programs.

Second. The return of various Federal programs to the States.

Third. The redefinition and clarification of Federal-State relations in the field of taxation.

Research on Federal-State economic relations is voluminous. Commissions, seminars, symposiums, reports, and surveys have all but exhausted the subject. Much very excellent material is available. It is my opinion that we must now begin using this material to draw up a set of procedures that will bring about more realistic and equitable economic relationships between the Federal Government and the States.

Let me make it clear that I speak, not just for myself or for my State, but for all of us. Although the inequities and inefficiencies of Federal-State economic relations have a disproportionately greater impact on the larger and wealthier States, it cannot be denied that they affect us all. The need is for a program of action that will be mutually acceptable to, and advantageous for, the Nation as a whole. Mr. President, I should like to see us accept this challenge.

On June 5, when I first addressed the Senate on this subject, I concluded my remarks by saying:

> I propose the creation of a new joint committee of Congress—with jurisdiction to conduct a comprehensive study of problems in this area and with a mandate to recommend to the Congress within a prescribed period of time a definite program for action. I will introduce a specific resolution for this purpose in the very near future.

Mr. President, at this time I submit, on behalf of myself, the Senator from Utah [Mr. BENNETT], the Senator from Maryland [Mr. BUTLER], the Senator from Wisconsin [Mr. WILEY], and the Senator from Delaware [Mr. WILLIAMS], a concurrent resolution to establish a Joint Committee on Federal-State Economic Relations.

This measure establishes a 14-man joint committee composed of seven Members of the Senate and an equal number of Members of the House. The committee is directed to report back to the Senate and the House the results of its study and investigation, together with its recommendations, at the earliest practicable date, but not later than January 31, 1961.

These are operational matters. They are familiar to all of us. They can be changed or adjusted with relative ease. The real decision which we must make is a substantive one: Are we willing to undertake the important task of reform that is necessary to remedy the many and recurrent problems which we face in the field of Federal-State economic relations? Mr. President, I urge that we answer this question in the affirmative.

Mr. President, I ask unanimous consent that the text of the concurrent resolution establishing a Joint Committee on Federal-State Economic Relations be printed at this point in the RECORD, and that the concurrent resolution lie on the table until August 18, to give to any other Senators who may desire to do so, an opportunity to become cosponsors of the concurrent resolution.

The VICE PRESIDENT. The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will be printed in the RECORD, and will lie on the desk as requested by the Senator from New York.

The concurrent resolution (S. Con. Res. 70) to create a Joint Committee on Federal-State Economic Relations, submitted by Mr. KEATING (for himself and other Senators), was received, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate (the House of Representatives concurring), That there is hereby established a joint committee which shall be known as the Joint Committee on Federal-State Economic Relations and shall be composed of seven Members of the Senate, to be appointed by the President of the Senate, and seven Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. The party representation on the joint committee shall as nearly as may be feasible reflect the relative membership of the majority and minority political parties in the Senate and the House of Representatives.

SEC. 2. (a) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection.

(b) The joint committee shall select a chairman and a vice chairman from among its members. In the absence of the chairman, the vice chairman shall act as chairman.

(c) A majority of the joint committee shall constitute a quorum except that a lesser number, to be fixed by the joint committee, shall constitute a quorum for the purpose of administering oaths and taking sworn testimony.

SEC. 3. (a) It shall be the duty and function of the joint committee to conduct a full and complete study and investigation of the economic relations between the Federal Government and the States and political subdivisions thereof and to recommend proposals, including legislation, to the Congress in this field. Such recommendations shall include, but not be limited to, measures designed to:

(1) insure that Federal funds disbursed under grant-in-aid programs shall be distributed among the several States on a fair and equitable basis, the relative amounts of Federal taxes received from each of the various States being considered;

(2) clarify and redefine the relations between the Federal Government and the States in the field of taxation; and

(3) bring about the restoration to the States of functions which are the primary responsibility of the States and which the States are financially able to carry out, the clarification and redefinition of Federal-State relations in the field of taxation being considered.

(b) The joint committee shall submit an initial report to the Senate and the House of Representatives at the earliest practicable date, but not later than January 31, 1961.

SEC. 4. The joint committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times within the United States, to hold such hearings, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony as it deems advisable.

SEC. 5. The joint committee shall have power to employ and fix the compensation of such experts, consultants, and other employees as it deems necessary in the performance of its duties.

SEC. 6. The expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the joint committee.

CONVEYANCE OF CERTAIN LANDS TO STATE OF ILLINOIS—AMENDMENTS

Mr. DOUGLAS submitted amendments, intended to be proposed by him, to the bill (S. 747) to provide for the conveyance of certain lands known as the Des Plaines Public Hunting and Refuge Area to the State of Illinois, which were ordered to lie on the table and to be printed.

AMENDMENT OF NATIONAL DEFENSE EDUCATION ACT OF 1958, RELATING TO AFFIDAVITS OF LOYALTY AND ALLEGIANCE—AMENDMENT

Mr. PROUTY submitted an amendment, intended to be proposed by him to the bill (S. 819) to amend the National Defense Education Act of 1958 in order to repeal certain provisions requiring affidavits of loyalty and allegiance, which was ordered to lie on the table and be printed.

ESTABLISHMENT OF VOLUNTARY PENSION PLANS FOR SELF-EMPLOYED INDIVIDUALS—ADDITIONAL COSPONSOR OF BILL

Mr. MORTON. Mr. President, I ask unanimous consent that the senior Senator from Colorado be permitted to cosponsor Senate bill 841, a bill which I introduced on February 2. It is a bill to encourage the establishment of voluntary pension plans for self-employed individuals.

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

MEDALS COMMEMORATING 100TH ANNIVERSARY OF FOUNDING OF PONY EXPRESS—ADDITIONAL COSPONSOR OF BILL

Mr. BENNETT. Mr. President, I ask unanimous consent that the name of the senior Senator from California [Mr. KUCHEL] may be added as one of the sponsors of the bill (S. 2454) to provide for the striking of medals in commemoration of the 100th anniversary of the founding of the pony express, introduced by me, on behalf of myself and other Senators, on July 28, 1959.

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

SETTLEMENT OF CURRENT STEEL STRIKE—ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTION

Under authority of the orders of the Senate of August 4, and August 7, 1959, the names of Senators BARTLETT, BIBLE, CANNON, CARROLL, CHURCH, CLARK, DOUGLAS, ENGLE, GREEN, GRUENING, HARTKE, HUMPHREY, JACKSON, JOHNSTON of South Carolina, KEFAUVER, KENNEDY, MAGNUSON, MANSFIELD, MCCARTHY, MCGEE, MCNAMARA, MORSE, MOSS, MURRAY, NEUBERGER, PASTORE, PROXMIRE, RANDOLPH, SPARKMAN, WILLIAMS of New Jersey, YOUNG of Ohio, and YARBOROUGH were added as additional cosponsors of the concurrent resolution (S. Con. Res. 69) favoring action by the President looking to a settlement of the current steel strike, submitted by Mr. SYMINGTON on August 4, 1959.

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

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

By Mr. ENGLE:

Statement by him, dated May 18, 1959; and editorial entitled "Praise for Forest Service Work," published in the Bakersfield (Calif.) Californian, on May 21, 1959.

By Mr. NEUBERGER:

Article entitled "Why Not a Youth Conservation Corps?" written by Senator HUMPHREY, and published in the periodical of the Fraternal Order of Eagles for August-September 1959.

NOTICE OF HEARINGS OF NOMINATION OF ALGERNON L. BUTLER TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for 2:30 p.m., Tuesday, August 18, 1959, in room 2300, New Senate Office Building, on the nomination of Algernon L. Butler, of North Carolina, to be U.S. district judge for the eastern district of North Carolina, vice Don Gilliam, retired.

At the indicated time and place all persons interested in the above nomination may make such representations as may be pertinent. The subcommittee consists of the Senator from South Carolina [Mr. JOHNSTON], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

NOTICE OF HEARING ON NOMINATION OF VANCE BRAND, OF OHIO, TO BE MANAGING DIRECTOR OF THE DEVELOPMENT LOAN FUND

Mr. FULBRIGHT. Mr. President, on behalf of the Committee on Foreign Relations, I desire to announce that the Senate today received the nomination of Vance Brand, of Ohio, to be Managing Director of the Development Loan Fund.

In accordance with the committee rule, the pending nomination may not be considered prior to the expiration of 6 days.

EIGHTY-FIFTH BIRTHDAY OF HERBERT HOOVER

Mr. DIRKSEN. Mr. President, yesterday was the 85th anniversary of the birth of a very distinguished American, Herbert Hoover. I recall that in 1947, when I was chairman of a joint committee of 20 Members of the House of Representatives, we spent a great many weeks examining into many things in many countries in Europe. I made it a special

point, as chairman of the joint committee, to visit a good many schools in Germany, and to note the condition of the children. In all the schools I visited there, I saw that food was being issued. I asked the children, "What have you there?" And in their piping, tremulous voices, they replied, "That is Hoover speise," which simply means "Hoover food." And as a measure of expressing their gratitude, they had made scrapbooks which included poems and pictures; and a number of those were given to me, to pass on to former President Hoover.

I can think of no more eloquent testimony than the gratitude which comes from the heart of a child to a man who has done so much for people in all parts of the earth to assuage pain, to relieve anguish, to dissipate sorrow, and to bring a degree of happiness and well-being to millions and millions of people, and particularly children.

So, Mr. President, as we note the 85th anniversary of this former great Quaker President—unselfish, devoted, dedicated to basic and fundamental principles—what a wonderful thing it is that he is still with us today. What a wonderful thing it is that his vitality is so intact, that there has been no deviation from the sound principles which he has espoused during his entire lifetime, and that his prudence and his wisdom and his knowledge are still available to the people of the country he loves.

So, today, out of grateful hearts in every section of the country, our people can be glad and thankful for a sterling, indomitable citizen, Herbert Hoover.

Mr. President, in connection with my remarks, I ask unanimous consent to have printed in the RECORD an excellent article written by George Sokolsky, and published yesterday in the Washington Post; and also an article from the magazine supplement of the New York Times.

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

[From the Washington Post, Aug. 10, 1959]

HERBERT HOOVER AT 85

(By George E. Sokolsky)

There have been plenty of changes in this world since 1874 when, on August 10, Herbert Hoover was born in an Iowa village called West Branch. His parents were Quakers; his father a blacksmith, his mother a seamstress. The parents died young and Herbert was sent to live with relatives, finally settling down in Oregon.

This, then, is a proletarian beginning for a man who has been described during most of his carreer as the stereotype of American capitalism. No state aided him. No government supported him. He was what we today like to call underprivileged, but he was a strong farm boy, sturdy and willing to work, with a sharp mind and a capacity to make his way. He managed to get enough education to go to what was then called Leland Stanford University and he worked on all sorts of projects, many of his own devising, so that he could pay for his needs. Typically, he ran a newspaper route and a laundry route and he worked summers for the Geological Survey of the United States.

Thus, Herbert Hoover became a mining engineer. He married a geologist, Lou Henry, and together they set off to work in all parts of the world. His success in his own field and in business was immediate and continuous.

Herbert Hoover got into politics by accident rather than by design. He was the leading American permanently domiciled in London at the outbreak of World War I and was therefore invited by Ambassador Walter Hines Page to assist the large number of American refugees who were stuck in England because of the beginning of war and who had no means to take care of themselves. He handled this job so ably that he was invited to undertake Belgian relief. He, who had been a mining engineer, found himself a social worker all of a sudden.

And here the simplicities of Quaker upbringing intervened. Herbert Hoover could tolerate no conflict of interest. When he was working for himself and his family, he did well and amassed a fortune. Now that he faced public service, he felt it essential to divest himself of conflicting assets.

Hoover was an unpopular President, although he received an enormous vote. The times required him to compromise his judgments and when once or twice he did compromise, particularly with the late Senator Borah, it turned out that he erred. A man who has a philosophy of life must guide himself according to those principles.

I can recall the days in 1933–34 when Herbert Hoover was sitting, often alone, in his rooms in the Waldorf-Astoria, avoided by those whom he helped on the road of life. He was a defeated man, and the smart boys run from a defeated man.

In contrast today, a quarter of a century later, Herbert Hoover is one of the most beloved men in the Nation, above partisanship, above rancor.

Herbert Hoover stays young by working and by his constant interest in affairs. At 85, he refuses to give up to doctors, nurses, and the impedimenta of age. He can still argue a point refreshingly, his head full of details and his philosophic viewpoint clear and always guiding constructively. His sense of humor never fails him.

Never one to be vengeful, in his old age he knows no rancor. How he manages to clear the slate of all the little incidents which hurt a man's feelings, I do not understand. There must be something in early Quaker teaching that does that or perhaps he has grown so big in spirit that the pinpricks of politics become like the sting of a gnat. One of the developments of his years is his friendship with Harry Truman; the two former Presidents really like each other.

It will be interesting to see Herbert Hoover at the Republican Convention in Chicago in 1960, standing before his party, delivering his address. His truth goes marching on.

[From the New York Times magazine, Aug. 9, 1959]

HERBERT HOOVER IN HIS OWN WORDS

SOCIAL VIEWS

It is dinned into us that this is the century of the common man. The idea seems to be that the common man has come into his own at last. * * *

I have not been able to find any definition of who this common man is. Most American men, and especially women, will fight if called common.

Let us remember that the great human advances have not been brought about by mediocre men and women. They were brought about by distinctly uncommon men and women with vital sparks of leadership.

It is a curious fact that when we get sick we want an uncommon doctor; if we have a construction job, we want an uncommon engineer; when we get into war, we dreadfully want an uncommon admiral and an uncommon general. Only when we get into politics are we content with the common man. (From telephoned remarks to Wilmington College, Wilmington, Ohio, November 11, 1948.)

Each generation * * * wants to find out for itself that the stove is hot. A renewal of that sort of information is valuable.

But we have overworked this word "new." * * *

In this period we have either been cured or made over new about 14 times. We have had the New Order, the New Freedom, the New Day, the New Era, the New Outlook, the New Epoch, the New Economy, the New Dawn, the New Deal, the New Religion, the New Liberalism, the New War, and several new foreign policies. None of these were really new discoveries. And the New Testament is too often omitted. * * *

Most of our chores for the new day were assigned the night before. Our abilities to perform them were formed not only last year but over centuries or even geologic time. If the new day has no link with yesterday we would be without know-how and morals today. (Speaking at Des Moines, Iowa, August 30, 1951.)

There is something to be said for all the Old Guards in the world. They are men past the time when they want anything on this earth but the welfare of those whom they guard. Their tempers have been softened in the solutions of experience. They have learned that virtue is a more stable currency than the commodity dollar. They are a menace to the fuzzy minded, the foolish, and all New Deals. Some Frenchmen mentioned over a hundred years ago that they never surrender. In Americanese, they die with their boots on. (Remarks to the Bohemian Club of San Francisco, Mar. 19, 1953.)

The normal boy, being a primitive animal, takes to competition and battle. In the days before our civilization became so perfect, he matched his wits with the birds and the bees and the fish. He is today separated from Mother Earth and all her works, except the weather. The outlet of curiosity in exploring the streams and the fields is closed to him. The mysteries of the birds and bees and fish are denied to him. He cannot even see all of the sky at one time.

This pavement boy, in fact, has a life of stairs, light switches, alleys, fire escapes, bells, and cobblestones, and a chance to get run over by a truck. Inasmuch as he cannot contend with nature, he is likely to take on contention with a policeman. (Speaking at Chicago, June 6, 1945, about the Boys' Clubs of America, of which he has been the leading spirit.)

GOVERNMENT

It is not consonant with the spirit of institutions of the American people that a demand should be made upon the Public Treasury for the solution of every difficulty. (From a speech in Washington, September 1921.)

There is no disloyalty and no crime in all the category of human weaknesses which compares with the failure of probity in the conduct of public trust. (From a speech dedicating the Warren G. Harding Memorial, Warren, Ohio, June 16, 1931.)

Our Government * * * is founded on a conception that in times of emergency, when forces are running beyond control of individuals or other cooperative action, beyond the control of local communities and of States, then the great reserve powers of the Federal Government shall be brought into action to protect the community. But when these forces have ceased, there must be a return of State, local, and individual responsibility. (From a campaign speech, New York City, Oct. 31, 1932.)

The greatest and, in fact, the only impulse to social progress is the spark of altruism in the individual human being. * * * At best, charity by government must be formal, statistical, and mechanistic. * * * The day when we decide that the Government is our

brother's keeper, that is the day the personal responsibility for our brother has been lost. (Speaking at a fundraising dinner, New York, April 25, 1949.)

Even if security from the cradle to the grave could eliminate the risks of life, it would be a dead hand on the creative spirit of our people. Also, the judgment of the Lord to Adam about sweat has not been repealed. (Speaking at West Branch, Iowa, his birthplace, on August 10, 1954.)

Depressions are not new in human history. All of them are preceded by wars or inflation or booms with sprees of speculative greed. When they are world-wide that makes them worse. No government can legislate away the morning after any more than it can legislate away the effect of a tornado—not even the New Deal. (From a speech at Fort Wayne, Ind., April 4, 1936.)

The American system is a system of regulated business and compulsory competition. * * * If we are to preserve democracy we must make the Government the umpire of business. If the New Dealers would go to a few baseball games they would learn that the umpire cannot play on the team and be an umpire. Bad business practices can be ruled off the field. But who is to umpire if the umpire is to pitch? (Speaking at Philadelphia, Pa., May 14, 1936.)

When I comb over these accounts of the New Deal my sympathy arises for the humble decimal point. His is a pathetic and hectic life, wandering around among regimented ciphers trying to find some of the old places he used to know. (From a speech in St. Louis, December 16, 1935.)

Innate in bureaucracy are three implacable spirits. They are self-perpetuation, expansion of their empires, and demand for more power. Bureaucracy rushes headlong into the visions of the millennium and sends the bill to the Treasury. (At West Branch, Iowa, August 10, 1954.)

INTERNATIONAL AFFAIRS

Both wars proved that we cannot change ideas in the minds of men and races with machineguns or battleships. Our purposes were confused in both wars by crusades with glorious phrases about the personal freedom of man. Ideas in nations are rooted in their racial history, their very mores. * * * The way of life of a people must come from within; it cannot be compelled from without. (Dedicating the William Allen White Memorial, Emporia, Kans., July 11, 1950.)

We are not blind to the need to preserve Western civilization on the continent of Europe or to our cultural and religious ties to it. But the prime obligation of defense of Western Continental Europe rests upon the nations of Europe. The test is whether they have the spiritual force, the will, and acceptance of unity among them by their own volition. America cannot create their spiritual forces; we cannot buy them with money. (From a broadcast from New York City, December 20, 1950, which launched the "Great Debate" on military aid.)

* * * let me say that I am not interested in Red baiting. I have no anxiety that the Communists will pull off a Communist revolution in the United States. That is not what happens. What does happen is that a people get annoyed and indignant over Communist sabotage of national life and poisoning of the wells of liberty. Then in a rage they go Fascist and put the Communists down by cruelty and violence. Or in milder form they go vigilante. Both of these reactions are the defeat of liberty. (From an article in Collier's, April 27, 1940.)

It simply cannot be denied that this swinging of the social pendulum from the tyranny of the extreme right to the tyranny of the extreme left is based upon a foundation of real social grievance. * * * Our people, who enjoy so great liberty and general comfort, cannot fail to sympathize to some degree with these blind gropings for better social conditions.

The Bolshevik has resorted to terror, bloodshed, and murder to a degree long since abandoned even amongst reactionary tyrannies. * * * By enveloping into his doctrines the cry of the helpless and the downtrodden, he has embraced a large degree of emotionalism and has thereby given an impulse to his propaganda comparable only to the impulse of large spiritual movements. This propaganda, however, in my view will stir other populations only in ratio to their proportions of the suffering and ignorant and criminal. (From a memorandum written in Paris March 28, 1919, to Woodrow Wilson in response to the latter's request for an appraisal of the Russian upheaval.)

In appraising the forces in the world, we should not conclude that the United Nations should be abolished. It furnishes a place with electronic equipment where nations may discharge their batteries of the evil things which they think about each other in five languages all at once.

But seriously, this institution has proved of value in pacific settlement of disputes among secondary nations. It has contributed to the spread of scientific knowledge, to philanthropic and public-health measures.

These activities form a tenuous road to more unity of free nations and we should cling to any hope they may provide. (From a speech in Chicago, June 24, 1954.)

THE PRESIDENCY

The Presidency is more than an administrative office. It must be the symbol of American ideals. The high and the lowly must be seen with the same eyes, met in the same spirit. It must be the instrument by which national conscience is livened and it must under the guidance of the Almighty interpret and follow that conscience. (From his speech accepting the Republican nomination for President, August 11, 1928.)

After my election in 1928, he [Calvin Coolidge] undertook to give me some fatherly advice as to how to run the White House. He said: "You have to stand every day 3 or 4 hours of visitors. Nine-tenths of them want something they ought not to have. If you keep dead still they will run down in 3 or 4 minutes. If you even cough or smile they will start up all over again." (Written for his memoirs in the midthirties.)

In the Middle Ages it was the fashion to wear hair shirts to remind one's self of trouble and sin. Many years ago I concluded that a few hair shirts were part of the mental wardrobe of every man. The President differs only from other men in that he has a more extensive wardrobe. (From a speech at a Gridiron Club dinner, Washington, D.C., December 14, 1929, 6 weeks after the stock market crash.)

In a democracy even the President is not immune from rightful criticism. I ought to know something of the theory and practice of that subject. The President is not the spiritual head of the people. He is not sacrosanct like the Mikado. * * * But the first rule of criticism is that it must not take the form of personal detraction and abuse. (From a speech before the National Industrial Conference Board, New York City, May 20, 1942.)

PERSONAL REFLECTIONS

The reflex of religious individualism is necessarily also economic individualism. The Friends have always held strongly to education, thrift, and individual enterprise. In consequence of plain living and hard work poverty has never been their lot. So far as I know, no member has ever been in jail or on public relief. This is largely because they take care of each other. Also it may be because if members evidence failings of loose living, their elders visit them in time to remedy their weaknesses or else expel them from the meeting. (Written for his memoirs about 1915–16.)

The great liability of the engineer compared to men of other professions is that his works are out in the open where all can see them. His acts, step by step, are in hard substance. He cannot bury his mistakes in the grave like the doctors. He cannot argue them into thin air or blame the judges like the lawyers. He cannot, like the architects, cover his failures with trees and vines. He cannot, like the politicians, screen his shortcomings by blaming his opponents and hope that the people will forget. * * *

On the other hand, unlike the doctor, his is not a life among the weak. Unlike the soldier, destruction is not his purpose. Unlike the lawyer, quarrels are not his daily bread. To the engineer falls the job of clothing the bare bones of science with life, comfort, and hope. No doubt as years go by people forget which engineer did it, even if they ever knew. Or some politician puts his name on it. Or they credit it to some promoter who used other people's money with which to finance it. But the engineer himself looks back at the unending stream of goodness which flows from his successes with satisfactions that few professions may know. (Written for his memoirs about 1915–16.)

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

Mr. DIRKSEN. I yield.

Mr. JOHNSON of Texas. I should like to observe that yesterday I recorded a brief message expressing what I believe to be the sentiment of all the people of this country, and perhaps all the people of the free world, in wishing to our great former President Hoover a very happy birthday.

I think all of us can be thankful that this man of unusual attainments and rich experience has been spared for so long to give dedicated service throughout the world.

Mr. BRIDGES. Mr. President, yesterday marked the 85th birthday of one of the greatest living Americans, former President of the United States Herbert Hoover, a public servant whose stature grows with each passing year.

I think it is appropriate that we pause for a moment to reflect on the vast achievements of this dedicated American who gave unstintingly of himself during more than half a century of service to this country.

Mr. President, I could stand before this body for considerable length of time, attempting to spell out the accomplishments achieved by Herbert Hoover during his long and distinguished career, but I am sure that the great record of this man is well known by all my colleagues. I ask unanimous consent that two editorials commenting on the life of the ex-President be printed in the body of the RECORD as part of my remarks. The first editorial, entitled "Hail to the Chief," appeared in the August 10 edition of one of New Hampshire's outstanding daily newspapers, the Manchester Union-Leader. The second article, which appeared in the Boston Sunday Globe of August 9, is entitled "Herbert Hoover's Greatest Triumph."

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

[From the Manchester Union-Leader, Aug. 10, 1959]

HAIL TO "THE CHIEF"

Today, August 10, "The Chief" is celebrating his 85th birthday. In commemoration

of the occasion, Eugene Lyons, senior editor of the Reader's Digest, has written a 1959 postscript to his 1948 best seller, "Our Unknown Ex-President." Lyons' new book, "The Herbert Hoover Story" (published by Human Events; trade distribution by Devin-Adair, Inc.), is a fitting tribute indeed to the former President, one of the most misunderstood men of this century.

In the person of Herbert Hoover is incorporated all of the qualities that have made this Nation great—personal integrity, kindness of heart, pureness of mind, keen intelligence, and unflagging loyalty to the American way of life. The story of his rise from humble surroundings, his spectacular success in the mining business, his personal crusade for relief to the victims of war and disaster, and his self-sacrificing career of Government service has been told many times, but never more descriptively nor with more feeling than in Lyons' book.

The "hate Hoover" chorus has subsided to a whisper in the years since the great depression, and only the lunatic left still repeats the old lies manufactured by the Michelson mills. America is frankly ashamed at its gullibility in permitting the character and the motives of this dedicated man to be smeared by New Deal and Communist propagandists.

It is safe to say that the American people have many times conveyed their apologies to Mr. Hoover—and he has just as graciously accepted them. Even the most hardened Hoover critics have been forced to acknowledge that history has proven Herbert Hoover to be right in his predictions and expectations. To cite just one example, the entrenched bureaucracy in Washington is precisely what Hoover predicted would occur if relief were taken out of the hands of State and local agencies. However, some order may yet result from this chaos as more and more of the recommendations of the Hoover Commission task forces are implemented.

We highly recommend to our readers Eugene Lyons' tribute to "The Chief" in the hope that by reading "The Herbert Hoover Story" all Americans will come to understand and emulate the qualities of good citizenship which make up the personality of Herbert Hoover.

The source of Hoover's greatness, we believe, is to be found in this excerpt from his April 12, 1930, address before members of the American Red Cross:

"It is, indeed, the spiritual in the individual and the Nation which looks out with keen interest on the well-being of others, forgetful of ourselves, beyond our own preoccupation with our own selfish interests, and gives us a sense of belonging to the great company of mankind, sharing in the great plan of the universe and the definite order which pervades it."

Hail to "The Chief." May his great confidence in the future strength and progress of his country never be dimmed by public indifference toward the principles that have caused this Nation to prosper.

[From the Boston Sunday Globe, Aug. 9, 1959]

HERBERT HOOVER'S GREATEST TRIUMPH—85 YEARS OLD TOMORROW, EX-PRESIDENT HAS WON HEARTS OF MEN NOT ONLY THROUGH SERVICE TO HIS NATION BUT BY RISING ABOVE BITTERNESS

(By Robert F. Bradford, former Governor of Massachusetts)

It is seldom that a man reaches full stature in the eyes of his contemporaries. More often perspective is distorted by events with which he is associated or exaggerated because of legends attaching to his personality.

Thirty years ago, or even 20 years ago, this could be said to be the case with Herbert Hoover.

He had already lived three full lives.

He had been a highly successful mining engineer with an international reputation dating back to his work in China even before the Boxer rebellion. During World War I he became the symbol and administrative genius behind the organization of American relief to refugees, first in Belgium and later throughout Europe. After the United States entered the war he became Food Administrator, and so ably directed that important work that to "hoover" or to "hooverize" in the saving of food became a part of the national vocabulary.

Following World War I Hoover became Secretary of Commerce and applied his great talents to rallying the shaking business structure which was the immediate aftermath of peace.

BLAMED FOR ALL WRONGS

Thirty years ago Mr. Hoover became President of the United States. Up to this point his image in the public mind was that of a benevolent, impersonal, somewhat autocratic man with an awesome reputation for efficiency and getting things done. His very formidable successes in his previous roles set an impossible standard for him as President; it made him seem unapproachable, and it attributed to him the blame for anything anywhere that went wrong.

Then in October 1929 came the stock market crash which cast an inevitable pall over the entire administration of President Hoover.

One of the saddest chapters in American political history is the story of the deliberate, cold-blooded and carefully performed campaign by the Democratic national high command to smear Hoover. The story is told baldly in detail by the principal executioner, hired for the job, Charles Michaelson, in his book "The Ghost Talks."

After the midterm congressional elections of 1930, which returned a Democratic House to Washington, nothing that President Hoover proposed could get through Congress. The reaction on the President, with his dedicated sincerity and his tireless capacity for work, was complete frustration and the Nation wallowed in what the opposition was prompt to label the Hoover depression. Mr. Hoover left the White House a man politically destroyed.

RAN AGAINST HIM FOR 20 YEARS

So complete was the destruction of the political image that for almost 20 years Democratic candidates all over the country were, as someone well said, "running against Hoover" with every hope of success. For the average individual who did not know the man it was impossible through this smoking ruin to evaluate the real Herbert Hoover. Even in political circles it was thought unsafe to be identified with the the name. In the 1936 Republican Convention in Cleveland, Mr. Hoover was permitted to speak—or so the corridor legend goes—only upon the understanding that he would leave the convention immediately after finishing his address. At all events he lived up to the agreement, if it was an agreement, scrupulously and the fears, for they were genuine fears, of a stampede for Hoover among the delegates were allayed.

At the 1940 convention, again steps were taken to avoid the possibility of a "draft Hoover" maneuver. No opportunity was afforded him to address the convention until after the nomination was settled.

SELFLESS, SERENE STATESMANSHIP

If these details seem petty in a life as full and serviceable as that of Mr. Hoover up to the time he left office as President, they are important to emphasize because they underscore the greatest achievement in Mr. Hoover's great career: his ability to rise above personal bitterness, rancor and frustrated hopes of vindication and to achieve a fourth life of selfless and serene statesmanship as a private citizen.

There is a story which is so good one can only hope it is true that during the early stages of this fourth phase of Mr. Hoover's life he was called upon to give an address in Oakland, Calif. One of his close friends who saw an early draft of the speech was bold enough to suggest that Mr. Hoover inject some of his natural humor into the text.

The President strenuously opposed the idea; it was out of character for him and undignified. Nevertheless he went along with the suggestion. Immediately after the address he boarded a train for New York. All the way across the country Mr. Hoover was plunged in gloom. He felt that he had been right in opposing the friend's suggestion and that through his weakness in finally going along with the idea his reputation was forever ruined.

When the train reached New York Mr. Hoover was met by a secretary with telegrams. At the door of his apartment there was a positive avalanche of messages, all highly laudatory. Finally convinced, Mr. Hoover turned smilingly to his staff and said with a twinkle, "You see I knew all along this was what I could do if I tried." In any case it was about this time that a "new" Hoover definitely emerged. That is to say, the real Hoover began to be known for himself.

HE'S WITTY, WARMHEARTED

Another great American, John Quincy Adams, defeated for reelection as President, and with an illustrious record behind him, made his greatest contribution as a simple Member of Congress, dubbed "Old Man Eloquent" by his fellow Congressmen for his unflinching fight against the tyrannical gag rule. So Herbert Hoover, ex-President, may be said to have done most for his country through his example as a private citizen and for his leadership and implementation of the recommendations of the bipartisan Hoover commissions for the reorganization of our National Government.

So as we salute him on his 85th birthday it is possible to say of Herbert Hoover that he has lived to achieve the satisfaction of complete vindication and a permanent place in the affection and admiration of his fellow countrymen. No one who was present at the Republican Convention of 1952 and 1956 could have failed to note in his memory that the highlight of both conventions was the spontaneous and overwhelming welcome extended to Mr. Hoover during his entire visit to the platform and the reception of his remarks which were those of a wise, witty, warmhearted, and happy man.

The clouds have lifted from the mountain. What emerges in the clear light of the afternoon sun is the peak, calm, serene, and magnificent. That is the Herbert Hoover every American hails today.

SENATOR DODD AND THE UNIT RULE

Mr. DOUGLAS. Mr. President, the Senator from Connecticut [Mr. DODD] recently wrote a guest editorial for the Meriden (Conn.) Journal in which he opposed the "unit" rule for State delegations at our national party conventions. As he quite rightly points out, under the "unit" rule all the members of a State delegation are bound to cast their ballots for that candidate who has the support of the majority of the delegation.

When this practice is coupled with the fact that some 33 States have no presidential primary, it can be seen that the opportunity for the people of this country to play an effective role in the selection of the presidential candidates of the

two major parties is thereby greatly limited.

The Senator from Connecticut [Mr. DODD] quite rightly criticizes this system which goes a long way to deny effective representation of the people in our States at the national conventions and which enhances the power of a few party leaders who may thereby be in a position to select the party candidate notwithstanding the choice of the people of our country.

I ask unanimous consent that this very able guest editorial, which deserves wide notice, be printed at this point in the RECORD.

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

[From the Meriden (Conn.) Journal, Aug. 5, 1959]

(Guest Editorial by Senator THOMAS J. DODD)

The most significant single function in self-government for the average American citizen is voting for the President of the United States.

There are generally a number of leaders in both parties, representing varying philosophies of government, who have considerable public support for the Presidency. Yet, in the 33 States of the Union that have no presidential primary, the voters' role is limited to a choice between the two men who emerge from the Democratic and Republican Conventions, two men whom the voters have had no real voice in selecting.

In theory, these rank and file party members are represented by delegates to a national convention who reflect their views. If these delegates were representative party leaders who were free to voice their personal choice, there is a reasonable chance that the voters might receive a fair measure of representation.

But whatever likelihood there might be that a nonelected convention delegation could faithfully represent hundreds of thousands of party members is nullified by the widespread use of a device known as the unit rule.

Under the unit rule, 51 percent of a delegation has all the voice and power of the entire delegation. For instance, if a State has 21 delegates and 11 favor candidate A while 10 favor candidate B, all 21 delegates must vote for candidate A under the unit rule.

Usually reliable public opinion polls have consistently indicated over the past year that no prospective candidate for the Democratic presidential nomination is presently favored by more than one-fourth of the Nation's Democrats. Assuming a given State is roughly representative of the Nation, this means that a delegation which casts its entire vote for one candidate will be ignoring the wishes of about 75 percent of that State's Democrats.

The reasons most commonly advanced in favor of the unit rule are: (1) It enhances the importance of a delegation. (2) It strengthens the political position of the State's leaders if they can deliver a solid delegation. (3) Unless a delegation can be unanimously voted in a block its influence is vastly reduced and it cannot hope to make any decisive impact upon the outcome.

My answer to this reasoning is simple.

The *function* of a delegation is not to enhance its own importance, not to have bargaining power, not to strengthen the political position of State party leaders, not even to wield a decisive impact upon the convention outcome.

The function of a delegation is to represent the people back home.

If the people back home are divided, the delegation should reflect that division. If there is strong support for two or three candidates, the delegation should reflect that support.

The so-called advantages of the unit rule are illusory. But the disadvantages are concrete and real.

The unit rule encourages "boss rule." It stifles independent thinking and thereby poisons the entire political process. It makes a mockery of the function of the individual delegate. It prevents the national convention from effectively mirroring public opinion.

It is a practical fact that political leaders who control the machinery and patronage of a party can normally control at least 51 percent of a convention or a delegation. The unit rule, by silencing the minority, turns this bare majority into effective 100 percent control.

In the absence of the unit rule, there would normally be independent political leaders in various parts of each State who would contest the official party leadership if they could hope to win even a few delegates for the candidate of their choice. This would enliven public discussion and enhance public interest in the nomination, thereby increasing the chance for a truly representative delegation. But since any minority representation is disenfranchised by the unit rule, the votes so difficultly won would not even be counted at the national convention. Therefore the fight is not made, the public controversy and discussion are not aroused, and the delegate contest becomes apathetic.

The individual delegate who by right is a representative of the people with an important task and a sacred trust, becomes merely a voiceless pawn who is herded onto the convention floor to play a meaningless role in a process that from beginning to end has had little to do with democracy.

Connecticut is one of those States that has no presidential preference primary and that habitually operates under the unit rule at Democratic national conventions. In 1955 the Connecticut Legislature, in response to widespread demand, enacted our State's first primary law. Among the many wise provisions of this bill was one doing away with the unit rule at State conventions.

No longer could a city or town be voted in a block. Each delegate was called upon to publicly declare his choice. That primary law transformed the political scene in Connecticut. Every convention delegate became important. Every vote counted. As a result, there was more public participation in the struggle for strongly contested nominations than in any previous convention year in my memory.

Unfortunately, the selection of delegates to national conventions was not included in the provisions of the primary law. Thus, the people of Connecticut will have no opportunity to vote for their preference among the dozen or so prominent candidates for presidential nominations. And the evils inherent in the unit rule remain.

Those who worked for the State primary law should continue the fight for a presidential preference primary and for the abolition of the unit rule, a fight in behalf of a more representative and democratic method of selecting presidential candidates.

In the meantime, our Republican and Democratic conventions in this State should oppose the imposition of a unit rule upon their delegations to national conventions. There should be no double standard. Having protected minority rights in our own State conventions, it would be hypocrisy to deny those rights to our delegates to national conventions.

THE ORDEAL OF SERGEANT BUCK

Mr. DOUGLAS. Mr. President, several days ago the Senator from South Dakota [Mr. MUNDT], the Senator from Montana [Mr. MANSFIELD], the Senator from Florida [Mr. SMATHERS], and I sent a letter to the President of the United States in support of the petition for pardon, on grounds of innocence, and restoration to service for the former marine M. Sgt. Carl H. Buck.

In our letter and the accompanying materials we noted that there were gross conflicts in the testimony at Buck's court martial concerning his identity; and that for Buck to have been the person who committed the crime for which he was charged and convicted, he would have had to drive 22 miles in a driving rain, at high noon, through five towns, most of them with stop lights, and have disposed of the stolen goods, shaved, and changed his uniform, all in some 21 minutes. Furthermore, we pointed out that a person engaged in such a wild chase would not have calmly parked his car in front of a California State Police car and casually got out to fix a rear license plate which was dangling loose, as did Sergeant Buck at the time he was apprehended.

Because of the facts of the case and the proof of the short time which had elapsed between the commission of the crime and the time when Sergeant Buck was apprehended, which can now be shown from the police radio logs, we believe that Sergeant Buck is innocent of the crime with which he was charged, and that, in fact, it was impossible for him to have been the person involved. In addition to these facts, Sergeant Buck has protested his innocence for 7 years, and he has taken a lie detector test, which he passed with flying colors.

Because of these and numerous other facts, we asked that a full-scale investigation into the facts and surroundings of the case be carried out by competent investigators from the Justice Department and the FBI.

We have now received a reply from the White House, which states in part that our analysis and recommendations will be most carefully considered "in the full and complete examination of this case that will be undertaken in response to the petition filed on Master Sergeant Buck's behalf."

Mr. President, that is good news, indeed. We are confident that such a full-scale investigation, coupled with the specific evidence we now have of the impossibility of Sergeant Buck having been the person involved, will result in a finding that an injustice has occurred in this case.

I ask unanimous consent that a copy of the letter to me from the White House be printed in the RECORD at this point in my remarks.

I also ask unanimous consent that an excellent editorial, entitled "Rare and Compelling Case," from the Washington News for Saturday, August 8, also be printed in the RECORD.

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

THE WHITE HOUSE, *August 5, 1959.*

Hon. PAUL H. DOUGLAS,
U.S. Senate, Washington, D.C.

DEAR SENATOR DOUGLAS: This will acknowledge, on behalf of the President, receipt of the letter signed by you, Senator MUNDT,

Senator SMATHERS, and Senator MANSFIELD, of July 31, relative to the petition for pardon and restoration to service for M. Sgt. Carl H. Buck.

We can assure you that your analysis and recommendations, which will be made a part of the file, will be most carefully considered in the full and complete examination of this case that will be undertaken in response to the petition filed on Master Sergeant Buck's behalf.

We deeply appreciate your interest in seeing that justice is done in this case.

With best personal regards.

Sincerely,

DAVID W. KENDALL.

[From the Washington News, Aug. 8, 1959]

RARE AND COMPELLING CASE

Four U.S. Senators have taken the unusual action of personally petitioning President Eisenhower to clear—and restore to duty—a Marine sergeant convicted by a military court 7 years ago of stealing three cases of sergeant's chevrons.

The sergeant served 11 months in the brig and was given a bad conduct discharge.

He is Carl H. Buck, now a baker in Seattle, Wash., and the Senators are PAUL DOUGLAS, of Illinois; MIKE MANSFIELD, of Montana; KARL MUNDT, of South Dakota; and GEORGE SMATHERS, of Florida—all but Senator MUNDT are former marines.

"From our study we are fully convinced," say the Senators, "that Sergeant Buck's is one of those rare and compelling cases where a man has been unjustly convicted for a crime committed by another."

On the face of the record, as we have read it, the Senators are correct. Much of the evidence is flimsily circumstantial. The testimony is cloudy and contradictory. Incidents in the case are, at the least, suspiciously peculiar—such as Sergeant Buck's own lawyer being called as a prosecution witness, and giving irrevelant testimony without cross-examination.

Sergeant Buck once was cleared by a review board, then retried. Since his release, the Naval Board of Corrections has changed his "bad conduct" discharge to a general discharge under honorable conditions—strongly suggesting doubt as to the verdict.

The whole case smacks of ineptness and confusion. Whatever the eventual decision, a thorough inquiry by professional investigators—such as the White House has promised—plainly is in order. In these days when the courts seem striving so hard to assure the constitutional rights of those proved guilty, surely there is room for an honest, impartial review in the case of a veteran marine believed innocent by so many notable and fairminded men.

DEFENSE DEPARTMENT HAS ESTABLISHED EXCESSIVE NUMBER OF COMMISSARY STORES WITHIN CONTINENTAL LIMITS OF THE UNITED STATES

Mr. DOUGLAS. Mr. President, I ask unanimous consent that I may be permitted to proceed for 5 minutes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator may proceed.

Mr. DOUGLAS. Mr. President, for some time I have been concerned with military fat and waste and have urged that the Defense Department do all in its power to cut back on unnecessary frills in order that we may strengthen the combat forces of the Army, Navy, Air Force, and Marine Corps. We have shown that the Air Force has been spending millions of dollars in transporting—free of charge—influential citizens who are well able to pay, to Air Force demonstrations. We know that the Defense Department is going to have something like $60 billion in surplus items in the next 3 to 4 years. Congressman KOWALSKI has pointed out how excessive numbers of military personnel are being used as servants for high-ranking officers to drive limousines, and to act as gardeners, and in other capacities which waste the muscle and fighting strength of our troops. About a full combat division is being lost by this misuse of military personnel.

WASTE IN EXCESSIVE NUMBER OF COMMISSARY STORES

There is still another practice which is grossly overdone. This is the establishment of commissary stores at various military installations within the continental limits of the United States.

Under the law and regulations, commissary stores within the continental limits of the United States may be established when it is certified by the Secretary of the Service that there are no adequate commercial facilities which are conveniently available to the post and which sell at reasonable prices.

As I understand it, this practice began in the old days, when Army posts were isolated on the frontier and were necessary as a protection against Indians. But the practice has grown so much that it is no longer a harmless archaicism, such as the snuffbox in the Senate.

There are, in fact, no less than 269 commissary stores or exchange grocery sections authorized for operations in the calendar year of 1959 within the continental limits of the United States; 73 of them were run by the Army, 51 by the Navy, 11 by the Marine Corps, and 134 by the Air Force. I ask unanimous consent that a list of the locations of these stores be printed at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOUGLAS. Mr. President, the following comments about these stores seem appropriate.

COMMERCIAL FACILITIES AVAILABLE

First. A very great number of them appear to have been certified at posts where adequate commercial facilities are conveniently available. Certainly such is the case at Fort Myer, Va., where there are commercially owned supermarkets just outside the gate. Such would also appear to be the case with respect to Fort Belvoir, Va.; Fort Meade, Md.; Fort McNair in the District; Fort Sheridan, Ill.; and Walter Reed Army Medical Center in the District, to cite only a very few examples.

If one goes through the list which I have attached of the 269 commissary stores, it will be readily seen that the provision of the law which states that these stores shall be established only when there are no adequate commercial facilities which are conveniently available has not only been most liberally interpreted, but has, in fact, been grossly violated.

In addition to this, it will be seen from the table provided to me by the Defense Department, and which I have attached at the end of my remarks, that of the 914,247 permit holders—those who may buy from these stores—only 169,730, or 18.5 percent, are individuals who live on the post or base where the store is located. The remaining 744,517, or 81.5 percent, live off the post or base. From personal knowledge, I know of individuals who have a permit at Fort Myer, for example, who live as far as 8 to 10 miles from Fort Myer and have access to literally dozens of stores which are closer to them than the Fort Myer commissary. This indicates that a farce has been made of the law and the intent of the law, which was to provide commissary stores where adequate commercial facilities were not available to the personnel.

I may say that I subscribe to the original intention of the law, and I do not oppose the stores where they are genuinely needed.

WASTE OF MILITARY PERSONNEL

Second. Perhaps the major and worst effect of this practice is that in fiscal year 1958, of the 8,851 employees of these commissary stores, some 4,978—or almost 5,000—were military personnel. Of the $35,182,996 which was paid in salaries or pay and allowances for those who were employed, some $17,263,580 was paid from the budget to the military personnel who worked in these stores. Thus, the average salary of the military personnel who worked in the 269 commissary stores which the military forces now operate was $3,468. This is from the taxpayers.

At the very time when the President is unwilling to keep the Marine Corps at 200,000 men and the Army at 900,000 men, so that we may have an adequate combat force to fight brush fire wars, almost 5,000 military personnel are acting as grocery store clerks in the farflung system of commissary stores now operated within the continental limits of the United States.

This is yet another example of inefficient and uneconomic use of our military personnel which, in my opinion, are already inadequate in both their numbers and in their combat readiness. Certainly the intent of our draft laws and the provisions for recruitment of individuals for our Armed Forces is not that they should spend their time as grocery clerks. We are losing the equivalent of two full combat regiments by having enlisted personnel sell bread, meat, and canned goods.

UNNEEDED SUBSIDY—COMPETITION WITH PRIVATE ENTERPRISE

Third. This is perhaps the most glaring example of an area where the Government competes quite unnecessarily with private enterprise. I am not one who believes that the Government should abandon all of its many activities, but I see no reason why the Defense Department should be in the grocery business when in many cases that is unnecessary. From the table provided to me, it will be seen that these 269 stores did a business in the total amount of $366,659,000 in fiscal year 1958, and that the sales for March of 1959 were $38.5 million. This

indicates that sales for fiscal year 1959 will be in the magnitude of $400 million. This, of course, does not include PX stores, which are quite another matter and about which I am not speaking.

This is a huge enterprise. It is an enterprise much of which is unnecessary. Further, it represents a subsidy to military personnel within the continental limits of the United States of an amount in the neighborhood of $45 to $50 million per year. And this subsidy does not go to the men in the ranks, who ordinarily eat in the mess halls, but in large part to those of higher rank who live off the base. I arrive at this amount from the fact that the markup in commissary stores is 3 percent, whereas the normal commercial markup in grocery and allied stores is from 15 to 20 percent. If we take the lower figure for the commercial markup, 15 percent, it is seen that the subsidy is at least 12 percent—which would amount to $48 million per year—and if we take the larger amount for the commercial markup, 20 percent, the subsidy would be 17 percent, or $68 million per year.

It will be seen from the attached table that the pay and allowances of the 8,851 persons who worked in these stores in fiscal year 1958 was $35.1 million, or 9.6 percent of the total sales. Obviously this is a subsidy. This cost alone is 6.6 percent greater than the 3-percent surcharge or markup. The law and regulations require that no appropriated funds shall be used for the purchase and maintenance of operating equipment and supplies and for the actual or estimated cost of utilities, spoilage, and so forth. However, the 3 percent markup, in my opinion, would not be adequate to cover these costs. Thus, the subsidy is in the neighborhood of 15 to 20 percent gross and 12 to 17 percent net when the 3-percent commissary store markup is deducted from the ordinary commercial markup.

I am one who believes that our Armed Forces should receive adequate pay and allowances. However, I believe that this should be done through the pay system. If they are inadequately paid and do not receive enough to compensate them for their food and rent, and so forth, then we should have a recommendation from the Defense Department to raise the pay and allowances of the members of our Armed Forces. However, I think it is improper to do this by means of a subsidy on food to a limited group of service personnel, most of whom live off the base, through the commissary store system when, in fact, there are adequate commercial facilities available. If local merchants gang up on military personnel by overcharging, the threat of starting a commissary is generally sufficient. But it should not be used more than is necessary.

I am a friend of TVA and of the great power dams of the Northwest. But let me make it clear that I do not believe in the socialization of grocery stores—and military socialism is still socialism.

SUMMARY

Consequently, Mr. President, here is a place where great savings could be made. These savings could be made without any change in the law, but merely by carrying out the spirit and intention and the language of the existing law.

Such a change would have the effect of using our limited military personnel in a more useful way, namely, to support the combat efficiency of our forces rather than to serve as grocery clerks.

It would have the further desirable effect of cutting down on the overhead in pay, buildings, and facilities which are now provided for commissary stores. In addition, it would in part get the Government out of one area of activity where it does not and need not belong.

Let me emphasize once more that I am seeking to strengthen—not weaken—our fighting forces. We are in a tough struggle with the Communist forces and we cannot waste men and money as lavishly as we are doing. We must trim off the fat and build up the muscle. This will be painful to many, but it is the only road to greater national strength and security.

I also ask unanimous consent that a table, "Data on Service Commissaries," be printed at the conclusion of my remarks.

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

(See exhibit 2.)

EXHIBIT 1

ARMY COMMISSARY STORES

[Authorized for operation, calendar year 1959]

(Total, 73)

Installation: Aberdeen Proving Ground, Md.; Army Chemical Center, Md.; Atlanta General Depot, Ga., Bay Area Army Terminal Calif.; Cameron Station, Va.; Camp Hanford, Wash.; Camp Irwin, Calif.; Camp Leroy Johnson, La.; Camp Wolters, Tex.; Carlisle Barracks, Pa.; Dugway Proving Ground, Utah; Fitzsimons Army Hospital, Colo.; Fort Belvoir, Va.; Fort Benjamin Harrison, Ind.; Fort Benning, Ga.; Fort Bliss, Tex.; Fort Bragg, N.C.; Fort Campbell, Ky.; Fort Carson, Colo.; Fort Chaffee, Ark.; Fort Devens, Mass.; Fort Dix, N.J.; Fort Eustis, Va.; Fort George G. Meade, Md.; Fort Gordon, Ga.; Fort Hamilton, N.Y.; Fort Holabird, Md.; Fort Hood, Tex.; Fort Huachuca, Ariz.; Fort Jackson, S.C.; Fort Jay, N.Y.; Fort Knox, Ky.; Fort Lawton, Wash.; Fort Leavenworth, Kans.; Fort Lee, Va.; Fort Leonard Wood, Mo.; Fort Lesley J. McNair, D.C.; Fort Lewis, Wash.; Fort MacArthur, Calif.; Fort McClellan, Ala.; Fort McPherson, Ga.; Fort Monmouth, N.J.; Fort Monroe, Va.; Fort Myer, Va.; Fort Niagara, N.Y.; Fort Ord, Calif.; Fort Polk, La.; Fort Riley, Kans.; Fort Ritchie, Md.; Fort Rucker, Ala.; Fort Sam Houston, Tex.; Fort Sheridan, Ill.; Fort Sill, Okla.; Fort Slocum, N.Y.; Fort Stewart, Ga.; Fort Story, Va.; Fort Totten, N.Y.; Fort Wadsworth, N.Y.; Navajo Ordnance Depot, Ariz.; New Cumberland General Depot, Pa.; Presidio of San Francisco, Calif.; Redstone Arsenal, Ala.; Sandia Base, N. Mex.; Schenectady General Depot, N.Y.; Seneca Ordnance Depot, N.Y.; Tobyhanna Signal Depot, Pa.; U.S. Military Academy, N.Y.; Valley Forge Army Hospital, Pa.; Vint Hill Farms Station, Va.; Walter Reed Army Medical Center, D.C.; White Sands Proving Ground, N. Mex.; Yuma Test Station, Ariz.; Richmond Quartermaster Depot.

NAVY COMMISSARY STORES

[Authorized for operation calendar year 1959]

(Total, 51)

Installation: Naval Air Station, Quonset Point, R.I.; Naval Station, Newport, R.I.; Naval Submarine Base, New London, Conn.; Naval Base, Philadelphia, Pa.; Naval Air Station, Lakehurst, N.J.; Naval Amphibious Base, Little Creek, Va.; Naval Air Station, Chincoteague, Va.; Naval Air Station, Oceana, Va.; Naval Training Center, Bainbridge, Md.; Naval Station, Norfolk, Va.; Norfolk Naval Shipyard, Portsmouth, Va.; Naval Schools Mine Warfare, Yorktown, Va.; Naval Station, Key West, Fla.; Naval Air Station, Jacksonville, Fla.; Naval Air Station, Pensacola, Fla.; Naval Auxiliary Air Station, Whiting Field, Fla.; Naval Air Station, Cecil Field, Fla.; Naval Base, Charleston, S.C.; Naval Training Center, Great Lakes, Ill.; Naval Ammunition Depot, Crane, Ind.; Naval Station, San Diego, Calif.; Naval Air Station, N. Island, San Diego, Calif.; Naval Construction Battalion Center, Port Hueneme, Calif.; Naval Ordnance Test Station, China Lake, Calif.; Naval Shipyard, San Francisco, Calif.; Stockton Annex, NSC Oakton, Calif.; Naval Auxiliary Air Station, El Centro, Calif.; Naval Station, Green Cove Springs, Fla.; Naval Air Station, Brunswick, Maine; Naval Auxiliary Air Station, Mayport, Fla.; Naval Air Station, Memphis, Tenn.; Naval Air Station, Moffett Field, Calif.; Naval Air Station, Alameda, Calif.; Naval Station, Tongue Point, Oregon; Naval Air Station, Whidbey Island, Oak Harbor, Wash.; Naval Station, Annapolis, Md.; Naval Air Station, Patuxent River, Md.; Mare Island Naval Shipyard, Vallejo, Calif.; Naval Auxiliary Air Station, Kingsville, Tex.; Naval Auxiliary Air Station, Chase Field, Tex.; Naval Auxiliary Air Station, Fallon, Nev.; Naval Air Station, Miramar, Calif.; Naval Station, Treasure Island, San Francisco, Calif.; Naval Facility, Cape Hatteras, N.C.; Naval Proving Ground, Dahlgren, Va.; Naval Air Station, Glynco, Brunswick, Ga.; Naval Station, Long Beach, Calif.; Naval Station, New Orleans, La.; Naval Air Station, Corpus Christi, Tex.; Naval Radio and Research Station, Sugar Grove, W. Va.; Naval Radio Station, Cutler, Maine.

MARINE CORPS COMMISSARY STORES

[Authorized for operation calendar year 1959]

(Total, 8)

Installation: Marine Corps School, Quantico, Va.; Marine Corps Recruit Depot, Parris Island, S.C.; Marine Corps Air Station, Cherry Point, N.C.; Marine Corps Base, Camp Lejeune, N.C.; Marine Corps Base, Camp Pendleton, Calif.; Marine Corps Supply Center, Barstow, Calif.; Marine Corps Training Center, Twentynine Palms, Calif.; Marine Corps Air Station, El Toro, Calif.

MARINE CORPS EXCHANGE GROCERY SECTIONS

[Authorized for operation calendar year 1959]

(Total, 3)

Installation: Grocery Section, Marine Corps Exchange, Marine Corps Auxiliary Air Station, Beaufort, S.C.; Grocery Section, Marine Corps Exchange Naval Ammunition Depot, Hawthorne, Nev.; Grocery Section, Marine Corps Exchange, Marine Corps Supply Center, Albany, Ga.

AIR FORCE COMMISSARY STORES

[Authorized for operation, calendar year 1959]

(Total, 134)

Installation: Altus, Okla.; Amarillo, Tex.; Andrews, Washington, D.C.; Ardmore, Okla.; Barksdale, La.; Beale, Calif.; Bergstrom, Tex.; Bibbs, Tex.; Blythesville, Ark.; Bolling, Washington, D.C.; Brookley, Ala.; Bunker Hill, Ind.; Cannon, N. Mex.; Carswell, Tex.; Castle, Calif.; Chanute, Ill.; Charleston, S.C.; Chennault, La.; Clinton Sherman, Okla.; Columbus, Miss.; Craig, Ala.; Davis-Monthan, Ariz.; Donaldson, S.C.; Dover, Del.; Dow, Maine; Duluth Municipal Airport, Minn.; Dyess, Tex.; Edwards, Calif.; Eglin, Fla.; Ellington, Tex.; Ellsworth, S. Dak.; England, La.; Ent, Colo.; Little Rock, Ark.; Lockbourne,

Ohio; Loring, Maine; Lowry, Colo.; Syracuse, N.Y.; Custer Air Force Station, Battle Creek, Mich.; Luke, Ariz.; MacDill, Fla.; Malmstrom, Mont.; March, Calif.; Mather, Calif.; Maxwell, Ala.; McChord, Wash.; McClellan, Calif.; McConnell, Kans.; McCoy, Fla.; McGuire, N.J.; Minot, N. Dak.; Mitchel, N.Y.; Moody, Ga.; Mountain Home, Idaho; Myrtle Beach, S.C.; Nellis, Nev.; Niagara Falls, N.Y.; Norton, Calif.; Offutt, Nebr.; Orlando, Fla.; Otis, Mass.; Oxnard, Calif.; Paine, Wash.; Palm Beach, Fla.; Patrick, Fla.; Pease, N.H.; Perrin, Tex.; Ethan Allen, Vt.; Fairchild, Wash.; Forbes, Kans.; Francis E. Warren, Wyo.; George, Calif.; Gila Bend, Ariz.; Glasgow, Mont.; Goodfellow, Tex.; Grand Forks, N. Dak.; Greenville, Miss.; Griffiss, N.Y.; Gunter, Ala.; Hamilton, Calif.; Harlingen, Tex.; Hill, Utah; Holloman, N. Mex.; Homestead, Fla.; Hunter, Ga.; Hurlburt, Fla.; Indian Springs, Nev.; James Connally, Tex.; Keesler, Miss.; Kelly, Tex.; Kingsley, Oreg.; Kinross, Mich.; Kirtland, N. Mex.; Lackland, Tex.; Langley, Va.; Laredo, Tex.; Larson, Wash.; Laughlin, Tex.; Laurence G. Hanscom, Mass.; Lincoln, Nebr.; Plattsburg, N.Y.; Portland International Airport, Oreg.; Presque Isle, Maine; Randolph, Tex.; Reese, Tex.; Richards-Gebaur, Mo.; Robins, Ga.; Schilling, Kans.; Scott, Ill.; Selfridge, Mich.; Sewart, Tenn.; Seymour-Johnson, N.C.; Shaw, S.C.; Sheppard, Tex.; Sioux City, Iowa; Stead, Nev.; Stewart, N.Y.; Suffolk County, N.Y.; Tinker, Okla.; Travis, Calif.; Truax, Wis.; Turner, Ga.; Tyndall, Fla.; United States Air Force Academy, Colo.; Vance, Okla.; Vandenberg, Calif.; Walker, N. Mex.; Webb, Tex.; Westover, Mass.; Whiteman, Mo.; Williams, Ariz.; Wright-Patterson, Ohio; Wurtsmith, Mich.; Youngstown Municipal Airport, Ohio.

EXHIBIT 2

Data on service commissaries

	Distribution				
	Total	Army	Air Force	Navy	Marine
Total number of permitholders	914, 247	315, 676	361, 471	188, 000	49, 100
Living on the post	169, 730	57, 248	64, 882	31, 000	16, 600
Living off the post	744, 517	258, 428	296, 589	157, 000	32, 500
Total sales, fiscal year 1958	$366, 659, 000	$132, 560, 000	$147, 239, 000	$70, 000, 000	$16, 860, 000
Total sales, March 1959	$38, 566, 333	$13, 424, 333	$16, 181, 000	$7, 275, 000	$1, 686, 000
Store, office, and storage area (square feet)	4, 812, 033	1, 899, 490	1, 972, 734	754, 300	185, 509
Number of employees	8, 851	2, 564	3, 796	2, 010	481
Military	4, 978	662	2, 377	1, 729	210
Civilian	3, 873	1, 902	1, 419	281	271
Annual salaries and/or pay and allowances	$35, 182, 996	$13, 193, 996	$12, 049, 000	$8, 258, 000	$1, 682, 000
Military	17, 263, 580	3, 364, 580	6, 418, 000	6, 900, 000	581, 000
Civilian	17, 919, 416	9, 829, 416	5, 631, 000	1, 358, 000	1, 101, 000

PROPOSED VISIT OF PREMIER KHRUSHCHEV

Mr. BUSH. Mr. President, last week Secretary of Defense Neil H. McElroy expressed the hope that Nikita Khrushchev, the Soviet Premier, would change his mind about refusing to see military installations in this country.

Mr. McElroy said he would like to show Mr. Khrushchev a Strategic Air Command base, or even the underground headquarters of SAC at Omaha, Nebr.—although not all of the headquarters.

The Secretary of Defense explained his reasons to a news conference, saying:

> There are those of us with positions of responsibility in this country who have more concern about war beginning through a miscalculation than of any other factor.
>
> It would be constructive if he could learn at first hand that the military strength opposing him is sizable, effective, and competent to carry out its mission.

Mr. President, I share the views expressed by the Secretary of Defense. In an article which appeared in the July 1959 issue of Reader's Digest, entitled "To Preserve Peace Let's Show the Russians How Strong We Are" I suggested that the Soviet high command be invited to the United States for a conducted tour of our military might, and summarized what they might see if such a tour were arranged.

I wrote:

> What we could show is nothing more or less than the greatest military might ever assembled in the history of the world. If the Soviet high command could see what we have, they should be of our mind—that for them to start war today would be an act of insanity.

I hope Nikita Khrushchev will reconsider and will accept Mr. McElroy's invitation to obtain firsthand knowledge of the military capability of this country. Should he change his mind, I hope he will be shown, not only our capability to retaliate in the event of all-out war, but our ability to counter aggression in limited war situations. Nothing could more serve the cause of peace, because it is my conviction that the greatest danger of war lies in a miscalculation of our strength by Khrushchev and the Soviet high command.

Mr. President, I ask unanimous consent that the article to which I have referred may be printed in the RECORD following these remarks.

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

TO PRESERVE PEACE LET'S SHOW THE RUSSIANS HOW STRONG WE ARE

(By Hon. PRESCOTT BUSH, U.S. Senator from Connecticut; member of the Senate Armed Services Committee)

Man's greatest danger, it is said, is ignorance. In a very real sense, the Soviet Union's ignorance of our military strength may be the source of her gravest peril—and ours. Kaiser Wilhelm started World War I because he miscalculated allied power. Hitler, mistakenly thinking he could blitz the world, launched World War II. Khrushchev today lacks firsthand knowledge of our country; he may be given what others think he would like to hear—rather than an objective report on our actual military strength. Although it seems impossible that any sane person could start a war, we would be wise to take no chances.

Why not invite the Soviet high command to the United States for a conducted tour of our military might? We are bringing Russians to see our farms and factories, our scientific laboratories and research centers; we exchange dancers and musicians. Why not have their military leaders over for the most beneficial look of all? Our expressed policy, the aim and purpose of our entire defense system, is to deter the Kremlin from starting a war. What better way to deter than to show?

What we could show is nothing more nor less than the greatest military might ever assembled in the history of the world. If the Soviet high command could see what we have, they should be of our mind—that for them to start war today would be an act of insanity.

We could start in a Pentagon briefing room. There, with maps, globes, films and sound-projection equipment to help illustrate our points, we could give them a good hard look at the distribution of American power. Then we could fly the group to Mountain Home Air Force Base in Idaho, where bombers of the Strategic Air Command are on 24-hour alert, many ready to take off within 15 minuates. We would see an awe-inspiring line of B-47's, any one of which can, in a single mission, deliver explosive power equivalent to that of all the bombs dropped by all sides in World War II. We could invite the commander of the Soviet air force to ride in one of these planes, and see it refueled in the air, thus quietly demonstrating that, while most Soviet bombers would have to fly one-way missions, ours can strike any target in the world and return nonstop.

Then we could give our guests a ride in the new B-52's which, for many long-range missions, require no refueling at all. Tremendous flexible wings hold thousands of gallons of fuel for eight jet engines that carry the plane at nearly the speed of sound—to any target in the world. The crew could seek out a target no bigger than a water tower and "hit" it on the nose.

The sobering fact, already familiar to the Russians, is that bases for SAC use now practically circle the Northern Hemisphere. They are on the alert in many places, including Japan, Okinawa, Guam, the United States, Canada, Alaska, Greenland, England, Spain and North Africa, forming a trap with many triggers. An attack against any one of these bases would touch off the massed might of the others to destroy the war-making capacity of any nation attempting all-out aggression upon this country or the rest of the free world.

The demonstration at SAC should effectively dismiss from Soviet minds any speculation about the possibility of their gaining an advantage from all-out war anytime soon. But we must face the fact that in a few years the Russians may be able to zero in our SAC bases with ballistic missiles. To drive this temptation out of their minds, we could show them other deterrents.

First, we could take a ride in one of our atomic-powered submarines. These can slither at startling speeds clear around the world without surfacing. The Soviet naval experts could observe the *Nautilus'* sonar pick up the sound of destroyers many miles distant, while her own turbines are detectable for only a few thousand yards. We'd show them that hunting these submarines to destroy them before they attack is like looking for a needle in a haystack; repeatedly in maneuvers they elude aircraft and, though submerged, outrun surface ships.

Then we could show our guests the U.S.S. *Observation Island*, a freighter which the Navy has converted into a testing ground for Polaris, the new atomic-armed ballistic

missile fired from under water. Before the Soviet Union can have dependable intercontinental missiles in quantity, we will have Polaris ready. It meets virtually every test for the perfect deterrent; it is designed to reach almost any target in the Communist area, is highly immune to all forms of enemy attack, including ballistic missiles. No power on earth can prevent our nuclear subs from ringing Russia with a silent and deadly deterrent force.

Thus, it should be obvious, as Gen. Nathan F. Twining, Chairman of the Joint Chiefs of Staff, has made clear, that with SAC we are strong enough now to deter an all-out attack, and that our deterrent power will be strengthened by the addition of Polaris in the near future.

While convincing our visitors of the insanity of all-out war, we could also show them the futility of starting limited war. To do this, we could usher them into twin-jet attack bombers, fly them off the Florida coast to the aircraft carrier *Independence*. They would land right on the deck, coming from 135 miles an hour to a full stop in 3 or 4 seconds. Such a carrier, of course, is escorted by the destroyers, cruisers, and submarines of its task force. Few persons who have never actually set foot on one of these traveling armored cities have any conception of their versatility, striking power, and mobility.

We would explain that the mission of our 14 carriers is to destroy targets from which an enemy can launch weapons dangerous to our Navy—such as submarine bases and airfields. Also, at the beginning of a nuclear war, they would help SAC pulverize other military targets. Four carriers in the Atlantic, 8 in the Pacific, and 2 in the Mediterranean, equipped with planes able to fly atomic bombs 1,500 miles, can reach virtually any target.

Then we could demonstrate for the Soviet military leaders how our amphibious forces operate. In a mock exercise of rushing assistance to a third country under sudden attack, we would send out groups of marines, delivered by helicopter and dispersed over a wide area, and followed up by more marines making beach landings. One Soviet observer could land with them and be with the forward troops. He would see how this global marine force uses close air support from carriers instead of artillery; the rocket-powered Bull Pup, a tactical missile that can be steered to hit precisely on enemy bunkers; and dozens of other ultramodern techniques. Other observers on board ship would see how fast a carrier launches its striking power. Attack planes, more than half a hundred of them, catapult across the deck, one every few seconds, far faster than planes take off from land.

At the same time the Soviet experts would see some of the most deadly vehicles ever invented—for instance, fighter planes with air-to-air missiles. One of these missiles, called the Sidewinder, is attracted by heat; fired toward a jet plane, it is drawn as if by a magnet right up the fiery tail, where it explodes. Another, the Sparrow III, homes on the reflected signal picked up by radar, traveling as directly as if along a searchlight beam. We would have drone jets shot toward us from other ships and turn such swift and deadly weapons loose on them. One defending plane, equipped with air-to-air missiles, can outperform a squadron of World War II fighters.

After a day spent on the *Independence*, and with the Marines ashore, and after a similar look at our ground forces in action, it should be clear to the Soviet military men that in practically any place where aggression occurs we can strike selectively from the air, keep the sea lanes open and land forces promptly. In short, they would know that we, together with our free-world allies, have a spear to counter limited attacks as well as a shield with which to ward off all-out war.

Now we come to the multibillion-dollar question—how do we stand with the Soviets in the ballistic-missile race? A tour of our installations at Canaveral and elsewhere should convince the visiting experts that we are just about neck and neck. Both the United States and the Soviet Union are expected to have the first few operational ICBM's ready to fire by the end of this year.

As for the "missile gap" which has been the subject of recent debate, Secretary of Defense Neil McElroy explains: "This phrase can be applied only when the number of ICBM's which the United States actually plans to produce is compared to the number that it is estimated the Soviets could produce. We, of course, must be prepared with a sufficient retaliatory force to deter the Russians if their actual production should come up to their potential. But this does not mean that we should simply match them, ICBM for ICBM. In the opinion of our military experts our combination of heavy-weapons delivery systems—aircraft and missile—is more of a deterrent to any attack on us than the all-out production of early-model ICBM's would be."

Thus, our Defense Department has refused to enter into a panicky production race that could only burden us with soon-to-be-outmoded experimental weapons. We are concentrating instead on perfecting the most advanced ICBM's as quickly as possible to maintain our superior mixed retaliatory force. The $10 billion which we have invested since 1954 to this end is already paying off in three ICBM's which are exceeding our most optimistic expectations: Atlas, to join SAC this year as a ready weapon, Titan and Minuteman—in addition to Polaris. Lesser-ranged IRBM's are already in the hands of our allies.

Another benefit to be gained from the proposed visit of Soviet experts would be an increased appreciation on our own part of U.S. military power. The average American just doesn't realize how strong we are. You hear some persons say that we may soon be a second-class power. By following the Russians from place to place through the press, we would stir up a healthy and more realistic evaluation of American versus Soviet strength.

One way to appreciate our superiority is to ask ourselves whether we would trade places with the Russians—give them our war-making capability and take theirs. If we did, what would be the situation confronting us?

To begin with, we would be faced with something like four to five times more intercontinental jet bombers and a greater number of medium bombers, all with much greater refueling capacity. These nuclear-armed planes and their supporting tankers would be based at a series of installations encircling us like pincers—Venezuela, Central America, Puerto Rico, Bermuda, Alaska, and Hawaii. Manning this force would be the most highly trained and experienced crews in the world, capable of delivering inconceivable explosive power with pinpoint accuracy.

Half a dozen or more Soviet aircraft carriers, each with half a hundred nuclear-bomb-carrying planes, would be off our East and West coasts. Powerful naval task forces would deploy at will only a few hundred miles from our shores. Nuclear-powered submarines would operate with them, while we had none.

A quarter of a million Red army troops, equipped with the latest weapons, including nuclear missiles, would be in Canada and Mexico, facing the American border. They would be allied with powerful forces from other countries in the Western Hemisphere.

In addition to this military power encircling us, we would be faced with overwhelming economic strength, if we traded places with the Soviet Union. This would be the economic picture:

Almost all our population would be concentrated east of the Mississippi River; the West would be a sparsely settled frontier, with our Government offering bonuses to people willing to settle there. Only one railway line would push across the continent. Much of the country could not be reached by road. Half of the labor force would be farmers, producing barely enough for domestic consumption. Our steel production capacity would be reduced by three-fifths.

We would be compelled to get along with less than one-third the electricity, petroleum products and hydroelectric power we have now. We would be forced to cut production of mineral fertilizers, aluminum and bulldozers by more than half. We would have to tear up 14 out of every 15 miles of paved highway and more than 2 out of every 3 miles of mainline railroad track. We would be without 19 of every 20 automobiles and trucks. Comparable losses would be sustained in other sectors of the economy.

Would you trade places with the Russians?

It's fortunate for them that we want only peace with justice. Our entire record attests to that. We have no history of aggression, profess no desire for world domination, as do the Communists. Only by their continued menace have we been forced to take these measures for defense.

I ask, "Why don't we show the Russians many of these defense measures?" What I would not show them is any self-satisfaction on our part about the future, any slowing up of plans to produce the new weapons which must inevitably take the place of the old ones. I believe we are in a continuing struggle to keep on top in this business of deterring war. I think that the Russians are never to be underrated. I also believe that the Communists are master bluffers, that they seek to put us off by arrogant threats to Berlin and to the peace of the far Pacific, and, while our people are preoccupied with these threats, they may try to take over Iraq as the Chinese Reds have conquered Tibet.

We dare not be complacent. But we need not, on the other hand, be frightened. At present, ours is the more powerful military force, the strong alliance, the more advantageous strategic position, the more productive economy. And there is no reason why we should not continue to lead the Soviet Union in the years ahead.

GOVERNMENT SPENDING AND GOVERNMENT DEFICITS

Mr. SYMINGTON. Mr. President, last week I listened with increasing interest to floor statements by the majority leader, as well as by Members on the other side of the aisle, on the question of responsibility for increases in Federal expenditures.

The facts are convincing that the primary responsibility for the major fiscal characteristics of the past 6½ years should rest directly on the executive branch.

These characteristics for that period have been inflation, Government deficits, increasing Government expenditures, and rising interest rates.

Without reservation, official budget reports, price indexes, and money-market statements support that position.

No one person, nor even any one branch of the Government, can be entirely responsible for this sad fiscal record. But no one can question the

fact that the executive branch of the Government is primarily responsible for Government spending and Government management.

Apparently someone has pursuaded various representatives of the administration that the best plan when in an indefensible position is to attack. These spokesmen, therefore, with a record of spending and management it is impossible to defend, have done what they must have thought was the next best thing.

They have tried, and continue to try, to put the blame on the Congress.

As the able majority leader pointed out only last Thursday:

> It is a well-established principle of propaganda that if a falsehood is repeated often enough and loud enough it will be believed.

Recently we have heard much about this "spending Congress." That charge is not justified, because it is not true.

Here is the truth:

In recent years interest rates have been raised unnecessarily.

On many occasions Government issues have been oversubscribed, with the cash offerings refused by the Treasury, only to have new issues put out a short time later at higher interest rates.

During the last 6 fiscal years, this Government has operated at a net deficit of $20 billion, the fiscal year 1959 having the largest peacetime deficit in our history.

On six different occasions President Eisenhower has requested that the debt ceiling be raised.

The national debt, plus the interest cost of the national debt, have now reached all-time highs.

During the last 5 years, the Congress, as so ably pointed out by our majority leader, has appropriated $10.6 billion less than the President asked for.

So far this session the Congress has continued the record of appropriating less than the President requested.

Administration spokesmen have recently been advancing a somewhat sinister-sounding slogan, "Back Door Financing."

But everyone knows that the Congress legislates on the record, for all to see. Therefore, the implications of the slogan do not seem to make much sense.

The distinguished majority leader met this latest slippery attack with facts. Last week he pointed out that "there had been no so-called back door financing which had not been requested or approved by the President."

His authority for that assertion was the President's own Director of the Bureau of the Budget, Mr. Maurice Stans.

As the majority leader also pointed out, the $6,400 million so-called back door financing requested by the President so far this session has been cut by the Congress, through legislative action, to $6,076 million—a reduction of over $300 million.

That is the record—for all to see who want to see.

In addition to the various legislative spending restraints the Congress has placed upon the administration, the President could save the taxpayer many more billions if he would take some administrative actions which do not require legislation.

If the President would insist upon better organization and better business management in some of his departments, billions of dollars could be saved.

The establishment of an organization based on progress instead of tradition in the Defense Department alone, would save the taxpayers tens of millions of dollars a week.

Instead of any action to that end, however, we continue to drift, with an obsolete organization which does not recognize reality in this nuclear-space age.

The American people are becoming increasingly aware of this absurd situation, one which affects not only their prosperity, but also their security.

Just as in the case of appropriations requests and back door financing, this situation will never be cured through public relations campaigns to shift responsibility.

AMENDMENTS TO THE TAFT-HARTLEY ACT

Mr. WILEY. Mr. President, as we know, proposed legislation designed to eliminate abuses in the labor-management field is today being considered in the House of Representatives.

In the light of the hearings by the Select Committee on Improper Activities in the labor or management field, the Congress, I believe, has a responsibility for enactment of a law which will curb these abuses.

We realize, of course, that new laws can only provide the framework—establish a climate in which authorized powers can take action to discourage, to prevent, and—if they occur—to punish unlawful acts.

Also, the purpose of such legislation should not be to break unions nor to reflect unfairly on the vast majority of honest leaders in this field. Rather, the aim is to protect the worker, the legitimate interests of both unions and management, and particularly the rights of the public.

I was reading a newspaper, which I believe came from Britain, stating what has been done by Great Britain. Tomorrow I trust I shall have a complete comment, to show how the British are facing the challenge of inflation and also facing the challenge of labor-management differences.

Recently, the Association of State Mediation Agencies held a convention in San Juan, P.R. During the convention, a number of resolutions were adopted.

Today I was pleased to have forwarded to my office by Morris Slavney, of Madison, Wis., president of the State Mediation Agencies, a copy of two resolutions: First, dealing with the unfortunate no man's land where neither State nor Federal agencies have jurisdiction over labor disputes; and, second, relating to voluntary mediation processes.

The views of the Association of State Mediation Agencies, I believe, merit the attention of Congress in regard to this significant issue.

I request unanimous consent to have the resolutions printed at this point in the RECORD.

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

RESOLUTION ADOPTED AT THE EIGHTH ANNUAL CONFERENCE OF THE ASSOCIATION OF STATE MEDIATION AGENCIES AT SAN JUAN, P.R., ON JULY 31, 1959

Whereas collective bargaining in a free enterprise system is predicated on the freedom to contract, and whereas any proposal to impose Federal mediation under the threat of being charged with an unfair labor practice does violence to established concepts of freedom and the voluntary mediation process; and

Whereas it is recognized that labor disputes dealing with the hours and conditions of work are basically local disputes: Therefore be it

Resolved, That the Association of State Mediation Agencies go on record as supporting an amendment to section 203(B) of the Taft-Hartley Act which would limit Federal jurisdiction in such labor disputes to matters involving two or more employers located in two or more States and disputes involving the public health and welfare and national defense.

RESOLUTION ADOPTED AT THE EIGHTH ANNUAL CONFERENCE OF THE ASSOCIATION OF STATE MEDIATION AGENCIES AT SAN JUAN, P.R., ON JULY 31, 1959

Whereas the Congress of the United States is now considering amendments to the Taft-Hartley Act including proposals to remedy the vast no man's land where neither State nor Federal agencies regulate labor disputes and whereas the no man's land creates a climate inimical to voluntary efforts to mediate basically local labor disputes by nonregulatory State agencies: Now, therefore, be it

Resolved, That the Association of State Mediation Agencies support amendments to the Taft-Hartley Act which eliminate the no man's land and clarifies the areas of Federal-State jurisdiction.

STATES RIGHTS—NO TAKERS

Mr. WILEY. Mr. President, I was also very much interested recently in reading an editorial from the Christian Science Monitor entitled "States Rights—No Takers."

We have heard a great deal of discussion about States rights, but the editorial is very illuminating, because among other things it brings up the fact that in the 21 years since the President made his first, more fervid offer to reverse the flow of power to Washington, there have been no takers and nothing has been done.

Among other things, the editorial states the reason why nothing has been done, when it says:

> Probably the major one is that in fields where the Federal Government has taken on powers involving public works, regulatory functions, and costly social insurance, the return of these "rights" to the States would be accompanied by such a staggering return of responsibilities (i.e., taxes) that very few Governors or their legislatures would seriously consider the project.

The editorial goes on:

> A second, ideologically fundamental reason is that the role of the States as defenders of local initiative and bellwethers of local needs has been at least partly abdicated. Local

communities—and not just big cities, either—now find in Washington a defender of their "rights" against the State government. This is because so many State legislatures are stacked in favor of rural representation.

Mr. President, in view of the very interesting commentary on the whys and wherefores of this problem we have been discussing, the returning to the States of what the States think should be State functions, I ask unanimous consent that the editorial be printed in the RECORD.

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

STATES RIGHTS—NO TAKERS

This year, as in 1957, President Eisenhower asked the Governors of the American States if they wouldn't like to take back from the Federal Government some of the States rights many of them claim are being usurped by Washington.

But his message to the annual Governors' Conference sounded as languid on this subject as the balmy Puerto Rican air in which it was received.

The fact is that in the 2 years since the President made his first, more fervid offer to reverse the flow of power to Washington there have been no takers.

How can this glaring lack of action be reconciled with the persistent cries—sincere and otherwise—for States rights?

There are several answers.

Probably the major one is that in fields where the Federal Government has taken on powers involving public works, regulatory functions, and costly social insurance, the return of these rights to the States would be accompanied by such a staggering return of responsibilities (i.e., taxes) that very few Governors or their legislatures would seriously consider the project.

A second, ideologically fundamental reason is that the role of the States as defenders of local initiative and bellwethers of local needs has been at least partly abdicated. Local communities—and not just big cities, either—now find in Washington a defender of their rights against the State government. This is because so many State legislatures are stacked in favor of rural representation.

Whether it is highway aid, school aid, or unemployment funds, these communities will continue to support power where they are more adequately represented. Taxation without adequate representation is no more popular now than it was in 1773.

The concentration of power in Washington has its penalties. Tax money has to pay its fare to the Federal seat and back. Community initiative is often dulled. Remoteness of administrators from the consent givers who authorize their actions sometimes leads to waste or worse.

But the lack of action (other than verbal) by the Governors gives eloquent testimony to the fact that few States are currently in a position to better the service performed by the Federal Government for its citizens. Until they are, the President's offer will probably remain untaken.

DEICING ST. LAWRENCE SEAWAY AND THE GREAT LAKES

Mr. WILEY. Mr. President, earlier this session I introduced a bill, S. 2242, providing for investigation and study of ways and means for possibly developing of a deicing system for the Great Lakes and the St. Lawrence Seaway.

Currently, the bill is pending before the Committee on Public Works. Because this is a relatively new proposal, it is, unfortunately, taking considerable time to get reports from the interested departments of the executive branch.

I would hope, however, that these would be forthcoming soon, so that hearings can be scheduled on the bill.

Following the introduction of the bill, there has been a gratifying amount of interest in development of such a deicing system. There have also been, of course, skeptics who seriously question the practicability of such a proposal.

Naturally, I recognize that cracking the ice barrier will necessarily be a long-term project. Through appropriate focusing of brainpower, resources, and scientific ingenuity upon the challenge, however, I believe that such a system ultimately has real possibilities for overcoming the handicap of winter icing.

If accomplished, the shipping season for the seaway and the upper Great Lakes—now limited to about 8 or 9 months a year—would be extended by almost 25 percent—with great economic benefits for the whole Great Lakes and upper Midwest region.

Recently I was pleased to receive from Mr. Gene Posner, president of station WXIX, in Milwaukee, Wis., an editorial supporting the idea of a deicing system. Farsightedly, the editorial recognizes that in these days of scientific and technological advancements, the idea of a deicing system for our normally icebound areas in the upper lakes region has a real possibility.

As a matter of interest, Mr. Posner recently assumed management responsibilities of television station WXIX.

In designing programs to serve Milwaukee and surrounding communities, WXIX-TV is one of the relatively few stations in the area which avails itself of the right to editorialize.

As a thoughtful commentary on what I believe is a potentially significant deicing project, envisioned in the bill, S. 2242, I request unanimous consent to have the editorial printed at this point in the RECORD.

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

The St. Lawrence Seaway has been open to ocean shipping for only a few months and already we in Milwaukee have seen the promise for the future. After 40 years of international debate, major legislative compromises, this gateway to the world has become a reality. The future—economic prosperity—for this the heartland of America looks bright.

But there are bottlenecks—serious ones—that do exist. Senator WILEY, who has long been a champion of the seaway, one of its prime movers, is still working on the project. Some weeks ago he advised that a conference between the United States and Canada be held to determine how to break the bottleneck at the Welland Canal—the oldest section of the system of water stairways that bring ships from sea level to the height of inland lakes.

Ships have been delayed as much as 36 hours waiting to get through the canal which can handle only 28 ships a day. Senator WILEY has said: "Unless action is taken to remedy the situation, the future of the seaway—both in terms of volume of traffic and paying off the debt—may be seriously handicapped by the limited capacity of the Welland Canal."

There are other challenges, too, WILEY pointed out. Paying off the seaway with tolls, completing connecting channels, finishing port projects, developing better connections with rail and truck networks. All this and a concerted campaign to continue to sell the seaway advantages to many manufacturers who tend to ignore the seaway in foreign shipments.

But there is one more challenge—the point of this editorial—that catches the modern imagination. The inland ports are closed at least 4 months of the year because of the weather. To realize the full potential of the seaway, it will be necessary, WILEY says, to "crack the ice barrier."

Crack the ice barrier, deice the waterway that ties up shipping to Milwaukee almost 4 months a year. Critics call the plan impractical. Scoffing at the project is Lewis G. Castle, Administrator of the St. Lawrence Seaway Development Authority. Challenge Mother Nature, change the course of weather, deice the seaway route. Impractical.

Nothing is impractical about increasing traffic to Milwaukee by 25 percent, and other people don't think the idea is crazy at all—including Army Engineers who helped WILEY draft legislation to that effect.

Other Senators agree to cosponsor the bill. HUMPHREY and MCCARTHY, Minnesota Democrats; CAPEHART, of Indiana; LAUSCHE and YOUNG, of Ohio; HART, of Michigan; and JAVITS and KEATING, of New York.

Crack the ice barrier: It's been done other places—in Greenland, New Brunswick and Scandinavians have kept their ports open with scientific methods. Nothing is impossible in these times when science is cracking barriers constantly—including the barriers of weather. Other seemingly fantastic plans for controlling the world's weather are already being made.

Forty years ago when the seaway was a plan, we were driving tin lizzies, airplanes were just getting off the ground and men like Senator WILEY had the foresight to see the seaway and its potential. Nothing is impossible now and instead of talking about the weather Senator WILEY plans to do something about it. His belief in the seaway—his foresight—is a credit to Wisconsin. "Cracking the ice barrier," deicing the waterway, opening traffic to Great Lakes ports the year around is not impractical—it's just a matter of time in this scientific age. We hope it doesn't take 40 years and it won't.

OPERATION OF THE GOVERNMENT'S CREDIT AGENCIES

Mr. WILEY. Mr. President, I should like to read from a Whaley-Eaton Service letter. I think it presents a subject we ought to be doing some thinking about. We can talk about it all we please, speculating about who is spending what and who is doing this or failing to do that, but this is a subject about which we had better do a little thinking.

The Government's own credit agencies are getting into trouble and are being quietly investigated. There are many such freewheeling groups which peddle Federal funds at lower interest rates than the Treasury itself has to pay. Typical are Farm Credit Administration home loan banks, rural electrification, Federal National Mortgage Association, and Small Business Administration. In the aggregate, they constitute a multi-billion-dollar budget loophole.

White House staff experts are now looking into the situation—both to find out just what has been going on and to decide what to do about it.

Tight money conditions are creating problems for these agencies with which they are not set up to deal. Some borrow from the Treasury at low rates and lend at similar low

rates. With Treasury borrowing costs up sharply, this involves heavy Treasury losses. Others are permitted to borrow also in the open market. But with rates there up so high, they find themselves borrowing costly money at short-term and lending at a loss.

Agencies which built up substantial surpluses in the easy-money years consequently find their surpluses are being depleted dangerously fast.

Then it is suggested:

No coordinated Federal policies have ever been formulated to govern the operations of these many agencies. There are upward of 50 of them which engage in extending credit in one form or another. Each was set up to meet credit needs in specific areas. Some operate with revolving funds; others are open ended. These latter can cause heavy strains on the Treasury.

There is no present suspicion of bad management, dishonesty, or political favoritism. For the most part these lenders have operated effectively over the years. Partisan politics as such is not involved. However, they all move their separate ways. Coordination is called for.

What is needed, the White House realizes, is a reappraisal of the entire setup. In addition to the large, well-known agencies, there are literally dozens of bureaus, divisions, and Federal corporations operating in little worlds of their own.

Mr. President, in my humble opinion this matter requires the attention not simply of the White House and of its assistants but it also requires the attention of the legislative branch of this Government, to see exactly what is the situation.

CUBA

Mr. FULBRIGHT. Mr. President, the Foreign Ministers of the American Republics convene in Santiago this week to consider tensions in the Caribbean. These tensions are due in large part to the Cuban revolution and to the accession to power of Dr. Castro. Whether one likes Dr. Castro or whether one approves his policies, it cannot be denied that as of this moment he has the support of the majority of the Cuban people, a people who have suffered for many years the excesses of bad government.

Dr. Castro has also become a symbol for many of the people of the Caribbean area. His leadership of a political and social revolution in Cuba is the catalytic element that stirs demands for change throughout the Caribbean.

Whence this revolution goes—to the right or to the left—when it stops, and who will get hurt, are of vital importance to the United States, not only because our economies are closely related but because of the geographic proximity of Cuba and the United States. Although what goes on in Cuba and the Caribbean is of great importance to us, the attitude and policies of the United States toward Cuba are of even greater significance to Cuba. The United States is so big and so strong as compared with Cuba, and Cuban sensitivities to American intervention are so great that almost anything we do may be misunderstood and self-defeating. There is great need for patience and understanding on our part, because mutually peaceful and productive relationships between the United States and Cuba in the future will depend not only upon the ability and responsibility of Cuban leaders, but perhaps even more upon our understanding of the forces at work in Cuba and our patience and sometimes firmness in dealing with those forces.

I know there are many in this country who have suffered losses as the result of recent events in Cuba. And when American property holders in Cuba are threatened with expropriation, it is easy for them to believe the Cuban Government is dominated by Communists. I do not know whether Dr. Castro is a Communist or whether his government is dominated by Communists.

We might remind ourselves, however, that several decades ago Mexico went through a social upheaval, American properties were seized, chaos reigned, and Mexico for years was unable to attract private American investment. At that time many Americans confused a rising social consciousness and a Mexican nationalism with communism. But today Mexico is a great and good friend. American investments flow into Mexico. And Mexico is a free democratic nation, despite the fears and even the certainties of many Americans.

We might also recall that a few short months ago many Americans identified the nationalism of Nasser and his seizure of the Suez Canal as communism. By confusing nationalism with communism we came very near to forcing Egypt into the arms of the Soviet Union.

Naturally we are concerned that the revolutionary situation in Cuba—her new nationalism—not be turned toward the extreme of communism which can be as destructive of individual liberty as the most totalitarian dictatorship. But if our concern finds expression in tactless actions, outright opposition, or even threatened intervention, we may in fact force the revolution in the very direction we most fear.

Mr. President, I suggest it is good for us to recall from time to time our own Revolutionary beginnings. I rather suspect that during the Revolutionary and post-Revolutionary period in this country, many of the British must have looked upon this Nation and its great Revolutionary heroes much as we now look upon Dr. Castro.

Dr. Castro symbolizes and leads a social and political revolution of great significance. It has not yet run its course. The United States, as a neighbor, to a people who have always been friendly and close to us—indeed, a people whom we assisted in severing their bonds with a colonial power—must now be understanding and patient.

I do not wish to be misunderstood. I do not support many of the things Dr. Castro has done. Although I recognize the right of a sovereign nation to expropriate property with just compensation, I oppose expropriation of private property without such compensation. I certainly oppose intervention in any country, direct or indirect, which may be supported by Cuban forces or connivance, just as I would oppose intervention by the United States in any American Republic.

What I urge is that we seek to understand the tremendous forces unleashed in the Caribbean area and that we seek to work with those forces, not against them. This will require the utmost patience and understanding on our part. But only such patience and moderation can be expected to develop a relationship with Cuba, which in the years ahead will be to our mutual advantage.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point two fine newspaper columns on this subject.

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

[From the Washington Post, July 23, 1959]

CUBA AND COMMUNISM

(By Walter Lippmann)

Shortly after Dr. Castro brought his revolution to power in Cuba, the Governor of Puerto Rico, Mr. Muñoz-Marín, came up to Washington. He came to give us advice which he was preeminently qualified to do. For he had been carrying through successfully a peaceful revolution in his own country, he had the personal confidence of the Cuban revolutionists, and he was and is our very great friend.

Even then, at the beginning he foresaw the troubles in Cuba, the stubborn difficulties against which the revolution was waged and which it then inherited, the inexperience and the emotional instability of its fighting leaders.

Whatever you do, he said in effect, do not let yourselves become enemies of this revolution. For this revolution is the real thing. It is not a mere change of the guard at the top as is so common in Latin America. This is a popular revolution of the sort which, more than 30 years ago, Mexico went through, and after years of blood and tears brought to a happy ending.

It requires great skill to manage our relations with a revolution of this character in a country which is such a very near neighbor. We have to find ways of reconciling our political and economic interests with a revolution which cannot be stabilized until the chief grievances which produced the revolution have been redressed. This can be managed only if the American Ambassador in Havana can work out a relationship with the revolutionary leaders in which they will listen to him, and even seek his advice and his help.

There is good reason to say that we have such an Ambassador in Havana, one who is capable of carrying out such a delicate mission, who has, one might say, "good hands" when he rides. But, of course he has no chance whatever of succeeding if Congress is going to roughhouse our relations with Cuba, as did the Internal Security Subcommittee of the Senate just the other day. This was when it provided a platform and loudspeakers for a disaffected Cuban adventurer to denounce the Cuban revolutionists as Communists. This country, as the President was quick to point out, "has made no such charges." But the damage done by the subcommittee's irresponsible meddling may not be repaired easily or quickly.

The policy which we are following in Cuba is to avoid a break with Dr. Castro and to seek more contact with him. This policy is the product of years of experience in our relations with the other American States. There is no alternative to it, given the fact that we have most solemnly renounced the right of intervention to suppress a revolution. In this century, we have committed ourselves repeatedly and wholly to the principle that each country in this hemisphere has the right of self-determination. This carries with it inseparably the right of revolution, and imposes upon us the obligation to live with the revolutions, when they occur, as best we can.

Beneath these large generalizations and abstractions, there is the substantial fact that in this century, which is seeing the awakening of the submerged masses of mankind, the old style of imperialism and overlordship is not only morally unacceptable but is practically impossible. To put it specifically and bluntly, the United States could not install a puppet to govern Cuba in place of Dr. Castro and his revolutionists. The United States must, therefore, do what it can to keep on good terms with Dr. Castro and his successors.

There are those who think differently. They see Dr. Castro going far to the left in the company of a number of fellow travelers of the Communists. They think the way to deal with what they see is to denounce Dr. Castro who tolerates and associates with fellow travelers as himself a fellow traveler and virtually a Communist. What good will it do, I would like to know. The result of such tactics will not be to cause Dr. Castro and the fellow travelers to abandon their revolutionary program. It will be to cause them to regard us as their enemy, and to become as thoroughly anti-American as they dare to be.

The wiser course and the more practical one is to be patient and relaxed—to remember that Cuba is our nearest neighbor and is far beyond the reach of the Soviet Union. Remembering this, we can rely ultimately on the high improbability that Cuba will drift or be pushed and pulled into the Soviet orbit.

Just as it was a great mistake to treat Egypt under Colonel Nasser as a Soviet satellite, so it would be an even greater mistake even to intimate that Castro's Cuba has any real prospect of becoming a Soviet satellite.

For the thing we should never do in dealing with the revolutionary countries in which the world abounds is to push them behind an iron curtain raised by ourselves. On the contrary, even when they have been seduced and subverted and are drawn across the line, the right thing to do is to keep the way open for their return.

[From the Portland Oregonian, July 15, 1959]

CUBAN REVOLUTIONISTS ADMIRE ABE LINCOLN

(By Ralph McGill)

HAVANA.—There is a certain excitement in meeting and talking with revolutionists, who, a few short months ago, had prices on their heads. It is especially so when they are attractive, well-groomed young ladies holding sedate positions such as secretaries to ministers of government. Not so long ago they were rifle-carrying members of mountain guerilla forces. It is somehow unreal to quit the presence of an intense young professor of sociology who has but recently shaved off his Castro beard and cut his hair.

Persons who have shared a great and common danger and made common sacrifices have lived on a plateau which will make the rest of their lives seem relatively prosaic. Castro's revolution is a young one in time and in the ages of most of those who were in it.

The revolution has not yet settled down. It is still emotionally in the air. But let none think it will wither away. Castro has started something which will go on no matter what happens to him. And not merely here, but in Latin America. Those who made the revolution believe that, and are impatient, with all the impetuousness of youth, that others cannot see it as plainly.

They resent most strongly the charges that there is communism in it.

This comes out, sometimes quietly, but often strongly. Like, for example, in the office of Revolucion, the underground paper for which some men and women gave their lives to print and distribute. It now is a daily.

Euclides Vasques Caudela was a professor on the faculty at the University of Santiago de Cuba. He is perhaps 32 years old. He fought in the mountains and down into the valley about Santa Clara where the fighting ended with Batista's flight. He now is subdirector and editorialist for Revolucion.

"I hope," he burst out, as we talked, "you will write that in this office you saw no pictures of Khrushchev or of Stalin. Tell them there were just two pictures, of Abraham Lincoln, and of Fidel Castro." (This was true. The large Lincoln picture was one issued by the United States Information Office).

Caudela found some of the small underground issues of Revolucion, and also some of the propaganda employed in the last months before Batista's flight. It was entitled "OC3." This trio of symbols appeared on walls and printed sheets. The internationally famed magazine Bohemia actually printed "OC3" on its pages. (Later the editor and publisher went to jail for it and the magazine was closed.) Clandestine radios, printed sheets, and stenciled slogans on walls revealed the meaning of the "teasers." It meant "Cero Cine, cero compras, cero cabaret * * * moviniento de resistencia civica." (No movies, no shipping, no cabarets * * *.) It frowns for example on the nightclubs which cater to the worst tastes of tourists. It strongly objects to legalized gambling and declares that Batista perverted Havana as a tourist center, bringing gamblers and the American underworld mobs to run the casinos. The casinos still operate, but their gambling tables are almost empty and when their contracts expire they will go. Castro stopped, too, the vendors of obscene pictures. He ended the narcotics trade, which Batista fostered.

The revolution is relatively abstemious. Castro drinks mostly beer. Like most Cubans, their popular beverage is heavily sweetened coffee, taken seemly every few minutes in small cups.

"The tourists we want," said one of the officers, "are those who can come to fish, to play golf, to enjoy our beaches and our entertainments. The gamblers are not for us."

The revolution has heavy commitments which, viewed objectively, seem almost insurmountable. The word "economics," shaped like a question mark, hangs over the future. But Castro has started a social and political force which, whatever happens to him, will keep going. It needs the United States, as a partner, to assist it to find the channel best for both. If anti-U.S. leadership should prevail, both countries will lose thereby.

INTERRACIAL VIOLENCE

Mr. THURMOND. Mr. President, an Associated Press story of Monday, August 10, appeared in many newspapers throughout the Nation. It deals with interracial violence in New York City. Ordinarily I would not be greatly concerned with such violence occurring outside of South Carolina. The problem is a local one. I sympathize with the police, and if I were a relative or friend of theirs, or, for that matter, even a resident of that State, I would be very unhappy with such frequent occurrences if they happened in my State.

In South Carolina, we have our share of problems. Some we are solving more intelligently than others, but we are making an honest effort to solve them.

One problem we do not have is interracial violence on a large scale. We do not have this problem, because the two races in South Carolina know each other and what to expect of each other.

Obviously something is wrong with race relations in New York and many other States; yet, leaders in these States with such problems appear more concerned with a great moral issue in the South than with the greater issue at home.

I ask unanimous consent that this Associated Press story be printed in the body of the RECORD following these remarks. I suggest that those Senators advocating so-called civil rights legislation to first clean up their own backyards, before intermeddling in other States where race relations are good, and stop agitating for so-called civil rights programs and integration, which create tensions and stir up race hatred.

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

ARRESTING NEGROES; MOB IN NEW YORK BEATS COPS

NEW YORK.—An angry, shouting mob attacked two detectives Sunday who were trying to take a Negro man and woman into custody on an east Bronx street corner. A crowd of about 300, mostly Negroes, beat and kicked the detectives. Police arrested the Negro man and woman and several other persons in the crowd.

The man and woman were operating a fish-and-chips store in the neighborhood. The detectives both white, said they wanted to question the pair about bootleg whisky.

When the detectives tried to take them into custody the woman began to scream and the man started struggling. Then the crowd gathered.

Someone in the crowd punctured a tire on a police car, and a Negro ripped the coat off one of the detectives

One of those arrested, William Golden, a 44-year-old Negro, shouted to the mob, "Don't let them take me away—let's get them—kill them."

Five patrol cars and 25 policemen converged on the scene and broke up the crowd.

Several weeks ago, two white policemen were injured when one of their pistols accidentally discharged after an angry crowd gathered as they were arresting an intoxicated woman.

In that incident, the crowd remained outside a Harlem police station until Middleweight Boxing Champion Sugar Ray Robinson asked them to disperse.

The detectives, Jeremiah O'Connor and Thomas Martino, did not require hospital treatment. Police also said no one in the mob was seriously hurt.

The man arrested in the store was Tyson King, 46. The woman was Lucy Quick, 36.

King has been free in $2,500 bond on a charge of possession of illegal alcohol.

O'Connor said he discovered a gallon jug of what appeared to be bootleg whiskey behind the counter of the store. He said when he asked King to accompany him to the basement, where police later found 12 other gallon jugs, Miss Quick tried to stab Martino with a pair of shears.

Martino knocked the shears away and the couple began to shout and struggle, police said.

A fourth person arrested was Robert Edwards, 43, also Negro, who, police said ripped the coat off the detective.

All four were charged with inciting a riot. King and the woman were also charged with possessing illegal alcohol and, along with Edwards, of felonious assault.

PRESIDENT'S SIGNING OF INTERNATIONAL HEALTH BILL WOULD DEMONSTRATE PEACE MOTIVES TO PREMIER KHRUSHCHEV

Mr. NEUBERGER. Mr. President, it is my hope that the House of Representatives will pass Senate Joint Resolution 41, the bill for a new National Institute of International Medical Research, in time for President Eisenhower to sign this important legislation into law in the presence of Premier Nikita S. Khrushchev.

What could be better designed to impress upon the Premier of Russia the fact that America seeks peace with all peoples? Here is a bill drafted to authorize $50 million for administrative machinery to advance international cooperation in medical research that may ultimately save millions of lives—on both sides of the Iron and Bamboo Curtains.

After all, a breakthrough in cancer or heart disease—whether achieved in Afghanistan, Peru, or the United States—will give new hope to mankind everywhere. Surely even a man as ruthless and bellicose as Mr. Khrushchev can understand this fact because he, no less than any of the rest of us, is subject to these grim maladies.

Therefore, Mr. President, I hope that the House of Representatives will pass Senate Joint Resolution 41, which the Senate adopted on May 20, 1959, by the overwhelming majority of 63 to 17, in order that it may be sent to the White House for what could well be the most meaningful Presidential signature on any bill of the entire 86th Congress.

The suggestion that President Eisenhower sign this important bill in Premier Khrushchev's presence was first presented by the distinguished medical editor of the New York Times, Dr. Howard A. Rusk. I ask unanimous consent that Dr. Rusk's column, entitled "Medicine's Peace Role," from the Sunday New York Times of August 9, 1959, be included as a part of my remarks in the body of the RECORD. Dr. Rusk is one of the world's great authorities on human rehabilitation.

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

[From the New York Times, Aug. 9, 1959]

MEDICINE'S PEACE ROLE—PASSAGE OF HEALTH BILL TO BE SIGNED IN KHRUSHCHEV'S PRESENCE SUGGESTED

(By Howard A. Rusk, M.D.)

In his now famous 1958 state of the Union message President Eisenhower proposed a science for peace plan to "attain a good life for all." As the first step in such a plan, the President invited the Soviet Union to join in the current 5-year program for the global eradication of malaria.

General Eisenhower then stated our willingness to pool our efforts with those of the Russians in campaigns against cancer and heart disease. "If the people can get together on such projects," he said, "is it not possible that we could then go on to a full-scale cooperative program of science for peace?"

In a meeting at Minsk 10 days later, Soviet Premier Nikita S. Khrushchev remarked that the part of President Eisenhower's message with which he agreed completely was that portion proposing greater international cooperation in medical research.

In his widely publicized 8-hour discussion with the Soviet Premier last December Senator HUBERT HUMPHREY found him completely opposed again to the U.S. viewpoint on all issues but one. That issue was that the United States and the Soviet Union could cooperate closely on a great new international medical research program, Mr. Khrushchev found merit in this idea and welcomed it enthusiastically.

The keystone of this proposed effort against what President Eisenhower termed "the diseases that are the common enemy of all mortals" is the International Health and Medical Research Act of 1959.

This legislation, known popularly as the Health for Peace bill would create a new National Institute of International Medical Research within the National Institutes of Health, with an annual appropriation of $50 million.

WOULD SUPPORT RESEARCH

These funds would be used to encourage and support research and the exchange of information on research, the training of research personnel and the improvement of research facilities throughout the world.

The legislation was introduced in the Senate by Senator LISTER HILL, with 59 cosponsors. It was passed by the Senate in May by a vote of 63 to 17.

This past week hearings on the legislation were concluded in the House by the Subcommittee on Health and Safety of the Committee on Interstate and Foreign Commerce.

As before the Senate committee, the witnesses testifying in favor of the legislation this past week and at previous hearings included some of America's greatest scientists and clinicians and leading citizens. Each endorsed the bill strongly and pleaded for its enactment.

Now that the long-discussed exchange of visits between President Eisenhower and Premier Khrushchev is to become a reality, time is of the essence. What more dramatic and concrete evidence of our good faith could President Eisenhower give the Soviet Premier and the world than actually signing the bill in Mr. Khrushchev's presence in Washington?

In one of his rare press conferences in the Kremlin last Wednesday, Mr. Khrushchev said it was his intention to talk peace during his visit to the United States. As an accomplished act of peace, the International Health and Medical Research Act would mean far more than words of peace. It would dramatize to the world our sincerity of purpose in working toward peace and our willingness to back up our sincerity with dollars.

Now that the hearings by the Subcommittee on Health and Foreign Commerce have been completed, a number of actions can be taken.

The subcommittee, of which Representative KENNETH R. ROBERTS, of Alabama, is chairman, can report the bill out rapidly and the Committee on Internationl and Foreign Commerce, of which Representative OREN HARRIS, of Arkansas, is chairman, can approve the bill without hearings and the measure can be brought to the floor of the House.

Any delay in any of the several necessary steps in bringing this legislation to vote in the House of Representatives will doom its enactment in 1959.

The widespread public, professional, and editorial support given the health-for-peace bill and its passage by the Senate by such a large majority indicate clearly that the people of the United States favor its passage.

Should it not be passed in 1959, it will probably pass next year. However, to lose a year in a life-and-death race against cancer, heart disease, and arthritis would be tragic.

WOULD ADVANCE KNOWLEDGE

Witness after witness in the recent hearings in the House testified to his conviction that the proposed international research effort would provide one of the most effective means of advancing and acquiring medical scientific knowledge to further the health of our own people as well as others.

Dr. Michael E. De Bakey, chairman of the department of surgery at Baylor University College of Medicine in Houston, was one. He cited, for example, the development within the last year of an important new research methodology resulting in increased understanding of the underlying factors in arteriosclerosis. The basic research leading to this development was carried out in a laboratory in London.

Many authorities have frequently called attention to our failure in the cold war to capitalize upon opportunities when they present themselves. This, they say, is an inevitable result of the slow processes of democracy.

There is still sufficient time before Premier Khrushchev's visit to Washington for the Health for Peace bill to be passed and to be waiting for signature on President Eisenhower's desk. We have within our grasp a rare opportunity to show the world the values we place on human worth in a democracy. We must not let that opportunity slip through the fingers of inaction.

SOVIET UNION: THE NEW LOOK

Mr. BRIDGES. Mr. President, the assistant editor of America magazine, L. C. McHugh, has written a penetrating and realistic article on the current Russian exhibition in New York's coliseum. These observations which appeared in the July 18, 1959, edition expose the propaganda magic which the Soviets have continually practiced in executing their design toward world domination.

As the author so clearly points out, the psychological effect of the Soviet bamboozle is to eliminate from the mind of the viewer the true opinion international communism holds toward human dignity, morality, and freedom.

I am sure that this Soviet image of the "peoples' paradise" will be recognized by the American public as another example of the deceitful tactics of the continuing Communist conspiracy.

I ask unanimous consent that Mr. McHugh's outstanding article be printed in the RECORD.

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

SOVIET UNION: THE NEW LOOK

(By L. C. McHugh)

Russia's clever iconographers have been working overtime lately. The result is a gigantic triptych that was unveiled in New York's coliseum on June 30. It is called the U.S.S.R. Exhibition of Achievements in Science, Technology, and Culture. No matter that the achievements are not always carefully distinguished from the stuff that dreams are made on—the show is calculated to interpret Russia's new look to the American public. One dollar and 3 hours of rambling amid machines, models, placards, and products will give you such a tour of the Soviet Union as you couldn't buy in Moscow for a bagful of rubles.

I will not attempt to describe this impressive display of some 10,000 items. The Soviet trade fair is carefully planned and

cunningly executed. It has a powerful psychological impact on the spectator, especially if he is ignorant of classic Marxism and the realities of Soviet history. My sole concern here is to show how this exhibit uses the direct pitch and the hidden sell to project a beguiling picture of communism.

The direct pitch weaves together three simple themes: Peace, technological prowess, and the proletariat. The first of these hits you as soon as you step into the lobby of the coliseum. Your eyes fasten on a muscular nude who is laboriously beating a sword into a ploughshare. "Peace, it's wonderful," is the glowing thought that lightens your heart as you mount the moving stairway to the main exhibit floors. Riding the escalator is like climbing into a slice of sky that is gleaming with sputniks. Here is a master stroke of propaganda: The peaceful rockets, unquestionable symbols of Russian technical prowess, dominate the whole exhibition and condition the mind to acquiesce in the reality of Soviet supremacy in all the other displays. The third theme engages the eye almost as soon as the rockets do. Under the vaulting segment of Russian sky looms a heroic bronze worker, the obvious creator of these lush acres of technological magic.

With these three themes variously compounded and endlessly reiterated in photos, placards, production items, and artful models, the desired image of the U.S.S.R. begins to jell. It is the image of a vast society of hardworking people who are marching confidently into an automated future of goodies and gadgets. They march at a dizzy pace, but they can pause long enough to give you a glimpse of their creative dynamism. They invite you to admire their technology, envy their education, share their love of sports. They will even let you ride in their dreamboats. All they ask of the cold non-Communist world is peace—atoms-for-peace, peaceful coexistence, peaceful competition in creating the earthly paradise. Very disarming indeed. The Soviet Union would like nothing so much as "to build a house by the side of the road and be a friend to man."

The hidden sell, too, lurks in the coliseum. All the brassy clangor of classic Communist propaganda is muted or overridden by loud organ tones of sweetness and light. The exhibition reveals none of the gross materialism that is essential to Marxism. The average viewer gets no impression of economic determinism, no theorizing on the bloody class struggle, no hint of the death of God and the martyrdom of His people that are involved in the march of progress. One walks out of the show without any concept of the totalitarian state and its subjugation of human dignity. There are no blaring echoes of the glorious leader motet or the sycophantic cult of personality that disgusts the decent human being when he thinks of Soviet politics. In fact, one can leave this gaudy trade show with the impression that communism is nothing more dangerous than an economic and social plan for harnessing heaven, a sort of perennial Brotherhood Week.

Against the backdrop of a happy people preoccupied with the construction of an earthly paradise, the sourness of Gromyko and the harshness of Khrushchev seem unreal. In the never-never land of the coliseum, aggression and subversion, missiles and militarism are nasty words that have been expunged from the dictionary. Upstage and downstage surge only the Soviet masses which, as Mr. Kozlov told us when he opened this fantastic exhibition, "cannot harbor any evil intentions in regard to other nations."

This disarming and beguiling image of the Soviet Union, calculated to put the viewer off guard, is precisely the impression that the U.S.S.R. exhibit is meant to stamp on the minds and hearts of the unwary groundlings.

VICE ADM. HYMAN G. RICKOVER'S ROLE DURING VICE PRESIDENT NIXON'S VISIT TO RUSSIA

Mr. KEATING. Mr. President, during the Vice President's tour of the Soviet Union and Poland, one of those who accompanied him was Vice Adm. Hyman G. Rickover, the father of the atomic submarine.

All Americans who read the news accounts gloried in the way Admiral Rickover stood up to the Russians when they tried to keep him out of the reactor room of the Soviet atomic icebreaker *Lenin*, claiming it was closed.

"Nonsense," Admiral Rickover snapped, "the reactor room is never closed." And he got what he was going after.

In fact, it is hard to think of any American less susceptible to being pushed around than Admiral Rickover—a fact which many people have discovered from personal experience, and a fact which has immensely benefited this Nation. The admiral was a most appropriate traveling companion for the Vice President, whose firm stance in the face of Soviet provocations has already been widely hailed.

More important, in the long view, are Admiral Rickover's findings with respect to Soviet education as compared with ours. These he set forth in an interview published in last Sunday's New York Times. I feel his observations are most important, and deserve the attention of all Senators. I therefore ask unanimous consent that the Times article be printed in the RECORD following my remarks.

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

RICKOVER HAILS REDS' EDUCATION—CALLS IT MAIN CHALLENGE TO UNITED STATES—SAYS HIS TOUR OF SOVIET AND POLAND SHOWED STUDENTS WORKED HARD AND LONG

(By Leonard Buder)

WASHINGTON, August 8.—Vice Adm. Hyman G. Rickover said today that his recent visit to the Soviet Union and Poland had convinced him that "our really great race with the Soviet Union is in education."

"The nation that wins this race will be the potentially dominant power," he asserted in an interview. "Unless we in the United States can solve our educational problem, we will have difficulty in solving other problems."

Admiral Rickover, who is known as the father of the atomic submarine, was a member of the group that accompanied Vice President RICHARD M. NIXON on his 13-day visit to the Soviet Union and Poland. The group returned here last Wednesday.

Admiral Rickover reported that he had been greatly impressed by what he had seen and heard about Russian and Polish education.

"They are currently graduating more qualified scientists and engineers from their universities than we are," he said.

When Soviet students, who take the university-preparatory program, are graduated from high school at the age of 17 or 18, the admiral said, "they know as much as our students do at the end of 2 years of college."

All this, he went on, served to confirm his previous beliefs that there must be a vast upgrading of American education, with increased emphasis given to the basic arts and sciences.

The Navy nuclear scientist's frequent criticism of soft American school and college programs and his calls for a more rigorous system patterned after those in Europe have made him a controversial figure in education.

Admiral Rickover, who has often spoken out about what he considered frills in education, said today:

"I searched far and wide in Russia and Poland and could not find a single drum majorette. Nor did I hear of a single school where the principal was an ex-athletic coach."

Observing that both the Soviet Union and Poland were committed to demanding school programs, the admiral said that both educators and parents there regarded teenhood as a period of preparation for adulthood and not as a period for just having a good time.

CITES SOVIET GRADUATES

In 1957, 1,600,000 secondary school graduates in Russia passed an examination, he asserted, "which only about 2 percent of American high school graduates would have been able to pass."

American high schools graduated 1,639,000 students in 1959.

Education in the Soviet Union and Poland is provided free of cost to students, he noted.

"No student there is denied an education because of a lack of financial ability," the admiral said. "At the University of Moscow and elsewhere students receive living expenses as well as free tuition. The amounts given to students increase the longer they stay and the better they do in their studies."

Admiral Rickover said that he had been particularly impressed by the strong emphasis being placed on education in Poland.

"Here is a country that was devastated in war, which had 7 million people—25 percent of its population—killed," he said. "When the Germans marched in in 1939, they rounded up the leaders and the intellectual elite and sent them to concentration camps where many died.

"Yet, today," the admiral continued, "this country has its children going to school 6 hours a day, 6 days a week, 10 months a year."

Polish students, he said, work hard in school and have no free time or so-called study periods during the school day.

"They do not spend their time," he added, "collecting milk bottles or old newspapers or taking courses in 'How To Find a Mate.'"

LANGUAGE STUDY STRESSED

"Those who complete the 11-year course and are going on to the university," Admiral Rickover commented, "study one foreign language continuously for 6 years and another foreign language for 4 years. They also have had several years of physics, chemistry and mathematics."

Admiral Rickover asserted that our educationists keep lulling the American people with the threadbare statement that our schools are the best in the world.

"They (the educationists) will not face facts, they will not answer questions," he said. "They simply malign those who take issue with them."

Admiral Rickover remarked that he was not advocating that we copy the Soviet political system.

"But it seems to me," he declared, "that we in the United States who are so blessed with natural resources and have such a high standard of living certainly should be able to give the same emphasis to education that they do."

WORLD'S FAIR, NEW YORK CITY, 1964

Mr. KEATING. Mr. President, I note with great interest and emphatic ap-

proval that preliminary plans are being made for a world's fair in New York City in 1964. Five years of hard work and careful planning lie ahead. It is gratifying, however, that a world fair will again be held in New York—the Nation's largest city and the home of the United Nations. The theme chosen for this event, "Peace Through Understanding," is altogether fitting. It is certainly true today that contacts among the peoples of the world are the key to mutual understanding and hence to peace.

Mr. President, I ask unanimous consent that two editorials from the New York Times and the New York Herald Tribune, both of which salute the 1964 World's Fair in New York City, be printed at this point for the RECORD.

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

NEW WORLD'S FAIR OFF TO GOOD START

A lot more planning will have to be done and the sources of a lot of money—perhaps $500 million—found if the proposed 1964 New York World's Fair is to become a reality.

But the idea seems a sound one. It will have been just 25 years since the last world's fair opened in New York, with its theme "Building the World of Tomorrow." It will have been a momentous quarter-century.

The theme of the proposed fair is "Peace Through Understanding," appropriate to an age in which international expositions increasingly have an importance far beyond the commercial.

The first need is, of course, to sound out the reaction among those whose support for participation would be essential. The committee proposing the fair seems confident that enough support will be forthcoming to make it the biggest and best world's fair ever staged.

Enough strong backing—including that of the city administration has already been enlisted to get the project off to a running start, and we hope the committee's ambitious prophecies of success are fulfilled.

A WORLD'S FAIR IN 1964

A world's fair would be a good thing for New York City, and we are for it. With New York as United Nations headquarters, a theme "Peace Through Understanding" is appropriate to the host city as well as to the great yearning of our times. Every generation should have its fair. Twenty-five years will have passed, in 1964, since the World of Tomorrow Fair of 1939–40. The last previous world's fair in New York City had been in 1953–54 in the Crystal Palace.

A world's fair is not to be undertaken lightly, as the headaches still remembered from 1939–40 warn us. Unpublicized meetings have been going on since May to consider the possibility of trying again, and a small group of citizens with the courage to make the effort will soon be enlarged into a cross-section of the city's leadership. Resolutions will be introduced in Congress, a proclamation from the President will be sought, the cooperation of Governor Rockefeller and the legislature will be invited. Mayor Wagner has already given his wholehearted endorsement.

Each fair must, of course, try to be bigger and better than those that went before. The sponsors for 1964 are thinking in terms of a $500 million cost for a fair that might bring $6 billion in tourist and other business into the city. Well, nobody should try to promote the idea of a world's fair who doesn't have plenty of enthusiasm. The 1939–40 fair had a construction cost, including that paid by exhibitors, of $126 million. Paid attendance was 44,932,978; revenue was $48,287,767 and the deficit was $18,723,222.

But a world's fair should not be judged wholly in the scale of dollar profit, which is rare for such a project. The real value is to be found in stimulation of ideas, in exchange of people and things, in the worldwide cooperation encouraged, in the enhancement of communication, in appreciation of the arts, in entertainment, in the looking backward and forward across history and into the dimly known future.

We salute the people who had this idea, and the rapidly enlarging number who are about ready to begin the hard work lasting 5 years or more. They deserve applause, encouragement, and success.

Mr. JAVITS. Mr. President, later this week I shall have the honor of introducing the appropriate joint resolution for the purpose of having a world's fair in New York in 1964; at the same time that a companion joint resolution will be introduced in the other body.

In that connection, I think the Members of the Senate should know all about the details of what we plan to be an even improved version of the World's Fair which was held in New York in 1939 and 1940.

Therefore, I ask unanimous consent to have printed at this point in the RECORD the detailed news story on this subject from yesterday's New York Herald Tribune which includes, in part, the statement of the mayor of the city of New York.

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

WORLD'S FAIR PLANNED FOR CITY IN 1964—MAYOR BACKS COMMITTEE PROJECT, CONGRESS WILL GET BILL THIS WEEK

(By Robert A. Poteete)

A proposal for a 1964 New York City World's Fair that might bring $6 billion worth of trade to the city was disclosed yesterday by Mayor Wagner who gave it his "wholehearted endorsement." The proposal, to which the Mayor pledged the city's support, was put forward by representatives of a committee of 25 leaders in the fields of transportation, industry, hotels, real estate, publishing, finance, and government. The chairman is Thomas J. Deegan, Jr., adviser to corporations.

Three factors combine to give the proposal considerably more substance than similarly projected enterprises of the past: The standing of the committee members, the fact that the initial announcement was made by the mayor, and the fact that one of the committee members is City Administrator Charles F. Preusse, one of the most influential officials of the Wagner administration.

In addition to enlisting Mr. Wagner's strong support, the committee has:

1. Filed application in Paris with the Bureau Internationale des Expositions—the governing body for the world's major fairs—for permission to hold a World's Fair in New York City in 1964.

2. Arranged for Senator JACOB K. JAVITS, Republican, of New York, and Representative EDNA F. KELLY, Democrat-Liberal, of New York, to introduce this week in Congress a joint resolution authorizing the President to invite oversea countries to participate in the fair.

3. Appointed subcommittees to study the questions of finance, theme, site, organization and admnistration, liaison with the Bureau Internationale des Expositions, and liaison with city, State, and Federal agencies.

4. Planned for one day this week a meeting of an Organization Committee of Fifty, representing outstanding business, industry, labor, and shipping leaders. This meeting will hear reports by the subcommittees, which are to have conclusions and recommendations ready for the session.

No information or authoritative speculation was to be had immediately on such key questions as how much the fair would cost, how the money would be raised, where it would be held.

The mayor's statement said that the projected fair would commemorate the 300th anniversary of the founding of New York City, and that its theme would be "Peace Through Understanding."

In his statement, the mayor said:

"The last World's Fair held in the United States took place in New York City in 1939–40 and brought more than $1 billion worth of trade into the New York City area. This occurred at a time when the country was just emerging from the depression and was on the threshold of World War II.

"The favorable economic climate existing today, plus a Federal tax structure which provides an incentive for corporations to participate in such projects, portends an infinitely more desirable basis for such a project.

"In addition, the marked success of the Brussels Fair last year and the rapidly expanding jet age, reducing the size of the world, are factors which strongly influence the exploratory planning of the Committee of Twenty-five.

FAIRS COMPARED

"In making comparisons of the total amount of trade in dollars brought into New York at the last World's Fair, it was the feeling of the committee that the amount in 1964 readily could reach $6 billion."

The Brussels World's Fair—the first since the New York World's Fair of 1939–40—was opened on April 17, 1958, on a 470-acre site. It attracted an estimated 42 million persons in a 6-month run that ended October 19.

The New York World's Fair, on a 1,216-acre site in Flushing Meadow, Queens, attracted 25,817,265 visitors during a 185-day run in 1939, and 19,115,269 visitors in 155 days in 1940. Its symbol was a trylon and perisphere.

The Flushing Meadow site is presumably available for another world's fair. Two buildings, the New York City Building (once the home of the United Nations Assembly) and the New York State Amphitheater, still stand on the site, along with trees that were planted for the fair.

Mr. Deegan, chairman of the 25-member World's Fair committee, is an adviser to the Radio Corp. of America, the New York Central System, and other corporations. He was active in RCA's participation in the Brussels Fair last year and is directing the company's participation in the American Fair in Moscow.

KOPPLE IS DIRECTOR

The committee has established headquarters at 450 Seventh Avenue, with Robert Kopple as director of the New York World's Fair—1964.

Members of the original committee are:

Vincent Barnet, chairman of Barber Steamship Lines; Peter Brennan, president of the Building Construction Trades Council; A. N. Brion, president of Eastern Greyhound; Lloyd Dalzell, chairman of the Dalzell Towing Co.

Also, Raymond Deering, vice president of the Manufacturers Trust Co.; Harold Drescher, of Grey Lines Sightseeing, Inc.; Fred Glass, senior vice president of the Empire State Building Corp.; Harold Gray, executive vice president of Pan American Airways.

Also Peter Grimm, chairman of William A. White & Sons; George Hyam, of George Hyam Associates; Abraham K. Kaufman, lawyer; Walter Kolb, president of the Industrial Bank of Commerce; Mr. Kopple;

Robert Kriendler, president of "21" Club; David M. Levitt, of DCA Food Industries, Inc.

Also, Douglas Leigh, chairman, Douglas Leigh, Inc.; John E. McCarthy, president of Fifth Avenue Coach Lines; Thomas Jefferson Miley, executive vice president of the Commerce and Industry Association.

Also J. J. Moore, vice president of the Beech-Nut Lifesavers Co.; Alfred E. Perlman, president of the New York Central System; Mr. Preusse; Thomas J. Shanahan, president of the Federation Bank & Trust Co.; Harry Van Arsdale, president of the AFL–CIO Central Labor Council, and Jerome Weinstein, of International Press.

EXCELLENT FINANCIAL POSITION ACHIEVED BY NATION'S FARMERS IN 1958

Mr. KEATING. Mr. President, on August 4 the New York Times published an editorial on the subject of the record financial position achieved by the Nation's farmers last year. Farm assets have reached a new high, while income has risen 16 percent over 1957.

When we consider how well farmers have been doing over the past few years, we should remember that the great majority of farm commodities—in fact, four-fifths of all agricultural products—are traded on a free market. The conclusion from this is obvious. The Government does not deserve the major credit for this encouraging increase in farm assets and the rise in income. Our farmers do. They have achieved it largely through their own efforts.

Meanwhile, technological improvements in farming methods continue to come forward at a record pace. The efficiency of agricultural production, what economists call man-hour productivity, increased over the past year by 7 percent. This is twice the rate of increase in the industrial sector of the economy.

All of this encouraging news from the farm front immediately suggests that similar progress must be registered in the Government's support program for the one-fifth of our farm production which enjoys subsidization. The farm economy cannot be expected to continue to improve unless Government subsidy programs are revised in such a way as to be in accord with the national economy as a whole. This is no easy task. Nevertheless, to use an agricultural motif, we in Congress must forthwith grab this bull by the horns no matter how much it hurts.

Mr. President, I ask unanimous consent that the New York Times editorial be printed at this point in the RECORD.

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

THE FARM BALANCE SHEET

The Federal Reserve Board's annual "Balance Sheet of Agriculture," just released for publication, reveals that the financial asset position of the Nation's farmers reached the highest level last year in the Nation's history.

At the end of 1958 total farm assets stood at $203 billion, an increase of $17 billion over 1957. Slightly more than half the increase was accounted for by the rising prices of farm real estate, which has been enjoying an uninterrupted boom since 1953. The rise, which started from a level of $89.1 billion in that year, has now amounted in the subsequent period of 5 years to slightly more than 40 percent.

It is equally interesting to note the size of the farmers' equity in the aforementioned $203 billion of farm values. Many of us have become accustomed to think of agriculture as predominantly of the debtor class. Yet with respect to this $203 billion, the farmers' equity is $180 billion and their indebtedness is only a little over 11 percent. One cannot help wondering what percentage of urban residents can boast today a ratio of equities to total assets as high as this.

The combined income statement of the farming population didn't quite keep pace with the improvement in its balance sheet—largely, no doubt, because of the fact that it didn't benefit from the boom prices prevailing in farm land. However, net income—earnings of farmer operators as well as farm labor and rentals to nonfarm owners of land—enjoyed a very sizable increase over the year before, reaching a figure of $18.7 billion, a gain of 16 percent.

Mr. KEATING. Mr. President, I also ask unanimous consent that an article relating to the Farm Bureau Federation's new subsidy proposal for dairy products, which was published in today's New York Herald Tribune, be printed in the RECORD. It is encouraging to see farmers themselves attempt to develop new approaches to the problems inherent in the existence of huge surpluses of certain of our major agricultural commodities.

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

FARM GROUP DRAFTS PLAN ON DAIRY PRICE SUPPORTS

WASHINGTON, August 9.—Leaders of the Nation's biggest private farm organization are drafting a new dairy price support program which they predicted will get the Government out of the business of buying and storing surplus butter, cheese, and nonfat milk.

The farm group, the American Farm Bureau Federation, is also studying the possibility of recommending new sanitation standards for the milk used in butter, cheese, and other manufactured dairy products.

Both proposals are under discussion in farm bureau circles as a result of action by the group's convention in December 1958. The discussions are expected to lead to development of concrete proposals for action by Congress next year.

WOULD JUNK OLD FORMULA

The convention approved "in principle" a proposal to junk the old farm-parity formula as a basis for supporting dairy prices and to replace it with supports based on open market price averages.

The detailed plan now under discussion would set price supports at not less than $3 per hundredweight for manufacturing milk (this year's rate is $3.06) for a 2-year period. After that, supports would be set month-by-month at 90 percent of the last 3-year open market average.

The plan would retain the present system under which the Government supports dairy prices by purchasing butter, cheese, and nonfat milk from any manufacturer who offers these products at the support rate.

HOW PLAN WOULD WORK

But under the tentative farm-bureau plan, manufacturers would have to certify they had paid farmers at least the published support price for the month in which the product was manufactured. Manufacturers would also be forbidden to sell more than half of their production to the Government, except that producers of nonfat dry milk could sell up to 60 percent to the Government for 2 years.

If the new support program is combined with tightened sanitary standards, farm-bureau experts maintain in a "discussion guide" outlining the dairy proposals, Government price-support purchases of butter and cheese would end within 3 years. Purchases of nonfat dry milk would end "soon thereafter" and in future years Federal support buying would be necessary only on rare occasions as supports were held below the open market price.

Efficient dairy farmers could profit under this system while prices were kept low enough to be attractive to consumers, farm-bureau officials said.

The proposed sanitary standard would be aimed at producing better tasting, more attractive dairy products. The standards, applying only to manufacturing milk could be tightened gradually over a 3-year period to give farmers time to adjust their operations to the new requirements.

PROPOSED WEST POINT FOR DIPLOMATS

Mr. GORE. Mr. President, the distinguished junior Senator from Missouri [Mr. SYMINGTON] has written a pungent, worthwhile article entitled "Let's Have a West Point for Diplomats," which was published in the magazine This Week for August 2, 1959. I found it to be interesting. I feel certain that my fellow Senators and other readers of the CONGRESSIONAL RECORD also will find the article logical and the facts presented therein interesting and challenging.

In the article, the Senator from Missouri calls attention to the language deficiencies of the people of our country when measured alongside our world responsibilities. He has proposed the establishment of a national academy for the training of competent young persons to serve in our Foreign Service. The junior Senator from Missouri has introduced a bill to establish such an academy. I, too, have introduced a similar bill.

Last month, when I was one of the U.S. delegates at the Geneva Conference on the Suspension of Nuclear Weapons Tests, the U.S. delegation invited the Russian delegation to dinner. I found at the dinner that every member of the Russian delegation spoke English sufficiently well to convey his views and to understand my views. On the other hand, not one member of the U.S. delegation could speak one intelligible sentence in the Russian language. I call attention to this fact to illustrate the need for greater linguistic capabilities on the part of the people of the United States if we are adequately to play a preeminent role in the world.

Mr. President, I ask unanimous consent that the article by the Senator from Missouri be printed at this point in the RECORD, and I commend it to the attention of the Senate.

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

LET'S HAVE A WEST POINT FOR DIPLOMATS

(By STUART SYMINGTON, U.S. Senator from Missouri)

WASHINGTON.—Since World War II, the United States has spent nearly $60 billion

in an effort to prevent countries from being taken over by the Soviet-Chinese empire.

It is no secret that, because American representatives were not properly trained for their jobs, much of this money has been wasted.

Americans sent to a foreign country too often do not speak or read the language.

How would you feel if a foreign official came to live in your town who could talk to you only through an interpreter?

But judging on the basis of admitted linguistic deficiencies of our Foreign Service personnel, this often happens abroad.

WANTED: A FOREIGN SERVICE ACADEMY

The United States should have a Foreign Service Academy to train young people for efficient service in diplomatic missions throughout the world.

We now have three schools—West Point, Annapolis, and the Air Force Academy—which prepare our youth for a possible hot war. Surely, we can afford one which will equip them to serve their country in the cold war in which we are now engaged.

The Foreign Service Academy should, like the service schools, charge no tuition. I also suggest that both men and women be eligible to attend and that there be no physical requirements beyond reasonably good health.

In the technological, psychological, political and economic fields, the Communists are planning for the years ahead. We are not.

But in spite of this enormous expense, it was revealed last year by the Advisory Committee of the Foreign Service Institute that:

Fifty percent of our entire Foreign Service Officer Corps does not have a speaking knowledge of any foreign language.

Seventy-five percent of the new men coming into the Foreign Service do not speak a foreign language.

Llewellyn E. Thompson, U. S. Ambassador to Moscow, is the only U. S. Ambassador in a Communist country who speaks the language of the country to which he is assigned.

Our representatives don't understand other cultures. Western thinking and standards just don't go over in some of the important countries of Asia and Africa whose cultures have existed for thousands of years, and have developed differently from ours.

Asians have a new phrase: the "Golden Ghetto." To them it means the plush places where American diplomats and other representatives hold their cocktail parties, dinners, and other social events.

Because they have been inadequately schooled in the language and culture of the country, our representatives live an isolated life, associating mostly with other Americans. The shifting winds of popular sentiment do not reach them. Our embassy in Baghdad did not know of last year's coup in Iraq, for example, until it was well under way.

In contrast, the Russians are making a planned, determined effort to develop the most linguistically proficient diplomatic corps in the world. In Russian elementary and secondary schools, foreign languages are compulsory. Bright students begin to study languages at the age of eight.

The best students eventually end up in the National Institute of Foreign Languages; and there they are given an intensive 5-year course. As a result, an estimated 9 out of every 10 Russians sent abroad read, speak, and write the language of the country to which they are assigned.

These Russian foreign-service personnel are thoroughly grounded in the culture and economy of those countries, are experts before they arrive.

HOW THE RUSSIANS TRAIN THEIR EXPERTS

For some time the Soviets have had an Institute of Foreign Relations, supervised by their Ministry of Foreign Affairs. This Institute is the principal source of their future diplomats. Enrollment is around 1,000; the course is 6 years long. In the third year students begin to specialize in the problems of a particular area. In the final years they study intensively the country to which they have been assigned.

The United States does have some institutions for training diplomats; and some universities have graduate schools with special programs devoted to various regions of the world. The State Department conducts language courses for Foreign Service officers and other interested Government personnel.

But these programs are uncoordinated and casual compared to the training efforts behind the Iron Curtain. It will take years to develop a comparable task force of trained American representatives. But we can and should begin that preparation now.

That is why I introduced in the Senate last January 9 a bill to establish such an Academy, stating: "The ultimate future of the world, whether it is to be free or slave, will not be settled on the battlefields, but rather in the minds of men.

"Dedicated, well-trained representatives are at work for the Communist cause all over the world. We have not matched this effort, either in size or degree of training."

This proposed Academy would establish a 4-year, tuition-free college for the training of oversea representatives.

Students would be selected on the basis of merit, and required to take competitive entrance examinations.

Although the Academy would be under the direction of the Secretary of State, it would prepare young men and women to serve in any of the governmental agencies which operate overseas.

Besides the usual basic college courses, the Foreign Service Academy would offer instruction in the language, culture, history, and economy of foreign countries.

Its faculty could be drawn partly from the ranks of retired foreign-service officers. To our young people, the latter could transfer the immense value of their personal experience as gained in years of oversea assignments.

Besides producing better trained diplomats, a Foreign Service Academy could also give more of our youth a chance to serve our country. Minor physical handicaps bar a great many brilliant and responsible young men from the military academies. A Foreign Service Academy would give them their chance. And it would offer opportunities to women, too.

A CASE IN POINT

Lt. Gen. James M. Gavin, one of the Army's great strategic planners, with a hero's combat record, was an orphan at the age of two. He was adopted into the family of a Pennsylvania coal miner. A college education was beyond his dreams. If Army officers were picked, as nearly all Foreign Service officers are chosen—from the campuses of our colleges—Jim Gavin would never have had an opportunity to serve his country.

That is why, at the Foreign Service Academy I propose, the students who are successful in the competitive entrance examinations would have their tuition paid by the Government in return for a commitment to serve their country abroad.

If we are determined to remain a free people, we cannot continue to be indifferent to the energetic and effective Communist missionaries Moscow is now sending to the four corners of the earth.

Every Communist revolutionary sent out to infiltrate, divide, and conquer must be matched by a free world advocate of lasting peace through justice and law—someone thoroughly trained in the language, the economy, and the customs of the country to which he or she is assigned.

Tomorrow is too late. We must start today to train our people to merchandise the most valuable commodity in the world—the American way of life, with its individual dignity, and its investment in freedom.

THE NEED FOR HOUSING LEGISLATION

Mr. JAVITS. Mr. President, I desire to make a statement concerning the action taken this morning by the Committee on Banking and Currency, of which I am a member, on the subject of housing legislation. I regret very much the decision of the committee, taken by a divided vote, to bring up the President's veto message in an attempt to have the Senate vote to override the veto. I deprecate that action, whatever may be my vote or that of any other Senator upon this issue. I deprecate it because I fear it may tend to harden the lines of difference between the White House and Congress. When the country so urgently needs a housing bill, it is very hard to pour oil on waters so troubled as these. I can only express the hope—and I think it is really the hope of all the people of the country—that if the effort to override the veto should fail, Congress will immediately close ranks and pass a housing bill. I understand the vote will come very promptly.

If tempers are allowed to become exacerbated and the issue between the administration and Congress is permitted to harden as a result of this move, which is rather sudden, so far as most of us are concerned, I believe it will only result in delaying, perhaps even blocking, a housing bill this year, as happened last year. In terms of the prosperity of the country and in terms of the housing needs which are to be served, I think that would be a very grave and sad result.

There is always a frame of reference in which a vote is had. I hope very much the frame of reference on this vote will be that if the result is not to override the veto, we shall get on with the business within hours—certainly within a day—and do what I believe should have been done today, namely, begin work on the Subcommittee on Housing's print of the bill, and write a housing bill for this session.

HELP NEEDED FOR DEPRESSED AREAS

Mr. BYRD of West Virginia. Mr. President, once again the Charleston Gazette of Charleston, W. Va., has published a probing and incisive editorial concerning the depressed areas problem.

In Friday's edition, the newspaper pointed out that technological unemployment is continuing to be a heavy millstone around the necks of West Virginians.

The editorial states:

> The Federal Government has a responsibility to its citizens. When they can no longer help themselves, it must step in and give a hand.

Mr. President, lest we forget that the depressed areas problem is still with us, and that our Nation still is in need of

area redevelopment legislation, I ask unanimous consent that the editorial may be printed in the RECORD.

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

DEPRESSED AREAS NEED GOVERNMENT'S HELP NOW

Whenever the subject of depressed areas, unemployment or other such unpleasant matters are brought up, the Eisenhower administration starts talking about the gross national product and the irreducible minimum of unemployment.

They are proud of pointing out that there are always some people who are out of work but aren't looking for work. We have practically full employment now, they say—more people employed than at any time in history. Besides, look at the gross national product.

We think it's more pertinent to look at the unemployment. Who are the unemployed? Why are they unemployed? Do they want to be unemployed? How can we get them back to work?

These are the questions the Eisenhower administration doesn't care to discuss. Because, of course, the problem unemployed aren't part of the shifting population: They aren't going anywhere because they haven't the money to go anywhere. They are the workers who have been permanently replaced by machines.

And while we're clearing up misconceptions, let's have at a few more of them. Technological unemployment wasn't brought about by labor unions raising wages. That might have hastened it infinitesimally, but it came about in just the same natural course of events that the automobile replaced the horse. No one claims the horse priced himself out of the market.

Neither was technological unemployment brought about by the oil and gas industries. It might have been helped along a little, but we would be happy to wager that if oil and gas both collapsed, the coal industry would merely step up the tempo of its mechanization. For we believe that the day of the man going under the earth with a pick over his shoulder and remaining there for 8 hours, in darkness, is past. And happily past.

Meanwhile, back with the gross national product and full employment, it is important to look behind the statistics. Certainly a small amount of unemployment is inevitable. It is when the same people turn up on the rolls week after week, month after month, year after year that action is needed.

Members of the Eisenhower administration are fond of saying that "people should help themselves," "They must roll up their sleeves and go to work."

They'd be delighted. But go to work at what?

It's easy to sit in a handsomely appointed office in Washington with a large bronze elephant on your desk and tell people to roll up their sleeves and help themselves.

Some of the larger and more prosperous States have done very well at helping themselves. They had tax revenues from diverse sources which could be put to work attracting new industry—guaranteeing loans, building factories and the like.

But West Virginia isn't among these States. Her tax base is shrinking rapidly and, increasingly, money is being used not to build factories but to prevent starvation, not to guarantee loans for industry but to keep roofs over the heads of the poor.

The Federal Government has a responsibility to its citizens. When they can no longer help themselves, it must step in and give a hand.

One reason it may have taken so long to get a program underway was voted recently by Victor Roterus, Director of the Office of Area Development in the Commerce Department. He has traveled extensively through depressed areas and he said that he was continually surprised at the tendency there to suffer in silence. "They have no pressure groups working for them," he said. "They have almost no spokesmen."

The Eisenhower administration has sponsored a moderate depressed areas bill during the last three sessions of Congress. If any member of the administration has done anything whatever about speeding its passage, he has done it quietly. No one has noticed.

The Senate has passed a large depressed areas bill, sponsored by Senator PAUL DOUGLAS, Democrat of Illinois. If it passes the House—it probably will die in committee—it is certain to be vetoed by the President.

We suggest that if the administration is genuinely interested in the problem, to use an inelegant expression, it should put its money where its mouth is.

Now.

PROPOSED VISIT OF PREMIER KHRUSHCHEV TO THE UNITED STATES

Mr. BYRD of West Virginia. Mr. President, now that the initial fanfare is over in regard to the proposed visit of Russia's Premier Khrushchev to this Nation, I think many Americans are beginning to take a dubious second look at the development.

I, for one, have never looked with favor upon the notion of inviting Premier Khrushchev to make a tour of America.

For the record, Mr. President, and in order to set forth my views and the feelings of several other American citizens, I wish to make two insertions in the CONGRESSIONAL RECORD. I ask unanimous consent to have printed, first, the text of a telegram stating my views which I sent to the Associated Press on August 4, and second, two groups of letters to the editor which were published in the Washington Star on August 6 and August 10.

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

AUGUST 4, 1959.

ASSOCIATED PRESS,
Charleston, W. Va.:

I am opposed to a visit by Khrushchev to the United States. I fear the effect which his visit will have on people of captive countries such as Poland, Hungary, etc., and the effect it will have upon pro-Western countries of Asia.

I cannot look with favor upon a visit to the United States by the man who was most responsible for the brutal suppression and merciless slaughter of Hungarian patriots, the man who engineered the treachery by which leaders of the Hungarian revolution were arrested and executed, the man who continues to deprive liberty-loving peoples in East Germany and other countries of Eastern Europe of their freedoms, the man who has blatantly said to Americans, "We will bury you," the man who has precipitated the Berlin crisis and who continues to threaten the free world with destruction.

I do favor continuing discussions with the Soviets on ambassadorial and foreign minister levels. I look with favor upon the visit of our Vice President to Russia; indications are it may have accomplished some good—however, results cannot be fully assessed until passage of time. I look with favor upon greater exchange of visitors between both countries at lower levels than that of Premier Khrushchev. I do not, however, look with favor upon invitation to the top man of the U.S.S.R. to visit this country any more than I favor a summit conference between Khrushchev and President Eisenhower.

Another result of the Khrushchev visit to America will be a growing complacency upon the part of Americans toward the threat we face. However, the invitation having been extended to Khrushchev, we can now only hope for the best.

ROBERT C. BYRD,
U.S. Senator.

[From the Washington Evening Star, Aug. 6, 1959]

OBJECTIONS NOTED TO KHRUSHCHEV VISITING UNITED STATES

In all the furor of Nixon's tour of the Soviet Union, his fabulous meeting with Khrushchev, plus the invitation to Khrushchev to visit the United States, it seems to me that the real issue has been lost track of.

It is a currently popular belief that free exchange of people from the United States and the U.S.S.R. will result in better understanding and a change for a peaceful solution to our differences.

Actually, such an exchange will mean exactly what the Kremlin wants it to and when. The basic aim of communism hasn't changed one iota and the present Kremlin leaders strive toward the same goal of world domination as did Stalin and Lenin.

As a student of Russian history, I find it appalling that we in America can continue to search for any basis for trust of the Russians. History, especially recent history, completely excludes any possibility of understanding, trust or peace with a nation which so brutally liquidated and continues to murder and enslave their own citizens, not to mention their barbarous atrocities committed in other nations as well.

Whether or not the Soviets "bury" us with nuclear or economic war is not the point. The point is they intend to bury us. Khrushchev has said so and he means it. The goal of Marx-Leninism is what it has always been—world domination and by any means, and before we delude ourselves further, we'd better think twice about that.

F. D. SIMPSON.

Breathes there a man with soul so dead he can cheer Khrushchev's arrival in the United States?

We stoop to a new low when we welcome the destroyer of the Godly and the maker of misery.

Oh, gullible America—let us no longer sing "God Bless America" but rather "God Save Us Ere We Perish."

EMILY W. MORRIS.

Are we prepared to deliberately expose ourselves to determined, trained Communists? Mr. Khrushchev is not coming here for prestige. He is coming to advance his ideology which he is living with all his might. The danger is not his presence in our country but the absence in us of a compelling, answering ideology. If we as a Nation were living the ideology of democracy with burning conviction, then we could invite anyone and give him something better to take home. Unless we can do this, our still quite powerful Republic is in danger.

The Scandinavians saw their mistake in inviting Khrushchev when their statesmen pointed out the ideological trap concealed in his visit. Newspapers in Sweden, Norway, and Denmark alerted the public.

Bishop Jonzon of Sweden told his countrymen, "Inviting Khrushchev to our country is

the same thing as letting the enemy through the frontline in a shooting war. Every word and action of his serves a definite purpose. It was shaking to see with what supreme skill Mikoyan played on every string during his visit to America—idealism, love of peace, sentimentality, naivete, sensation, vanity, business sense, mammon. Either we in Scandinavia choose communism—which is what Khrushchev intends by his visit—or we choose moral rearmament and live it both as individuals and as nations. As William Penn said, 'Men must choose to be governed by God or they condemn themselves to be ruled by tyrants.' "

Khrushchev saw the strength of these leaders' decision and saw that his visit would be futile.

We are still free to choose.

ANNE WILLIAMS SMITH,
Director of Nursing, Arlington Hospital.

Henry L. Mencken, the late sage of Baltimore, was right when he, explaining what it means to be an American, said:

"Here is a country in which all political thought and activity are concentrated upon the scramble for jobs—in which the normal politician, whether he be a President or a village road supervisor, is willing to renounce any principle, however precious to him, and to adopt any lunacy, however offensive to him, in order to keep his place at the trough."

President Eisenhower's decision to invite Nikita Khrushchev to visit the United States proves just that.

IMANTS BALODIS.

CHICAGO, ILL.

Concerning Comrade Khrushchev's visit I have a few questions:

When are we going to stop shaking the bloody hands of the comrades?

Just how does the Government propose to change the Communist ideology of world domination? They have already said our children would be Communists.

How can the Secret Service (even with the assistance of the Armed Forces) protect such a monstrous butcher from the justifiable wrath of the thousands of victims that have been given asylum in this country?

Stalin made fools out of Mr. Roosevelt and Mr. Truman. Is Mr. Eisenhower going to let Mr. Khrushchev make a fool out of him? Potsdam, Teheran and Yalta sold millions of human beings into slavery. Are millions more destined for the same doublecross?

SCARED CITIZEN.

[From the Washington Evening Star, Aug. 10, 1959]

COLD SHOULDER TO WARM WELCOME FOR KHRUSHCHEV

It is now painfully obvious that the visits of Comrades Mikoyan and Kozlov were eminently successful. By going over the head of the American Government, straight to the big industrialists, who in turn put pressure on the President, etc., Comrade Khrushchev is now coming to visit. Furthermore, he is coming at a time when Mr. Herter has just blasted the Soviets for blocking any progress at Geneva and when the President has repeatedly stated that until some progress was made at Geneva, any meeting between heads of state was out of the question. The announcement of Khrushchev's visit comes at a time when the Vice President has just returned from the most warm and overwhelming welcome he has ever had, from the Soviet-enslaved people of Poland, and he has the gall to urge that we give Khrushchev a warm welcome.

It remains to be seen how apathetic and obedient we Americans still are at this stage of the game, but I, for one, would like to go on record as saying that I will never welcome the murderer of Hungary, that cunning peasant who will take Mr. Eisenhower apart at the seams, endear himself to our greedy industrialists and the more naive of our Congressmen and finally go away rubbing his bloody hands in glee at having arranged for increased trade and dollar loans to boost the Soviet economy—and thus facilitate their burying us at an even earlier date than was previously hoped for.

F. D. SIMPSON.

Khrushchev has told us: "We'll bury you." Yet we invite him to our country, as though a benevolent and well-meaning man. What madness is this? Do we hope to change him? Have we not tried to dissuade the Communists from world revolution many times, and have we not failed? Before America extends a welcome to this smiling liar, let him and his henchmen restore individual human rights to the millions they and their predecessors have enslaved.

It seems that Eisenhower and Nixon do not understand that the cards are stacked against them when negotiating with the Reds. We will have to elect to office next year men who understand that words are not the proper weapon against our mortal enemies. We must elect a President who will have courage to break off relations with Russia.

JOHN F. HEATH.

Communists firmly believe that the only way for peace is their way. There is no freedom in communism; only freedom to choose it. If one does not choose it, then he must be forced to live its way. Then maybe he will see the truth. Communism does advocate violent overthrow of the Government, and any man has that right in America, for the Declaration of Independence states it so.

When Premier Khrushchev has 10,000 Hungarians slaughtered, he really believes that he is right. If he is right in this, then communism is true. But really it is the other way around. If communism is the only way, then to better the world, to lead it to communism, one has the right to do anything. But I do not believe he is right. I prefer my freedom instead of Marx' false theory of dialectical materialism.

Instead of threatening and voicing objections to Khrushchev coming here, Americans should be glad, for maybe some American, or some part of America, may show him that communism is wrong.

Americans should study communism and make up their own minds. If Americans knew exactly what communism is, they would know how to combat the enemy. For they are our enemies, i.e., Communists. And we must be on our guard.

However, Americans cannot condemn communism really, because it feeds many mouths though it closes many minds.

JOYCE ANTILA.

It's pretty strange that just as the Geneva conference is breaking up with no prospect of a summit meeting in view, Eisenhower suddenly comes to Khrushchev's rescue and offers him, without condition, the heads-of-government meeting the Kremlin tyrant has been angling for, to restore his prestige and show the restless captive people that America is hand in glove with their oppressors. And Eisenhower had solemnly promised the U.S. public that he would not meet Khrushchev on the summit level unless the Reds made some concession that would justify the summit meeting. Now Eisenhower has not only given Khrushchev that meeting for nothing but the chance to desecrate American soil with his presence as well.

R. S. FINO.

Who said "Crime does not pay"? Here we have the master criminal of them all, not excluding Hitler, being extended a warm invitation to visit our beloved country. This is a new low in degradation. "No, Mr. Khrushchev, please don't stab us in the back, just cut our throats so we can watch you." What are the leaders of our country thinking about? Won't they ever learn, or will it take another Pearl Harbor?

Thank God, John Foster Dulles did not live to see everything for which he worked and sacrificed cast aside and trampled under foot by the fawning politicians, who will be falling all over each other vying for invitations to rub shoulders with old "Bullethead" Khrushchev.

I hope that every red-blooded American will give "Old Man Communism" the coldest welcome ever accorded a foreign visitor to our shores.

A. L. BELL.

I don't agree that Americans should give Khrushchev the same friendly treatment accorded Vice President NIXON by the Russian people during his visit to Russia. There's a lot of difference between the representative of a country like ours and the leader of the Communist conspiracy.

I believe he should be treated courteously (don't throw rocks), but I should think that no real American would want to greet him with open arms (no doubt many in this country would like to greet him with closed fists).

After all, his smiles can't wipe off his black spots, nor can anything he may have to say undo the work he and his henchmen have done and are doing.

ANTI-COMMUNIST.

Americans can't seem to remember that it is deeds, not words, that count. All of the smiles, handshakes and proferred bouquets, replete with hand-kissing, cannot obliterate the knowledge that the Soviet Government still holds slaves and has permitted killing and untold torture of millions of people in still captive nations.

The Russian people, smiling and friendly to visitors—do not rule—have no choice but to "grin and bear it." Their socialist dictator controls every person and the peril of nonconformity is banishment, imprisonment, or death.

Of course, the Russian people cry "peace," as reported by Vice President NIXON's companions on his visit there. What sane person does not cry "peace"? But we know we shall not have peace until the Russian rulers respect contract and individual dignity and rights. Until they honor the principles of civilized men and renounce, in deed, all violence and oppression, all of the smiles in the world will not bring peace. "He can smile and smile and still be a devil."

It is to be hoped that the Russian dictator will not be allowed to visit this country until his government's practice of oppression and violence has ended in fact.

GERALDINE M. BERRYHILL.

Are the 1960 political conventions to be held in Moscow? Will Khrushchev pick the nominees? HUMPHREY and NIXON have campaigned harder in Red Square than on Main Street, U.S.A. Embracing red tyrants has replaced kissing babies for American political hopefuls.

And now slavemaster Khrushchev is invited to America—to inspect his future "nonvoting constituents," no doubt.

If America doesn't cease putting out the welcome mat to her would-be conquerors, she'll "culturally exchange" herself into a Russian satellite.

ELIZABETH LIPPITT.

SAN FRANCISCO.

NATIONAL FOREST PROGRAMS

Mr. MURRAY. Mr. President, in the fall of 1958 the Senate Interior and Insular Affairs Committee had a staff review made of national forest timber sales in three western regions. I ask unanimous consent that the conclusions and recommendations of that report be printed in the RECORD at this point along with copies of two letters from the Department of Agriculture in response.

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

REVIEW OF NATIONAL FOREST TIMBER SALES IN THREE WESTERN REGIONS

(Memorandum of the chairman to members of the Committee on Interior and Insular Affairs, U.S. Senate, together with a staff study, December 31, 1958)

CONCLUSIONS AND RECOMMENDATIONS

The problems found in this study are cumulative and growing because the basic tools for their solution have not been fully utilized. The study made leads to these conclusions and recommendations:

1. National plan needed

In the public mind the Forest Service timber-sale program has as its only announced goal reaching something called the "full allowable cut" at the earliest practical date. Because of the rapidly growing importance of the national forests, as a timber source, for recreation and other uses there is an urgent need for definite management goals, fixed to a point in time, explained as to objective, and relating operating and investment requirements to benefits. The Department of Agriculture has just completed publication of "Timber Resources for America's Future," the most complete analysis of the Nation's timber resources that has been made. This review includes forecasts of timber supply and demand both for the years 1975 and 2000.

A national plan should be made setting forth forest-management goals for the future which adequately describes—

(a) Timber-harvesting goals;

(b) Reforestation and silvicultural work needed to attain optimum forest production;

(c) Recreation, watershed protection, grazing goals, and land-use adjustments needed to harmonize multiple uses;

(d) Estimates of the role the national forest will play in the Nation's economy;

(e) Road and servicing facilities needed for management and operation;

(f) Cost estimates to reach stated goals within the first 5-year period, as well as overall costs.

The overall program should be utilized to formulate short-term goals and as the background for budget requests. Special attention should be given to developing presentations which evaluate how program goals are being met.

2. Lack of access held up sales

The major factor holding up planned timber sales in the period studied was lack of rights-of-way. This includes obtaining bare-land rights-of-way in order to construct a Forest Service road, purchase of the right to use an existing road, and agreements for cooperative construction of new roads serving two or more ownerships. Information furnished in region 6 showed that over 1 billion board feet in unmade or delayed planned sales was due to these problems. In region 1 over 500 million board feet in sales delays stemmed from the same source. In addition, there are substantial volumes ready to put into sales that never enter plans because of unresolved right-of-way difficulties. While on the one hand, it is a fact that the Forest Service has not been financed to sell all the timber that theoretically could be sold, on the other, it is clear that the Service, under present policies, has expended considerable time in fruitless negotiations where it is unlikely that agreements will be forthcoming.

Policies have not been set forth and backed up with funds so as to enable the Service to utilize the full range of possibilities in negotiations. Thus, the United States is at a disadvantage in negotiating both with parties who proceed in good faith, as well as with those who do not.

Progress has been made under the present ground rules but the true measure is the relation of this cause of delay to other causes and its effect on the sale program. Timber management is not possible without permanent access arrangements.

The Department of Agriculture should set forth a right-of-way policy and an active adequately financed program geared to solving problems in an orderly, firm, and fair manner.

3. Inadequate records

Forest Service records on timber sales are not sufficient to reveal significant and important facts on a timely basis for its $100 million annual business. The Forest Service has emphasized "timber cut" as an expression of timber-sales accomplishments. This measure is incomplete and misleading because it fails to properly describe accomplishments. The Service should clearly show the entire program and the interrelationships that exist. The minimum elements of the sale program that should be included are—

(a) The volume of timber in the various stages of sale preparation.

(b) Sales planned for the coming year with appropriate information on sale-size components, the cost of accessory timber purchaser roads, and the anticipated rate at which the sales will actually be loggable.

(c) The volume of timber under contract and the rate at which it will be logged in the forthcoming year.

These key records, adequately briefed and highlighted for use by the Chief, the Department, the Bureau of the Budget, and the Congress, should form the nucleus of the budget justification for timber sales, and would be the basic tool for timber-sale policy and program decisions.

Adequate facts would then be available to aid in securing necessary funds to maintain a suitable backlog of work in the various stages of preparation, to maintain an even flow of sales from preparation into production, to gear sales to meeting the requirements of prospective customers, to assuring that sales preparation and administration work is of a high quality and that increases in timber cutting can be met without later jeopardizing other elements of the timber sale job.

4. Correlated standards do not measure current costs and sales plans not coordinated with funds

The Forest Service utilizes a detailed job-load analysis called Correlated Standards to determine field staffing levels, anticipated and expected work production, and funds needed to meet program goals. This procedure enables the Service to define its needs but it has often lagged in measuring current costs. In addition, it has not fully stated time requirements to do the entire timber sale job to current standards. Thus timber sale fund requests have not been sufficient to advance sales to the maximum level of operation. Revisions are now being made and the standards should be strengthened by local analysis and performance records.

Timber-sale plans are prepared on a long- and short-term basis, budgets are developed, funds are allotted, results are evaluated, but these actions have not been always closely related to each other on a timely and coordinated basis. Therefore it is not currently possible to quickly evaluate program conditions and to effect timely improvements or detect emergent difficulties.

The Forest Service has a highly decentralized operation. In this period of rapid growth of its timber-sale business it has not provided local officers with the management tools and guides needed to assure that the responsibility for performance is properly fixed at the local level. Work standards are on an average basis and no not properly show the range of time required on various ranger districts. In the timber-sale job there is a need for local officers to estimate man-day requirements for the various elements of each sale as a part of budget development. When funds are appropriated time estimates should be related to the planned work and time deadlines established for job completion. This record at the district level would permit the ranger to start his work planning at an earlier date, and to later adjust his program rapidly as experience showed variations from actually financed levels. The forest supervisor and regional office would be in a position to examine situations where planned time varied from work standards. The regional office could then better review proposed variations in formulating budget estimates. Subsequently the ranger, with the benefit of a better basic estimate should be able to more closely meet plans. Through its regular inspection system the Service would be in a position to quickly and effectively evaluate performance.

Presently substantial volumes of information are prepared locally for regional use, but a very limited portion is transmitted to the Washington level. Local records should be revised to make them into management tools, the volume of detail flowing to regional offices controlled, and slightly more concise detail supplied to the Washington office along with evaluation summaries.

The budget officers should review the timber-sale program, taking into account its economic implications and its revenue-producing potential. Performance measures should be evaluated to develop effective devices which will assure that estimates of needed funds for planned sales will be accurately reflected by accomplishments. Arbitrarily setting the level of timber-sale funds will have increasingly serious implications for the growing segment of the forest industry dependent upon national forest timber and for the communities in the 30 States where these forests are located. The keys to a successful timber-sale program are adequate lead-times in sale preparation and a full-scale assembly line.

5. Personnel transfers and sale records

The lack of useful local records on the status of salework presents unique problems in a large organization which must frequently transfer personnel. Forest supervisors often pointed out that sale program efficiency was hampered by transfers. The extent to which there is validity to the point of view that transfers occur too often is one which personnel management should review. Some real savings might be made if it is found that the transfer rate is excessive. Greater use might also be made of short-term details to achieve the goal sought with lateral transfers. However, the ever-present need to transfer people should not be permitted to be used as a crutch to excuse shortcomings.

The study revealed that often new sales officers did not know the status of the work of their predecessor or what had happened to work previously planned. While it is understandable that some of the events surrounding an active contract would not be clear the Service now maintains a good record that starts when a timber contract is let. Proper record maintenance should start with the conception of a sale. If a sale aborts or is delayed there should be an ade-

quate history showing cause, worktime expended, and salvable effort.

More meaningful local records showing time estimates for each major element of the sale job, time expended, job deadlines, current sales status would help overcome the natural temporary loss of efficiency caused by transfers. But a more lasting benefit would be the month-to-month value in program administration.

6. Announced plans exceed timber sold

A major factor causing the current review was a consistent error on the part of region 6, Forest Service, in announcing annual timber-sale plans with definite sales dates which were not then fulfilled either on schedule, for each of the listed sales, or in total quantity. This practice aggravated the industry, particularly those firms which did not have timber under contract and were in need of securing sales. The situation existed in other regions visited. These sale announcements were not closely coordinated with financed sale programs except in region 1. Corrective action has been taken by the Service. Care should be taken that future plans are absolutely related to realistic financed programs and that full public information is available on the exact cause for not currently offering the planned sale or for sale delays.

7. Roads needed for permanent cut expansion but salvage plans can be increased now

Over the years, the Forest Service, with rare exceptions, has not sold the full amount of timber available to sell under sound forest-management considerations. Originally this was due to a lack of real demand. During the thirties there was an active withholding of timber from the market at the industries' request. The net result was that in the forties when timber demand started to climb the Forest Service was not in a position to rapidly respond. Basic development which comes from an adequate road system had lagged behind even then current needs. Thus, still today there are real limits to the rate at which timber sales can be expanded. Expansion via large sales carries with it having the timber purchaser construct the roads. This method does not permit a rapid annual increase in cutting commensurate with the total volume contracted nor will it quickly bring sale performance up to allowable cuts. In some cases the marginal value of species in the stand requires that the major road network be available to attract customers.

The Forest Service carries forward to the next 5-year cutting budget a portion of the harvest deficit of the preceding period. The degree to which this deficit can be captured is controlled by both physical and fiscal limitations. There are substantial volumes where reasonable road construction will permit sale but unless additional road construction funds are made available, there will be fairly tight limitations on the rate at which sales can be expanded. If, however, mainline roads can be programed with appropriated funds into areas with usable carryovers in cutting budget deficits, not only can sales be expanded more rapidly, but the rate of return on road investment will be accelerated.

Beyond the allowable cut there is a volume of timber, excluded from cutting budgets, which is considered normal mortality loss due to age, insects, or disease. It is composed of scattered trees throughout the forest salvable only by small sales. Salvage sales in already roaded areas offer a quicker method of temporarily raising sales levels, although they do not solve the basic management problem. Where there is a road system in this timber can be readily marketed. It is timber that can be cut immediately. These sales fit the needs, buying habits, and financial ability of many small loggers. Because this volume will be lost if not salvaged, further because virtually no road investment, either public or private, is needed to cut it and finally because the return to the Treasury on direct cost will be five to one, this opportunity to raise the total volume harvested should be diligently utilized.

8. Sale size affects cost to make sales and opportunities for firms to secure timber

The cost to the Forest Service for processing sales varies with sale size. Forest sales size plans and actual sales did not always agree. When actual sales are smaller than those planned, funds will not produce the same volume of timber marketed. When the shift is to larger sales the forest record should surpass plans. The Service should insure that substantial variations from financed plans are reflected in performance expected.

Considerable heat has been generated by industry spokesmen arguing both for and against large and small sales. If the objective is to sell timber at the lowest expenditure of appropriated funds, large sales would be the answer. If the objective is to provide the broadest opportunity to all segments of the industry to bid for timber and in the process to insure the fullest chance for price to be set by the industry, medium and small sales should predominate. Despite the somewhat higher expenditure for processing net sale income will also be larger. Even on small sales revenue is substantially above costs.

Sale size is an effective device whereby the Government may influence the composition of the industry in national forest areas and particularly may affect the life expectancy, the number and size of firms that do not own private timber reserves. The social and economic impact of sale size decisions constitute policy considerations that need further analysis and decision by the Department of Agriculture in developing the plan suggested in point 1.

9. Improved sale and road plans

A considerable volume in proposed sales had to be deferred and replanned because on the ground examination revealed errors in the original sale plan or estimate. Improved presale reconnaissance would help in firming up plans.

One lumberman suggested that initial timber sale and road location planning could be conducted from the air with an appreciable cost and time saving. The increased availability of aerial photos and new mapping techniques may make it practical to conduct a pilot study comparing conventional sale selection methods to helicopter and light plane costs and results.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 23, 1959.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate.

DEAR SENATOR MURRAY: This is in further reply to your request of January 16 for the views of this Department on the recommendations contained in the Committee Print "Review of National Forest Timber Sales in Three Western Regions." We hope also that you will consider this as a reply to your request of June 27, 1958, for a statement of both long-term and short-term goals with respect to the national forests.

The several recommendations are being reviewed and in due course we hope to furnish the committee our comments on them. In line with your request, however, we are commenting now on the first two recommendations.

The first recommendation proposes the preparation of an overall national program setting forth national forest goals for the future. On March 24 the Department of Agriculture sent to the President of the Senate and the Speaker of the House a "Program for the National Forests," which included both long-range objectives and an interim conservation and development program geared to the next 10 or 15 years. This program outlined needs for all renewable national-forest resources and we believe it meets the intent of the first recommendation contained in the committee print.

The communication from the Department of Agriculture was referred jointly to the Agriculture and Forestry and Interior and Insular Affairs Committee of the Senate and thus is before the Interior Committee, which you chairman, for such consideration as deemed appropriate. An additional copy is enclosed for ready reference.

The second recommendation suggests that the Department of Agriculture set forth a policy governing rights-of-way obtained by the Foreign Service. Attached is a summary of the current national forest rights-of-way policy as based upon a recent revision of the Forest Service manual. We believe that this summary statement of policy meets the intent of recommendation number two.

The recommendation in the committee print for an overall national program requested cost estimates to accomplish the interim development program. These cost estimates are now being developed on a national basis and will be sent you when available. You should understand that these will be only estimated costs to accomplish the program. They will not necessarily indicate what may be recommended in connection with budget requests because such needs must be considered in relation to overall fiscal needs and resources of the Federal Government.

Sincerely yours,

TRUE D. MORSE,
Acting Secretary.

SUMMARY OF POLICY IN OBTAINING FOREST SERVICE RIGHTS-OF-WAY

A. GENERAL

Access to national forest lands: Policy of the Forest Service is to provide as promptly as is feasible adequate access to all national forest lands to assure effective protection and management and full use of all resources, consistent with laws, regulations, and policies. Such access may be by roads, trails, or other appropriate means, and will include procurement of adequate and nonrevocable rights to traverse nonnational forest lands.

Access to be assured before timber sale is advertised: Where the logical route for a road for removal of the products of a proposed national forest timber sale crosses nonnational forest land, all necessary road rights-of-way over such lands will be acquired, or firm options for them obtained before timber sale is advertised.

Rights-of-way procurement—All types of rights-of-way (including roads): The Forest Service will obtain in the name of the United States of America and its assigns, or will secure through a cooperating local governmental agency, legally adequate and administratively satisfactory rights-of-way authorizing use and occupancy of private land or land owned or administered by other governmental agencies before constructing thereon any road, trail, telephone line, pipeline, reservoir, or like improvement. On private land, except in special cases, this right will be in the form of an easement.

Where a right-of-way has clearly been established by prescription (as determined by the Office of the General Counsel), a formal easement need not be acquired unless the facility is to be relocated or enlarged beyond the existing right-of-way.

B. RIGHTS-OF-WAY FOR ROAD TO BE CONSTRUCTED BY OR FOR THE FOREST SERVICE

Easements to be acquired:

(A) Perpetual and unlimited easements will be acquired for roads on the permanent forest road system planned to service all-purpose traffic.

(B) Perpetual and unlimited easements will be acquired for other roads, except that the Regional Forester may approve the taking of limited or restricted easements in the following circumstances—

(1) Easements limited to use for management and protection of the national forest lands and removal of national forest products but unlimited as to time (except for the usual abandonment clause) may be accepted where (a) the use of the road so restricted will meet the needs of the Forest Service, (b) there is adequate public access to the tributary area over other roads, and (c) an unrestricted easement cannot be obtained except at excessive cost or after undue delay. (When need for the road is primarily for the intermittent or periodic removal of timber during cutting cycles or for occasional removal of infested or dying trees—the "put to bed" type of road—the abandonment clause will be omitted or appropriately modified.)

(2) An easement or permit for a specified limited time and/or limited purposes, as long as the time and purposes are adequate to accomplish the objective necessitating the right-of-way, may be taken under the following special circumstances if it is not possible to obtain a more general easement without excessive cost or delay—

(a) When there is need for a temporary road or temporary use of a road to make salvage sales, as for fire-killed or insect-infested timber which will deteriorate rapidly.

(b) For sale of timber on an isolated parcel of national forest land, and further use of the road is not anticipated for several years, if at all.

(c) Where quick access is necessary to perform emergency or short-duration work. Examples: Salvage, fire, flood, rescue, and "shoo-fly" construction roads.

Policy for condemning road rights-of-way: The Forest Service will use every reasonable effort to obtain rights-of-way through the medium of negotiation and amicable agreement. In those cases where rights-of-way are needed and satisfactory easements cannot be obtained with reasonable promptness through negotiation they will be obtained through condemnation.

In cases where the apparent owner is agreeable to granting a right-of-way on equitable terms, but title to the property traversed is defective, efforts will be made, in cooperation with the optionor, to cure the defects and obtain satisfactory title. If this cannot be done with reasonable promptness, the right-of-way will be condemned in order to provide the United States with safe title.

The governing consideration in the use of condemnation procedure will be procurement of the needed easement in sufficient time so that construction of the road or other facility will proceed on schedule.

A declaration of taking will be filed when there is urgent need for immediate use of the easement.

Policy on payment for rights-of-way: An easement for a nominal consideration should be expected and obtained in those cases where the presence of the road obviously will be of advantage to the landowner as well as to the United States. Payment of an equitable price for an easement may be made when land of substantial value will be encumbered or measurable damage caused by construction of the road.

Use and control of rights-of-way granted to United States: Easements granted to the United States of America and its assigns are under the control of the United States as to their full use and benefit for road purposes, subject only to reservations or limitations in the deed, if any. This control may include restrictions of use of the road to certain uses or certain users where necessary for valid reasons.

Objectionable conditions: Easement deeds will not include conditions or stipulations not directly related to the building of the road or other facility which will (a) prevent or restrict proper present or future administrative action, or (b) cause the reversion of the easement and the loss of any investment therein while the Government still has need for the road.

Government not to assume grantor's liability for right-of-way: Grantors occasionally attempt in the language of a right-of-way conveyance to relieve themselves directly or indirectly of all responsibility for liability arising from use of the road by others and to place the responsibility in the United States. Provisions in rights-of-way deeds purporting to do this are not acceptable.

C. RIGHTS-OF-WAY OVER PRIVATELY BUILT ROADS

Use of private roads: There are situations in which a landowner or timber user has built and is using a road to remove private timber or for other private purposes and such road is on or near the location of a programed Forest Service road, so that use of it will adequately meet access needs for management and utilization of tributary national-forest resources. In such situation, it is usually desirable to secure for the United States, on terms equitable to the Government and the owner, an easement over the road. Joint use of a common road for private and national-forest purposes generally is advantageous to both parties, as costs may be shared and the expense of duplicating facilities avoided. Every reasonable effort will be made to obtain a satisfactory right-of-way over an existing private road which is on or near the location of a programed Forest Service road and can adequately meet national-forest needs.

In negotiating for an easement over an existing privately built road, the prior investment by the owner in the facility, the special purposes for which it was built and the needs of the owner for continuation of his use appropriately can be recognized.

Compensation: In procurement of an easement over a private road in active use, provision may be made for repayment to the owner of an equitable share of the cost of the road, based upon proportionate volumes of Government and private timber hauled and to be hauled over it within an appropriate period of time, proportion of the road serving Government and private purposes, or other justifiable bases in the particular circumstances. This may be accomplished by direct payment from funds appropriated for roads in national forests, where such procedure is feasible and desirable, or by reservations in the easement granted to the Government whereby the grantor may require haulers of national-forest timber (or other products) over the road to make payments to the grantor within stipulated limits.

Terms and conditions: Easements over private roads purchased by the United States or procured by the Government upon the basis of reimbursement by national-forest users of a proportionate part of the cost of the road will—

(a) Be permanent, except for the usual abandonment clause, unless the road use falls within the limited classes where temporary rights-of-way are acceptable.

(b) Provide adequately for foreseeable national-forest management, protection, and utilization needs.

(c) Not include conditions, reservations, or covenants unrelated to the road use, or which seek to direct or limit national-forest management policies and procedures.

(d) Vest in the United States on the date of conveyance.

(e) Not obligate the Government to make payments in excess of the authorized available appropriation.

Reservations of rights of grantor to use and maintain the road, to require payments by purchasers of national-forest timber for hauling such timber over the road until the agreed upon proportionate share of the cost of the road to be reimbursed to the owner is amortized, to require maintenance in proportion to use, and other equitable provisions relating to the use and maintenance of the road are acceptable.

Provisions in easement which limit the right of the United States to permit use of the road by the general public should be accepted only where clearly justified and if accepted should be for specific periods of time or include provision for automatic expiration. Provisions for reversion of title to the easement to the grantor upon failure of the United States or other users to meet conditions in the deed are not acceptable, with the exception of the usual abandonment clause.

Condemnation: Where access over a privately built road is advantageous to the Government, every reasonable effort will be made to obtain a legally and administratively satisfactory easement on equitable terms through negotiation. If such easement cannot be so obtained, condemnation will be requested upon findings—

(a) That, considering the elements of time, need for access to national forest lands, probable cost (award for value and/or damage), alternative means of access, and other pertinent factors, such action is necessary and advantageous to the United States.

(b) That funds are available for payment of the anticipated cost.

A declaration of taking will be filed in connection with condemnation when there is urgent need for immediate access to the national forest lands concerned.

Use of private road on rental or toll basis: The use of an existing private road under a rental or toll agreement is permissible where there is immediate need for temporary access for limited purposes that can be economically met by such procedure, or where the foreseeable use to be made of the road in connection with the national forest clearly does not justify the expenditures necessary to acquire a permanent easement.

D. ROAD RIGHT-OF-WAY AND CONSTRUCTION AGREEMENTS

Use of road construction agreements: Generally speaking, it is desirable that areas of mixed national forest and private lands be developed by a single road system adequate to serve the need of all lands. This results in a better road system than either party usually would build for its own purposes and in a sharing of costs advantageous to both the Government and the landowner. When working circles or other management units, partly national forest and partly private, are undeveloped or inadequately developed by roads, the Forest Service will, to the extent feasible and advantageous to the Government, join with the private landowner in planning and constructing an adequate road system on the basis of each party bearing an equitable proportion of the cost.

Easement deeds required: Where the Government is to share in the expense of building the road system, by construction directly or by reimbursement to the other party of proportionate share of costs incurred by him, either with appropriated funds or through payments by purchasers of national forest timber (which payments are taken account of in appraisal of such timber), it is necessary that the United States be granted by the landowner satisfactory easements for the portions of the contemplated roads which will be on private lands. Such easements usually will be granted at the same time as the agreement for joint construction of the road system is entered into. They must be received by the United States prior to initia-

tion of agreed upon construction. The policy relative to reservations and conditions in easements over existing private roads also apply to easements granted to the United States under road construction agreements.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., August 3, 1959.

Hon. JAMES E. MURRAY,
Chairman, Committee on Interior and Insular Affairs, U. S. Senate.

DEAR SENATOR MURRAY: This is in further reply to your letters of January 16 and May 14, 1959, requesting comments of the Department on the nine recommendations contained in the committee print entitled "Review of National Forest Timber Sales in Three Western Regions."

On April 23 we furnished you comments on the first two recommendations—the preparation of a national plan, and the development of a right-of-way program. On May 27 we advised you that we have not supplied legislative suggestions on forest develment roads because consideration has not been completed in the executive branch and we had no suggestions to offer at that time. This situation still prevails but we have transmitted to the Congress a draft bill which would affect the easement-granting authority over national forest lands. This has been introduced as S. 1797.

Also in our May 27 letter we stated that we would try to have comments on the remaining recommendations by the end of this session of Congress. On June 3 you replied that any time prior to October 1 would be acceptable. The balance of this letter is in reply to the remaining seven recommendations contained in the committee print.

Demand for national-forest timber in recent years has greatly increased and pressures on timing, pricing, and size and location of sales have increased to a much greater degree. It has been difficult to meet these increasing pressures while expanding the volume of business.

An important step toward making it possible to meet these pressures and to expand sales volume is the increase of $2,800,000 which is available for timber sale administration and management in fiscal year 1960. This increase will make it possible to take significant action on several of the recommendations. For example, the increase includes $800,000 for a program of salvage sales.

We are continually seeking new ways to improve and grow with the expanding sales program. Currently, we are organizing a new branch of timber sale administration within the Division of Timber Management in the Chief's office to help meet the new level of sale business facing us. A branch chief reporting to the Division Director will be concerned exclusively with timber sale programing, sale preparation and sale administration. This new branch will give leadership and coordination to these important aspects of the timber sale business.

A discussion of what is underway and planned in connection with the problems discussed under each of the recommendations 3 to 9 follows:

3. TIMBER SALE RECORDS

The problem of maintaining adequate timber sale records is not new. Methods of keeping timber sale records are in a constant state of change to fit technical practices which themselves are in a constant state of change and development. Because steps in sale preparation vary in different Forest Service regions, there is a problem of developing systems of recording and reporting which can be reduced to a common denominator for budgeting and appropriation purposes at the national level.

Region 6, in Oregon and Washington, has revised its instructions to field offices recently to obtain more meaningful records of the volume of timber in various stages of the sale program. These instructions are being circulated to the other regions for adaption to their conditions. The next step will be coordination of the regional systems for servicewide use.

4. CORRELATED STANDARDS

The recommendations involving the correlated standards deal primarily with annual estimates of timber sales costs, field allotments, work plans, and performance checks.

As pointed out in the report, unit sale costs have been revised to reflect higher standards. Likewise, changes have been made in the Forest Service work planning system to provide better scheduling procedures in terms of assignment of jobs to ranger district employees, timing for accomplishment, and for checking results against the plans. This system goes beyond timber sales, since the timber activity is only one of the several activities carried on by the Forest Service which has to be financed and planned on an integrated basis at the ranger district level. The annual planning procedure also provides for flexibility in unit time allowances between ranger districts on the basis of accessibility, topography and other local factors.

5. PERSONNEL TRANSFERS

We agree that the unavoidable necessity for transferring timber sale personnel to meet expanding and shifting workloads on the national forests creates a special need for systematic recordation of work performed in the various stages of sale preparation. This observation has been called to the attention of all regional offices. Leadership in developing working methods and follow-up action will be one of the duties of the new branch of sale administration.

6. SALE PLAN ANNOUNCEMENTS

Until an adequate level of advance sale preparation is developed, announcements of proposed timber sale programs will be limited to periods short enough to insure that they can be carried out with a minimum of revision. Necessary changes and the reasons therefor will be publicized currently.

7. SALVAGE SALES

As previously discussed, provision for a program of small sales, including salvage sales, is included in the budget for fiscal year 1960.

8. SALE SIZE

Wherever the demand for national-forest timber exceeds the volume which can be offered for sale because of sustained-yield limitations or other reasons, there will be pressures from various segments of the local forest products industry for sale sizes particularly suitable to their type of operation. Hence controversies over sale sizes are expected to continue and probably intensify, particularly in the three Forest Service regions covered in the committee study. The following factors are significant to the current situation:

(a) Average sale size has been materially reduced over the last 10 years. A greater proportion of the timber sold in the three regions studied is now being made in sales of less than 5 million board feet and the proportion of timber included in sales of over 25 million board feet has been reduced. These trends are continuing.

(b) The principal limitation on further increase in the proportion of small sale offerings is lack of roads. If roads must be built by purchasers, volume of timber in each sale must be sufficient to amortize road costs. Under most circumstances in the West sales of less than 5 million board feet will support in addition to the spur roads within the sale area only short and relatively inexpensive access roads. An adequate timber access road system for the national forests is highly desirable for many reasons in addition to the sale size problem. However, needed capital expenditures for installation of access roads are so large that the rate of construction must be regulated by overall budgetary considerations.

(c) Although unit costs of administration of small sales are considerably higher than for large sales, these costs differentials have had little influence on the size class distribution of Forest Service sales. This factor should not be disregarded, but as a practical matter will not have much significance during the next 10 years.

Our present objective is to develop a distribution of sale sizes in the annual program of sales which will provide an opportunity for all prospective bidders to bid on some sales and insofar as practicable to distribute sale size classes suited to various classes of operators in approximate proportion to the needs of each such class of prospective bidders.

9. IMPROVED SALE AND ROAD PLANS

Aerial photos have been used in timber sale and road location planning for many years. In fact, the Forest Service has been a pioneer in developing techniques for using aerial photos for these and related purposes. However, the use of light planes in this connection is less common because of recognized limitations and utility. The best example of the use of serial reconnaissance in sale planning is probably in connection with the detection of insect-infested timber in which salvage sales are made.

We have been glad to cooperate in the review of national-forest timber sales in the three western regions and appreciate receiving interpretive comments and suggestions. The Department welcomes suggestions on its complex national-forest timber sale activities.

Sincerely yours,

E. L. PETERSON,
Assistant Secretary.

Mr. MURRAY. Mr. President, we now have a national plan to develop a program for the national forests. The Senate Appropriations Committee has wisely moved to provide the vitally needed funds to get this program under way in fiscal year 1960. I especially applaud the action of that committee in providing funds to meet critical timber access problems.

A number of us, both in the Senate and the House have introduced bills to provide the needed system of forest development roads and trails. The Senate bill is S. 2240, which will be considered with the highway bill in January 1960. I regret that the administration has not given its views on needed legislation—although it has admitted road needs are far in excess of present funds or authorizations. I trust it will do so soon.

I regret to advise my colleagues and the users of the national forests that the final response to the report recommendations is not as vigorous as they could be. Some modest improvements have been made and it is my fervent hope that these will lead the way to more substantial beneficial changes.

The administration has an immediate opportunity to substantially raise the level of all national forest operations by actively and publicly supporting the recent bipartisan action of the Senate Appropriations Committee.

BILL HUNT SEES REFUGEE REACH WESTERN GERMANY

Mr. BEALL. Mr. President, recently Mr. J. William Hunt, editor and columnist of the Cumberland (Md.) Sunday Times, wrote an article for his paper concerning his visit to Marienfelde, the West Berlin screening camp for refugees from Soviet-dominated areas. His account of his visit and his comments concerning the importance of West Berlin as a symbol of freedom to millions of persons behind the Iron Curtain are extremely interesting and thought-provoking, and I ask unanimous consent to have them printed in the body of the RECORD.

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

BILL HUNT SEES REFUGEE REACH WESTERN GERMANY

(By J. William Hunt, Times-News Tour Director)

BERLIN, GERMANY.—My visit to Marienfelde, the West Berlin screening and orientation camp for refugees and escapees from East Germany and other Soviet-dominated areas, started out as an interesting but not exciting experience. Before I left there was drama galore.

Few visitors are permitted in this center where hundreds of Germans fleeing from communism's alleged "Democratic Republic" are given shelter, counsel, and understanding. Preceding my visit of 4 hours (made possible by the friendly intervention of Dr. Ilse Wolff, director of the Tourist Office of Berlin) the only other visitor given the same privileges that week was the Foreign Minister of Norway.

Because I happened to be present during a dramatic and emotional incident where truth proved stranger than fiction, I feel impelled to tell this exciting story in the first person.

My letter of introduction from Frau Dr. Wolff was to Heimleiter Herr Neugebauer, who assigned Herr Dr. Rolf Worsdorfer, director of public relations, to be my guide, introduce other department heads, and answer questions. I was allowed to move freely about the vast camp area and, to tell the truth, was supplied with more statistical information than I could use in a whole series of reports.

Incidentally, Dr. Worsdorfer is an escapee himself from East Germany. He was head of the street railway system in Dresden and much better off than most East Germans. But he was so appalled by the political and economic situation under communism that he fled with his wife to West Berlin, leaving everything behind except the clothes they wore at the time of their escape.

If you are not carrying baggage or much money it is comparatively easy to go from East Berlin to West Berlin. This will be detailed more fully in another article.

With me at Marienfelde were two interpreters—Oskar Knovys (who said to call him "O. K.," his initials) and Hans Meyer, a cousin of John H. Mosner. At the Meyer home the evening before, Hans (who speaks English) expressed a desire to go with me to Marienfelde. Dr. Worsdorfer speaks and understands some English but is not fluent enough to carry on conversation without the aid of an interpreter.

We were on the subject of East Germany's alarming decrease in population when an assistant came in and asked Dr. Worsdorfer to step outside the large directors' room in which we were seated.

In less than 2 minutes he was back, tears in his eyes and visibly agitated.

"My 18-year-old nephew," he exclaimed, "has just arrived here, an escapee from Kothen (near Dresden). I want you to meet him."

And into the room walked a youth as agitated as his uncle—the latest of hundreds of East Germany's finest manhood, fleeing to the freedom and hope of western civilization.

Here I was, an American witnessing one of the most dramatic personifications of what West Berlin now means to the Western World, and a vivid illustration of why Khrushchev and the Kremlin want to get rid of free Berlin. Surrounded by Communist East Germany, this great city is the symbol of freedom to millions behind the Iron Curtain, and the ever-present hope of a reunited Germany in the Western bloc of nations.

The youth, Rolf Schroter, told his story in halting English, lapsing occasionally into German which was immediately translated by "OK" and Hans Meyer.

Permission had been granted him to go to a youth camp on the shores of the East Sea, and he had packed clothes for such a trip. His father, a physician, and his mother thought he was going away for a week's holiday. But Rolf continued into East Berlin with his camp permit. Once in the city, he had little trouble walking into West Berlin and on out to Marienfelde. There, his uncle explained, he would have to go through the screening process which occasionally reveals a suspected spy or infiltrator from East Germany.

Rolf wants to take up medicine, so he will probably be sent to Bremen for pre-medical studies. It is not safe to send escapees by land through East Germany, so all such are transported to various parts of West Germany by air.

This 18-year-old German was told by Communist authorities in Dresden that he did not qualify for a medical education because he was not a worker.

"Go work in the mines for 2 years," they told him, "then apply again for entrance to medical school."

"A friend of our family did that 2 years ago," he recalled, "and when he came back from the mines they said his hands were ruined for surgery, too rough to handle delicate instruments."

Naturally Rolf is worried about what may befall his parents. In a week or so when he does not return to Kothen, Communist secret police will interrogate his parents—and no one knows what they may be obliged to suffer.

This is just one instance of the constant stream of freedom-loving people moving from the vaunted Democratic Republic of East Germany into West Berlin.

In the first 6 months of 1959, Dr. Worsdorfer told me, some 74,000 people have fled from East Germany. According to the East German Statistical Yearbook the population declined in 1958 by 98,963 and this in spite of a surplus of births over deaths.

"We don't encourage them to leave," said the public relations director, "because we want people opposed to Communist dictatorship to stay where they may keep alive the spirit of freedom."

Most escapees, he said, are under 25. The East German economy is already feeling the loss of so many young men, and West Berlin is such a thorn in the Communist side that Russia will do anything short of war to get the West out of this oasis in the Soviet desert.

Many in this great city feel that Western propaganda is lacking in the human touch, too much involved with legalities and technical points that do not reach the great masses of people.

Why are thousand fleeing from East Germany if it is such a paradise? ask these people who see communism at work.

Why does the West fail to stress the simple fact that hundreds daily risk their lives to leave the so-called Peoples Democratic Republic?

Maybe if more such stories as that of Rolf Schroter were reported, the free world would understand better why the status of Berlin is such a point of international dispute, and why this city must be maintained as it is by the forces of Western civilization.

DR. HAROLD L. CROSS

Mr. HENNINGS. Mr. President, the phrase, "the people's right to know," has been used by many of us in our fight against secrecy in Government, and I would like to call the attention of the Senate to the fact that the author of that phrase, Dr. Harold L. Cross, a distinguished lawyer who devoted much of his adult life to the fight against governmental secrecy, died Sunday.

In his 69 years, Dr. Cross stimulated many significant changes in governmental information policies. He was, dedicated to justice, and the rights of free men.

Dr. Cross was a graduate of the Cornell University Law School. He was professor of libel law at Columbia University School of Journalism. He brought into being China's first graduate school of journalism in Chungking in 1943 and he was counsel for the American Society of Newspaper Editors, as well as the author of a book titled "The People's Right To Know."

Dr. Cross' death is a great loss to the people of the United States. It is a great loss to those who must continue our efforts in behalf of the people's right to know. A man of brilliance, a man of conviction, his death has been mourned throughout the world of journalism.

PADRE ISLAND, TEX., AN IDEAL RECREATIONAL AREA

Mr. YARBOROUGH. Mr. President, the important movement to "save our shorelines" is picking up support with each passing day. This is because millions of additional Americans each year are going outdoors to enjoy the natural beauty of our Nation—its parks and beaches.

Perhaps the best example of this growing interest in our national seashores is contained in a recent report by the National Park Service. It shows that for the past 3 years the number of visitors to beautiful Cape Hatteras National Seashore has topped the 300,000 mark. Last year an alltime high of 348,335 visitors went to this wonderful summer playground, the only national seashore area in the Nation.

When I look at attendance figures such as these, I am strongly reminded of the desirability of securing passage of my bill to establish a national seashore on Padre Island. This bill, S. 4, is still awaiting committee action, and it is my hope that public hearings on the proposal may be held in Texas late this year.

Since the Texas Legislature already has passed a resolution endorsing the establishment of a Padre Island national seashore area, it seems highly probable that within the next few months we will be able to work out legislation and a satisfactory agreement which will pre-

serve the longest stretch of natural beach left in the Nation today.

One of the big dangers to the project seems to me to be not whether we are going to preserve a beach, but whether certain private developers are going to succeed in limiting our park to a small slice out of the middle of the 118-mile island in the Gulf of Mexico. I would like it firmly understood that I am for a real, full-size Padre Island seashore—one of the size and scope in keeping with the national park tradition. I am opposed to making it a little honky-tonk beach which would deny visitors the elbow room they need to really enjoy the beauty of this fabulous area of the gulf. We must move soon to protect this beach.

It is very gratifying to me to see more and more people become aware of the urgent and immediate need to preserve for future Americans what we can of our rapidly vanishing open shoreline. The save-our-shorelines program is really taking hold. This program includes the proposal to establish a national seashore recreation area at Padre Island.

PROPOSED PROMOTION OF EMERSON C. ITSCHNER TO THE RANK OF LIEUTENANT GENERAL

Mr. BARTLETT. Mr. President, the nomination of Emerson C. Itschner last week by President Eisenhower to be a lieutenant general in the U.S. Army caused me simultaneously to recall days of long ago, and to believe more firmly than ever that true merit will be rewarded.

It is gratifying to know that the Corps of Engineers from now on will have as Chief a general of three star rank. The corps is deserving of this. It is formed of dedicated and able officers and men who not only perform essential military work but come close to the people of the country everywhere in performance of essential civil works functions.

No finer officer than General Itschner has worn the uniform of his country. He has served the Nation well in peace and in war. All of those who know him appreciate his worth and are delighted to learn of his promotion. For my part, Mr. President, I first knew Emerson Itschner many years ago when he came to Alaska a newly commissioned second lieutenant out of West Point. He was there to build roads for the Alaska Road Commission, then an agency of the War Department. Our first meeting was in Fairbanks, where I was a young reporter for the News-Miner, then as now the farthest north daily under the American flag. I was then impressed by this splendid young officer and during the years which have gone by his native ability has been translated into effective deeds. He has always measured up to his responsibilities. So it is on a personal basis, as well as from every other standpoint, that I who have known Emerson Itschner since the start of his military career am glad indeed that from now on it will be Lt. Gen. Emerson C. Itschner.

KHRUSHCHEV'S PROPOSED VISIT TO THE UNITED STATES

Mr. GOLDWATER. Mr. President, on the recent occasion of the announcement of the invitation to Mr. Khrushchev to visit this country, many distinguished Americans have made themselves heard on their objection to the invitation. One of these was Mr. William F. Knowland, who was the senior Senator from California and the minority leader, and I ask unanimous consent that his statement made on August 4 appear in the RECORD.

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

STATEMENT OF WILLIAM F. KNOWLAND
AUGUST 4, 1959

The invitation to Khrushchev to visit the United States will have a devastating adverse affect upon the captive people behind the Communist Iron Curtain.

It is a victory for Soviet diplomacy which has angled for such an invitation for the past several years.

Khrushchev is still the "Butcher of Budapest." Three years does not outlaw murder of an individual or a nation.

Communists the world over will make massive propaganda use of the red carpet treatment in New York, at the United Nations, in Washington, and on the grand tour throughout the United States.

Whether we intend it or not they will by word and picture convey the idea that this gives to the Kremlin's leader and to the Soviet Union the moral support of the free people of the United States and their leaders.

An invitation to Hitler or Himmler while Denmark, Norway, Belgium, Holland, and a part of France was held in Nazi subjugation would have shocked the conscience of the free world.

Blood on the hands of Khrushchev is neither less red than that which covered Hitler's nor are his threats to "bury us," meaning the United States and the free world, faded by the passage of a few months.

What is morally wrong can never be politically or diplomatically right.

The admonition of second Corinthians still stands: "Be ye not unequally yoked together with unbelievers, for what fellowship has righteousness with unrighteousness and what communion has light with darkness."

Mr. GOLDWATER. Mr. President, another distinguished American Cardinal Cushing, made a statement which appeared in the Boston Herald of August 1, 1959, voicing his opposition to inviting Premier Khrushchev to visit the United States. I ask unanimous consent that it appear in the RECORD.

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

KHRUSHCHEV VISIT FOUGHT BY CARDINAL

Cardinal Cushing last night voiced opposition to inviting Soviet Premier Nikita S. Khrushchev to visit the United States.

The churchman issued a formal statement outlining his views on inviting Khrushchev to this country in the wake of widespread reports that the Russian premier will visit America this fall.

URGES PROTESTS

The cardinal said "I raise my voice against the proposed invitation to Khrushchev to visit our country and I call upon others who share the same sentiments to do likewise."

The full text of the statement issued last night under Cardinal Cushing's signature is as follows:

"In behalf of millions of people in Russia and in countries held in bondage and slavery under the tyranny of Khrushchev and company, who cannot speak for themselves;

"In memory of the martyrs of Poland, Hungary, East Germany and other countries murdered by the men of Moscow;

"In honor of our American boys killed in Korea, shot out of the skies and suffering in prisons;

"I raise my voice against the proposed invitation to Khrushchev to visit our country and I call upon others who share the same sentiments to do likewise."

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

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONVEYANCE OF CERTAIN LANDS TO THE STATE OF ILLINOIS

Mr. JOHNSON of Texas. Mr. President, I wish the aides of the Senate would inform Senators who are interested in Calendar No. 563, Senate bill 747, to provide for the conveyance of certain lands known as the Des Plaines Public Hunting and Refuge Area to the State of Illinois, that at the conclusion of a statement which I understand the Senator from Arizona [Mr. GOLDWATER], wishes to make, debate on Senate bill 747 will be in order.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 162. An act for the relief of Henri Polak;

S. 593. An act for the relief of Angelinas Cuacos Steinberg;

S. 1053. An act for the relief of Rosa Maria Montenegro;

S. 1104. An act for the relief of Pak Jae Seun;

S. 1135. An act for the relief of Alice Kazana;

S. 1407. An act for the relief of Mrs. John M. Cica;

S. 1442. An act for the relief of Kim Fukata and her minor child, Michael (Chaney);

S. 1500. An act for the relief of Yee You Gee;

S. 1533. An act for the relief of Ho Rim Yoon Holsman;

S. 1558. An act for the relief of Theopi Englezos;

S. 1601. An act for the relief of Mrs. Erika Elfriede Ida Ward;

S. 1611. An act for the relief of Adeodato Francesco Piazza Nicolai;

S. 1669. An act for the relief of Evagelia Elliopulos;

S. 1684. An act for the relief of Mr. and Mrs. Carl Skogen Woods;

S. 1705. An act for the relief of Ivan (John) Persic;

S. 1719. An act for the relief of Lushmon S. Grewal, Jeat S. Grewal, Gurmale S. Grewal, and Tahil S. Grewal;

S. 1724. An act for the relief of Tse Man Chan;

S. 1773. An act for the relief of Alan Alfred Coleman;

S. 1829. An act for the relief of Herman Luchner;

S. 1946. An act for the relief of Vicente Soliva Empleo; and

S. 2471. An act to amend the Tennessee Valley Authority Act of 1933, as amended, and for other purposes.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 4002) to authorize the use of Great Lakes vessels on the oceans; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BONNER, Mr. GEORGE MILLER of California, Mr. ASHLEY, Mr. TOLLEFSON, and Mr. VAN PELT were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 4120) for the relief of Dr. Raymond A. Vonderlehr and certain other officers of the Public Health Service.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H.R. 137. An act to allow a deduction, for Federal estate tax purposes, in the case of certain transfers to charities which are subjected to foreign death taxes;

H.R. 451. An act to amend the Longshoremen's and Harbor Workers' Compensation Act, with respect to the payment of compensation in cases where third persons are liable;

H.R. 3682. An act to permit the processing of certain applications under the Small Tracts Act for lands included in the Caribou and Targhee National Forests by the act of August 14, 1958;

H.R. 5138. An act to extend the grounds of the Custis-Lee Mansion in Arlington National Cemetery; and

H.R. 7508. An act to amend title 10, United States Code, to establish a Bureau of Naval Weapons in the Department of the Navy and to abolish the Bureau of Aeronautics and Ordnance.

TESTIMONY BY SECRETARY OF AGRICULTURE BENSON ON FARM LEGISLATION

Mr. GOLDWATER. Mr. President, on Monday of last week the junior Senator from Missouri [Mr. SYMINGTON] addressed himself to the need for farm legislation, and during his remarks he included various excerpts from the hearings before the Committee on Agriculture and Forestry of February 16 and 17 of this year.

In quoting testimony of Secretary Benson and of the Senator's colleagues on the committee, the impression was given that the Secretary had agreed to send to the committee an omnibus farm bill, and that he failed to do so.

For the purpose of clarity, I wish to quote more fully from that hearing record, in order to give a better picture of what occurred at the hearing.

In his presentation, the Senator from Missouri [Mr. SYMINGTON] included the following quotation from the hearing record:

Senator PROXMIRE. If the Senator would yield, it was my understanding this morning that the Secretary of Agriculture said he would be delighted to come in with a bill pertaining to wheat. But it was not my understanding that he said he would come in with an omnibus farm bill of the kind the Senator from Georgia has proposed. I think there is a very important distinction, and I think the Senator from Missouri is asking, and I certainly would support him in it, we get an omnibus bill covering the administration's objectives, as the Senator from Missouri has suggested.

Senator SYMINGTON. This is correct, Mr. Chairman. My able colleague from Wisconsin has stated it exactly the way I would like to see it done, so that we will know what it is the Secretary of Agriculture would like us to do to help with this farm problem.

In fairness to Secretary Benson, I believe that the three paragraphs immediately following that colloquy should also be included. They are as follows:

The CHAIRMAN. I understood the Secretary to say this morning that the commodities that need attention at the moment are wheat and tobacco principally. Now insofar as cotton——

Secretary BENSON. We mentioned peanuts also.

The CHAIRMAN. Yes. Now, insofar as cotton, rice, corn, and other grains are concerned, we are going to give the law that we put on the statute books a try.

It is obvious, I believe, to anyone who is willing to understand the facts that the record shows that the chairman of the Senate Agriculture and Forestry Committee was asking the Secretary to send forward only the legislative language to cover proposed legislation for wheat, peanuts, and tobacco. This the Secretary has done.

In his quotation of the hearing record, the Senator from Missouri presented it as follows:

Senator PROXMIRE. It would certainly seem to me, Mr. Secretary, you would come in and propose changes all up and down the line anywhere you feel the law should be changed and improved.

Secretary BENSON. That is what I have done in the testimony and we will draft it.

For the purpose of accuracy, I believe the RECORD should show the Secretary's actual reply, as printed in the hearing record, House Document No. 59, on page 107:

Secretary BENSON. That is what I have done in the testimony, and we will draft language for the alternatives covered.

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

Mr. GOLDWATER. If the Senator from Missouri will allow me to finish making this brief quotation, I believe it will answer some of the questions he has in mind.

Mr. SYMINGTON. Very well.

Mr. GOLDWATER. The alternatives mentioned as part of the testimony were in reference to peanuts, wheat, and tobacco. It is regrettable that there was a misquotation.

Still later the following was quoted by the Senator from Missouri:

Senator PROXMIRE. As I understand it, the committee has asked you and you have agreed to provide an omnibus farm bill in this session.

Secretary BENSON. We have agreed to do some drafting that would incorporate it in legal language.

Again I regret that Secretary Benson was misquoted. The official record shows as follows, on page 276:

Secretary BENSON. We have agreed to do some drafting that would incorporate the alternatives in legal language.

Senator PROXMIRE. All the recommendations that you want?

Secretary BENSON. Which we have set forth here.

The following is a chronology of the actual submissions of drafts of proposed legislation by the Secretary:

First. Wheat legislative language was sent March 12, 1959, and was printed by the Senate.

Second. Legislative language for peanuts was forwarded on April 2, 1959.

Third. Legislative language with reference to extension of Public Law 480 was forwarded on April 17, 1959.

Fourth. Legislative language for tobacco was forwarded on April 20, 1959.

Fifth. Legislative language with reference to the Conservation Reserve was forwarded on April 30, 1959.

Sixth. On May 1, 1959, in response to a letter from Representative WHITTEN there was forwarded a combined draft, with accompanying explanations, on all of the above legislation. Copies of this material were forwarded to the chairman of the Senate Committee on Agriculture and Forestry.

It is obvious, as I have said earlier, and as the official record reveals, that the Secretary has presented in legal language everything that he agreed to do in the testimony before the committee. The drafting was done in strict conformance with the agreement with the chairman of the committee.

I am happy to yield now to my friend the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I have known the distinguished Senator from Arizona for many years. I am sure he is not charging me with misrepresenting the record.

Mr. GOLDWATER. No. I want to make that abundantly clear, Mr. President. The slight differences, however, in the Senator's presentation on the floor from the language contained in the report are such mistakes as I myself have made, and I am sure other Senators have made.

Mr. SYMINGTON. Mr. President, will the Senator yield further?

Mr. GOLDWATER. Yes.

Mr. SYMINGTON. I do not think the differences are slight. The differences are fundamental, and they are differences of accuracy. I am sorry to report to the junior Senator from Arizona that the record was changed, if not by Mr. Benson himself, by one of his assistants. My statement came from the official stenographic record, before the printed record was sent to the Senate.

As the Senator knows, it is customary for the committee to send to the department in question the stenographic record, the understanding being that they can improve the language, but not change the thought.

The thought in this case was very definitely changed. Now that I am accused of not reading from the accurate record, tomorrow I will put into the RECORD those changes made by the Department of Agriculture, which substantially changed the testimony of the Secretary of Agriculture, as against what he actually told the committee.

Mr. GOLDWATER. I shall be very glad to read what the Senator puts in the RECORD as being the original transcript; but what I have read has come from the hearings of the Committee on Agriculture and Forestry, U.S. Senate, 86th Congress, on the President's farm message in 1959. It was House Document No. 59, 86th Congress, February 16 and 17. The language I have read from comes out of that document.

I can understand how the Secretary could change the language. I am well aware how that is done. We can make changes before the transcript gets into the printed form of the hearings. But I am merely reading what is in the hearings.

Mr. SYMINGTON. The Senator is reading the printed record. In addition to correcting the record to show what the Secretary said, as against the language as he changed it or as somebody in his office changed it, I will have photostatic copies of the original stenographic record in order to show the way the basic thought as expressed originally by the Secretary was changed in order that it would not be necessary for him to send up the omnibus farm bill which he promised the distinguished junior Senator from Wisconsin and me. We both happen to be on the floor together this afternoon.

Mr. GOLDWATER. I shall be most happy to see that, because if he changed his remarks in the way my friend from Missouri says he did, and I have no reason to doubt his statement, knowing his history of veracity, then it is a very serious charge. But, reading what the record says, it indicates to me the Secretary has done precisely what he has agreed to do throughout his colloquy with the distinguished Senators from Missouri, Louisiana, and I believe Wisconsin also.

Mr. SYMINGTON. I thank my distinguished friend from Arizona, for whom I have great respect. I do not say necessarily that the Secretary himself made these changes. Perhaps he had an unusually intense person on his staff who felt that it would be wrong for him to send up the bill which he promised the distinguished Senator from Wisconsin, because his statement in the printed record does not conform to the stenographic record taken down by the reporter.

Mr. GOLDWATER. Is it the contention of the Senator from Missouri that some one, either the Secretary or someone in his office, changed the remarks which appeared in the transcript, as we receive it every morning after the previous day's proceedings, and before the submission of the typewritten form of the record to be printed? Is that correct?

Mr. SYMINGTON. It is a statement. I make no contention.

Mr. GOLDWATER. The Senator is making no charge?

Mr. SYMINGTON. I am making a statement of fact, based on the photostatic copies. I shall be glad to furnish them to the distinguished Senator from Arizona. I think it is unfortunate that the thought of what was promised was changed when the record was sent to the Department of Agriculture.

Mr. GOLDWATER. Let me ask the Senator from Missouri if it is his contention that the Secretary promised, without any equivocation, an omnibus farm bill to cover all these points.

Mr. SYMINGTON. The record speaks for itself. Based on the record of the questions asked by the Senator from Wisconsin and the original responses of the Secretary of Agriculture before they were changed, the Secretary of Agriculture said he would send to the committee an omnibus farm bill.

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

Mr. GOLDWATER. I am happy to yield to the Senator from Vermont on this point.

Mr. AIKEN. I might perhaps clear up this situation a little bit. I attended the hearings which I think included the one referred to. The Secretary's remarks at the initial part of his testimony might have been interpreted to mean that he would send up a bill. However, I think at the end of the testimony he modified that original statement so as to put it in a different light.

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

Mr. GOLDWATER. I yield to the Senator from Missouri.

Mr. SYMINGTON. The distinguished Senator from Vermont has been a member of the committee for much longer than I, but in the years I have been on, the Secretary of Agriculture has come before it each year with a good many alternatives. I would think that, as the president of the company, the committee acting as a board of directors, before whom he was appearing and requesting money, instead of giving us various alternatives, he should give us a plan and say, "I have many alternatives, but I think this is what the agricultural program should be. This is the legislation I think Congress should enact."

That was my position when I interrogated the Secretary. To the best of my knowledge, it was also the position of the junior Senator from Wisconsin.

When the Secretary said at one time in his testimony—and I shall supply the statement for the RECORD—that he had given us alternatives, one of us said in effect we do not want alternatives. We want to know what you think we should have in the way of an omnibus farm bill. Mr. Benson said at one or two points, "We will do it."

Then when the record was printed, the word "it" was changed to "the alternatives."

It is typical of the Senator from Arizona that he has noted this statement, because it was a fundamental change made by the Department of Agriculture. It changed the basic thinking and, changed the thought of the remarks the Secretary of Agriculture had made.

I thank my friend for yielding to me.

Mr. AIKEN. Mr. President, if the Senator will yield, I think I understand now what is being discussed. I still say that the statement of the Secretary of Agriculture early in his testimony might have been interpreted to mean he would send up proposed legislation, but I think the Senator will find that toward the close of the testimony the Secretary qualified that statement so as to mean he would send up alternative bits of proposed legislation.

Mr. GOLDWATER. May I ask my friend from Vermont if it is customary in the Committee on Agriculture and Forestry to submit the proposed text of the hearings to the members of the committee for approval before it is submitted for printing?

Mr. AIKEN. I know the hearings are submitted to members of the committee.

Mr. GOLDWATER. For their approval?

Mr. AIKEN. Yes; with the understanding that while they may be corrected for obvious errors, the substance of the testimony should not be changed.

Mr. GOLDWATER. Does the Senator from Vermont recall whether or not the proposed text of this particular document I hold in my hand was submitted to him, and, as far as he knows, to other members of the committee, for their approval, before it was offered to the Senate as a document?

Mr. AIKEN. I have asked the assistant clerk of the committee, who always checks my remarks, to make sure that the transcript accords with what I actually said. It is not always submitted to me, but it was submitted to me in that matter by the assistant clerk.

Mr. GOLDWATER. My reason for my inquiry is in no way to impugn the intention of anybody, but if the statements which have been called errors by the Senator from Missouri have occurred, I was just wondering why it was that he did not note it before he allowed it to be printed as a document, because frankly, it has raised some quite serious questions in my mind.

Mr. SYMINGTON. Mr. President, the Senator from Arizona is entirely within his rights to raise the question. I shall attempt to explain it.

We received a copy and we went over our own testimony. I have one man on my staff who devotes himself exclusively to agricultural matters. It is a matter of great importance to our State, and furthermore, I am a member of the Committee on Agriculture and Forestry.

After we made our changes, it was sent to the Department of Agriculture, and we did not think they would make any changes there contrary to custom; in other words, that they would not change any thinking.

After the record was printed, however, my agricultural assistant came to me with the record and also with the stenographic copy, showing the changes that had been made, and said to me, "You can see that the thought has been very definitely changed," and I said, "Yes, that I saw that, and I was sorry about it."

I did not want to raise this question. Instead of reading from the printed record, I merely read from the record, the truth, what the Secretary of Agriculture said. I was not going to charge the Secretary of Agriculture or any of his assistants with this unfortunate occurrence, but by coincidence I happened to be on the floor when the Senator from Arizona raised the point, and therefore I am sure he agrees with me that I have a right to defend my position in it and to present a statement as to why I did not put in inaccurate statements in the record.

Mr. PROXMIRE. Mr. President, in connection with the point which was just discussed, the Senator from Missouri and the Senator from Arizona may have had similar experience with their own committees. What happens when the transcript is returned is that the Senator will look at his own remarks and correct his own remarks, but the Senator will feel that the remarks made by anybody else are not really his business. Furthermore, as many as six or eight transcripts may be out at the same time, so that it is impossible for the Senator from Missouri or the Senator from Wisconsin to know how the Secretary of Agriculture corrected his own remarks until we see them printed in the final record.

I would like to say, as one who took a very active part in the questioning of the Secretary of Agriculture, that my recollection was precisely the same as that of the Senator from Missouri. Furthermore the Senator from Missouri has called to my attention the difference, and it is a sharp difference, between what the stenographic transcript showed and what the official report showed.

Furthermore, Mr. President, I intend to speak on this very subject in a few minutes when I get the floor. I intend to make a speech of some 15 or 20 minutes relating to the entire agricultural situation. At that time I intend to put into the RECORD other parts of the interrogation which I think pertain to this same subject so as to make it absolutely crystal clear.

The Senator from Missouri, the Senator from Minnesota, too, as I recall, and I, did everything we possibly could to nail down the Secretary of Agriculture to a commitment from him on an omnibus farm bill.

At the time when I speak later, I would like to discuss the implications of what the Senator from Arizona has said and what other Senators have said on behalf of the Secretary of Agriculture.

Mr. GOLDWATER. Mr. President, I hope I may have the privilege of hearing the Senator's speech, because I think both the Senators I am addressing and who are addressing themselves to my subject must agree that the way the report of the hearings reads would alter the meaning of their speeches on the floor considerably. It was only because I sat and listened on several occasions to both of these gentlemen speak that I asked my staff to find out just what happened in the hearing, because, knowing Secretary Benson as I have known him for a great many years, I cannot conceive that he would not follow through on anything he said he would follow through on, and I find it almost impossible to believe that he himself would alter any language. I am certain that he would not condone it being done in his own department. If that is the case, I think both the distinguished Senator from Wisconsin and the distinguished Senator from Missouri would be doing the country a favor by disclosing that there would be people in our Government who would do this.

As the record now stands, it is at some variance from the position both my good friends take, and I think it is incumbent on them, as I felt it incumbent upon me, to try to get the record straight; but I for the life of me cannot believe that Secretary Benson would ever promise something and not follow through with it.

The Secretary of Agriculture may have his faults. I find none, but if he has any, one of them is certainly not dishonesty.

Mr. SYMINGTON. Mr. President, let me again say to my friend from Arizona that I did not bring up this subject. Secondly, as I also stated earlier today, for the RECORD of tomorrow I will present the original stenographic record and then all can see how the changes were made in order to have the Secretary continue his policy of presenting alternatives as against presenting specific legislation. Let me add that I do not accuse the Secretary of Agriculture of anything. I state that the record was changed in the Department of Agriculture.

Mr. GOLDWATER. Let me ask the Senator one more question, then. Does the Senator have in his possession or can he get the original typewritten transcripts we receive each morning from the reporting service after the hearings, and can he insert thereon or on a photostatic copy the points pertinent to the discussion? They are very few. They cover just a few paragraphs. I think it would be to the Senator's advantage, as well as to the advantage of the Secretary of Agriculture, to have this cleared up.

Mr. SYMINGTON. Mr. President, some minutes ago I told the Senator from Arizona of an inspection and of the changing of the record, and I shall take the liberty of sending to his office the sheets themselves showing how the record was changed, using either the originals or photostatic copies of the original sheets.

Mr. GOLDWATER. I shall indeed appreciate that.

CONVEYANCE OF CERTAIN LANDS, TO THE STATE OF ILLINOIS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate resume the consideration of Calendar No. 563, Senate bill 747.

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

The LEGISLATIVE CLERK. A bill (S. 747) to provide for the conveyance of certain lands known as the Des Plaines Public Hunting and Refuge Area to the State of Illinois.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations, with an amendment, to strike out all after the enacting clause, and insert:

That (a) subject to the provisions of subsections (b), (c), and (d) of this section, and section 3, the Administrator of General Services is authorized and directed to convey, by quitclaim deed, to the State of Illinois, for wildlife conservation or recreational purposes, all right, title, and interest of the United States in and to the following described lands, together with all buildings and improvements thereon, situated in Will County, Illinois:

All that part of fractional sections 29, 32, and 33, township 34 north, range 9, east of the third principal meridian, in Will County, Illinois, described as follows: Beginning at a point of intersection of the west line of Route 66 (Federal Aid Route 77), as monumented and fenced and a line 1,000 feet south of and parallel to the north line of said section 33 (said point of intersection is 167.4 feet west of the east line of said section 33); thence south 885 feet; thence south 4 degrees 1 minute 10 seconds west 2,961.68 feet; thence south 00 degrees 15 minutes 20 seconds west 416.81 feet; thence south 1 degree 2 minutes 40 seconds west 33.42 feet to the south line of said section 33, all of the above dimensions taken on the westerly line of said Route 66 as monumented and fenced (said last point is 352.7 feet west of the southeast corner of said section 33; thence west along the south line of said section 33 and fractional section 32, 10,082.43 feet to the southwest corner of said fractional section 32; thence northerly along the west line of said fractional section 32, 4,486 feet more or less to the southeasterly edge of the Des Plaines River; thence northeasterly along the southeasterly edge of said river to a point on a line described as follows: (Beginning at a point of intersection of the west line of Route 66 and a line 1,000 feet south of the north line of said section 33; thence westerly along a line 1,000 feet south of and parallel to the north line of said section 33 and fractional section 32, 5,300 feet; thence northwesterly along a line forming an angle of 115 degrees with said parallel line from east around north to northwest 4,800 feet more or less, to the southeasterly edge of the Des Plaines River); thence southeasterly along the previously described line 4,800 feet to a point on a line 1,000 feet south of and parallel to the north line of said section 33 and fractional section 32, said point being 5,300 feet west of the west line of said Route 66; thence easterly along a line 1,000 feet south of and parallel to the north line of section 33, 5,300 feet to the place of beginning (excepting therefrom those portions lying along said river as deeded to the State of Illinois and recorded in the recorder's office as document numbered 414965, book 691, page 31; document numbered 414965, book 691, page 34, and document numbered 414965, book 691, page 35; also excepting those portions deeded to John Flom and recorded in the recorder's office as document numbered 458161, book 759, page 38; also excepting that portion deeded to Three Rivers Yacht Club and recorded in the recorder's office as document numbered 695487, book 129, page 625; also excepting therefrom that portion deeded to Robert Berglund and Hugh Black and recorded in the recorder's office as document numbered 846871, book 1698, page 303; also excepting that portion included within the lines measured 100 feet outward from the existing high bank on both sides of Grant

Creek Cutoff and Grant Creek) containing 946 acres more or less.

(b) The conveyance authorized to be made pursuant to subsection (a) of this section shall be conditional upon the payment by the State of Illinois to the Administrator of General Services as consideration for such conveyance of the sum of $286,638.

(c) The land authorized to be conveyed pursuant to subsection (a) of this section shall be conveyed subject to such easements for railroad rights-of-way as shall, in the determination of the Administrator of General Services, be necessary or appropriate to provide railroad service for the purchasers of adjoining tracts of land from the United States.

(d) The instrument of conveyance authorized by this section shall expressly require (1) that in the event the property conveyed by such instrument ceases to be used for wildlife conservation or recreational purposes, all right, title, and interest therein shall immediately revert to the United States to be held in the same manner as it was held prior to such conveyance; and (2) that the reversionary interest of the United States, at the request of the State of Illinois, be relinquished to such State by the Administrator of General Services upon payment to the United States of the fair market value thereof at the time of relinquishment.

(e) The property authorized to be conveyed pursuant to subsection (a) of this Act has been declared to be surplus to the needs of the United States.

SEC. 2. (a) Subject to the acquisition by the State of Illinois of the property described in the first section of this Act, the Secretary of the Army is authorized and directed, notwithstanding the provisions of section 2662 of title 10 of the United States Code, to convey, by quitclaim deed, without consideration, to the State of Illinois, for wildlife conservation or recreational purposes, all right, title, and interest of the United States in and to the following described lands, together with buildings and improvements thereon, situated in township 33 north, range 9, east of the third principal meridian, Will County, Illinois, containing 1,500 acres, more or less:

All of section 4;

All of section 5;

All of section 8 lying north of the Kankakee River; and

All of section 9 lying north of the Kankakee River.

(b) The instrument of conveyance authorized by this section shall (1) reserve to the United States all oil, gas, and mineral rights in the property; (2) reserve such improvements, rights-of-way, easements, and other interests as the Secretary of the Army determines should be retained in the public interest; and (3) contain provisions expressly requiring that (A) in the event the property conveyed by such instrument ceases to be used for wildlife conservation or recreational purposes, all right, title, and interest therein shall immediately revert to the United States to be held in the same manner as it was held prior to such conveyance, and (B) whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency, and upon the determination by the Secretary of Defense that the property conveyed under this section is useful or necessary for military, air, or naval purposes, or in the interest of national defense, the United States shall have the right, without obligation to make payment of any kind, to reenter upon the the property and use the same or any part thereof, including all buildings and improvements thereon, for a period not to exceed the duration of such state of war or national emergency plus six months, and upon the termination of such use by the United States, the property shall be returned to the State of Illinois, together with all buildings and improvements thereon.

SEC. 3. The authority contained in this Act shall expire one year from the date of enactment of this Act if the State of Illinois has not, during such one year period, made commitments, satisfactory to the Administrator of General Services, with respect to the acquisition by such State of the property authorized to be conveyed under the first section of this Act.

USE OF UNION DUES FOR POLITICAL PURPOSES

Mr. GOLDWATER. Mr. President, as my colleagues know, I have many times stood on this floor, and in fact stood on the rostrums around America, and told of my feelings against having organized labor use compulsory dues money for political purposes. I have felt, and I feel today, that this practice can become one of the most dangerous abuses of power there can be in this country.

Mr. President, on July 30 the University of Michigan made an announcement of the results of a study that was made of this subject, which was published in the Detroit News under the headline "Workers Opposed to Unions in Politics, 'M' Study Finds."

I ask unanimous consent that the article appear at this point in my remarks.

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

WORKERS OPPOSED TO UNIONS IN POLITICS, "M" STUDY FINDS

ANN ARBOR, July 30.—Republicans who feel it is hopeless to seek labor union votes can take heart in a new University of Michigan survey.

Students at the university's Practical Partisan Politics Institute were told that three of every five organized workers in Detroit believe unions should not engage in politics or disagree with their union's identification with a certain party.

More specifically the study by the university's Survey Research Center indicates two of every five believe unions should not set political standards for their members.

And one of every three who disagree are opposed to their union's support of specific candidates.

VOTING EXPLAINED

The study, according to Prof. Daniel Katz, of the university's department of psychology, indicates half of the unionists did not vote or voted but cast a split ballot in 1956.

However, Katz warned, this does not mean unions are not very influential in elections.

In general, he said, the more highly partisan unions become, the more their members are likely to vote and to cast a partisan ballot.

He added that UAW members are more likely to feel their union should be in politics and are more likely to vote than other unionists.

LOYALTY BUILT

Katz said the survey also indicated that length of union membership tends to build union loyalty, a factor, he said, which favors union strength at the polls.

As a result, Katz said, recent migrants to Michigan from southern areas, and other new union members are more apt to be opposed to union involvement in politics than veteran union members.

Katz also said 1 of every 10 Negroes doesn't believe members of their race should take part in political issues. About half of the Negroes interviewed split their ticket in 1956.

BELIEVE OFFICIALS CARE

While the study indicated only a few people have any detailed grasp of political issues, this does not mean they are politically uninterested, Katz said.

"Very few people said there was no point in voting," Katz said. "Almost three-quarters said they felt public officials really care what people think. And almost as many felt they had some say in government."

The survey was based on interviews with a random sample of Wayne County's adult population, a random sample of 1950 party precinct leaders and top-ranking party heads.

Mr. GOLDWATER. Mr. President, just the other day there appeared in the Wall Street Journal a rather lengthy discussion of the fact that the "AFL–CIO Steps Up Its Grassroots Campaign, Aims To Top 1958 Gains."

It announces very openly and broadly that its targets are six bad Senators.

What makes those Senators bad? They happen to be Republicans. They happen to be for freedom. They happen to be against the use of compulsory dues money for political purposes. They happen to be against having unions participate in politics. So they are six bad Senators.

Mr. President, so that my colleagues may know how fast they can become bad if they do not bow down to the union bosses every moment of the day, I ask unanimous consent that the article be printed in the RECORD.

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

LABOR AND ELECTIONS: AFL–CIO STEPS UP ITS GRASSROOTS CAMPAIGN, AIMS TO TOP 1958 GAINS—IT REGISTERS MORE VOTERS, HOLDS MORE PEP RALLIES—WOMEN PLAY BIGGER ROLES—TARGETS: SIX BAD SENATORS

(By Roscoe Born)

WASHINGTON.—Organized labor's political arm, packing more muscle than it wielded in the big Democratic election triumph last year, is getting set to try to score still bigger victories in 1960.

Labor politicians have been working feverishly since last November to build up more strength, though 70 percent of the AFL–CIO's chosen congressional candidates won. The labor politicians have registered more union voters, held more grassroots pep rallies than ever before and built more local political organizations. Funds are flowing in freely—although how freely, labor isn't saying. Among the major spurs to labor's stepped-up efforts have been drives, both in Congress and in State legislatures, to impose new restrictions on union activities.

(President Eisenhower in a televised address last night called for congressional passage of a strong labor bill that would clear up corrupt unions.)

With its stronger muscle, the AFL–CIO Committee on Political Education, more succinctly known as COPE, specifically aims to:

Land a Democrat (any of the likely candidates would do) in the White House, wiping out the veto threat that has helped keep labor from plucking the full fruit of what it considered its 1958 victory.

Win new terms for favorite lawmakers (four "gold star" Senators face the voters next year) while knocking out most of the 6 COPE-labeled "worst" Senators who will be up for reelection in 1960.

Elect enough State and local officials to fight off restrictive labor laws in the State legislatures, and raise taxes on businessmen and larger property owners.

That's a big order, and the unionist is rare who believes it can be filled completely in

1960. Lack of a fighting issue, such as the 4 million unemployed at last election time, may dampen rank-and-file enthusiasm. Business opposition to COPE is growing. But in the main, union officials are confident.

"While we did better in 1958," says George Meany, Federation president, "I haven't the slightest doubt that we will do even better in 1960."

THE PRESIDENTIAL CHOICE

The main event, of course, is the Presidential campaign. Whom is labor for? "Whoever gets the Democratic nomination," one union president replies, insisting he's not just being coy. Within the top ranks of the Federation—even though Mr. Meany speaks with the most authoritative voice—there is a wide difference of political opinion.

Auto union chief Walter Reuther, for example, is regarded in labor circles as a supporter of HUBERT HUMPHREY, the Minnesota Senator who votes 100 percent right—according to COPE—on all bills that interest labor. Massachusetts' JOHN F. KENNEDY, another Senator with a union-approved voting record (96.1 percent right), is an oft-invited and warmly received speaker at major rallies. Missouri's Senator SYMINGTON (100 percent) has devoted followers—such as James B. Carey, of the International Union of Electrical Workers. There are supporters, too, for LYNDON JOHNSON (72 percent), the Senate majority leader. And Adlai Stevenson is not forgotten.

At this stage, individual labor leaders work quietly for their favorites, carefully avoiding so final a commitment that they can't, with a little footwork, shift allegiance should the tide suddenly run for another man. Like other practical politicians, they will bargain privately for the best deal. One well-known union official, for example, confides that he has this promise from all but one of the leading Democratic contenders: That if elected, they would pick a Labor Secretary from a list of names submitted by George Meany.

Unionists says it's debatable how decisive a role labor will play in the Democratic nominating convention. But there's little dispute that labor's backstage influence will be greater this time than ever before.

BARKLEY WAS BLOCKED

In the past, union politicians have been credited with having the power to block any Democratic contender. In the 1952 convention, for example, what the late Alben W. Barkley called certain self-anointed labor leaders told him bluntly he wouldn't do—and Mr. Barkley was finished.

Now, it's reasoned, labor may be able to do more than veto. At the time of the last convention, COPE was only 10 months old, having been born from the marriage of the AFL and CIO in December 1955. The vote-swaying power COPE has since demonstrated may enhance labor's convention prestige.

It's only on the national level, however, that labor's political endorsements are made from the top. When it comes to Senators, Congressmen, and Governors, as well as other State officials, endorsements are made by union members on the home grounds. James L. McDevitt, COPE director, says this is done by local conventions. In that way, he argues, there can be no complaint that union bosses dictated the choices. And since rank-and-file members have a hand in deciding, they're more likely to volunteer for the detailed precinct work that is generally thought to have made COPE so effective.

COPE officials frankly concede, however, that most of the basis for the local decision is provided by COPE headquarters under the heading of "political education." The chief textbook in this political school is a booklet "How Your Senators and Representatives Voted." Every Federal lawmaker is listed, along with his "right" or "wrong" voting record on legislation labor considers important.

More than 10 million copies of this booklet are sent out to union members and it's used in local meetings to point out the "blackguards" in Congress. From this record, it's not hard to see well in advance of local conventions which lawmakers will be the main targets of COPE politicians, and who will get full-scale COPE aid.

Of the 33 Senators up for reelection in 1960, 6 show up in the COPE booklet as extremely bad; CURTIS, of Nebraska, DWORSHAK, of Idaho, SCHOEPPEL, of Kansas, SALTONSTALL, of Massachusetts, BRIDGES, of New Hampshire, and MUNDT of South Dakota—all Republicans.

"CURTIS, MUNDT, and SCHOEPPEL—we'd love to get those three," one union executive declares.

Senator CURTIS, who votes 95.6 percent "wrong" in labor's book, has been a thorn not only for his votes but for the anti-Reuther attitude he has so openly displayed in Senator MCCLELLAN'S investigating committee. Labor's opposition, plus the strength the Democrats showed in Nebraska in 1958, gave CURTIS men cause for alarm. His Democratic opponent is likely to be Gov. Ralph G. Brooks, who was elected just last November, or Frank Morrison, who came surprisingly close to defeating GOP Senator HRUSKA last fall.

PROBABLE CANDIDATES

Opponents for the other two of labor's top targets are more definite, unionists believe. In Kansas, Senator SCHOEPPEL is almost certain to be opposed by Gov. George Docking, only Democrat ever elected to a second term as Governor of the Sunflower State. In South Dakota, Senator MUNDT'S opponent is expected to be Representative GEORGE MCGOVERN, a 37-year-old ex-professor who helped rebuild the Democratic Party in the State. In the 1956 campaign that won him his seat in Congress, Mr. MCGOVERN got nearly $3,000 in donations channeled through unions.

Altogether, labor hopes that at least 6 of the 11 Republican Senators on the ballot next year can be defeated, giving Democrats a 71-29 margin in the Senate. To do this, of course, the unions must also defend successfully their Senatorial friends. Many of the best of these face reelection next year, including four "gold star" Senators who have 100 percent "right" records: DOUGLAS, of Illinois; MCNAMARA, of Michigan; HUMPHREY, of Minnesota; and NEUBERGER, of Oregon.

Drumming up the votes to accomplish labor's national political objectives has a side effect that fits in with unionism's program, to. Winning more seats in State legislatures and city and county councils is an aim getting more and more union attention. The more local COPE committees that are activated, the more influence labor can wield in local balloting.

"Political action has perked up considerably at the State level," one federation official reports. "The right-to-work campaigns helped trigger some of it. From now on, this activity will be increasing yearly."

STATE LABOR FORCES MERGE

Another fractor stimulating more effective local campaigning: State AFL and CIO organizations, slow to merge after the parent federations got together, have joined now in all but two States. Many old political rivaliries, dividing labor political forces, are now forgotten.

Local campaigns have both offensive and defensive motivation. Labor fears that the rash of antilabor laws that broke out in the last State legislative sessions will multiply.

"This isn't something that should be solved on the State level," insists a federation executive. "We don't want 50 reform bills, varying all over the lot."

Unionists also note that efforts are constantly being made in many States to raise the sales tax, which labor regards as an unfair burden on low-income families.

Fighting that kind of taxation involves taking the offensive. In a 118-page book published by the AFL-CIO not long ago, unionists were advised that "business must bear a larger share" of State and local taxes. The federation's long-range goal is an "all-embracing progressive income tax system in every State." (Fourteen States now have no individual income tax, 17 no corporation income tax). Smaller tax units can use this same system of building revenue, the book declares. But until that long-range objective is reached, local unionists are urged to take a greater hand in local and State affairs to bring about a "thorough-going reassessment" of real estate across the country to raise tax valuations.

VALUATIONS ARE CRITICIZED

"The value placed upon industrial and commercial properties is often shockingly low," the federation says. "This favoritism must be ended." The way to do it, the book adds, is through political action.

How does labor operate to achieve its political goals? A number of unions, such as the Machinists Union and the Amalgamated Clothing Workers, maintain their own political leagues. Teamster President Jimmy Hoffa is building one of his own. But chiefly, labor relies on COPE. Headquartered on the sixth floor of the AFL-CIO building, just across LaFayette Square from the White House, COPE stretches into every State and major city in the Nation—in many, right down to the precinct level.

Two committees of union officials decide what COPE will do and how it will do it. One is the operating committee, made up of the secretary-treasurers of 20 unions. It's responsible for the day-to-day operation of the political apparatus. It also runs over the list of endorsed candidates and recommends how much labor money will be distributed to each. These recommendations aren't final until the other COPE group, the administrative committee, approves.

This group, made up of the federation's top command, the 29-member executive council, plus 15 other union presidents, is the real policymaker for COPE. Mr. Meany is chairman. As a practical matter, COPE Director McDevitt takes his orders from Mr. Meany.

Mr. McDevitt has two assistants, Al Barkan and William J. McSorley, Jr., each responsible for COPE work in roughly half of the Nation. Nine area directors work under these two. An area director works directly with the State directors in his territory.

MORE STATE DIRECTORS

Mr. McDevitt says all 49 States, plus soon-to-be admitted Hawaii, now have full-time COPE directors, paid by the State labor bodies. In the 1958 election campaign, he recalls, there were only about 42 State directors. In addition, 42 States have full-time directors of women's activities now—more than a 20-percent increase over the 1958 figure. Women's activities—chiefly compiling the detailed registration data that helps turn out union voters—have increased tremendously since 1958, Mr. McDevitt says.

Financing this vast operation is a ticklish problem. The law says a union cannot use dues money to support a candidate for Federal office. But there is nothing to stop the use of dues to finance political education. So COPE maintains two funds, one supplied by dues payments into the AFL-CIO and the other made up of voluntary contributions. COPE stages an annual dollar drive among members to build this voluntary fund that will be disbursed to candidates deemed worthy. Half of every dollar donated goes to the State organizations to be distributed as local leaders see fit.

The dollar drives always fall far short of their goals—$1 from every AFL-CIO member.

Realistically, COPE would be happy if its lesser goal—$1 from 25 percent of the members—could be fulfilled. This would raise about $3 million annually. But the donations usually average out to about 3 cents a member. In the last fiscal year for which figures are available, the period ended June 30, 1958, COPE took in $346,825 in individual contributions.

Mr. McDevitt worries that the failure of the liberal-laden Congress to produce labor's priority legislation in this session may hamper the fund-raising effort. Labor is "somewhat disappointed in the voting habits" of a good many lawmakers COPE supported last fall, he concedes.

So far, this disappointment hasn't hurt. Contributions are far ahead of this like date in 1957, the last election off year, Mr. McDevitt says. He won't specify amounts, or how far the drive is ahead of 1957, because "we're doing so well people might let up."

Mr. GOLDWATER. Mr. President, I also ask unanimous consent to have printed in the RECORD three editorials which were published in the Courier-Journal, the Louisville Times, and the Dallas Morning News.

I invite the attention of my friends to the fact that the Louisville Times, up to this moment, has been a very strong newspaper for the labor movement.

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

[From the Louisville (Ky.) Courier-Journal, Aug. 10, 1959]

CORRECTING ABUSES WOULD STRENGHTEN ORGANIZED LABOR

There was a strong echo of the past in President Eisenhower's Thursday-night plea for a strong labor reform bill, and in AFL–CIO President George Meany's angry rebuttal. We were reminded of the days when Franklin Roosevelt was trying to shore up our shaky economy by correcting the abuses and weaknesses that had led to the crash of 1929.

The business leaders of the Nation protested that "that man in the White House" was trying to destroy the capitalist system by making it responsible. He wasn't, of course, and the people knew it and supported him in his efforts. Our capitalist economy is the stronger today for the corrections. The labor movement today will be strengthened, too, by the corrections that President Eisenhower is proposing, and we believe that the overwhelming majority of Americans will reject the idea that labor will be destroyed by correctives that will make it responsible to the national welfare, just as they rejected the claim that capitalism could survive only if left unfettered by regard for the public good.

One name—that of James Hoffa—is alone evidence enough that our labor regulations today permit corruption, crime and racketeering in labor unions at the expense of honest union members, and only labor leaders of the Hoffa stripe still maintain that such abuses do not require correction. But it is not enough that labor be made responsible in union finances and elections. Labor has come of age, and it is time that it be made to acknowledge its responsibility to the national welfare as well as to the ideas of the labor movement.

MINORITY RULE IS WRONG

Too many union elections and strike votes are decided by a small minority of union members. No strike should be based on the decision of less than a majority of the union members to be affected by the strike in question. Secondary boycotts, in which employers and workers not involved in the issues behind a strike can be made to suffer, are completely contrary to the principles of fair play and democratic government and should be prohibited by law. Blackmail picketing, as the President pointed out, is an obvious misuse of labor power, forcing an employer to adopt practices which may be opposed by his employees as well as hurtful to his business for the benefit of a single labor leader.

There may be flaws in the legislation that the President has asked for, but the flaws are not outlined by Senator KENNEDY's flat statement that "the President has been ill informed," or by Mr. Meany's charge that in his effort to root out the goons the President would cripple honest unions. None of these measures would make it impossible, or even more difficult, for honest labor unionists to operate within the fabric of our political and economic structure. Indeed, they would strengthen the entire labor movement, by removing from it the men and methods which, if left unchecked, will soon or late call down on the house of labor the wrath of the people, and bring forth harsh measures which neither labor nor the public now want.

[From the Louisville Times, Aug. 8, 1959]

WHAT WE WOULD LIKE IN A LABOR BILL

In their separate discussions Thursday night on proposed labor legislation, President Eisenhower and George Meany of the AFL–CIO agreed on one point, that some sort of reform is necessary. Beyond that, there was almost total disagreement.

The one agreement and the many differences between Eisenhower and Meany are reflected in the general public. Nearly all of us are convinced by now that some reform must be enacted, but we are sharply, perhaps hopelessly, divided on the nature and extent of that reform. What seems to some too tough a program, to use one of those convenient labels which Eisenhower deplored in his television talk, is shrugged off by others as being too soft.

Congress now has under consideration four different labor bills. One is the measure based on the Kennedy-Ervin program which already has been passed by the Senate. The second is the bill that has been approved by the House Labor Committee. The third is the Landrum-Griffin bill, which has the support of the President and the enmity of the AFL–CIO. The fourth is the Shelley bill, which has the endorsement of labor and the opposition of virtually everybody else.

To try to wade through the technical language of all these is to run the risk of becoming submerged in words. We are not going to attempt such an arduous and essentially fruitless task, for in the end the language of whatever bill is passed (if one is passed, by no means a sure bet) will mean only what the courts finally decide it means. But we will venture to suggest, in general terms, the goals toward which, in our opinion, labor legislation should be directed.

FINANCIAL ACCOUNTING

First, to get rid of a topic on which there is virtually universal agreement, racketeering and sheer thievery must be eliminated. To help accomplish this, complete and public financial reports should be made. On this point, we have little sympathy for Meany's feeling that small unions should be exempted. All unions should report; after all, small banks must make reports—and rightly so, of course.

Second, every effort must be made to assure democracy within unions. To this end, regular and secret elections should be held. And it might be salutary if elections were ruled invalid unless a substantial proportion of the union membership (perhaps 75 percent) participated. In addition, there should be some protection of the individual union member's right to dissent and criticism; he should not be in fear of losing his union membership (which in many cases means his right to work) simply because he dared to criticize union leadership. We realize there is room for mischief-making here, but that kind of trouble (petty obstructionism, for example) is inherent in all democratic organizations.

Third, prohibitions against secondary boycotts, including so-called hot-cargo clauses, and against blackmail or coercive picketing ought to be strengthened. Organized labor professes to see in this an effort to weaken labor's legitimate organizational work. A properly worded provision would not have that effect; it would, instead, weaken labor's illegitimate organizational work.

Fourth, the so-called no man's land between Federal and State jurisdiction in labor disputes ought to be wiped out. In some arguments between management and labor, the National Labor Relations Board asserts jurisdiction but refuses to exercise it, as in the Brown Hotel strike here several years ago. In some disputes the NLRB lacks jurisdiction and the State either declines to act or has no agency for intervening. We believe the NLRB's authority ought to be broadened to give its jurisdiction over as many different kinds of disputes as possible.

Fifth, we would like to have the subject of making labor subject to antitrust laws seriously discussed. This phase is not brought up in any of the proposed labor reforms, but with the specter of a group of unions controlling the Nation's transportation system hanging over our heads, it ought to be given some consideration.

In general, we believe that labor, which has won the rights it deserves, must accept the responsibilities that go with those rights—responsibilities to its individual members and to the public. Most unions have accepted those responsibilities; they would not be harmed by a program such as we have outlined here, for it would call upon them to do only what they already have been doing.

When the subject of labor reform legislation first came up, we hoped that any bill would be a very simple one limited to attempts to eliminate corruption and assure democracy. We thought that kind of bill, which admittedly would not be a complete answer, had the best chance of passage. Hopes for a simple bill have all but disappeared. Because of pressure from both labor and management, the original Kennedy-Ervin bill was opened up to all kinds of amendments. All of the other bills also have been made broader in scope than that one was at first. Perhaps, in the end, Congress will go back to the simple antiracketeering provisions. And if that is all that can be done, that at least should be done.

[From the Dallas Morning News, Aug. 6, 1959]

NO TIME FOR WEAK MEASURE

The weak-kneed purported labor reform bill reported out by committee must be amended on the floor of the lower House of Congress.

Congress needs pressure from the whole people who feel strongly that certain vital reforms are imperative. The union workers must be protected against graft, extortion, mismanagement, and expropriation of their funds by officials who use gerrymandered constitutions to remain in power. The freedom of action of the membership must be protected. And certainly a large proportion of our people feel that the freedom of action of every worker needs protection.

The Senate bill (Kennedy-Ervin), as passed, is good but not the best it could have been. It does provide a union member bill of rights but does not give enough power to assure enforcement for it. This bill will not help to prevent picketing where employees do not wish to join a union and will do little against the secondary boycott. It does prohibit hot-cargo contracts.

The Landrum-Griffin bill in the House is a stronger version of the Senate bill. It is

about the same on member bill of rights. It is outspoken against picketing to force unwilling employees into a union. It prohibits secondary boycott but is weak on the hot cargo item. The best improvement over Kennedy-Ervin is found in its authority for State courts and agencies to handle local disputes where NLRB declines jurisdiction.

The House committee bill torpedoes practically every constructive effort made by either Kennedy-Ervin or Landrum-Griffin. If not written by Jimmy Hoffa, it could have been. It is far worse than would be no bill at all. It removes penalties needed to enforce the union man's bill of rights, does nothing on organizational picketing, weakens Kennedy-Ervin on hot-cargo contracts, and legalizes some secondary boycotts. It concentrates all authority in NLRB, thus denying recourse if NLRB refuses jurisdiction.

A labor reform bill is needed but not a milk-and-water measure. Investigation has shown the dire need of relief against union official tyranny and criminality. No weak bill can accomplish the purpose. Congress ought to come under pressure from you. The Landrum-Griffin bill can be a big help. The Senate bill will do in a pinch. The House committee bill will not do at all. It is a sellout.

TO HELL WITH 'EM

"To hell with them," cried Teamster President Jim Hoffa, when the Senate Rackets Committee in a stinging report said Jimmy would destroy the labor movement unless his power were checked.

In a sense, you can understand Hoffa's blunt reaction. The Senate committee for nearly 3 years has raked the Teamsters over the coals.

In the meantime, the United Auto Workers and their boss, Walter Reuther, have come out smelling like a rose.

Mr. Hoffa would be in a better position with his own members and the public if he would drop his don't-give-a-damn attitude, welcome the investigation and try to clean house.

The Senate committee would carry more weight with its reports and investigations, if it would investigate Reuther and others just as thoroughly as it has Hoffa.

TRIBUTE TO LYDIA C. LANGER

Mr. AIKEN. Mr. President, a few days ago, a remarkable woman died.

I have not previously paid tribute to her on this floor because I could not find the words to pay adequate tribute to Lydia Langer.

It is difficult to do so now.

It was in the midthirties that I first met BILL and Lydia Langer.

This was during the time when the farmers of North Dakota were being sorely pressed by eastern creditors.

This was also during the time when BILL LANGER's enemies were doing their utmost to destroy him.

I admired BILL for his vigorous efforts to protect the people of his State, but I admired even more the stanch and lovely lady who was his devoted companion and his bulwark of strength during those hectic years.

When things looked blackest and BILL LANGER's enemies had temporarily disarmed him, it was Lydia Langer who carried the torch of justice from one end of North Dakota to the other with all the vigor of her battle-scarred husband until the victory was rewon.

Seldom has any man experienced more dedicated loyalty and devotion—a devotion which lasted to the very end.

Devoted as she was to her husband and four fine daughters, however, Lydia Langer found time to give to others.

It was not the people whose names appear in the society columns who knew best of her kindness and ministering sympathy.

Even after she was stricken with her final illness she still found time and strength to give to those to whom her friendship and sympathy brought sunlight into what might otherwise have been a drab existence.

There have been no headlines about the quiet solicitude with which she brightened their lives.

She never asked for nor expected any, but on that scroll of honor in the Great Beyond, I know her name must be written in letters indelibly lasting and bright.

Her suffering is now at an end and her work here is done, but the good she did will go on forever.

Some people may think that BILL LANGER will lose his grip now that Lydia has left.

I know better.

I know that the strength and courage and devotion she gave to him during their many years together will stay with him and they will carry on together working for those who need their help just as they have done in the past.

TESTIMONY BY SECRETARY OF AGRICULTURE BENSON ON FARM LEGISLATION

Mr. PROXMIRE. Mr. President, I rise to speak on the farm bill introduced by the senior Senator from Minnesota [Mr. HUMPHREY] but before I do so I wish to address a few remarks to the colloquy which took place a few minutes ago between the Senator from Arizona [Mr. GOLDWATER] and the Senator from Missouri [Mr. SYMINGTON].

As I said during that colloquy, I am a member of the committee and I took an active part in the questioning of the Secretary of Agriculture.

I should like to invite the attention of the Senate at this time, Mr. President, to the particular language of the record, and I ask unanimous consent that various extracts from the testimony be printed in the RECORD at this point.

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

SENATOR SYMINGTON ON THE NEED FOR FARM LEGISLATION, PAGE 14907, AUGUST 3, 1959, CONGRESSIONAL RECORD

I read some excerpts from the testimony of February 16:

"Senator PROXMIRE. If the Senator would yield, it was my understanding this morning that the Secretary of Agriculture said he would be delighted to come in with a bill pertaining to wheat. But it was not my understanding that he said he would come in with an omnibus farm bill of the kind the Senator from Georgia has proposed. I think there is a very important distinction, and I think the Senator from Missouri is asking, and I certainly would support him in it, we get an omnibus bill covering the administration's objectives, as the Senator from Missouri has suggested.

"Senator SYMINGTON. This is correct, Mr. Chairman. My able colleague from Wisconsin has stated it exactly the way I would like to see it done, so that we will know what it is the Secretary of Agriculture would like us to do to help with this farm problem."

Later in the hearing, Senator PROXMIRE stated:

"It would certainly seem to me, Mr. Secretary, you would come in and propose changes all up and down the line anywhere you feel the law should be changed and improved."

"Secretary BENSON. That is what I have done in the testimony and we will draft it."

Still later Senator PROXMIRE asked:

"As I understand it, the committee has asked you and you have agreed to provide an omnibus farm bill in this session."

"Secretary BENSON. We have agreed to do some drafting that would incorporate it in legal language."

SENATOR SYMINGTON ON WHERE IS MR. BENSON'S PROMISED FARM BILL? PAGE 5948, APRIL 15, 1959, CONGRESSIONAL RECORD (QUOTING FROM THE ORIGINAL TRANSCRIPT OF HEARINGS, FEBRUARY 16 AND 17, 1959)

"Senator SYMINGTON. I would hope that you would come up here and say 'This is a problem, I am head of this department, here is the piece of legislation that I think the Congress ought to pass this year to help lick it.' Now isn't that a fair request?

"Secretary BENSON. Well, Senator, all that is needed is to put some of this language into legal language. That is all that is required."

And from the same record:

"Senator SYMINGTON. Mr. Chairman, may I make a recommendation, and if anyone on the committee disagrees I wish they would say so. I recommend that the Secretary of Agriculture draw up in what he calls legal language a bill that the Congress should study and analyze and in his opinion pass in order to help this growing problem of the investment of the American people in agriculture, and also to help the standards of living in agriculture.

"Now I recommend we ask the Secretary of Agriculture to give us a bill on agriculture.

"The CHAIRMAN. That question was posed to him this morning, and he agreed to do that. As I understood him."

Still later in the transcript:

"Senator SYMINGTON. Let's have once and for all an overall omnibus farm bill that the Secretary of Agriculture, starting his seventh year, says, 'This is what I think the Congress should pass in order to clarify and make constructive the farm program of the United States.'

"Secretary BENSON. Mr. Chairman, I will do anything you ask me to do that will be helpful to the Congress in discharging its legislative responsibility in this field, so if you want us to——

"The CHAIRMAN. I want you to submit a bill that will be satisfactory to the farmers. That is what I want."

Mr. PROXMIRE. Mr. President, I should like to invite the attention of my colleagues to a particular part of this testimony, to point out that either way we take it—whether we take the position of the distinguished junior Senator from Arizona, or the position of the distinguished Senator from Missouri and myself—it seems very clear to me that the Secretary of Agriculture has not told the Congress of the United States what kind of farm program he wants.

This is a quotation from the testimony:

Senator PROXMIRE. If the Senator would yield, it was my understanding this morning that the Secretary of Agriculture said he would be delighted to come in with a bill pertaining to wheat. But it was not my understanding that he said he would come in with an omnibus farm bill of the kind the

Senator from Georgia has proposed. I think there is a very important distinction, and I think the Senator from Missouri is asking, and I certainly would support him in it, we get an omnibus bill covering the administration's objectives, as the Senator from Missouri has suggested.

Senator SYMINGTON. This is correct, Mr. Chairman.

And so on.

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

Mr. PROXMIRE. I yield to the Senator from Arizona.

Mr. GOLDWATER. This is a very important point. I read that colloquy into the record, but then I suggested the following two paragraphs should be read. Would the Senator read those?

Mr. PROXMIRE. Yes; I have read those.

As the Senator from Missouri stated, the hearings as printed differ strikingly from the hearings as they were transcribed. The Senator is going to bring before the Senate tomorrow, as I understand the situation, and put into the RECORD the actual stenographic record of what was said at the time, so that Senators can compare it with the hearings as printed.

Mr. GOLDWATER. Does the Senator agree that these were the remarks made by the chairman? Did the chairman say:

I understood the Secretary to say this morning that the commodities that need attention at the moment are wheat and tobacco principally. Now insofar as cotton—

And Secretary Benson interrupted to say:

We mentioned peanuts also.

And then the chairman said—this is an important point—

Yes. Now, insofar as cotton, rice, corn, and other grains are concerned, we are going to give the law that we put on the statute books a try.

Did the chairman say that?

Mr. PROXMIRE. I believe he did say something of that kind. I think that is correct. I think there were certain commodities which could not be included in an omnibus bill which would be recommended by the administration to the Congress. Nevertheless, what we had in mind was not a bill to pertain only to peanuts, wheat, and tobacco. We had in mind a bill which would recommend changes all up and down the line.

The position in which this puts the Secretary of Agriculture is that he can no longer say it is the fault of the law, which prevents him from having a workable program for dairy products, for example. If he had an omnibus bill, we would assume—as I requested him to do in my questioning—that he would make recommendations all up and down the line, not pertaining only to the three commodities as to which he said he would like to make recommendations, and not simply excluding some other three commodities, but pertaining to milk and pertaining to any other commodities which pose a problem for the Department of Agriculture.

Mr. GOLDWATER. I simply wanted to get that point cleared up.

Mr. PROXMIRE. I think that is correct. I think that is an excellent point. The chairman of the committee spoke on the floor of the Senate the other day, and perhaps that is what the Senator had in mind. The chairman of the committee said that in all fairness to the Department it was said with regard to some commodities—and the Senator from Arizona has listed them—that they wanted to have the present laws operate for a while, to give them an opportunity to work their way out of the problem. The laws have been on the statute books for a short time, and should be tested. That is correct.

Mr. GOLDWATER. I simply wanted to make that observation. If the chairman said that we were going to give the law which we put on the statute books a try, it seems to me a rather broad commitment that they would stand by what they have.

I am not speaking for or against the validity of the stand of the Senator from Wisconsin. I am merely trying to clear up in my own mind the discrepancies which appear in the speeches on the floor, compared with the record of hearings.

As the Senator has indicated, the Senator from Missouri will include in the remarks tomorrow a photostatic copy or stenographic copy of the transcript of hearings taken before the full committee.

Mr. PROXMIRE. That is correct.

I think the Senator from Arizona has performed an excellent service in bringing out in full and complete detail exactly what did transpire, and in making the matter clear. In all fairness to the Secretary of Agriculture, we should make it clear that certain commodities were to be excluded from any omnibus bill which came up.

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

Mr. PROXMIRE. I yield to the Senator from Minnesota.

Mr. HUMPHREY. Let me say most respectfully to Senators engaged in this colloquy that while the chairman of the committee may indicate that it is his opinion that certain commodities ought to be given an opportunity under the new programs to have a "trial run" under the terms of those programs, that does not necessarily reflect the views of the majority of the committee or the attitude of all the members of the committee. It surely did not reflect mine.

First, I vigorously opposed the so-called corn program. I said a year ago that it would be a failure. I said it would lead to increased production. I said it would lead to increased acreage. I said it would lead to increased trouble. I also said that there were no Humphreys in either the Old or New Testament—at least none that had any prophetic vision; nor did I claim any—but accidentally I was right. Today there are more than 4 billion bushels of corn to be marketed this crop year, and 19 million more acres of corn to be planted than last year.

I noticed an article in the Washington Post of today under the headline "U.S. Cotton Crop Seen 29 Percent Larger."

This is the administration's surplus-reducing program. We have the world's largest crop of corn under its legislation—not mine; not the legislation which the majority originally wanted, because there was a veto, but under the administration's legislation.

It had a cotton program, too—not under the legislation originally approved by the committee, which was vetoed, but under new legislation asked for by the administration.

I say to the administration that it is surely batting 100 percent in increasing production and decreasing prices. A morning news story states that—

Under the new program, authorized last year by Congress, cotton prices may run 3 to 4 cents a pound below the average of 30 cents a pound received by farmers in 1958. This reduction reflects a somewhat lower level of Government price support for a part of the crop.

What the Senator from Wisconsin, the Senator from Georgia, and other Senators have been saying in this body is that we cannot reduce production by reducing prices. One does not need to know too much to know that. The statistical evidence is replete. Yet this administration pursues, with a dogged stubbornness and obstinancy, a policy of reducing prices and telling the public that it is going to reduce production.

The supports on wheat were reduced, and when the price supports on wheat were reduced, production went up. Supports on corn were reduced, and when the price supports on corn were reduced, production went up. Price supports on cotton were reduced, and the cotton crop went up. There is one example after another.

What the Senator from Minnesota tried to do the other day was to get the Secretary of Agriculture to come before Congress with a comprehensive program, based not upon fiction, not upon his fancy, not upon prejudice, but upon the statistical evidence as to acreage, production, consumption, export needs, and international needs.

Let us talk facts instead of fancies. That is what we tried to do in connection with the omnibus agricultural bill. I can predict what the administration attitude will be toward the bill. It will be adverse. The administration would be adverse to Christmas if some of us proposed it. But that does not mean that the bill is not right. It may mean that the bill has some features in it that are worth the attention of this body.

I thank the Senator from Wisconsin for his intelligent, able persistence in the program relating to agriculture.

I was present at the committee meeting when the Senator from Wisconsin and the Senator from Missouri [Mr. SYMINGTON] relentlessly pursued one point, namely, "Mr. Secretary, will you give us a comprehensive farm program? Will you tell us what your program is?"

Instead, we have had a program of gnat picking—picking gnats off nits; a little thing here and a little thing there, rather than a total program based upon the total economics of agriculture.

Every Member of this body knows that we cannot legislate piece by piece without tearing the program to pieces. That

is what has been happening. We have been legislating commodity by commodity, year after year, and we are getting into a situation in which the price of corn has no relationship to the price of other feed grains. The price of wheat has no relationship to the price of corn or grain sorghums. The program is completely out of balance. If any taxpayer does not believe it, let him take a look at the cost of operating this program.

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

Mr. PROXMIRE. I yield.

Mr. GOLDWATER. I can understand the apprehension of my good friend from Minnesota about Christmas, with so many Santa Clauses on that side of the aisle.

I point out, as I have tried to do many times around the country, that history should tell us that the Government cannot fool around with economics, whether it be the economics of the mercantile business or the economics of agriculture. We are supporting only 30 percent of our agriculture, and it is having a terrible time. It has always suffered whenever the Government has meddled with the agricultural economy.

Seventy percent of agriculture seems to be doing all right—not all the time, but, as in any other business, there are ups and downs.

I do not know what Secretary Benson has in mind; but, if we really want to help the farmer, I suggest that we quit playing politics with the farmer, quit planting and sowing votes, and start to get the farmer back under the law of supply and demand, with the very minimum of Government help in instances in which he cannot control the actions of God and the elements.

We shall be hearing these same arguments 10 years from now. As to the one crop about which I am worried, namely, cotton, I am afraid that my cotton farmers will be out of business, between the State Department and those who want to make politics out of economic matters.

I am hopeful that, as a result of the discussions among the Senator from Wisconsin, the Senator from Minnesota, the Senator from Missouri, and others interested in the problem, we may begin to recognize that, historically, from the days of Babylon on down, every effort to regulate agriculture has resulted in failure for the farmer and, I sadly relate, ultimate failure for the Government.

I thank my friend from Wisconsin.

Mr. PROXMIRE. Mr. President, the Senator from Arizona has suggested a frank, honest, honorable, and, to many Americans, an appealing way to solve our farm problems. If the Secretary of Agriculture will come forward with the kind of proposal the Senator from Arizona has suggested, I am sure it will be given very careful, thoughtful, and respectful consideration by the committee. It may be rejected, but it will be given consideration. I think Congress will go ahead with a program much closer to the program suggested by the Senator from Georgia [Mr. TALMADGE] and the Senator from Minnesota [Mr. HUMPHREY].

The Senator from Arizona has told us what kind of program he believes in. I respect him for it. The point I make is that the Secretary of Agriculture has not told the Congress what kind of program he wants.

I should like to conclude this part of my presentation by pointing out that in the committee I said to Secretary Benson:

> As I understand it, the committee has asked you and you have agreed to provide an omnibus farm bill in this session.

Secretary Benson replied:

> We have agreed to do some drafting that would incorporate it in legal language.

No matter how one interprets that reply, it seems to me that Secretary Benson is saying "Yes." What does one do when he provides a bill, other than incorporate the proposal into legal language.

At any rate, I believe that the documents which will be made available to the Senate tomorrow by the Senator from Missouri [Mr. SYMINGTON] will clear up that point very well. Regardless of whether or not one believes that the Secretary of Agriculture has lived up to the statement he made to the committee, the fact is that the Secretary of Agriculture has refused to give Congress a program, notwithstanding the most urgent questioning by the Senator from Missouri and myself. He refused to tell us what kind of overall farm program, up and down the line, the administration wants. He has given some recommendations with respect to wheat, and some with respect to tobacco and peanuts, but that is about all. We are asking for an overall program. All farmers need that kind of program. Heaven knows that the taxpayers realize that it is about time that we had a farm program which makes sense.

Mr. GORE. Does not the Senator think that the seventh year of the administration is not too early for it to submit an overall farm program?

Mr. PROXMIRE. The Senator from Tennessee is so right. Seven years of this administration have passed. It was understood that during the first year the administration would want to look around, take its time, and consider a thoughtful course. But this is the seventh year, as the Senator from Tennessee has so well said, and the administration still does not know what kind of farm program it wants.

I think every Member of the Senate recalls the administration of Franklin Roosevelt, whether he liked it or not. It did not take 7 years for the Roosevelt administration to come forward with an economic program for the country; it took 100 days to introduce it and to pass it.

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

Mr. PROXMIRE. I yield.

Mr. CHURCH. Does not the Senator from Wisconsin agree that if the administration honestly cannot submit a new farm program after 7 years, it ought at least to take the responsibility for the old one?

Mr. PROXMIRE. The Senator from Idaho is so right. The assumption is that if the administration will not come forward with a new farm program, it certainly should accept the law which is now on the books. As the Senator from Missouri [Mr. SYMINGTON] has pointed out very well in the last few days, the overwhelming majority of the recommendations made by Secretary Benson—a substantial proportion of the recommendations—have been written into law by the past several Congresses. If any further changes are to be made, Congress will listen to suggestions and will entertain them. But the changes which the Secretary of Agriculture has suggested lately have been very few, and certainly they have not been comprehensive or omnibus in any sense at all.

THE HUMPHREY ANSWER TO THE FARM PROBLEM

Mr. PROXMIRE. Mr. President, I should like to discuss a bill which is vitally important to the American people, both those on the farm and off the farm, a bill introduced on August 6 by the senior Senator from Minnesota [Mr. HUMPHREY]. I earnestly hope that that bill, a similar bill, or a bill modeled on the proposal of the Senator from Minnesota, will become law. I think there is no doubt in this body that there are few persons in America who are better established champions of the American farmer than the senior Senator from Minnesota.

Minnesota is a great farm State. It is the second largest dairying State in the Nation, being second only to Wisconsin. Minnesota is one of the largest hog-producing and corn-producing States in the Union. It is a diversified agricultural State. But it is not a State which grows all the farm products which are produced in this country. Nevertheless, the senior Senator from Minnesota is not confining his interest in agriculture to the needs of the farmers of his own State. He has represented to the best of his ability the cotton farmers and the other farmers throughout the United States. I think, with respect to this bill, that most Senators will recognize, whether they always agree with the senior Senator from Minnesota on agriculture or not, that there is no Member of the Senate who is more competent on this subject, who understands it better, and understands it not only intellectually, but sympathetically, let me say compassionately, than the senior Senator from Minnesota.

Moreover, the Senator from Minnesota understands the problem of the farm family. It cries out for justice. It demands simple, plain, common, everyday economic justice. There are few persons in the Senate who can match the senior Senator from Minnesota in fighting for economic justice.

There are, roughly, two kinds or standards of justice on economic proposals in this country. One is the liberal notion of economic justice. This notion stresses the equality of opportunity, opportunity to earn equal income; the feeling that all economic groups should have an equal chance to earn an income; that when a group—a farm group, a business group, or any other group, suffers in the pop-

ulation, something should be done about it. That is the liberal point of view.

But there is a conservative viewpoint of economic justice that is equally valid. It follows this basic notion. Very often, particularly in recent years, those persons who are willing to innovate, to work hard, to risk, and to be efficient have not received their just reward. Usually those who take this viewpoint have said that what is standing in the way of economic justice is our tax laws. There is some merit to that contention.

Whether we take the liberal notion of justice, as I have roughly suggested it, or the conservative standard of justice, it seems to me that the American farmer simply is not getting a fair shake. Regardless of the standard of justice, we find that the American farmer is not getting an adequate opportunity in the American system today.

It has not been said often enough that the American farmer works harder than any other economic group. The Department of Agriculture showed recently that in my State of Wisconsin, for example, the average farmer works 12 hours a day. He works 7 days a week, 52 weeks a year.

The farmer is a man who has made a substantial investment. As a matter of fact, the average investment in my State is between $40,000 and $50,000. The farmer today is a man who is required to live or die on the basis of the efficiency he demonstrates. The President's Economic Report last year showed that in the preceding 11 years the productivity of people off the farm had increased some 27 percent; but that the efficiency of productivity of people on the farm had increased 81 percent, or three times as much.

This increase in efficiency and productivity is the result of applying intelligence, understanding, and the very new kind of agricultural technology. There has been a tremendous technological revolution in farming in the past 20 years. The revolution has brought tractors to the farm. It has brought electricity to the farm. It has brought virtually a new science of animal husbandry, of soil chemistry, of insecticides, and of accounting. A farmer must be a businessman. It has become a very difficult, challenging, tough business to operate a farm these days. The American farmer, in view of the obvious increase in his efficiency, has measured up very well. He has vastly increased his efficiency. He has incurred great risks, because he must always risk the chance that fluctuations in prices will wipe him out, or that fluctuations in the weather may do the same.

Nevertheless, the farmer's reward for all this has been disgracefully low. The per capita income on the farms, on the basis of the latest evidence of the Department of Agriculture, is one-half what it is off the farm.

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

Mr. PROXMIRE. I yield.

Mr. MANSFIELD. Is it not true, according to the Farm Credit Administration, that approximately 1,400,000 farm families at present are earning less than $1,000 a year?

Mr. PROXMIRE. The Senator from Montana is absolutely correct. I notice that the Senator said farm families.

Mr. MANSFIELD. Farm families.

Mr. PROXMIRE. Picture an entire farm family living on less than $1,000 a year.

Mr. MANSFIELD. Is it not true that over the past 5 or 6 years in excess of 4 million small farm families have left the land and moved to the cities?

Mr. PROXMIRE. The Senator from Montana is again completely correct. Of course, this is a great tragedy in America, because there is no question that from Thomas Jefferson's time to date, the most important factor in the American economy—you could say almost the backbone of the American free political society if not the economy—has been the family farm. However, in recent years the number of family farms has been diminishing, and the status of the family farm has been immensely weakened.

Mr. MANSFIELD. Is it not true in the United States today there is a trend away from the backbone of agriculture, which has been based on the small, family-size type of farm, to the corporate structure in farming?

Mr. PROXMIRE. The Senator is correct. The great tragedy of this change is that it has little or nothing to do with basic efficiency. It has a lot to do with adequate capital. It has much to do with the great fluctuations in prices. But the family farm, I submit, is the most efficient type of agricultural production which any economy has developed. It is far more effective than the collective farms or the combinations of agriculture which have been put together in other economies throughout the world.

Mr. MANSFIELD. Is it not true that in the past 6 years surpluses have increased by approximately 700 percent?

Mr. PROXMIRE. The Senator from Montana is correct. There is a tremendous overhanging burden of surpluses, which have increased sevenfold under this administration.

Mr. MANSFIELD. When the harvest comes in this fall, the increase will be lengthened, will it not?

Mr. PROXMIRE. It will, indeed.

Mr. MANSFIELD. Has not the cost of maintaining the agricultural surpluses increased seven times since 1952?

Mr. PROXMIRE. It has. In my judgment, it has increased substantially more than that because of the interest factor, which is also an aspect of the financial policy of this administration. It has increased in much greater proportion than have the amount of commodities which are carried over.

Mr. MANSFIELD. Did not the Committee on Agriculture and Forestry this year request Secretary Benson to come before Congress with a farm program of his own?

Mr. PROXMIRE. We did, indeed. We have tried to do everything we could to write that into the record.

Mr. MANSFIELD. Has the Secretary of Agriculture come before Congress with a farm program of his own?

Mr. PROXMIRE. He has confined his recommendation to three commodities—peanuts, wheat, and tobacco.

Mr. MANSFIELD. Every time Congress has passed a farm bill, the Secretary of Agriculture has advised the President to veto it, has he not?

Mr. PROXMIRE. That has certainly been my experience and understanding.

Mr. MANSFIELD. I thank the Senator from Wisconsin.

Mr. PROXMIRE. I thank the Senator from Montana for his very helpful part in this colloquy.

Mr. President, what all this adds up to is that regardless of the standards of justice which one wishes to have applied—depending upon whether one is a conservative, and believes that the proper reward for hard work in business and for the taking of risks and for efficiency is to be had only by means of providing for greater rewards for those who make these extraordinary investments of brains, capital, risks, and hard work; or whether one is a liberal, and believes that no group of people should be so discriminated against that their incomes are held far below the national average—the fact is that today the average American farmer does not realize that the present farm program is not working, and that in connection with the farm program the Congress and the administration are not doing the job they should do. It is also a fact that it is time that both the Congress and the administration went to work on the problem.

That is why I believe the proposal of the Senator from Minnesota [Mr. HUMPHREY], which is based on the most careful and conscientious consultation with the outstanding farm experts of the country, should be welcomed so enthusiastically; and that is why I hope it will mark a new day for the American farmer.

I should like to outline the objectives of that bill, which have been variously discussed here on the floor; but I think few people realize that the bill embodies what I am sure are the fundamental objectives of most Members of Congress. They are as follows:

First, the bill is designed to help the family farm.

Second, the bill is designed to recognize that the fundamental farm problem is to make possible an adequate farm income and an opportunity—not a guarantee—for the farmer to make the same kind of income that is made by those who are not on the farms.

Third—and this point is overlooked by most Americans—the bill seeks to meet the need for adequate amounts of food. Most Americans say they already have far too much food. But until this bill was introduced, we have not had much chance to have a real scrutiny made of our food and fiber needs.

Always before, our abundance of food and fiber has been regarded as a great blessing. But now, suddenly, we find that abundance a curse and a great problem to the taxpayer and farmer alike.

Fourth, the bill provides that our abundance of food shall be used as an arm in our international relations; and

the bill makes provision for doing so in an enlightened way.

Fifth, as the Senator from Minnesota has said, the bill provides that the Secretary of Agriculture shall be provided with a full tool kit, so he will be able, in a democratic way, to get the farmers to produce what is needed, but not to produce in excess.

Mr. President, I should like to conclude by quoting from a very rare newsletter. It is rare because it comes from a member of the New York Stock Exchange with principal offices in Chicago. That concern, the Daniel F. Rice Co., has recognized the serious problem faced by the farmers. In a recent commodity letter, the Rice Co. made the following statement:

Agriculture has fallen on evil times. In the midst of unprecedented national prosperity, agricultural income has fallen to continually lower levels. The outpourings of farms have exceeded the capacity of the Nation to consume. Legislative action needed to solve the problem has not been taken. At this critical time when the problem of falling farm income gets worse and worse, we are about to see Congress adjourn without any new legislation. One bill was passed and vetoed. The problem is not impossible of solution; all it takes is a program that faces the problem of too much production squarely and attacks it directly by taking the steps necessary to reduce production. But it takes a little courage; the Congress has to call its shots and let the chips fall where they may. They cannot have it both ways, riding off in all directions.

The contribution of the executive branch of the Government is to give up on the current "solution" of the problem, and turn on agriculture with the violence of a wounded bear. The office of the Secretary of Agriculture continually furnishes biased and exaggerated statistics to the urban press for its increasing attacks on the farmers.

Mr. President, I submit that while there has been a great deal of criticism of the Secretary of Agriculture—and heaven knows I have been one of those who have indulged freely in that criticism—I believe it is fine to have so positive and constructive a proposal from a Member of the Senate with the prestige enjoyed by the Senator from Minnesota [Mr. HUMPHREY]; and I am delighted to have an opportunity to endorse his proposal, and to promise my strong support for the omnibus farm bill the Senator from Minnesota has introduced.

REMOVAL OF LIMITATION ON RECLAMATION INVESTIGATION APPROPRIATIONS IN ALASKA

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 1514) to amend the act of August 9, 1955 (69 Stat. 618).

CONVEYANCE OF CERTAIN LANDS TO THE STATE OF ILLINOIS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside, and that the Senate resume the consideration of Calendar No. 563, Senate bill 747.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate resumed the consideration of the bill (S. 747) to provide for the conveyance of certain lands known as the Des Plaines Public Hunting and Refuge Area to the State of Illinois, which has been reported from the Committee on Government Operations, with an amendment, to strike out all after the enacting clause and insert:

That (a) subject to the provisions of subsections (b), (c), and (d) of this section, and section 3, the Administrator of General Services is authorized and directed to convey, by quitclaim deed, to the State of Illinois, for wildlife conservation or recreational purposes, all right, title, and interest of the United States in and to the following described lands, together with all buildings and improvements thereon, situated in Will County, Illinois:

All that part of fractional sections 29, 32, and 33, township 34 north, range 9 east of the third principal meridian, in Will County, Illinois, described as follows: Beginning at a point of intersection of the west line of Route 66 (Federal Aid Route 77), as monumented and fenced and a line 1,000 feet south of and parallel to the north line of said section 33 (said point of intersection is 167.4 feet west of the east line of said section 33); thence south 885 feet; thence south 4 degrees 1 minute 10 seconds west 2,961.68 feet; thence south 00 degrees 15 minutes 20 seconds, west 416.81 feet; thence south 1 degree 2 minutes 40 seconds west 33.42 feet to the south line of said section 33, all of the above dimensions taken on the westerly line of said Route 66 as monumented and fenced (said last point is 352.7 feet west of the southeast corner of said section 33); thence west along the south line of said section 33 and fractional section 32, 10,082.43 feet to the southwest corner of said fractional section 32; thence northerly along the west line of said fractional section 32, 4,486 feet more or less to the southeasterly edge of the Des Plaines River; thence northeasterly along the southeasterly edge of said river to a point on a line described as follows: (Beginning at a point of intersection of the west line of Route 66 and a line 1,000 feet south of the north line of said section 33; thence westerly along a line 1,000 feet south of and parallel to the north line of said section 33 and fractional section 32, 5,300 feet; thence northwesterly along a line forming an angle of 115 degrees with said parallel line from east around north to northwest 4,800 feet more or less, to the southeasterly edge of the Des Plaines River); thence southeasterly along the previously described line 4,800 feet to a point on a line 1,000 feet south of and parallel to the north line of said section 33 and fractional section 32, said point being 5,300 feet west of the west line of said Route 66; thence easterly along a line 1,000 feet south of and parallel to the north line of section 33, 5,300 feet to the place of beginning (excepting therefrom those portions lying along said river as deeded to the State of Illinois and recorded in the recorder's office as document numbered 414965, book 691, page 31; document numbered 414965, book 691, page 34, and document numbered 414965, book 691, page 35; also excepting those portions deeded to John Flom and recorded in the recorder's office as document numbered 458161, book 759, page 38; also excepting that portion deeded to Three Rivers Yacht Club and recorded in the recorder's office as document numbered 695487, book 129, page 625; also excepting therefrom that portion deeded to Robert Berglund and Hugh Black and recorded in the recorder's office as document numbered 846871, book 1698, page 303; also excepting that portion included within the lines measured 100 feet outward from the existing high bank on both sides of Grant Creek Cutoff and Grant Creek) containing 946 acres more or less.

(b) The conveyance authorized to be made pursuant to subsection (a) of this section shall be conditional upon the payment by the State of Illinois to the Administrator of General Services as consideration for such conveyance of the sum of $286,638.

(c) The land authorized to be conveyed pursuant to subsection (a) of this section shall be conveyed subject to such easements for railroad rights-of-way as shall, in the determination of the Administrator of General Services, be necessary or appropriate to provide railroad service for the purchasers of adjoining tracts of land from the United States.

(d) The instrument of conveyance authorized by this section shall expressly require (1) that in the event the property conveyed by such instrument ceases to be used for wildlife conservation or recreational purposes, all right, title, and interest therein shall immediately revert to the United States to be held in the same manner as it was held prior to such conveyance; and (2) that the reversionary interest of the United States, at the request of the State of Illinois, be relinquished to such State by the Administrator of General Services upon payment to the United States of the fair market value thereof at the time of relinquishment.

(e) The property authorized to be conveyed pursuant to subsection (a) of this Act has been declared to be surplus to the needs of the United States.

SEC. 2. (a) Subject to the acquisition by the State of Illinois of the property described in the first section of this Act, the Secretary of the Army is authorized and directed, notwithstanding the provisions of section 2662 of title 10 of the United States Code, to convey, by quitclaim deed, without consideration, to the State of Illinois, for wildlife conservation or recreational purposes, all right, title, and interest of the United States in and to the following described lands, together with buildings and improvements thereon, situated in township 33 north, range 9, east of the third principal meridian, Will County, Illinois, containing 1,500 acres, more or less:

All of section 4;

All of section 5;

All of section 8 lying north of the Kankakee River; and

All of section 9 lying north of the Kankakee River.

(b) The instrument of conveyance authorized by this section shall (1) reserve to the United States all oil, gas, and mineral rights in the property; (2) reserve such improvements, rights-of-way, easements, and other interests as the Secretary of the Army determines should be retained in the public interest; and (3) contain provisions expressly requiring that (A) in the event the property conveyed by such instrument ceases to be used for wildlife conservation or recreational purposes, all right, title, and interest therein shall immediately revert to the United States to be held in the same manner as it was held prior to such conveyance, and (B) whenever the Congress of the United States declares a state of war or other national emergency, or the President declares a state of emergency, and upon the determination by the Secretary of Defense that the property conveyed under this section is useful or necessary for military, air, or naval purposes, or in the interest of national defense, the United States shall have the right, without obligation to make payment of any kind, to reenter upon the property and use the same or any part thereof, including all buildings and improvements

thereon, for a period not to exceed the duration of such state of war or national emergency plus six months, and upon the termination of such use by the United States, the property shall be returned to the State of Illinois, together with all buildings and improvements thereon.

SEC. 3. The authority contained in this Act shall expire one year from the date of enactment of this Act if the State of Illinois has not, during such one year period, made commitments, satisfactory to the Administrator of General Services, with respect to the acquisition by such State of the property authorized to be conveyed under the first section of this Act.

RETURN OF FREIGHT CARS TO THE WESTERN RAILROADS

Mr. CHURCH. Mr. President, there is pending on the Senate Calendar Senate bill 1789, which would amend the Interstate Commerce Act to bring sanctions to bear upon railroad carriers to return to the western roads the freight cars so badly needed in the West at this season of the year.

I am one of the sponsors of Senate bill 1789, and in that connection I wish to call attention to the fact that a crisis situation is developing in the storage of grain in the Pacific Northwest, due to a shortage of railroad cars to move the crops.

I ask unanimous consent that there be included in the RECORD a news item on this subject, carried in the Lewiston Morning Tribune of August 7, 1959.

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

NOT ENOUGH CARS NOW FOR WHEAT

SPOKANE.—Newly harvested wheat is overflowing storage bins in some inland empire areas and is being stored temporarily on slabs or on the ground, a Pacific Northwest Grain Dealers Association spokesman said here Thursday.

Association executive secretary Merrill D. Sather said the overflow is due to a shortage of railroad cars to move crops, rather than to a lack of storage space. He said a spring survey indicated sufficient storage capacity in the Northwest to handle the new crop, in addition to a large carryover.

The U.S. Department of Agriculture forecast a 1959 wheat yield of 101,772,000 bushels.

THE WAY LYNDON JOHNSON DOES IT

Mr. CHURCH. Mr. President, there has been so much controversy in recent months about how the Democratic majority in the Congress should cope with a Republican President in the White House, that I cannot possibly say anything that has not already been said. However, amid all the clamor over whether we are moving too fast or too slow, one observation—which so clearly separates the Democratic Party from the Republican Party—has been largely overlooked: how much better it is to have a political party arguing over how fast it should be moving ahead, than over whether it should be moving ahead at all.

In this regard, I draw attention to an excellent article by Cabell Phillips, appearing in the July 26 issue of the New York Times magazine, "'The Way LYNDON JOHNSON Does It." It is a story of how the majority leader has "successfully mastered his topheavy and rambunctious majority to make good on his promise of a 'constructive opposition.'"

The article achieves the felicitous goal of making good reading and good sense. I ask unanimous consent that it be printed at this point in the RECORD.

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

THE WAY LYNDON JOHNSON DOES IT

(By Cabell Phillips)

WASHINGTON.—After diligent research among the 64 Democrats who compose a majority of the U.S. Senate it is possible to report that there are only two points of view about the handsome, brash, ambitious 50-year-old Texan who is its majority leader, LYNDON BAINES JOHNSON. These views are, in their order of importance:

A. "I'm for LYNDON."

B. "I'm for LYNDON, but—."

The overwhelming "A" vote is a tribute to his professional talents by other professionals; they regard him as the most astute operative, in an extraordinarily difficult job, most of them have ever known.

The minority "B" vote is weighted only slightly less with professional admiration; the "but" signifies little more than that they wish they had LYNDON on their side more often. The supporting clauses of this equivocal "but" string out to a number of different conclusions, and find their most emphatic echo in certain high echelons of the Democratic National Committee. But even here there is little disposition to downgrade the majority leader's great technical competency, only to quarrel with the objectives and the consequences of his art.

Even so, the dissent, which is rising in volume and stridency as the congressional session nears its end, has been sufficient to heighten the aura of controversy swirling about LYNDON JOHNSON'S head. He would be a controversial figure anyway because of his proficiency and his flamboyant style—he is a star and he makes the most of it. But because the critics' shafts have found the most vulnerable spot in his armor—his lack of belligerent partisanship—his vanity has been wounded and he is striking back.

Moreover, his performance invites ever livelier speculation about his presidential intensions in 1960. He says with vehemence that he has none, and manages to look genuinely exasperated when even his best friends say they don't believe him.

The job of a Senate majority leader can best be likened to that of the commanding officer of a battalion of highly individualistic and temperamental volunteers. Force of personality has to substitute for authority in keeping his troops together and in fighting spirit, for he has no substantial means for punishing the recalcitrant or rewarding the faithful.

It falls to him nevertheless to be the major strategist and the major tactician of his forces; to ascertain the dominant legislative will of his group, and to organize and carry through a successful campaign for its fulfillment.

LYNDON JOHNSON'S highly specialized talent reveals itself on two main fronts. First, he has preserved a relatively peaceful armistice between the congentially antagonistic Southern and Northern wings of his party in the Senate, and thereby in the Congress as a whole. He keeps a foot in both camps, and while there have been some skirmishes between them, no blood has been spilled—yet.

Second, he has marshaled and manipulated his restless forces so that they work in reasonable harmony together, and with the President, toward substantial legislative goals. This is disputed by some GOP sharpshooters who shout, "Spenders" and "Radicals" from time to time, and by the anti-JOHNSON malcontents among the Democrats who cry that he is doing too little too late, particularly in respect to democratic prospects for 1960.

These dissidents deplore his willingness to accept the comparatively modest Eisenhower goals on spending levels, to tailor his legislative objectives to what he thinks the President will accept rather than fight for more ambitious and distinctively democratic programs, and his failure to give the same heed to liberal elements in his party that he does to the Southern conservatives. By his excessive moderation, they contend, the majority leader is smothering the liberal mandate which the Democratic Party received at the polls in the last three congressional elections, thus injuring its prospects of recapturing the Presidency next year.

But any objective view of the 86th Congress to date is bound to be that JOHNSON has successfully mastered his topheavy and rambunctious majority to make good on his promise of a constructive opposition.

How has he managed to do it? What are the peculiar qualities that bring him such acclaim as a legislative leader? The answer has to be combed out of a tangle of personality traits that include ambition, vanity, shrewdness, petulance, patience, vitality, and a mystical feel for the art of the possible.

LYNDON JOHNSON, standing 6 feet 3 inches and weighing 190 sun-tanned pounds, has the litheness of figure and movement of a Texas ranger and the sartorial grace of a Houston banker. His thinning black hair is combed back over a broad forehead. His eyes are sharp and alert and his face is accentuated by a firm mouth and chin. There is a touch of arrogance in his bearing, and when he talks he tilts his head back in a manner reminiscent of Franklin Roosevelt (whom he reveres) and lines out his sentences in a flat, forceful, unadorned voice that carries assurance in every syllable.

From his command post in the Senate Chamber, a front-row desk on the center aisle which is usually cluttered with papers and pink memorandum slips, he maintains a traffic cop's critical surveillance over the confused flow of Senate business. From time to time he hoists himself to his feet and, with his hands dug deep into his pockets, wanders restlessly with long, swinging strides about the Chamber, encircling a Member's shoulder with his arm, bending over another's desk or dropping into a vacant chair to engage someone in conversation. He comes close to being a compulsive talker; articulation takes the place of meditation in his mental processes.

But with all his seeming disregard for what may be going on elsewhere in the Chamber, his sensitive antenna picks up the drift of everything that's being said and detects the subtle emanations of developing strategy from the enemy ranks wherever they may be, on the Republican side of the aisle or among his own forces. When the danger signal flashes, he is on his feet immediately with his preemptory, "Mr. President—Mr. President, will the Senator yield?"

All this he does with the true professional's knack of making it look easy.

Though JOHNSON is the star of the leadership drama, there is a supporting cast on which he must depend. His assistant is Senator MIKE MANSFIELD, a sober, thoughtful ex-professor of history and political science from Montana. The Democratic caucus is theoretically the instrument for determining broad party strategy, but it has been largely ignored for a generation. Its principal function has been assumed by the policy committee, composed of nine party elders with JOHNSON as the chairman, which does meet at occasional intervals to discuss strategy. There is also a steering committee,

over which JOHNSON also presides, which allocates seats on the various legislative committees.

Each of these units has one or more professional staff members, as does the office of majority leader itself, and as does also the office of Senator LYNDON JOHNSON, of Texas. From among those staff members a half-dozen or so are usually engaged in the leg work that the leadership requires.

It should not be assumed that this policy committee-steering committee apparatus functions in all cases by the simple and democratic device of a majority vote. As a general proposition, what LYNDON says goes.

To find out what his majority wants, or should do, on a given legislative matter, such as housing or foreign aid, JOHNSON consults with the chairmen of the committees concerned, with his "council of elders" on the policy committee, and with various individual Senators. Similar soundings are taken by MANSFIELD, by Bobby Baker, the alert young secretary of the majority; George Reedy, the scholarly secretary of the policy committee, and other aides. All of this miscellaneous intelligence is then filtered through JOHNSON's own network of intuitional nerve fibers where it is dosed liberally with what he believes to be possible and proper. What comes out is a leadership position, which usually, but not always, guides the behavior of most of the Democratic Senators.

To get support for his position, much the same process is followed. Baker, Reedy, and the others are constantly engaged in a quiet, casual polling operation so that JOHNSON knows from day to day and issue to issue who is on his side, who is not, and who is hanging on the fence.

In those offhand encounters in the Senate Chamber, in the cloakrooms or the corridors, he exerts his persuasive powers on the opponents and the doubters in what has come to be known as "the treatment." Its intensity is subtly adjusted to the mood and disposition of the recipient—from bully-ragging to passionate argument to gentle suasion. In stubborn cases he will resort to indirection. The holdout will be approached by his committee chairman, by a friendly Senator acting as a covert emissary; possibly he'll get a phone call from the Governor of his State—it is not unknown, in fact, for a senatorial wife at the family dinner table to become a seemingly innocent partner to such a conspiracy.

It is the treatment, indeed, in its myriad and artistic variations, its subtle but unremitting pressure and its effectiveness that is the essence and the trademark of the Johnson leadership. What makes it so is to be found in certain innate qualities of the man himself.

First of all LYNDON JOHNSON is an exuberantly ambitious man. He is proud of his career; he is proud of his rich and talented wife; he is proud of his job as majority leader; he is proud of the acclaim and the controversy he has aroused in that job, and he is determined to make an enduring personal monument of it. It is mainly for this reason that those closest to him think that, in spite of his disclaimers, he will make a try for the presidential nomination next year. He was strongly tempted in 1956, and when, at the Democratic Convention, it became apparent that the Stevenson forces had the top job sewed up, he toyed briefly but earnestly with the idea of bidding for the Vice Presidency.

He is also a sensitive man—sensitive to personal cirticism and about his own posture in the public eye, and sensitive to the obligations and responsibilities of his position, the two things being curiously intertwined in his subconscious mind.

The first of these can also be called vanity. He has a mortal dread of ridicule and flares angrily at columnists and commentators, for example, who allude jestingly to his multiple suites of offices in the Capitol, or to his style of dress and living. He dreads, too, the everpresent danger that he may blunder or be caught off guard in the enormously complex, and fast-paced conduct of his official life.

But this is more than just vanity; it is part and parcel of his respect for the importance of his position and of the obligation he shares with the President and other leaders to conduct the affairs of the Nation wisely and prudently. The personal jibes—including the needling he has been getting of late from the Democratic liberals—he considers petty and unworthy digressions from what is really important in what he is doing, which is the creation of a legislative program.

"That guy," he said heatedly the other day, referring to a fellow Democrat who had complained about JOHNSON's failure to challenge an Eisenhower veto, "yaps just to hear his own yapping. Why doesn't he do something constructive about it? If he wants issues for 1960, why doesn't he get on with that investigation of prices that he's a part of?

"But, oh, no; he wants to make speeches about how many limousines they have downtown or how JOHNSON is selling out the Democratic Party."

His greatest and most complex attribute is his instinctual feel for "the art of the possible," which is, of course, the art of manipulating men and issues toward a desired political end. This manifests itself in many ways.

"There's a whole stable of politicians—legislators—in my family background, going all the way back to the Republic of Texas," he told an interviewer not long ago.

"The smartest of them was my father, and he used to say that if you couldn't come into a room full of people and tell right away who was for you and who was against you, you had no business in politics."

This axiom must have stuck in young LYNDON's mind, for he has a highly developed knack for detecting such moods among Senators, and acting upon the knowledge so gained.

"He can sense a revolt on the back bench and move to squelch it before it gets off the ground," an admiring young freshman—who sits in the back row—observed recently.

But he does not rely on instinct alone to know how many loyal troops he has for each encounter.

"LYNDON counts the house before each move, and he doesen't move until he knows he's got the votes," a colleague explained. He went on to describe a typical incident at the last session when a group of labor lobbyists went to the majority leader's office to tell him they thought their efforts had assured victory for an item of legislation in which they were mutually interested.

"We figure there will be only three Democratic votes against us," the leader of the group said, "and on that basis we ought to make it."

"Well, you're wrong," JOHNSON told him. "There'll be eight votes against you."

"But, LYNDON, we've just finished checking these fellows, and only so and so and so refused to give us their word," the visitor said.

JOHNSON pulled a memorandum from his desk drawer and studied it for a moment. "Maybe so," he said, "but these are going to vote against you, too, regardless of what your poll shows," and he ticked off five additional names. "But what you probably don't know is that you are going to pick up four votes on the Republican side—here they are—and that will give us all we need. You watch when the vote comes up tomorrow."

They did, and the tally was precisely as JOHNSON had predicted it would be.

He is not, of course, always so prescient—the point of order raised by Republican Senator FRANCIS CASE recently that defeated the Development Loan Fund caught him by surprise—but such lapses are the exception.

His sense of timing and of the tricks of parliamentary procedure enable him to react almost reflexively to seize a tactical advantage. Last January he was about to lose the iniative in the contest over changing the Senate rule on filibusters when he detected an obscure but vital flaw in the parliamentary position of his opponent, Senator CLINTON ANDERSON, leading the fight for the Democratic liberals. Leaping to his feet, he hammered Vice President NIXON, who was presiding, into conceding the error, and no sooner was the admission out of NIXON's mouth than JOHNSON moved and won adjournment. That did it; the next day his foes were routed.

Almost instinctively he knows when to call for a vote and when to put one off; when to charge and when to stall; when to grant a favor or to work out a quiet accommodation with his opposite number on the Republican side of the aisle, Minority Leader EVERETT MCKINLEY DIRKSEN, and when to throw the book at him. A great part of his effectiveness in this Congress, indeed, stems from the fact that he has been able to revitalize the old coalition of Southern Democrats and conservative Republicans to work one triumph after another for his "moderate" legislative goals.

JOHNSON regards himself as a liberal in the tradition of his two political heroes, F.D.R. and Speaker SAM RAYBURN. But he is a pragmatist, before he is an idealist, and he is not against settling for such nourishment as there may be in half a loaf as against the noble hunger of having no loaf at all. He stoutly defends his position on the filibuster rule, civil rights, housing, and other welfare legislation as being the best obtainable, the temper of the country and the power of the Presidential veto being what they are.

LYNDON JOHNSON is not unlike a great predecessor in the office of majority leader, the late Robert A. Taft, in his confident, almost arrogant, belief that he is in tune with the majority will of his party. He scornfully denies that reviving the caucus system, for example, as some have demanded, would do more than create confusion. And as for his critics on the national committee, he asks sarcastically: "Who elected them? How many voters do they represent?"

It is this sort of obstinacy that frustrates the Douglases, the Proxmires, the Clarks, and the Paul Butlers who speak for the liberal Democrats. They concede his great proficiency: if they could just get him to exert a little more of it against the Republicans instead of being with them so much of the time, they argue, the Democrats would have nothing to worry about in 1960.

But LYNDON is unmoved. "Anybody who thinks we haven't been giving the country what it wants," he says with a puckish grin, "just let them take a look at the last three elections."

DISCLOSURE OF INFORMATION BY THE EXECUTIVE BRANCH

Mr. CHURCH. Mr. President, when the Senate Foreign Relations Committee was considering the Mutual Security Act of 1959, it agreed to an amendment, which I had proposed, specifying the policy which should prevail in making public information concerning the mutual security program.

This committee amendment, retained intact in the Senate version of the bill, was agreed to in the conference, and was in the bill as finally enacted by both Houses. The section reads as follows:

SEC. 550. INFORMATION POLICY.—The President shall, in the reports required by section

534, or in response to requests from Members of the Congress or inquiries from the public, make public all information concerning the mutual security program not deemed by him to be incompatible with the security of the United States.

When the bill reached the White House, it was signed. But the President took the occasion to draw a line beyond which he would not permit the Congress to pass. In effect, he claimed the right to exercise what amounts to an "item veto," on the authority of the constitutional separation of powers. In his view, the Constitution gives the executive branch the power to decide what information the Congress and the public shall have.

This is what he said:

I have signed this bill on the express premise that the three amendments relating to disclosure are not intended to alter and cannot alter the recognized constitutional duty and power of the Executive with respect to the disclosure of information, documents, and other materials. Indeed, any other construction of these amendments would raise grave constitutional questions under the historic separation of powers doctrine.

Mr. President, I do not agree.

It is unfortunate that the Congress, in this type of situation, must move into the appropriations bill to maintain the public's right to know. Thus, the appropriation act for the mutual security program, as it recently passed the other body, contained an amendment stating that appropriated funds cannot be used if the ICA refuses legitimate information to the GAO, the Congress, or its committees.

This also caused a violent Executive reaction, the President declaring, in his press conference of July 29, that it was unconstitutional for the Congress to so act.

Mr. President, this is not the time or place to take up the whole argument, but it is certain that the Congress must face up to this challenge. In this connection, I call to the attention of the Senate a fine article by Clark R. Mollenhoff in the July 1959, issue of the Atlantic, entitled "Secrecy in Washington." This article furnishes a wealth of background on the attitude of the present Chief Executive as to this matter of "Executive privilege," and the extraordinary lengths to which it has already been extended.

I ask unanimous consent that Mr. Mollenhoff's article be included in the RECORD at this point in my remarks.

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

SECRECY IN WASHINGTON

(By Clark R. Mollenhoff)

Five years ago a precedent was established that constitutes one of the greatest threats to freedom of the press in our time. This precedent has created an atmosphere in which influence peddling can flourish, in which errors or crimes by Government officials can be concealed. It weakens the power of Congress to investigate how our Government agencies operate and to inform us of these operations.

The "executive privilege" doctrine as proclaimed by the Eisenhower administration is simply this: Officials of the executive branch of the Government can refuse to produce Government records or testify before a congressional committee if they believe the information sought is confidential executive business.

President Eisenhower has said that executive privilege could never be used to cover up crimes or mismanagement in government. It was only to allow persons in the executive branch to consult with each other in a frank manner and not have to worry about their views being put on the record of a congressional committee, the President said naively. As he explained it, the executive privilege seemed innocent enough. But, in practice, officials of his administration have used this blanket of secrecy to cover up crimes, mismanagement, "imprudence," "conflicts of interest," and a wide variety of embrassing activities.

The International Cooperation Administration (ICA), for example, has used executive privilege to conceal corruption and mismanagement in the spending of foreign aid. In the case of Laos and a half-dozen other countries, the ICA claimed executive privilege in refusing to give the General Accounting Office (GAO) auditors copies of evaluation reports and internal communications in the agency.

The waste in Laos ran into the millions, and the corruption included admitted payoffs. Until the House Government Operations Subcommittee, headed by Representative PORTER HARDY, of Virginia, subpenaed the records of two private business firms, the ICA used executive privilege to conceal the fact that subordinates had warned against the possibility of fraud, profiteering, and mismanagement if top ICA officials in Laos insisted on signing certain contracts.

Several congressional committees have condemned the doctrine of executive privilege as having no foundation in law, and the Moss Subcommittee on Government Information Policy has repeatedly asked the Department of Justice for legal justification for this doctrine of secrecy.

Attorney General William P. Rogers has cited no law and no court cases to support this doctrine, but has claimed that an "inherent power" gives the executive branch this right. Instead of modifying executive privilege, Rogers has sought to expand it. In March 1958, he told a Senate Judiciary Subcommittee that executive privilege could also be claimed by the so-called independent regulatory agencies: the Federal Communications Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Federal Power Commission, the Securities Exchange Commission, and the Civil Aeronautics Board. These regulatory agencies were set up as arms of Congress, and to many Members of Congress it was inconceivable that such agencies were not subject to a full scrutiny by Congress at any time.

Administrations have always tried to avoid making embarrassing admissions before committees of Congress, but for the most part it has been a matter of dodging congressional investigators. In the past there has been no serious claim of a right to refuse to testify or produce records.

It was on May 17, 1954, that the doctrine of executive privilege was dramatically broadened. This took place during the Army-McCarthy hearings, and it was justified on the premise that it was a blow at Senator Joseph McCarthy. President Eisenhower, in a letter to Defense Secretary Charles E. Wilson, approved the idea of having Army counsel John Adams refuse to testify on some conversations with William P. Rogers, then the Deputy Attorney General, and with Sherman Adams, the President's chief assistant.

The President took this stand "because it is essential to efficient and effective administration that employees of the executive branch be in a position to be completely candid in advising with each other on official matters, and because it is not in the public interest that any of their conversations and communications, or any documents or reproductions, concerning such advice be disclosed."

That was an emotion-charged era with little cool thinking on either side. The President's position was accepted for what he said it was: a new statement on the constitutional separation of powers between the three branches of Government. It was popular to oppose McCarthy and support the Eisenhower administration on all points. It was easier merely to follow the administration line than it was to study the problem and see where it would lead.

By the end of 1958, the curtains of executive secrecy were closing around more than 20 agencies of Government. Rogers, now Attorney General, did not claim that defense secrets were involved. There were specific laws that covered defense secrets, which have to be protected in the national interest, and no responsible group contested the right to reasonable security in the defense and diplomatic areas. Rogers was asserting an arbitrary right of Government officials to refuse to testify or produce records dealing with nondefense matters—how the Dixon-Yates contract was let, what conversations Sherman Adams had with the members of the Federal Communications Commission and other regulatory agencies, and questionable settlements of a wide variety of Government contract matters.

The Teapot Dome scandals of the Harding Administration could have been covered up if government officials had then applied even the mildest form of executive privilege as laid down by President Eisenhower in his letter of May 17, 1954. Under the executive privilege theory Secretary of Navy Edwin Denby and Secretary of Interior Albert B. Fall could have refused to give testimony or produce records on events leading up to the leasing of the Teapot Dome oil reserves. Fall's crimes might never have been uncovered.

The tax scandals of the Truman Administration could have been concealed by a claim that all papers except final decisions were confidential executive communications. Attorney General J. Howard McGrath could have maintained that his conversations with T. Lamar Caudle, the assistant attorney general in charge of the tax division, were confidential executive business. Caudle and White House aide Mathew Connelly could have contended that their communications were confidential executive business. Instead, those communications were actually used as the basis of the criminal charges on which Caudle and Connelly were convicted.

The ducking and evasion of the Truman Administration naturally enraged Republicans. But President Truman made no assertion of a constitutional right under which all officials in the executive branch could claim executive privilege. He issued an Executive order placing certain personnel files under a secrecy blanket, and on some occasions he had files delivered to the White House to his personal custody so that they could not be subpenaed.

Senator Homer Ferguson, Republican of Michigan, was chairman of a committee that investigated the Truman administration at that time. Ironically, his chief counsel was William Rogers. Rogers' persistent and hard-hitting inquiries had the Truman administration so frantic in 1948 and 1949 that the Justice Department prepared a memorandum of the occasions when earlier President had withheld information from Congress.

This memorandum defended the theory of executive privilege and cited a scattering of cases in which various Chief Executives back to George Washington had withheld

information from Congress. Actually, Washington only temporarily withheld some papers in a military matter and then produced everything. Andrew Jackson had withheld arbitrarily some records dealing with scandals in the sale of Indian lands, which Congress should have been allowed to see.

The memorandum on executive privilege was examined by the Truman administration and was found to be unsupported in law or by court cases. Most of the precedents were not historically accurate, and many had little application to the congressional efforts to obtain information of nondefense agencies. It was discarded as of no value. Yet that discarded memorandum of law—historically inaccurate and legally unsound—was dredged out of the Justice Department files by Attorney General Herbert Brownell in 1954 and was attached to President Eisenhower's May 17, 1954, letter in support of the enlarged doctrine of executive privilege. It seems curious that a practice which was condemned by Republicans in the Truman administration should be revived, broadened, and sanctioned for Eisenhower.

Republican officials were quick to recognize what a convenient umbrella of secrecy was provided by President Eisenhower's letter. Sherman Adams, chief assistant at the White House, was one of the first to clothe himself with almost total immunity from the power of congressional investigations. He refused to testify before the Senate judiciary subcommittee that was investigating the controversial Dixon-Yates power contract. Instead he submitted brief and vague letters about his activities to the congressional investigators and declared that of course he acted for President Eisenhower in all of his contracts with Federal agencies and his communications were "confidential executive business."

The full use that would be made of executive privilege became clear in the investigations of the Dixon-Yates contract, when Rowland Hughes, the former Budget Director, refused to allow certain witnesses to be questioned and certain papers to be produced on the ground that papers and conversations involved in the formulating of policy were confidential.

Senator ESTES KEFAUVER, Democrat, of Tennessee, and Senator WILLIAM LANGER, Republican, of North Dakota, were furious. They pointed out that President Eisenhower in August 1954, had ordered that all facts in the Dixon-Yates contract be made public.

"I have checked on this matter, and I am authorized by the President to state that his general instructions stand," Hughes said in reply.

Hughes, the White House, and the Atomic Energy Commission had plenty to cover up in the Dixon-Yates investigation. Although they had been told to make public a complete chronology of events leading up to the contract, they eliminated the name of Adolphe Wenzell from the reports on the discussions and meetings that set the stage for the multimillion-dollar contract with the Dixon-Yates power group.

The First Boston Corp., a New York banking house, was serving as financial agent for the Dixon-Yates power group in its negotiations with the Bureau of the Budget and the Atomic Energy Commission. Wenzell, an officer and director of the First Boston Corp., was also a consultant to the Bureau of the Budget on financing dealing with the Dixon-Yates contract. Wenzell was therefore in a conflict-of-interest role.

"Hughes deliberately attempted to conceal Wenzell's name and activity from public view," the report of the Senate Judiciary Subcommittee stated.

It was pointed out that Hughes declined to testify on his conversations with Sherman Adams and others in the White House on the Dixon-Yates contract. He claimed executive privilege. Admiral Lewis Strauss, Chairman of the Atomic Energy Commission, also declined to give testimony on his communications with Sherman Adams and President Eisenhower on grounds that the executive privilege covered all of these communications.

Subsequent developments showed that President Eisenhower had not been given full information on how his subordinates were running the Government. Ten months after the President had ordered a full public disclosure of the events leading up to the contract, he was still ignorant of the conflict of interest role Wenzell played in the negotiations. At a press conference on June 28, 1955, the President stated that his advisers had informed him that Wenzell "was not called in or asked a single thing about the Dixon-Yates contract." The President insisted that Wenzell was only "a technical adviser" on some matters dealing with the Tennessee Valley Authority "and nothing else."

As the facts about the Wenzell role came to light a year too late, President Eisenhower saved face in about the only way possible at that stage. He canceled the Dixon-Yates contract, and the Comptroller General made a finding that a conflict of interest existed.

The investigation of the East-West trade and the revision of the list of strategic materials barred from sale to Iron Curtain countries revealed a similar story. Again executive privilege was used to hide the disputes that had taken place within the Government on the revision of the strategic materials list.

Over the objections of the Defense Department, the Joint Operating Committee (JOC)—an interdepartmental committee of the U.S. Government—changed the strategic materials list to permit shipment to Iron Curtain countries of copper, aluminum, precision boring machines, and horizontal boring, drilling, and milling machines.

Information came to the Senate Permanent Investigating Subcommittee indicating that revision made the so-called strategic materials list a complete farce. Simple jig-boring machines were retained on the list as being prohibited from shipment to a potential enemy. Yet the revised list allowed the shipment of more modern precision boring machines of much higher strategic value. There were many similar contradictions.

The subcommittee's requests for information ran into a stone wall of opposition from the executive agencies involved: the State Department, Defense Department, Commerce Department, and the Foreign Operations Administration. There was no claim that defense secrets were involved. The executive branch merely took the arbitrary stand that it could withhold records or testimony. All the executive agencies joined together in directing employees not to answer questions or produce documents for congressional investigators in connection with the probe of East-West trade and the strategic materials list revision.

Their attitude was best demonstrated in a letter from Secretary of Commerce Sinclair Weeks to Commerce Department employees. He wrote: "You are instructed not to testify either in public or executive closed session with respect to any advice, recommendations, discussions, and communications within the executive branch respecting any course of action in regard to East-West trade controls or as to any information regarding international negotiations with the countries cooperating in East-West trade controls."

The Department tried to give some color of law to the claim by citing three Federal court cases, but the Senate subcommittee declared that none of the cases cited involved the right to withhold information from congressional committees. Some of the information they sought was obtained over the following months from foreign countries, where revised lists of strategic materials were openly published.

The arrogant withholding of information from Congress and the press by the Federal Executive and independent agencies resulted in establishment of a special Government Operations Subcommittee to study information policies. On June 9, 1955, Representative WILLIAM L. DAWSON, Democrat, of Illinois, chairman of the Government Operations Subcommittee, named Representative JOHN MOSS, Democrat, of California, to head the new Government Operations Subcommittee.

Establishment of the Moss subcommittee started the first systematic study of just how far the executive privilege had gone in covering up the activities of the executive agencies. The subcommittee also engaged in a thorough study of the court decisions and the law.

In a report dated May 3, 1956, the Moss subcommittee stated that already more than 20 agencies had made the claim of executive privilege to withhold information from Congress. "The claim has never been upheld by the court," Representative DAWSON said. "It has been a mere Executive ipse dixit" (say so).

"Refusals by the President and heads of departments to furnish information to the Congress are not constitutional law," the subcommittee reported. "They represent a mere naked claim of privilege * * *. There is no inherent right on the part of heads of departments or other Federal agencies to withhold information from the judiciary."

Following publication of this Moss subcommittee report, in the summer of 1956, the Justice Department tried to hide behind executive privilege in an investigation of a settlement made of the American Telephone & Telegraph (A.T. & T.) antitrust suit. This time Representative EMANUEL CELLER'S Antimonopoly Subcommittee was doing the investigating. Chief Counsel Herbert Maletz was instructed by CELLER to obtain the Justice Department files to determine the facts leading up to the settlement of the A.T. & T. antitrust suit.

The suit had been initiated in 1949 for the purpose of forcing a divorcement of A.T. & T. and its subsidiary, Western Electric. The separation was urged to break the near monopoly that Western Electric had in the production of telephone equipment.

The suit had been hailed by Attorney General Herbert Brownell as a great victory for the Government, but he and Deputy Attorney General William P. Rogers claimed executive privilege and refused to make the files available. They tried to cover up the fact that the settlement allowing A.T. & T. to continue the ties with Western Electric was made over the opposition of staff members in the Justice Department.

Although Herbert Maletz was blocked from examining the files of the Justice Department, he managed to obtain much of the information he sought from the files of A.T. & T. and from some records in the Defense Department. This outside probe showed some interesting things that Justice Department secrecy had hidden. It showed that a high official of the A.T. & T. had written a letter which Defense Secretary Charles E. Wilson sent to the Justice Department urging settlement of the antitrust suit on terms favorable to A.T. & T. The investigation also revealed the conversations between Attorney General Brownell and a lawyer for A.T. & T. that paved the way to settlement.

Because executive privilege blocked the Celler subcommittee from questioning Justice Department employees, it was necessary to subpena a former official of the Justice Department to establish that Brownell's settlement was actually opposed by the working staff in the antitrust division.

At a press conference in September 1956, President Eisenhower was asked if executive privilege meant that "all employees of the Federal Government, at their own discretion, can determine whether they will testify or will not testify before congressional committees [even] where there is no security problem involved."

The President avoided answering and turned the problem over to White House legal counsel Gerald Morgan. Morgan's letter to me dated October 26, 1956, stated that Eisenhower's May 17, 1954, letter was a blanket instruction for "all employees in the executive department" not to give testimony or produce documents on advice or communications within the executive department.

It was an amazing answer, particularly from Morgan, a former assistant legislative counsel to the House of Representatives, who had written forceful articles in the past in support of the power of Congress to compel testimony and production of records.

With such encouragement at the top it was inevitable that the policy of secrecy would spread. In August 1957, the newly created House Legislative Oversight Subcommittee hired Bernard Schwartz, a young law professor from New York, as counsel in an investigation of the various regulatory agencies. The committee, headed by Representative MORGAN MOULDER, Democrat, of Missouri, had been established "to go into the administration of the laws [creating the regulatory agencies] and see whether or not the laws * * * were being carried out or whether they were being repealed or revamped by those who administer them."

Schwartz, an expert in the field of administrative law, sought the files of the various regulatory agencies and in speeches and letters made it clear he intended to dig deeply into any evidence of frauds or improper activities. The chairmen of the various regulatory agencies met at the University Club in Washington in late September to discuss ways of blocking the young lawyer and the pesky Oversight Committee.

Schwartz was allowed to examine the public files, but his efforts to obtain files of correspondence with the White House and with other agencies ran into the claim of executive privilege. Even in the first months, Schwartz became aware that Sherman Adams had been extremely active in reaching various regulatory agencies. He was also aware that others on the White House staff had made similar contacts with the so-called independent regulatory agencies.

Although Schwartz was successful in getting some half promises from the regulatory agencies to cooperate, they engaged in a foot-dragging operation. Richard A. Mack, a member of the FCC, wouldn't show investigators many of his records, including the Office diary that provided links later for his indictment on charges of having conspired to violate the Federal law. The lack of cooperation by Commissioner Mack was matched by the resistance in the CAB, where Schwartz was trying to pin down evidence of contacts by Sherman Adams.

In January 1958, Schwartz insisted that the members of the Legislative Oversight Committee get tough and demand full cooperation in the production of records. Some members of the investigating committee did not want to force the issue. Several of the Republicans came out flatly in support of the Eisenhower administration's obstructionist tactics. Schwartz was irritable when he did not receive support from the committee. Tempers flared after he leaked a staff memorandum on improper activities in the FCC, and the young counsel was fired. Chairman MOULDER, who had supported Schwartz, resigned in protest over his firing.

It took the Adams-Goldfine case to dramatize the full evil of secret government. The problems of Adams were a direct result of the failure of the White House to recognize the dangers involved. It is not necessary to read evil intent into the origin of the blanket secrecy. There was an equally insidious attitude present: The self-satisfaction that things were being handled efficiently and properly and that the press and the Congress were better off in the dark so they couldn't stir up trouble.

Executive privilege had meant that Sherman Adams could decline all invitations to appear before committees of Congress. He took the view that all of his acts were the acts of President Eisenhower. This placed Adams in the position of a man with much of the authority of the Presidency, although he took none of the responsibility to the Congress or the public. He wasn't even available for press conferences. Congress was lax in not challenging the use of executive privilege sooner. It was only after the Adams-Goldfine incident that there was much recognition of the problem inherent in allowing a Presidential assistant and numerous other individuals with undefined or ill-defined authority to prowl through the agencies. They were the "untouchables" under the executive privilege theory.

In the fall of 1958, the Eisenhower administration carried the use of executive privilege to the ultimate in absurdity. Apparently the administration had not learned that the blanket secrecy of executive privlege was as damaging to the administration as it was to the cause of good government.

The Air Force used the claim of executive privilege in refusing to make an inspector general's report available to the auditors of the General Accounting Office—the congressional watchdog on Government waste and inefficiency. The refusal came in the face of the Budgeting and Accounting Act, which stated specifically that the GAO auditors were entitled to access to all books and records of all departments.

No security was involved in this case, because the GAO auditors had the same clearance as key Air Force personnel to examine secret and top-secret documents. The Air Force simply took the position that as an executive agency it had a right to invoke the so-called executive privilege and hide the management survey reports on the ballistic missile program from the GAO auditors.

Comptroller General Joseph Campbell, head of the GAO, was furious at the Air Force refusal to produce records. If the Air Force could refuse to give the GAO records, then any division of the Defense Department could claim executive privilege against the GAO auditors at any time. In fact, if the Air Force position was allowed to stand, the Defense Establishment could arbitrarily block the only outside audit of the $40 billion a year defense budget.

Even with the GAO conducting a post audit, there had been plenty of scandals in military spending: the case of Brig. Gen. Bennett Meyers, the multimillion-dollar frauds in clothing procurement operations in the New York Quartermaster Depot, and the hundreds of bungles revealed by the Hébert subcommittee of the House Armed Services Committee. Certainly the record wasn't such that the Congress or the American people could feel safe in letting the military brass at the Pentagon spend half of the national budget and hide the records that might be embarrassing to those in power.

Chairman Moss took up the GAO problem for Comptroller General Campbell. He charged that the law clearly gives the GAO access to all records and stated that President Eisenhower had a duty under article II, section 3 of the U.S. Constitution to "take care that the laws be faithfully executed."

President Eisenhower exhibited a haziness and a variation of position on the issue that indicated he had no conception of the real issue. In a press conference on November 5, 1958, he was asked about the problem involved in the Air Force refusal to give records to the GAO. "I believe that every investigation committee of Congress, every * * * auditing office like the GAO, should always have an opportunity to see official records if the security of our country is not involved," the President repiled, taking what seemed like a forthright view.

But, a week later, the President backed the Air Force and declared that under executive privilege the GAO could be arbitrarily barred from examining records. "In my judgment, the public interest is not necessarily served by divulging the advice, suggestions, or recommendations which subordinate employees periodically make to their superiors," the President wrote, in what seemed a complete switch of position.

The basic question now is this: Can the President or his department heads arbitrarily override a specific law of the Congress which requires the production of records of "financial transactions and methods of business" in all agencies? It is a vital problem of Government, and it is certain to emerge periodically in the 86th Congress as investigating committees try to carry out their function. By mid-1959, it was obvious that President Eisenhower would not take steps to correct the situation voluntarily. He is standing behind the members of his team who are responsible for the mushrooming evil.

Comptroller General Campbell and the leadership in the Congress have the responsibility to find a solution. Although the Comptroller General and some committees of Congress are trying to force the issue, they are receiving little help from the majority of the Members of Congress and the leadership. So far, secrecy has not become enough of a personal inconvenience to Senate Leader LYNDON JOHNSON or House Leader SAM RAYBURN for the two Texans to raise any fuss about it.

TRINITY POWER—TRIBUTE TO SENATOR ENGLE

Mr. MORSE. Mr. President, there appeared in this morning's Washington Post a very able letter written by Senator CLAIR ENGLE, of California, entitled "Trinity Power—Again."

Mr. President, I think the Senator from California [Mr. ENGLE] is to be commended by all of us in the Congress and all of us in the United States who have sought to protect the people's rights and interests against the attempts to make the private utilities of America the middle men, selling the people's power generated at the people's multipurpose dams in this country, paid for by the taxpayers' money.

I have always been at a loss to understand the avarice of the private utilities of America when it is well known that almost 80 percent of the power in this country is generated by the private utilities or private industry of this country. What they do not like, Mr. President, is a public power yardstick to demonstrate to the American people what reasonable prices for power can be. And so we have this selfish drive constantly put on by the private utilities of this country to eliminate the public power yardstick, if they can get by with it.

The Pacific Gas & Electric Co. seeks to do the same thing and further the same cause in connection with the Trinity Dam. It would like to be the middleman, Mr. President, as the Senator from California [Mr. ENGLE] points out in

this very excellent letter to the Washington Post.

It would like to have some of the profits out of the power developed at Trinity Dam.

What these private utilities seem to fail to understand, Mr. President, is that those of us who believe in multipurpose dams think they should not only be paid for by the taxpayers of the United States, but that the taxpayers of the United States should be repaid the cost of those dams from the revenues that will be obtained from the sale of power generated at the dam, so that the profits from the sale of that power can go to the Federal Treasury and also be used in part for other needed public uses connected with the multipurpose program of a multipurpose dam—to wit, navigation costs, recreation improvement costs, reclamation costs—all the costs that go to the development of the programs for which a multipurpose dam is designed.

Mr. President, it is important to protect that principle, including the aspect relating to reclamation costs, because the years are not too far distant, as testified to by our population and food experts, when there will be great concern among the American people as to where we are going to get the food necessary to feed the American people. Some of the testimony of the experts already puts the year at 2000—which I pray will be in the lifetime of some of the younger Members of this body, but it will certainly be in the lifetime of my grandchildren. That is why I think it is so important, Mr. President, that we plan now, in our generation, to take the steps necessary to protect the interests of generations to follow us.

That is why I shall always be happy to have my descendents take a look at the record I have made for 15 years here in the Senate in opposition to the greed and selfishness of the private utilities of this country that seek to destroy the public power yardstick and the public preference clause, which are the two fundamental principles of the Bonneville Act that a great liberal Republican from my State, Charles McNary, played such an important role in developing for the benefit of the people of this country.

Mr. President, I mention these matters today because it is very reassuring and inspiring and helpful to have a new Member come to this body, CLAIR ENGLE, of California, who had made such an outstanding record over on the House side, and demonstrate the courage and the fearlessness he has demonstrated in his standing up against the power lobby and in writing such a letter to the Washington Post this morning.

Mr. President, I understand, since coming to the floor of the Senate this afternoon, that over on the House side this morning—and I think I am reliably informed—a House committee voted down another attempt at a so-called partnership scheme for Trinity, another attempt to turn the power profits over to a private utility, and make clear once again that still in the Congress of the United States there are enough of us to raise this point for the American people so they can have a look and see for themselves the extent to which the greed and avarice of the private utilities will carry them in their attempt to get control of the people's multipurpose dams.

At a later date, I expect to speak at some length at the new rash of advertisements being put out by the private utilities in various magazines of this country, at tremendous cost—misleading and deceitful and untruthful advertisements, Mr. President, clever Madison Avenue propaganda by masters in deception, stirring up fear reactions on the part of the American people.

I am satisfied, however, that these private utilities are going to discover that when they come up against the taxpayers, they are not going to be able to get by, as they have in so many years in the past, with marking off as a cost of advertising this kind of political propaganda, because this is political activity, Mr. President, and not in fact advertising activity. If the utilities can mark off such expense as a tax deduction, then, of course, the ratepayers, the private utility customers, will be saved something; but if they cannot, then Senators know where the money for the cost of those advertisements is going to come from—namely, out of the monthly electric bills of the consumers.

I am very glad the Senator from California [Mr. ENGLE] has once again raised this issue, because I want to give this warning to the Congress of the United States: Watch out, in these closing days of the session, because that is when the selfish interests, through their powerful lobbies, try to mislead busy Senators and Representatives who, under the pressure of the closing days of the session, just do not have the time to give the individual attention they would like to give to every matter we have to consider on the floor of the Senate and the floor of the House. That is why it is important that the liberals in both the House and the Senate be on the alert. Now is the time for them to recognize the importance of performing their watchdog activities. Now is the time for them to sit here on the floor of the Senate and on the floor of the House and scrutinize with great care every piece of proposed legislation that comes to them, particularly on the so-called unanimous-consent calendar call, because sad history shows that these are the days when those who want to get through so-called sleeper legislation try to get by with their nefarious practices.

I am glad the Senator from California [Mr. ENGLE] has been doing a great watchdog duty in connection with Trinity Dam, and I am pleased to hear that over on the House side this morning another good job of watching out for the peoples' interests in connection with this matter was done and that the attempt to grab the power generated at Trinity for the selfish interests of the private utilities was defeated.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the letter which the Senator from California [Mr. ENGLE] wrote to the Washington Post, to which I have previously referred.

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

"TRINITY POWER—AGAIN"

I quite agree with your editorial comment of July 24 under the heading "Trinity Power—Again" that the House Interior Committee should appraise this 5-year-old issue in "cold-blooded economic terms"—assuming that you mean economy of government.

For one thing, the Federal Government itself will be the principal customer for Trinity power to operate additional Central Valley project pumps and to meet increasing power needs of numerous defense installations. So it is a question of whether, through "partnership" with the Pacific Gas & Electric Co., a middleman's profit should be taken out between Federal production and Federal consumption of this commodity.

For another, contrary to general impression, the Government gets a higher average return on its Central Valley project power sales to public agencies than it does on its sales to this private company. At least it did in 1958, according to the annual report on the Central Valley project published by the Bureau of Reclamation.

In 1958 the Pacific Gas & Electric Co. got most of the power but the 25 public agency customers coughed up most of the money. The specific figures from a tabulation of power sales data furnished by Reclamation are:

	Energy sales (kilowatt-hours)	Net revenue to United States
Pacific Gas & Electric Co.	1,794,667,132	$5,387,690
25 public agencies	1,689,487,361	7,326,338

I am fully aware that a large share of the power delivered to the Pacific Gas & Electric Co. was "nonfirm," but nevertheless, overall, the Pacific Gas & Electric Co. got Central Valley project power at an average rate of 3 mills per kilowatt-hour while the public customers paid 4.34 mills.

The public preference provision of the law has been applied with profit on the older units of the project, mainly Shasta Dam and Folsom Dam. It is sound Government economy to continue it on the Trinity division.

CLAIR ENGLE,
Senator From California.

WASHINGTON.

Mr. KUCHEL. Mr. President, I would be recreant in my sense of duty if I did not arise and associate myself with the comments of the senior Senator from Oregon in congratulating the Senator from California, my colleague, with respect to the letter which has now been inserted into the RECORD.

Years go by rather rapidly, Mr. President. It was about 5 years ago that my California colleague introduced into the House of Representatives a bill authorizing a great multipurpose project in California called the Trinity project, as representatives of our State government in Sacramento had recommended.

I coauthored similar legislation in the Senate. His bill, as amended, passed the House and came to my Committee on Interior and Insular affairs which, after hearings, sent it to the Senate with its approval.

I remember very well the colloquy between the able Senator from Oregon, members of the Senate Interior Committee, and myself when the Trinity author-

izing legislation was before the Senate for debate and passage. By keen and precise cross-examination it was made abundantly clear for any who cared to read the RECORD that here was a multipurpose project, water and power, about to be authorized by the Congress of our country to enlarge the great Central Valley project of California, and to integrate it into the CVP for the benefit of the farmer who needed water and the public agencies which needed power.

After the President of the United States signed that legislation into law, there began sedulously and constantly an onslaught against it, an attempt to repeal it, to emasculate it, to destroy it, and, by what was a misnomer, a so-called partnership, to turn over to a private utility all the power operations at the Trinity Dam then under construction. Legislation was introduced in the 85th Congress practically to repeal the Trinity law in its entirety and to substitute the misnamed "partnership." The preference clause written into the law which President Eisenhower had signed in the Trinity legislation was to be summarily rooted out. In the early days of the 85th Congress I attacked that proposal as against the interest of the people. What I successfully fought for in the Senate in 1955, what I pointed to with honest pride in 1956 when I reported to the people of California, I simply declined to fight against in 1957. That legislation was heard in the House of Representatives committee, but no vote was ever finally taken on it. It simply died last year. And now, in the 86th Congress, the House committee has voted to table similar legislation.

In the letter which the Senator from Oregon has placed into the RECORD, written by my California colleague, he makes crystal clear that what Congress intended to be done 5 years ago must now proceed to be accomplished. What happened in the House committee today, as my friend from Oregon has indicated, ought to strike the final death knell to the so-called partnership legislation which would have destroyed the California Trinity law, which the Senator from Oregon helped to pass in the Senate half a dozen years ago.

Mr. MORSE. Mr. President, I hope the Senator from California will accept my sincere apologies for not referring to him in my previous remarks. I did not do so deliberately, because I am always hesitant about involving a colleague in any discussion of any controversial matter here on the floor of the Senate, but now that the senior Senator from California has made reference to this matter, I want this RECORD to show my very sincerely expressed views when I pay this tribute to the senior Senator from California for the great work he did here in the Senate when the Trinity project was first before us in legislative form.

I want to say to the people of California that in my judgment Trinity never would have gone through the Senate of the United States except for the splendid job that the senior Senator from California [Mr. KUCHEL] did in the course of that debate, because the senior Senator from California knows that there were some of us that were insistent that we find out with complete clarity just what was proposed in regard to the plan for Trinity and, as is always the case with the senior Senator from California, one can rely on his word, and when he gave us his statements as to what the bill provided and what the plan was with regard to Trinity, we knew that we had an accurate account of the legislation, and we knew on the basis of that explanation that it deserved our support. As he knows, from that time on in the debate we stood shoulder to shoulder in getting the Trinity legislation passed.

I want to thank the Senator from California for the remarks that he has made here today.

Mr. KUCHEL. Mr. President, I am grateful to the able senior Senator from Oregon, grateful for the generous personal comment that he has just made, grateful also for the support that he has given to a magnificent Federal undertaking which the water and power users of the State of California need, which they will pay for by the use of the electric energy and the additional waters which will now come to a vastly increasing population.

This is the discharge of constitutional responsibility by Congress in its highest sense, and certainly I was most grateful for an opportunity to participate in its final fulfillment.

Mr. MORSE. I yield to the junior Senator from California.

Mr. ENGLE. I thank my distinguished colleague from Oregon for his very generous and complimentary remarks with regard to the letter he has inserted in the CONGRESSIONAL RECORD.

I want to say that, the House committee having voted this morning, 13 to 9, to table the alleged partnership proposal, it seems to me it clears the way to proceed with an all-Federal construction of this project as should be done.

I want to emphasize that if the money is not appropriated and we do not go forward, and if we lose a year's time, we lose $5½ million.

In other words, we lose right up to nearly half a million dollars a month if we fail to proceed with this project immediately, because of the loss of revenues which the Government will collect just as soon as those powerhouses are ready to operate.

I have appreciated the support of my distinguished friend from Oregon. I wish to say I have appreciated the help we have received from the distinguished chairman of the House Committee on Interior and Insular Affairs, Representative WAYNE ASPINALL, of Colorado, who was the leader in making it possible to table the so-called partnership bills this morning.

Again I thank my distinguished colleague, and I thank him for yielding to me.

Mr. MORSE. I wish to say to the two Senators from California I also hope money will be appropriated for immediate construction of the Trinity project, as I am urging construction of similar projects, such as Green Peter Dam, in my own State.

I think of this unanswerable argument: It is a waste of the taxpayers' money not to build these projects. It is penny wise and pound foolish not to build these projects and not to build them now, Mr. President. They are capital investment. They are self-liquidating investments. They are investments which will pay back to the Treasury of the United States many times their cost. They should be divorced from any program or argument which deals with the matter of balancing the budget.

I am in favor of balancing the operating costs of the Government, Mr. President, but I want to say that the financing of capital investments, which will create wealth for the American people, should not be delayed on the basis of any so-called balancing-the-budget argument with respect to the operating costs of government, because capital investment is separate and distinct, as those of us who advocate the capital budget constantly point out, from the operating costs of the Government.

ORDER OF BUSINESS

Mr. MORSE. Mr. President, I am about to yield the floor because I understand the distinguished Senator from New York [Mr. KEATING] and the distinguished Senator from California [Mr. ENGLE] would like to speak for 10 minutes or so each.

As the Senator from New York knows, the pending business is the Des Plaines bill. I am scheduled to present my argument in opposition to the bill. I am very happy to cooperate with my colleagues and to postpone my argument until later in the afternoon. In fact, if the Senators will speak about 30 minutes it will give me time to have a lunch, which I have not yet eaten.

Mr. President, I yield the floor.

Mr. KEATING. Mr. President, in response to the statement of the distinguished Senator from Oregon, I will say I shall try to speak with some degree of slowness.

Mr. RANDOLPH rose.

Mr. KEATING. Mr. President, I yield to my friend the Senator from West Virginia.

PROPOSED REPEAL OF POLL TAXES FOR ELECTION OF FEDERAL OFFICIALS—CITIZENS OF THE DISTRICT OF COLUMBIA SHOULD VOTE FOR PRESIDENT OF THE UNITED STATES

Mr. RANDOLPH. Mr. President, I am grateful for the opportunity to bring to the attention of the Members of the Senate the very cogent editorial which was published in the Washington Evening Star of yesterday entitled "Amend the Amendment."

The writer appropriately focuses attention on the proposed constitutional amendment offered by the able Senator from Florida [Mr. HOLLAND] who was

joined in its introduction by 62 of his colleagues. It is an amendment which would give to the citizens of all States the right to participate in the American system of the ballot without the compulsion of the payment of a poll tax.

The special reference of the editorial, however, is not to the substance of the amendment in that degree. It suggests—and not facetiously, but with merit in the idea—that there should be additional language whereby we would not deny the right to vote to a person by reason of residence in the Capital of the United States.

In anticipation of the forthcoming visit of Premier Khrushchev to the United States, I remind the Members of this body that even in the Soviet Union today there is an election, or an election process, which is conducted for the people. Even the electorate of that country can vote for one party or for one so-called slate of candidates. In the District of Columbia, however, men and women who were born here, men and women who have lived their lives within this Federal jurisdiction, have no opportunity to vote and cannot exercise the responsibility of voting for either the President or the Vice President of the United States.

I have long felt—and I again express the belief—that Members of the Senate, at some hour which should be soon, will send forth legislation which can be submitted to the States as a proposed constitutional amendment. Citizens who do not establish any valid rights to vote within the States, could, within the District of Columbia under such a constitutional amendment, have not only the opportunity but the responsibility to exercise the franchise of freedom and citizenship.

I am grateful that my distinguished colleague [Mr. KEATING] has yielded for this statement. Perhaps we can lose democracy by default. We can conceivably forfeit our freedoms. We may even drift into a dictatorship, although that is certainly not likely in the United States, where, by and large, our people are intelligent and vigorous in the exercise of their citizenship responsibilities. This blemish on the democratic processes of our country has caused me to speak with more than ordinary vigor on this subject.

Mr. President, I ask unanimous consent that the Star editorial be printed in the RECORD at this point as a part of my remarks.

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

AMEND THE AMENDMENT

Senator HOLLAND, of Florida, has revived his proposal of a constitutional amendment which would forever end the poll tax problem. We urge that the Senator, and the distinguished group of 62 of his brethren who have joined him in sponsoring the amendment, add a few more words to the proposed resolution and thus get at the root of another problem, far more serious than the poll tax—the denial of all voting rights to citizens who are residents of the Capital of the United States.

Here is the nub of Senator HOLLAND's constitutional amendment, with a proposed addition printed in italics:

"The right of citizens of the United States to vote in any primary or other election for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or to meet any property qualification, *or by reason of residence in the Capital of the United States.*"

So changed, submitted, and approved by at least 38 of the States, this amendment of the Constitution would kill two birds with one stone—a little bird and a big bird. The little bird is the vestige of the poll tax remaining in five States—Alabama, Arkansas, Mississippi, Texas, and Virginia—which, in Senator HOLLAND's words, "has been accorded far more importance than it deserves." Yet, it does serve to prevent voting by too many citizens, white as well as colored, in those States.

The bigger "bird" is the denial of all voting rights to citizens whose residence in the Capital of the United States is interpreted as automatically disqualifying them from representation in Congress, the choice of President and Vice President—of any voice whatsoever in their Government. There is nothing in the Constitution which specifically prohibits these residents from voting. But the Constitution does not specifically provide voting rights for any save the residents of States. The District of Columbia is not a State. The argument has been that the Constitution would have to be amended if Washingtonians are to be given the right of being represented in their Government.

The amendment of Senator HOLLAND's amendment ought to do the trick. If approved, Congress would no longer be inhibited by any doubt on constitutional grounds from permitting residents of the District to vote for President and Vice President, and for such representation in Congress as Congress might, by simple legislative action, provide.

Mr. KEATING. Mr. President, will my distinguished friend yield to me on my time?

Mr. RANDOLPH. Certainly. I am appreciative of the Senator's forbearance.

Mr. KEATING. I read the editorial to which the Senator has referred. As my friend will remember, the Senator from South Dakota [Mr. CASE] offered a substitute to deal with this problem when the so-called District home rule bill was before the Senate. I voted against the substitute, as I suspect the Senator from West Virginia did, because I felt that it would hamper action on the bill before us. But I emphatically share the views expressed by the Senator from West Virginia on the need to provide a vote to the residents of the District of Columbia.

I have been studying the language proposed to be added to the so-called poll tax constitutional amendment. I do not wish to do anything which could be construed as interfering with that proposal, because it deals with such a vital problem. Personally, as a lawyer, I have the impression that a Federal statute could be enacted to serve the purpose so far as concerns Federal offices, but that is a matter of dispute. Perhaps the prevailing attitude is that it should be done by constitutional amendment.

At any rate, that is the road down which we are traveling, and I do not wish to get off into a byway. I say to my friend from West Virginia that I am now studying, and probably shall offer, an amendment to the constitutional proposal when it is presented to the Committee on the Judiciary, to make it applicable to the residents of the District of Columbia, because I see no reason why we cannot do it all in one fell swoop. I believe that such a constitutional amendment would have widespread support throughout the Nation. It is difficult for me to believe that the electors in any State would want to deprive the residents of any other part of our great country of the privilege of voting for President, Vice President, and other national officers.

Mr. RANDOLPH. Mr. President, will the Senator yield for a further observation?

Mr. KEATING. Certainly.

Mr. RANDOLPH. I hope the Senator will give me the privilege of associating myself with him in the anticipated action which he has indicated. I am sure that the Senator from New York speaks now, as he always speaks, from the standpoint of a well-informed lawyer. I believe this is an area for very careful determination of the most effective procedures.

I commend the Senator for his expression of support of the meritorious ideas and sound principle which we both embrace.

Mr. KEATING. I thank the Senator from West Virginia. I shall be happy to have his very important and effective help in what we are both seeking to accomplish.

Mr. HUMPHREY rose.

Mr. KEATING. Mr. President, I am happy to yield now to my genial and distinguished friend from Minnesota [Mr. HUMPHREY], who has sought time from me, which I am happy to give him, particularly in the light of the fact that our colleague from Oregon [Mr. MORSE] has rather invited me to take more than my allotted time at this hour.

NATIONAL POULTRY STABILIZATION ACT

Mr. HUMPHREY. Mr. President, I am deeply moved by the gracious and kind sentiments of my esteemed friend from New York. With his customary courtesy he has permitted me to introduce a bill in the Senate, and make a few remarks relating to the measure.

Mr. President, I introduce on behalf of myself and Senators MCCARTHY, ENGLE, and WILLIAMS of New Jersey, a bill to provide for stabilization and orderly marketing in the poultry industry. I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill may be printed in the RECORD.

The bill (S. 2516) to provide for stabilization and orderly marketing in the poultry industry, introduced by Mr. HUMPHREY (for himself and other Senators), was received, read twice by its

title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Poultry Stabilization Act".

STATEMENT OF POLICY

SEC. 2. It is hereby declared to be the policy of the Congress, through the powers conferred upon the Secretary of Agriculture by this Act, to stabilize the poultry industry and to establish and maintain orderly marketing conditions for poultry and poultry products produced in the United States; to provide reasonable returns and adequate standards of living to producers thereof so as to assure the continuing production and marketing of such poultry and the products thereof in sufficient quantities and of such grade, quality, and condition as to provide an adequate and dependable supply for consumers at reasonable prices.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(a) The term "Secretary" means the Secretary of Agriculture.

(b) (1) The term "producer" means any person who owns or rents land, buildings, and equipment for poultry production and who—

(A) with respect to any chicken marketing program, is engaged in the production of chickens or breeder chickens, at any stage in the production cycle.

(B) with respect to any egg marketing program, is engaged in the production of eggs or laying fowl, at any stage in the production cycle.

(C) with respect to any turkey marketing program, is engaged in the production of turkeys or breeder turkeys, at any stage in the production cycle.

(2) The Secretary shall promulgate regulations, with respect to each of the products named in paragraph (1), describing the type or types of business activity or economic contribution which constitute engaging in the production of such product. Such regulations shall provide for the exemption of producers whose rate of production is below a level, as determined by the Secretary, at which the aggregate production of all producers so exempted will have an appreciable effect on commercial markets.

(c) The term "laying fowl" means live poultry used or intended to be used for the commercial production of eggs.

(d) The term "chicken", unless the context indicates otherwise, means a chicken intended for consumption as meat, whether marketed or intended to be marketed as a fryer, broiler, capon, or under any other trade designation.

(e) The term "marketing year" means a period of one year's duration which begins on such date as may be specified in the applicable marketing program.

(f) The term "handler" means any person regularly engaged in the business of buying live chickens or live turkeys from any sellers thereof, and any person regularly engaged in the business of buying eggs from egg producers or from agents or brokers acting for egg producers.

ESTABLISHMENT OF PROGRAM FORMULATION COMMITTEES

SEC. 4. (a) The Secretary is authorized and directed to establish, as soon as practicable after the enactment of this Act (1) a Chicken Marketing Program Formulation Committee, (2) an Egg Marketing Program Formulation Committee, and (3) a Turkey Marketing Program Formulation Committee composed of the producers of such commodities. The members and alternate members of each such committee shall be appointed by the Secretary as hereinafter provided in this section.

(b) (1) For the purpose of securing nominations for appointment to the Chicken Marketing Program Formulation Committee the Secretary shall provide for the holding of, and supervision of, a meeting of chicken producers in each State the value of whose production of chickens in 1958 was in excess of $35,000,000. At each meeting the producers shall be entitled to nominate one member and one alternate member for appointment to such committee for each full $35,000,000 worth of chickens produced in such State in 1958.

(2) The Secretary may provide for the holding of, and supervision of, such a meeting of producers from each group of States, as designated by him, in which, in his opinion, the production of chickens is an important agricultural activity, if the aggregate production of chickens in such group of States was in excess of $35,000,000 in 1958. At each such meeting the producers shall be entitled to nominate for appointment to the Chicken Marketing Program Formulation Committee one member and one alternate member for each full $35,000,000 worth of chickens produced in such group of States in 1958. If no such meeting is held for producers in such group of States, the Secretary shall designate persons to be appointed from such group of States.

(c) (1) For the purpose of securing nominations for appointment to the Egg Marketing Program Formulation Committee the Secretary shall provide for the holding of, and supervision of, a meeting of egg producers in each State the value of whose production of eggs in 1958 was in excess of $60,000,000. At each meeting the producers shall be entitled to nominate one member and one alternate member for each full $60,000,000 worth of eggs produced in such State in 1958.

(2) The Secretary may provide for the holding of, and supervision of, such a meeting of producers from each group of States, as designated by him, in which, in his opinion, the production of eggs is an important agricultural activity, if the aggregate production of eggs in such group of States was in excess of $60,000,000 in 1958. At each such meeting the producers shall be entitled to nominate one member and one alternate member for each full $60,000,000 worth of eggs produced in such group of States in 1958. If no such meeting is held for producers in such group of States, the Secretary shall designate persons to be appointed from such group of States.

(d) (1) For the purpose of securing nominations for appointment to the Turkey Marketing Program Formulation Committee the Secretary shall provide for the holding of, and supervision of, a meeting of turkey producers in each State the value of whose production of turkeys in 1958 was in excess of $10,000,000. At each meeting the producers shall be entitled to nominate one member and one alternate member for appointment to such committee for each full $10,000,000 worth of turkeys produced in such State in 1958.

(2) The Secretary may provide for the holding of, and supervision of, such a meeting of producers from any group of States, as designated by him, in which, in his opinion, the production of turkeys is an important agricultural activity, if the aggregate production of turkeys in such group of States was in excess of $10,000,000 in 1958. At each such meeting the producers shall be entitled to nominate one member and one alternate member for each full $10,000,000 worth of turkeys produced in such group of States in 1958. If no such meeting is held for producers in such group of States, the Secretary shall designate persons to be appointed from such group of States.

(e) The Secretary shall, in such manner as he deems appropriate and effectual, give notice of the time, place, and purpose of each meeting called by him pursuant to this section at least fifteen days before the date of such meeting. Each such meeting shall be held not later than sixty days after the date of the enactment of this Act.

(f) The Secretary shall designate, with respect to each program formulation committee, one member to be appointed from each of the following groups that he deems appropriate in view of the nature of the segment of the poultry industry to which such program formulation committee relates: (1) breeders; (2) multipliers; (3) hatcheries; (4) poultry feed companies; and (5) processors.

(g) The Secretary shall appoint the persons nominated or designated pursuant to subsections (b), (c), (d), and (f), respectively, to the three program formulation committees provided for in subsection (a).

(h) The Secretary shall call the first meeting of each of the program formulation committees appointed pursuant to this section as soon as practicable, but in no event later than ninety days after the date of the enactment of this Act. Each program formulation committee shall at its first meeting organize and elect necessary officers.

(i) For the purposes of this section, the value of any State's production of chickens, eggs, or turkeys shall be as reported by the Federal Crop Reporting Service.

DUTIES OF PROGRAM FORMULATION COMMITTEES; TERMINATION

SEC. 5. (a) Each program formulation committee shall prepare and submit to the Secretary a marketing program in conformity with section 6 of this Act unless, in its judgment, no such program is needed.

(b) Each program formulation committee shall cease to exist when a marketing program submitted by it becomes effective, or three years after the date of enactment of this Act, whichever is earlier.

PROVISIONS REQUIRED, PROHIBITED, AND PERMITTED IN MARKETING PROGRAMS

SEC. 6. (a) Any marketing program shall—

(1) if such marketing program relates to—

(A) chickens, provide for the establishment of a Chicken Marketing Program Advisory Board.

(B) eggs, provide for the establishment of an Egg Marketing Program Advisory Board.

(C) turkeys, provide for the establishment of a Turkey Marketing Program Advisory Board.

(2) provide for the number, qualifications, manner of selection, and terms of office of members of the advisory board.

(3) provide that at least 65 per centum of the members of the advisory board shall be producers of the commodity to which such program relates, chosen on a basis which will provide equitable representation of producing areas.

(4) provide that members of the advisory board shall be appointed by the Secretary from nominations made by producers, or that the members of the program formulation committee, if such committee is constituted in accordance with the provisions of paragraph (3) of this subsection, shall be appointed by the Secretary as members of the advisory board.

(5) provide for the payment of expenses of administration of such program, including reasonable expenses of the members of the advisory board while engaged in the performance of their duties.

(6) provide for the assessment of producers to pay the expenses of carrying out such program, the assessment with respect to each producer to be in proportion to his production or marketing in the marketing year in which such assessment is made.

(7) specify the maximum assessment rates which may be levied upon producers.

(8) direct the advisory board to receive assessments, penalties, and any other lawful income, to pay expenses incurred by it, and to account for all receipts and expenditures.

(9) apply equally to all producers coming within its terms.

(10) set forth, with respect to any program for restriction of production or marketing, provisions governing the allocation, increase, reduction, and transfer of quotas of individual producers.

(11) provide, with respect to any program for restriction of production or marketing, for the creation of local committees of producers (the members of such committees to be appointed by the advisory board) to aid in the administration of the provisions set forth in such program.

(12) provide that the advisory board shall administer such marketing program in accordance with its terms and in accordance with such rules and regulations as may be promulgated by the Secretary.

(b) No marketing program may—

(1) provide for assessments in any one marketing year reasonably calculated to produce revenues aggregating more than 4 per centum of the average annual farm value of the products to which the program applies during the three preceding marketing years, as determined by the Secretary.

(2) provide for or permit the payment of any salary or other compensation, except reimbursement of expenses, to any member or alternate of an advisory board as such.

(3) provide for the advertising or sales promotion of any particular private brand of food, or permit the disparagement of the use or value of any agricultural commodity.

(4) provide for the restriction in any marketing year of the production or marketing of any type or grade of any product below a level (taking into consideration any surplus in storage) necessary to supply the normal requirements of consumers.

(5) provide for any restriction of production or marketing, unless such restriction is required in order to establish or maintain a level of prices for the product affected adequate to maintain on a sound economic basis sufficient productive capacity in the industry to fulfill the normal requirements of consumers.

(6) contain any provision not reasonably related to the achievement of the objectives set forth in section 2 of this Act.

(7) authorize or direct any action by the advisory board which shall not be subject to the approval of the Secretary.

(8) regulate or restrict research or development activities, or prohibit experimental production, but this clause shall not be construed to prohibit the applicability of marketing regulations or restrictions to experimental production on the same basis as the marketing of other production may be regulated or restricted.

(9) impose any duty or liability upon a handler, except as provided in sections 6(c)(1) and 6(c)(2).

(10) impose any duty or liability upon any person who is neither a producer nor a handler, except as provided in section 6(c)(2).

(11) be regional in application, or provide for differentiation of producers on a geographical basis.

(c) Subject to the limitations set forth in subsection (b) any marketing program may—

(1) require, or permit the advisory board to require, handlers to withhold from payments otherwise due to producers the amount of any assessment made upon producers pursuant to clause (6) of subsection (a) of this section, and to pay such amounts to the advisory board.

(2) require, or permit the advisory board to require, such reports or information from producers, handlers, processors, and others as may be reasonably necessary in the administration of such program.

(3) provide for the promotion of the consumption of the products affected by such program through the dissemination of information and educational matter relating to nutritional values and methods of preparation, or otherwise.

(4) provide for the carrying on of research and survey studies related to the production, processing, distribution, and promotion of the poultry or poultry product affected.

(5) provide for the establishment and maintenance of grade, quality, and labeling standards, not inconsistent with the Poultry Products Inspection Act (21 U.S.C. 451 and the following), for the poultry or poultry products affected by such program.

(6) regulate or restrict, or authorize the advisory board to regulate or restrict, by the creation of reserve pools or otherwise, the production or marketing of—

(A) chickens or breeder chickens or both, at any one or more stages in the production cycle thereof, if such marketing program relates to chickens.

(B) eggs or laying fowl or both, at any one or more stages in the production cycle thereof, if such marketing program relates to eggs.

(C) turkeys or breeder turkeys or both, at any one or more stages in the production cycle thereof, if such marketing program relates to turkeys.

(7) authorize the advisory board to purchase any product the production or marketing of which it might be authorized to regulate or restrict pursuant to clause (6) of this subsection.

(8) provide for the creation of local committees of producers (the members of such committees to be appointed by the advisory board) to aid in the administration of the provisions set forth in such program.

(9) contain such other provisions as may be reasonably related to the effectuation of the policies set forth in section 2.

PROCEDURE FOR ADOPTION OF MARKETING PROGRAMS

SEC. 7. (a) The Secretary shall determine whether any marketing program submitted to him pursuant to section 5(a) is in conformity with the requirements of section 6, and shall, on the basis of his determination, approve or disapprove such proposed program. If he disapproves, he shall communicate to the appropriate advisory board or program formulation committee the reasons for his disapproval. In making any such determination, the Secretary shall take into consideration such of the following factors as he may deem relevant:

(1) The quantity of the poultry or poultry products affected which are available for distribution, including any supplies in storage.

(2) The quantity of the poultry or poultry products affected normally required by consumers.

(3) The cost of producing the poultry or poultry products affected.

(4) The purchasing power of consumers.

(5) The level of prices of other commodities which compete with, or are utilized as substitutes for, the poultry or poultry product affected.

(6) Any other data which, in the judgment of the Secretary, are relevant to the question of whether such marketing program conforms with the requirements of section 6.

(b) The Secretary shall publish in the Federal Register the text of any marketing program approved by him pursuant to subsection (a), or any amendment approved by him pursuant to section 8(b). In the case of any marketing program, and in the case of any amendment required by section 8 to be submitted to a referendum, the Secretary shall, not less than fifteen nor more than ninety days after such publication, conduct a referendum of producers who will be affected by such marketing program as proposed or as proposed to be amended. If two-thirds or more of the producers voting in such referendum favor such marketing program or amendment, it shall thereupon become effective, but otherwise shall be of no effect.

(c) Only producers upon whom assessments would be levied, and producers whose production or marketing would or could be restricted or regulated, under such marketing program as proposed or as proposed to be amended, shall be eligible to vote in such referendum.

(d) The Secretary shall determine in accordance with the provisions of this section the producers eligible to vote in any such referendum, and shall furnish to such producers copies of the marketing program or amendment which is the subject of such referendum not less than fifteen days prior to the last day upon which ballots may be cast in such referendum. No such referendum shall be invalidated by reason of the failure of the Secretary to comply with the provisions of this subsection, unless such failure is substantial.

PROCEDURE FOR AMENDMENT OF MARKETING PROGRAMS

SEC. 8. (a) An advisory board may propose amendments to its marketing program.

(b) Any amendment proposed pursuant to subsection (a) shall, except as provided in subsection (c), become effective upon approval and publication by the Secretary. The Secretary shall approve such proposed amendment if he finds, on the basis of the factors enumerated in section 7(a), that the marketing program, if amended as proposed, will be in conformity with the requirements of section 6. If the Secretary disapproved such proposed amendment, he shall communicate to the advisory board the reasons for his disapproval.

(c) If an amendment approved pursuant to subsection (b) relates to any provision of a marketing program required by clause (2) or (7) of section 6(a), or permitted by clause (6) or (7) of section 6(c), the Secretary shall submit such amendment to a referendum conducted in accordance with the provisions of section 7, and such amendment shall take effect only if approved by producers, as provided in section 7.

POWERS AND DUTIES OF SECRETARY

SEC. 9. (a) The Secretary shall furnish to the several program formulation committees and advisory boards such information, advice, and technical assistance as they may reasonably request.

(b) The Secretary shall pay, from such sums as may be appropriated for the purpose, the reasonable expenses of the members and alternate members of the program formulation committees and the reasonable and necessary expenses incurred by the several program formulation committees in carrying out the provisions of this Act, including the salaries of such employees as may be required by such committees.

(c) The Secretary may require such reports or information from producers, handlers, processors, and others as may be reasonably necessary in the administration of this Act. The Secretary shall exercise the authority contained in this subsection in such a manner as not to require the submission of duplicate reports, or reports containing substantially the same information, to the Secretary and to an advisory board pursuant to section 6(c)(2).

(d) In order to ascertain the correctness of any report required to be submitted pur-

suant to section 6(c)(2) or subsection (c) of this section, or for the purpose of obtaining information required but not submitted pursuant to such sections, the Secretary is authorized to examine the books and records (relating to the information required) of any person from whom such information is required.

(e) The Secretary shall prescribe fiscal and accounting procedures for the several advisory boards, and shall audit their books and records, with or without notice, at such reasonable intervals (in no event less frequently than once a year) as he may deem appropriate.

(f) The Secretary is authorized to make rules and regulations to carry out the provisions of this Act, and of any marketing program in effect under this Act.

(g) The Secretary shall suspend the application of any provision of a marketing program in any circumstances, as determined by him, where the application of such provision would be in contravention of this Act.

(h) In the formulation and administration of marketing programs, the Secretary and the several program formulation committees and advisory boards shall maintain liaison with the appropriate agencies in States having similar or related marketing programs, in order that State and Federal efforts may be coordinated wherever feasible.

NONGOVERNMENTAL STATUS OF ADVISORY BOARDS; FUNDS

SEC. 10. (a) An advisory board is not a "Federal agency", and a member or employee of an advisory board is not, as such, an "employee of the Government", within the meaning of section 2671 of title 28 of the United States Code or any other provision of law.

(b) The funds of an advisory board, whether derived from assessments or otherwise, shall not be considered to be Government funds or appropriated money for any purpose.

(c) No liability to an advisory board, howsoever collected or enforced, shall be construed as a debt due to the United States within the meaning of section 3466 of the Revised Statutes (31 U.S.C. 191), or for any other purpose.

JUDICIAL REVIEW OF MARKETING PROGRAMS

SEC. 11. (a) Any person upon whom a duty or liability is imposed pursuant to or in connection with a marketing program in effect under this Act may file a written petition with the Secretary, stating that such program or any provision of such program or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. Such producer shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) (1) The district court of the United States in the district in which such producer is an inhabitant, or has his principal place of business, shall have jurisdiction to review such ruling, if petition for review is filed within thirty days from the date of the entry of such ruling. Service of process in such proceeding may be had upon the Secretary by delivering him a copy of the petition.

(2) The review by the court shall be limited to questions of law, and findings of fact by the Secretary, if supported by evidence, shall be conclusive.

(3) If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions (A) to make such ruling as the court shall determine to be in accordance with law, or (B) to take such further proceedings as, in its opinion, the law requires.

CIVIL REMEDIES FOR ENFORCEMENT OF ASSESSMENTS AND PENALTIES

SEC. 12. (a) Any producer who knowingly exceeds any quota or restriction upon production or exceeds any marketing limitation imposed upon him pursuant to a marketing program effected under this Act shall be liable to the advisory board in an amount equal to three times the value of the excess of such product produced or marketed, as the case may be, if such excess is sold or otherwise disposed of in violation of such program. The Secretary may sue any such producer on behalf of the advisory board in any court of competent jurisdiction to recover the amount of such liability.

(b) The Secretary may sue any producer or handler on behalf of an advisory board in any court of competent jurisdiction to recover the amount of any assessment for the payment or collection of which such producer or handler is liable to an advisory board pursuant to a marketing program in effect under this Act.

(c) Any claim which might be asserted against an advisory board in a suit brought under section 13 may be asserted as a counterclaim in a suit brought under subsection (a) or (b) of this section.

(d) Payment shall be made to the appropriate advisory board in satisfaction of any judgment rendered in favor of the plaintiff in a suit brought pursuant to subsection (a) or (b) of this section.

(e) Any handler who has not withheld or collected the amount of an assessment levied upon a producer, and has paid such amount to the proper advisory board, may sue such producer in any court of competent jurisdiction to recover such amount.

(f) The payment by a producer to a handler of an assessment which such handler is authorized to collect, or the withholding by such handler of the amount of such assessment from payments otherwise due to such producer, shall unconditionally discharge such producer from liability with respect to such assessment to the extent of such payment or withholding.

(g) No suit may be brought pursuant to this section more than 3 years after the right of action first accrues.

(h) The remedies provided by this section for the benefit of the advisory boards shall be exclusive.

CIVIL REMEDIES FOR ENFORCEMENT OF CONTRACT AND TORT LIABILITIES

SEC. 13. (a) An advisory board may sue and be sued on a contract entered into under color of authority of this Act or of a marketing program, and the several district courts of the United States are hereby vested with jurisdiction to entertain such a suit irrespective of the amount in controversy. Such a suit may be brought in any district in which the plaintiff resides, or in any district in which such suit might be brought pursuant to the provisions of chapter 87 of title 28 of the United States Code.

(b) In any suit brought pursuant to subsection (a), it shall not be a defense that the advisory board was without authority to enter into the contract on which the suit is brought, unless it be shown that the party against whom such defense is asserted had actual knowledge of such lack of authority.

(c) An advisory board may sue and be sued in an action sounding in tort, and the several district courts of the United States are hereby vested with jurisdiction to entertain such a suit irrespective of the amount in controversy. Such a suit may be brought in any district in which the plantiff resides, or in any district in which such suit might be brought pursuant to the provisions of chapter 87 of title 28 of the United States Code.

(d) No claim or counterclaim may be asserted against an advisory board or against any member or employee thereof pursuant to subsection (c) or otherwise, except as provided in section 11 of this Act, which is based upon—

(1) an act or omission of such board, or any member or employee thereof, exercising due care, in the execution of any provision of this Act, any marketing program in effect under this Act, or any rule or regulation promulgated by the Secretary, whether or not such provision of this Act, marketing program, rule, or regulation be valid.

(2) the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of such advisory board or any member or employee thereof, whether or not the discretion involved be abused.

(e) No member or employee of an advisory board shall be held personally liable in any suit brought pursuant to the provisions of this section.

(f) For the purpose of determining the venue of any suit brought pursuant to the provisions of this section, the advisory board shall be deemed to be a domiciliary of the District of Columbia.

(g) In any suit against an advisory board, service of process upon the Secretary or his designee shall be deemed to be service upon such advisory board.

CRIMINAL PENALTIES

SEC. 14. (a) Any information obtained pursuant to section 6(c)(2), 9(c), or 9(d) shall be confidential and shall not be disclosed by the Secretary, any officer or employee of the Federal Government, or any member of an advisory board or agent or employee thereof, except—

(1) in the form of statistics which do not reveal the identity of any individual producer;

(2) in compliance with an order of a court of competent jurisdiction; or

(3) in connection with a criminal prosecution for filing a false report.

Any person violating the provisions of this subsection shall be punished by a fine not exceeding $1,000, and (A) if an officer or employee of the Federal Government be removed from office, or (B) if a member or employee of the advisory board be removed from such position.

(b) Any person who violates any provision of this Act or any marketing program or any regulation promulgated pursuant to the provisions of this Act, other than a failure to comply with quotas or restrictions upon production or marketing or failure to pay an assessment, shall, if such violation is not otherwise punishable by Federal law, be punished by a fine not to exceed $500 for each separate violation.

Mr. HUMPHREY. Mr. President, in late March I received the first of what turned into a deluge of letters and telegrams and telephone calls from Minnesota family farmers and egg cooperative groups regarding the low prices which were being received for eggs. At that time, I brought this sad situation to the attention of the Senate and also to the attention of the Secretary of Agriculture.

The egg price slump, of course, was not confined to Minnesota. It was nationwide in scope. Department of Agriculture statistics reveal that from mid-February to mid-March, 1959, national average farm prices for eggs plunged 5 percent, 7 cents per dozen, under the

year earlier level. One month later, in mid-April, the national average price had dropped 27 percent below the average 1 year earlier. Production of eggs per capita is running 3½ percent ahead of a year earlier. These figures show that prices received by farmers for eggs declined 7.7 percent for each 1 percent by which supply per capita increased. These figures mean that the farmer is fighting a losing battle when he tries to produce and market more eggs to make up for the lower price received. It is the same story in broilers and in turkeys. It is the same story in almost every kind of farm production.

Over the years, farmers have been scolded and lectured about the need for greater efficiency in production. At the same time they have been forced to become quality conscious through the application of standard qualities and grading, often by State regulatory agencies. Producers have, therefore, been led to believe that greater efficiency in production and higher quality of farm products would give farmers a better market and a higher price, which would mean greater margins of profit.

Farmers responded to this belief. To prove the point, I want to cite the fact that in 1938 the average egg production per hen, in Minnesota, was 135 eggs per year, and that, 20 years later, in 1958, the average production was 212 eggs per hen per year. Comparable illustrations of increased efficiency and quality are available in almost every field of agricultural endeavor.

But farmers have not prospered because of increased efficiency and increased production. Quite the reverse. Egg farmers found that the small increase in production this spring resulted in a loss of about one-quarter of their gross income.

This is not a temporary situation that will be corrected automatically. Statistics and reports from the Agricultural Marketing Service of the U.S. Department of Agriculture clearly show this is a chronic situation.

While some reduction in laying flocks took place in the late spring months, among those producers who were willing to take the 6 to 7 cents per pound offered, and there has been a small increase in price this summer, the future is still dark with little light in sight.

I quote from an article in the August 7, 1959, issue of the Poultryman, a national newspaper of the poultry industry:

National average farm egg prices climbed 21 percent during the month ending July 15—about four times the usual seasonal rise.

Remember, however, that egg prices in the spring had fallen much farther than this. To continue:

Even so, July 15 prices still were 18 percent under those of the same date in 1958.

The Agriculture Department reports that U.S. egg prices averaged 30.2 cents in mid-July, compared with 24.9 cents the previous month and 36.8 cents a year earlier.

Chicken prices also strengthened during the month, but turkey prices declined slightly. All were under year-earlier levels: Turkeys, down 9 percent; farm chickens, down 29 percent; all chickens, down 18 percent, and broilers, down 17 percent.

USDA said July 15 egg prices, lowest for the months since 1942, represented 66 percent of parity. The previous month's price was 58 percent of parity; the July 15, 1958 price, 78 percent of parity.

I ask unanimous consent that the remainder of this article, which gives the July 15 average prices received for poultry and turkeys, be printed in the RECORD at this point in my remarks.

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

Broilers: 16.1 cents per pound, live, lowest for the month since 1940, up 2 percent from the June 15 average, 15.8 cents. The price was 3.2 cents under the corresponding one in 1958, 19.3 cents.

Farm chickens: 10.8 cents per pound, new record low for the month, but up 7 percent from the alltime low established the previous month, 10.1 cents. The price was 4.4 cents under that of July 15, 1958.

"All" chickens: 15.4 cents per pound, up 2 percent from the previous month's 15.1, but down 3.3 cents from the year-earlier figure, 18.7 cents.

USDA said "all" chicken prices represented 57 percent of parity on July 15, compared with 56 percent the previous month and 65 percent a year earlier.

Turkeys: 22.4 cents per pound, down less than 1 percent from the previous month's 22.5 cents, down 2.1 cents from the year-earlier figure, 24.5 cents. In 1957 mid-July turkey prices were 21.8 cents.

Turkey prices amounted to 62 percent of parity, as they had the previous month. One year earlier they represented 64 percent of parity.

Led by the sharp gain in egg prices, the Department's overall index of poultry and egg prices climbed 12 percent during the month.

On July 15 it was 139 percent of its 1910–14 average, compared with 124 the previous month. Still, it was 17 percent under the year-earlier level, 167.

The Department's index of all prices received by farmers dropped 1 percent (2 points) to 240 percent of its 1910–14 average.

The following table shows regional July 15 prices:

[Cents per pound or dozen]

	Turkeys	Eggs	Farm chickens	Broilers	All chickens
New England	28.5	51.5	14.9	17.1	16.8
Mid-Atlantic	29.4	37.6	15.0	20.1	18.6
East North Central	21.3	25.9	10.7	16.9	14.7
West North Central	21.2	22.4	7.0	15.2	10.1
South Atlantic	23.5	38.3	13.9	15.9	15.8
East South Central	22.4	32.0	11.8	15.1	14.9
West South Central	21.0	28.0	10.7	15.4	15.2
Mountain	22.0	32.7	11.4	19.0	15.5
Pacific	22.8	30.7	10.4	19.5	17.2
United States	22.4	30.2	10.8	16.1	15.4

Mr. HUMPHREY. Mr. President, egg and poultry and turkey producers know just what they are up against, but they cannot, as individual producers, or as all of the producers in any one State, do anything concrete to better their situation. They have said that they need nationwide legislation to assist them in meeting their problems.

The bill I introduced today has been worked out with the close cooperation of the people concerned, the producers themselves. This bill proposes that the Secretary of Agriculture be authorized and directed to establish marketing program formulation committees composed of producers of chickens, eggs, and turkeys, respectively. These committees are to prepare and submit to the Secretary a self-financing marketing program within rules and regulations established by the Secretary. Advisory boards composed of producers would be responsible for actual administration.

Marketing programs established would permit an assessment to be made on producers to finance activities, such as promotion of consumption by informational and educational material relating to nutritional values and methods of preparation; carrying on of research and survey studies related to the production, processing, distribution, and promotion of the poultry or poultry products affected; providing for the establishment and maintenance of grade, quality, and labeling standards; regulation or restriction of the production or marketing of the products concerned under careful limitations, either by the creation of reserve pools or other methods.

In short, this is a variation of the self-help type of commodity program.

In the absence of the more positive kind of producer-initiated marketing quota programs proposed in the bill, S. 2502, which I introduced last week, this program would, if enacted, offer some stabilization to these uncertain industries.

It is my strong belief that it would be far better to enable the producers to formulate their programs, with the aid and assistance of the Secretary of Agriculture and the technical resources available to him, hold the referendums necessary to secure the consent of two-thirds of the producers, and then ask Congress to permit the producers to regulate their own industries within the limitations of the program and with the program tools available.

The introduction of this National Poultry Stabilization Act, which has the approval of producers in most of the producing areas of the country, is the best proof that could be offered as to the need for a positive program. It is also proof of the willingness of producers to cooperate with Government in order to achieve a fair price and fair income.

As further documentation of the need for stabilizing an industry which is important to so many areas of the United States, I ask unanimous consent that a table be printed showing the cash receipts from poultry and eggs as a percentage of cash receipts for all farm commodities, by States, for 1957, the most recent year for which these figures are available, as published by the U.S. Department of Agriculture.

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

Cash receipts for poultry and eggs as percentage of all commodities, by States, 1957

State:	PERCENT OF CASH RECEIPTS FOR POULTRY AND EGGS
Alabama	20.7
Arizona	1.3
Arkansas	15.4
California	8.9

Cash receipts for poultry and eggs as percentage of all commodities, by States, 1957—Continued

PERCENT OF CASH RECEIPTS FOR POULTRY AND EGGS—Continued

State:	
Colorado	3.0
Connecticut	3.24
Delaware	61.9
Florida	5.0
Georgia	31.5
Idaho	3.1
Illinois	4.5
Indiana	9.5
Iowa	6.8
Kansas	6.0
Kentucky	5.9
Louisiana	6.0
Maine	38.0
Maryland	26.0
Massachusetts	28.2
Michigan	8.4
Minnesota	10.2
Mississippi	12.1
Missouri	7.3
Montana	1.7
Nebraska	5.1
Nevada	1.0
New Hampshire	44.2
New Jersey	34.8
New Mexico	2.1
New York	11.6
North Carolina	14.1
North Dakota	2.5
Ohio	9.4
Oklahoma	5.7
Oregon	8.5
Pennsylvania	22.3
Rhode Island	23.8
South Carolina	10.4
South Dakota	6.4
Tennessee	7.8
Texas	7.8
Utah	14.6
Vermont	7.9
Virginia	18.8
Washington	7.9
West Virginia	28.2
Wisconsin	8.4
Wyoming	1.3
United States	10.1

NOTE.—"Poultry and eggs" does not include turkeys.

Source: Statistical Bulletin No. 246, "Cash Receipts From Major Farm Commodities by States," USDA, Agricultural Marketing Service. March 1959.

PROPOSED AMENDMENT TO CONSTITUTION TO BAN POLL TAXES IN FEDERAL ELECTIONS

Mr. HUMPHREY. Mr. President, during the past week it was my privilege to join as one of the co-sponsors on the joint resolution, Senate Joint Resolution 126, introduced by the senior Senator from Florida [Mr. HOLLAND] proposing an amendment to the Constitution of the United States to ban poll taxes in Federal elections.

It is encouraging to note that Members of the Senate from all sections of our country have joined in sponsoring this resolution. I am hopeful that it will be promptly approved by the Congress and signed by the President so that the States may have the opportunity to ratify this amendment.

In this present Congress I once again introduced a bill to prohibit the poll tax in Federal elections. However, what I am primarily interested in is the Congress taking concrete action on this matter whether it be in the form of a bill such as I have proposed or in the form of an amendment to the Constitution as proposed in Senate Joint Resolution 126.

The important thing is to achieve our objective, and I am confident that we will not become ensnared in argument over the means and procedure involved.

In conclusion I ask unanimous consent that an editorial on Senator HOLLAND's resolution which appeared in the Washington Post of August 8 be inserted at this point in the RECORD.

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

POLL-TAX REVIVAL

The revival of the poll-tax issue in the Senate comes as an echo from the past. Once a leading bone of contention on the civil-rights front, it has subsided to a secondary status, perhaps because only five States—Alabama, Arkansas, Mississippi, Texas, and Virginia—continue to levy a tax on the right to vote. Even on a small scale, however, the practice remains inexcusable, and the Senate should lose no time in approving Senator HOLLAND's proposed constitutional amendment to free the ballot forever from any conditioning tax or property qualification. Exercise of the ballot remains perhaps the surest guarantee of respect for other civil rights.

We have always felt that a constitutional amendment is the proper remedy because of the Constitution's specific grant of authority to the States to fix the qualifications of voters. Over a period of many years now the strength of feeling on this point in Congress has prevented enactment of simple bills designed to abolish the poll tax. Certainly in the face of this failure of the anti-pool-tax bills the case for a constitutional amendment becomes overwhelming. Fortunately the resolution goes before the Senate with 63 sponsors, with Southern backing and the blessing of Majority Leader JOHNSON and Minority Leader DIRKSEN. What a refreshing experience it would be if both Houses could pass it and send it to the States for ratification before adjournment of the present session.

Mr. HUMPHREY. I hope that it will be possible to act quickly upon the suggested constitutional amendment and to refer it to the States for appropriate action by the legislatures or constitutional conventions.

PRESERVATION OF THE WILDERNESS

Mr. HUMPHREY. Mr. President, on August 3, 1959, the Washington Post and Times Herald published an open letter which was signed by the Citizens Committee on Natural Resources, in cooperation with Trustees for Conservation. The letter relates to a bill which it was my privilege to introduce in the Senate, together with the junior Senator from Oregon [Mr. NEUBERGER] and 16 other cosponsors, and which was introduced in the House by Representative JOHN P. SAYLOR and 10 other Representatives. The bill is known as the Wilderness Preservation Act. It is at present pending before the Senate Committee on Interior and Insular Affairs.

Mr. President, I ask unanimous consent that this splendid open letter be printed at this point in the RECORD.

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

AN OPEN LETTER ON AN IMPORTANT PUBLIC ISSUE

AUGUST 3, 1959.

To the Members of the Senate and the House of Representatives of the 86th Congress, Washington, D.C.:

DEAR SENATORS AND REPRESENTATIVES: We want to encourage you to enact promptly a conservation measure now in Congress to preserve a portion of our country in its natural unspoiled condition, as it always has been.

We want to emphasize to you that your support of this bill will be in the interest of all the people. It will benefit not only the present generations but generations yet unborn. It will not damage anybody.

This is the wilderness bill—introduced in the Senate by HUBERT H. HUMPHREY, RICHARD L. NEUBERGER, and a coast-to-coast bipartisan group of 16 other cosponsors and by Representative JOHN P. SAYLOR and 10 others in the House.

ENACTMENT PROCESS NOW UNDERWAY

This bill has been the subject of three hearings in Washington, D.C., and six hearings in the West—in Seattle; Bend, Oreg.; San Francisco; Salt Lake City; Albuquerque; and Phoenix.

It has been reported on favorably by the Department of Agriculture and the Interior, and by the Budget Bureau, with suggested amendments.

After so many years of study and delay, the enactment of the bill should now move ahead promptly. The wilderness bill should become law this year.

We are aware that you have received hundreds of letters about it and have seen many articles and editorials. We realize that we do not need to tell you the many arguments in its favor.

Not only for recreation but for many reasons, our wilderness areas—like our art galleries, museums, and libraries—are an important part of our public heritage. Like these other places, the wilderness areas at any one time may contain fewer people than our mass recreation areas, and yet be of outstanding public importance. The claim that preserving them is locking them up for special groups is preposterous. The wilderness areas should indeed be preserved and kept open, as they now are—for all who wish to use them, as wilderness—not destroyed by exploitation for special commercial interests.

What prompts our letter is the nature of the opposition.

Strangely enough, unwarranted opposition has been stirred up against this excellent bill. The meaning and purpose of this bill seem to have been willfully and persistently misconstrued and distorted. Controversy has been aroused over a measure that should have been enacted before this.

NO INTERESTS DAMAGED

The Associated Press in reporting the April 2, 1959, hearing in Phoenix, Arizona, said: "Most of the opposition came from representatives of livestock, oil, mining, and lumber interests."

We agree with the Chairman of the Citizens Committee on Natural Resources—Dr. Ira N. Gabrielson, outstanding national conservation leader—who says that this bill "avoids interference with other programs and existing interests."

We actually believe it would be wise policy and good public relations for these business interests to join in supporting the bill, instead of trying to block it.

TWO PERCENT OF OUR LAND

We are impressed with the fact that only Federal lands are involved and all that are

involved comprise only a fiftieth (2 percent) of the total area of our country.

These areas, it is emphasized, are already within national forests, national parks, and wildlife refuges. They are in a wilderness condition and are already considered most important as wilderness.

Actually only some 8 percent of the land in national forests would be affected. More than 90 percent of the land in national forests would be unaffected and would remain available for lumbering and other commercial uses.

Existing grazing privileges, we note, are recognized by the bill (and continued). Mining where now a legal possibility may be permitted if needed in the national interest. All existing private rights are safeguarded, including, of course, those of miners now operating.

No areas now open to lumbering are affected.

A special provision safeguards State water laws.

Through this legislation, then, we can have the values of wilderness along with other programs.

The wilderness values are real and important:

1. This wilderness preservation program protects areas of scenic grandeur for all the population, in the future as well as now.

2. Wilderness affords a type of recreation sought by many of our citizens—a recreation that is rugged, healthful, spiritually uplifting, and attractive to youth groups and families as well as to individuals.

3. The wilderness also has scientific assets for protection—plant and animal life, geological material, and so-called "control" areas where scientists can observe conditions where man's management activities are absent.

4. Preserving wilderness areas is a practical way also to insure watershed protection in the high mountain country.

To argue that preserving wilderness areas for all these values is "locking" them up for special groups is indeed preposterous.

A FIGHT TO PROTECT PUBLIC INTEREST

Those who vote for this bill need have no fear that anyone can rightfully complain that his interests have been damaged. Of this we are sure.

The threatened damage is the other way around. The public is going to have to fight to protect its interest.

Dr. Gabrielson recently said, "This fight is not against any interests which will be damaged by the proposed bill but rather it is against interests which have hopes of raiding the few remaining areas of wilderness for their own purposes whenever they have a chance."

We think he is right.

Actually such opposition looks to us like a very good reason why we need just such a bill, to give congressional backing to wilderness preservation.

A WESTERNER'S BILL TOO

We also want to emphasize that the wilderness bill is a westerner's bill just as much as it is anyone else's—or perhaps more so.

We note that the entire congressional delegation from one Western State—Montana—is sponsoring the bill, in the House and Senate both. Senator MURRAY and Representative METCALF have championed it from the start; Senator MANSFIELD and Representative ANDERSON are earnest supporters.

No group of Easterners is trying to force this wilderness program on the West. Conservationists in all 50 States are urging it in the national interest.

PASS THE WILDERNESS BILL NOW

We consider the wilderness bill a most important conservation measure. We think it fortunate that this kind of program can still be carried out in this country—and without sacrificing or damaging any other interests—as part of a sound overall land-use program that all conservationists should support.

Its passage will supply a valuable guideline for the work of the Outdoor Recreation Resources Review Commission which has recently been established by Congress and the President.

We join with other conservationists in urging you: Pass the wilderness bill as soon as you can. Enact it in this first session.

Only three volumes of testimony at hearings in the West and in Washington, totaling more than 1,500 pages, have already been published. Another is in press. It looks as though there is little left to be said. So we urge, on the basis of the case as now made: Go ahead with its enactment.

Don't postpone it till the second session and let this long-needed, broad-interest, conservation measure get involved in election-year politics.

It is a good measure, and timely. It will harm no one. It will be a lasting credit to all who support it.

Sincerely yours,

Ansel Adams; John H. Baker; Elliott S. Barker; Irving M. Clark; Robert K. Cutter, M.D.; Guy Emerson, U. S. Grant 3d; Frederick Brown Harris; Joel H. Hildebrand; Paul G. Hoffman; Joseph Wood Krutch; Karl A. Menninger, M.D.; Karl W. Onthank; Eleanor Roosevelt; Francis B. Sayre, Jr.; Wallace Stegner; Adlai E. Stevenson; G. Mennen Williams.

(This letter is published under the auspices of the Citizens Committee on Natural Resources, 321 Dupont Building, 1346 Connecticut Avenue NW., Washington 6, D.C. Ira N. Gabrielson, chairman; Howard Zahniser, vice chairman; Dewey Anderson, treasurer; Spencer M. Smith, secretary. In cooperation with Trustees for Conservation, 251 Kearney Street, San Francisco 8, Calif., and 2144 P Street NW., Washington, 7, D.C. Edgar Wayburn, M.D., president; Clifford V. Heimburger, Robert W. Sawyer, Russell H. Varian, vice presidents; Robert C. Miller, secretary; Stuart R. Dole, treasurer; William J. Losh, executive secretary.)

Mr. HUMPHREY. Mr. President, I hope that every Member of Congress will take the time to read the open letter, which is signed by such distinguished citizens as are listed as cosigners of the communication.

PROPOSED YOUTH CONSERVATION CORPS

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an excellent article entitled "CCC Veteran Lauds Plan To Revive Conservation Corps," written by Dick Bothwell, and published in the St. Petersburg, Fla., Times of August 6, 1959. In his article, Mr. Bothwell draws heavily on his own experiences as a member of the old Civilian Conservation Corps of the 1930's.

Because the article is so pertinent to the legislation shortly to be considered by the Senate, I ask unanimous consent that it be printed at this point in the RECORD.

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

CCC VETERAN LAUDS PLAN TO REVIVE CONSERVATION CORPS

(By Dick Bothwell)

Senator HUBERT H. HUMPHREY, of Minnesota, let me assure you that as a former member of the Civilian Conservation Corps, I am with you 2,000 percent in your effort to revive the CCC. So too, I suspect, are a couple of million other solid citizens who went into the woods and onto the farms back in the dark depression days of the thirties.

Reading in last Sunday's Times the pro and con articles on revival of the corps, as proposed by Senate bill 812 (passed in committee, fate uncertain) stirred up a host of memories for me.

All of a sudden it was 1937 again and I was a confused, angry kid out of a job, walking the streets of Lead, S. Dak., so mad at the world for rejecting me I wore a frown and unconsciously clenched my fists.

There were a lot of young men like that. The mid-thirties saw the Dust Bowl come—withered cornfields, brown drifts of dirt over deserted farm buildings. It was a dismal time, a second time. Where to go, what to do?

Then I found out there was a thing called the CCC, where you could work and even get money for it—$40 a month, if I recall correctly.

Thus it was I joined up with Company 2765, Camp Fechner, near Sturgis, S. Dak., also near Fort Meade—last U.S. Army Cavalry post.

All of a sudden I was no longer a leaf in the wind. I was part of something. I had an identity. Amid 200 other members of the disinherited, I got an invaluable lesson in group living which later served to ease my adjustment to Army life in 1941.

More than 20 years ago, it was—but the personalities of the barracks are still vivid.

PERSONALITIES

There was Tex, the brawny truckdriver from Rapid City who was loud and violent and direct. There was Engstrom, the company clerk with the North Dakota cadre, a blond little Norseman with a head for figures who gave me invaluable advice when I tried out as assistant clerk:

"Do one thing at a time and don't let them get you rattled."

There was Chuck Lewis, with a natural gift for guitar picking and song; the Indian boy whose painting had the clear bright quality of a jewel; Prim, the tough, muscular little supply man who hated the world.

I learned to get along with people. I got to be assistant educational adviser, teaching night classes in typing and cartooning, handling the little library, playing on the softball team, finding a reason for being.

Multiplying my experience by thousands, I used to wonder what would have happened without a CCC. How many of these 18- to 21-year-olds would have gone on the bum, become criminals or been a lifelong burden on society?

There is no saying, of course. But even the Republicans had a good word for the CCC, loud as they condemned F.D.R.'s other "alphabet agencies."

From 1933 to 1942, life of the CCC, the corps' 2,965,959 youths (and 189,165 war veterans) did great things for U.S. conservation, in terms of fire towers and trails, check dams, and other soil conservation measures.

GOOD WORKS

In Florida today, you can still find evidence of the CCC's good works in our State park system, which it was instrumental in building. In our forest industry second only in value to tourism, you find "graduates" of the CCC such as Frank Cowan, head forester of Withlacoochee State Forest near Brooksville.

At a time when our national parks were never more used or rundown, when our need for timber calls for doubled production, the CCC revival is logical. As Senator HUMPHREY points out, increased timber productivity ultimately would almost pay the cost of the program, estimated at $125 million

the first year and $375 million a year after that.

WALLACE F. BENNETT, Senator from Utah, opposes the idea. He wrings his hands over the mingling of youths from 16 to 22, away from home influence. Experience shows, however, that such mingling does a lot of youths a lot of good—and so does getting away from home influence in many cases.

And he argues that it would be unduly expensive—a cry that all short-sighted foes of conservation have echoed since the days of Teddy Roosevelt.

Personally, I hope Senate bill 812 goes through with flying colors. Our youth and our forests are still more important than the balanced budget.

Mr. HUMPHREY. Mr. President, I am hopeful that it will be possible to have this bill considered in the Senate sometime this week or next week, and that it will be passed promptly. I appeal to Senators on the other side of the aisle, who have heard from the executive branch of the Government in opposition to the bill, to forego the thought of following the executive leadership, and to follow the leadership of their conscience and the leadership of the American people and the legislatures, and of the many Governors who have testified in behalf of the proposed Youth Conservation Corps. The bill, in my opinion, is truly a constructive piece of proposed legislation. It will do great good for our young people and great good in terms of saving life, saving our forests, and saving dollars.

I hope the Bureau of the Budget will allow the milk of human kindness and understanding to come within its environs at least once in a while and will permit a friendly report and friendly comment relating to the Youth Conservation Corps.

THE WHITE FLEET

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD a letter I have received concerning the White Fleet proposal. The letter is from the American Board of Abdominal Surgery, and is signed by Dr. Blaise F. Alfano, secretary. In the letter, Dr. Alfano makes a specific offer of help to obtained the best qualified surgeons for the White Fleet medical assistance ship.

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

AMERICAN BOARD
OF ABDOMINAL SURGERY,
Melrose, Mass., July 31, 1959.

Senator HUBERT HUMPHREY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HUMPHREY: The White Fleet is certainly a positive step that in its silent grandeur can win more hearts than is possible by millions of words. This project strikes at one of the few main fears of simple people—death and disease. This same fear is responsible for the success of the insurance industry for the more sophisticated people. Thus, in like manner by alleviating this fear, the White Fleet's success will be in terms of good will that no amount of propaganda can dispel.

The American Board of Abdominal Surgery will assist in any manner you desire in order to obtain the best qualified abdominal surgeons for the White Fleet. In addition, if you wish, space will be provided in the Journal of Abdominal Surgery to tell the story of the White Fleet.

My best wishes for this most worthy endeavor.

Sincerely yours,
BLAISE F. ALFANO, M.D.,
Secretary.

Mr. HUMPHREY. Mr. President, Senators may recall that one of the ships proposed in the White Fleet was the medical assistance ship.

Dr. Alfano, an eminent surgeon, representing a great society, has proposed voluntary help to make this medical ship a reality in the White Fleet. I hope that Congress will not permit the White Fleet to become merely another article in Life magazine or another resolution submitted to the Senate. A great many Senators—I believe a majority—have expressed their interest in this particular enterprise.

The proposal of a White Fleet represents initiative in American foreign policy. It is an imaginative proposal, one which comes within the very traditions of the compassion, humanitarianism, and understanding of the American people. I, for one, wish to thank the eminent Dr. Alfano for his generosity, in his offer of cooperation. I also wish to thank the thousands of persons who have written to me and to other Senators relating to the White Fleet.

The distinguished senior Senator from Vermont [Mr. AIKEN] told me that in the past week he had received hundreds of messages and, in fact, many donations related to the White Fleet proposal. I can honestly say that my office has received well over 5,000 communications in support of the proposal known as the White Fleet. There may be many more since the last counting. I understand that of the more than 5,000 communications, less than 50 have been adverse, or in opposition to the proposal. This indicates to me the generosity and warmth of the American people, and their friendly desire to carry out the work of peace as a part of our foreign policy; to carry out a program of help which will be of benefit to human beings throughout the world. This, to me, is gratifying.

Mr. President, I thank the distinguished Senator from New York for permitting me to occupy the floor for the purpose of making these statements.

Mr. KEATING. Mr. President, it is always a great pleasure to extend every nonpolitical courtesy which I can to the distinguished senior Senator from Minnesota. I am very happy that he mentioned the White Fleet. I am happy to be a cosponsor with him of the bill which proposes that a magnificent humanitarian undertaking.

I should like to inquire of the Senator from Minnesota: If we receive donations connected with this cause, we are not required, are we, to turn them over to the Senator from Minnesota?

Mr. HUMPHREY. I assure the Senator from New York that it would be an act of mercy if he were to do so—at least, an act of compassion—but it will be necessary for me, in the light of my official responsibility, to have to refuse the generous thought on the part of the Senator from New York and the act of generosity which he contemplates. I hope that the funds will be referred to the Project HOPE, which is one of the voluntary projects for the outfitting and furnishing of a great medical ship; or that such funds would be made available to some other voluntary organization which would cooperate ultimately with the proposal of the White Fleet.

However, if the Senator from New York has any doubt as to what he should do with his gratuitous and his philanthropic contributions to charity, I would be more than happy to consult with him privately as to how he might aid and abet the cause.

Mr. KEATING. I was seeking to learn the proper channel. I have not had this hurdle to meet yet, as has the distinguished Senator from Vermont, but it could happen. I have had a large amount of mail in favor of the project, but no checks. However, if they should materialize, I wanted to know from one of the principal sponsors of the proposed legislation to whom the checks should be sent.

I hesitate, I may say to the Senator from Minnesota, to turn them over to him. I know that they would get into the proper channel, but I do not want to take up his time with the problem. I should be glad to send them wherever they should go, if he will tell me.

Mr. HUMPHREY. We have been somewhat perplexed by this problem in my own office. I was just speaking to my assistant, and I understand that we have received a rather substantial amount of contributions. As I understand, we are referring potential contributors or actual contributors to the Project HOPE, which is interested in the project at present.

I believe it would be well to place in the RECORD—which I wish to do at this point in the colloquy—a statement relating to the address of the Project HOPE, which is the health operations on the part of the American people for outfitting the ship U.S.S. *Constellation*. Then it will be possible to know exactly to whom to send the funds.

Mr. KEATING. I think that would be helpful, because the Senator from Minnesota has so many projects under way that I would not like to have checks intended for the White Fleet referred to a conservation project or to a project other than that to which the donors wanted them directed.

Mr. HUMPHREY. It is my desire that every project which the senior Senator from Minnesota sponsors be a worthy one. If perchance anything should go astray, we will be more than willing to correct the situation, on the advice and counsel of my esteemed counsel and lawyer friend from New York.

Mr. KEATING. I know that is what the Senator from Minnesota would do.

RACIAL UNREST IN LARGE METROPOLITAN AREAS

Mr. JOHNSTON of South Carolina. Mr. President, over the weekend I noticed two items in the news regarding racial unrest in large metropolitan areas where integration is being forced upon people.

One item is from the Washington Post of Saturday, August 8, 1959, entitled "Building is Guarded Against Racial Strife." It seems that police in Chicago had to mount a 24-hour guard around a building where some 4,000 persons milled in protest over reports of integration in that neighborhood.

The second item appeared in the New York Herald Tribune of Monday, August 10, 1959, and was entitled "Crowd Hems in Two Officers Over Arrests." The story tells how two white detectives were mauled and sent to the hospital by a mob of Negroes who attempted to interfere with law enforcement in a predominantly Negro section of the Bronx. The story reported that it finally took 4 radio cars and 25 patrolmen over half an hour to disburse the milling mob.

Mr. President, the point I make in bringing these items to the attention of the Senate is this: Both incidents, which we all abhor, only underline what I have been saying over the past few weeks to the Senate—that forced integration breeds trouble of all varieties.

Mr. President, had these incidents occurred anywhere south of the Mason-Dixon line, the northern newspapers would have charged prejudice, riot, attempted lynching, and no one knows what else. They would have played these stories up, and the stories would have been followed by official protests and requests of all sorts for Federal action and Federal intervention.

Mr. President, I mention all this, not as a means of intervening in the internal affairs of individual states, for I am one who believes that the individual states can best cope with their own local problems, but because some officials from the large northern cities where so much trouble seems to be generated have been criticizing the South and raising their eyebrows any time anything happens in the South.

The shoe is on the other foot now, and I simply want to drive home the point that forced integration will not work in the North any more than it would in the South. Each local area of the country must handle these problems on its own, and when the whole Nation realizes this, I think we will have a much more peaceful existence.

In line with this, I noted an article in the Washington Post of Saturday, August 8, 1959, entitled "New Rights Laws in 15 States Show Rising Power of 19 Million Negroes."

The article relates that proponents of FEPC laws and other similar statutes to force integration upon people have failed to accomplish what they sought on a national basis, and that they have reverted back to their individual States to seek these statutes.

In 15 States local so-called civil rights laws of varying nature have been passed. To my way of thinking, this is the right approach for proponents of civil rights legislation. Such laws should be taken up at the local level; the individual local areas know what they need and want, and they can have what they need and want simply by passing the laws. In this way they accomplish their purpose without forcing laws objectionable to other areas of the country on the people in the other areas.

I believe forced integration of any nature on the local level, or on the national level, is not workable, and stimulates racial disorder, prejudice, and hate, as well as crime and other evils. However, if New York or some other area of the Nation wishes to have civil rights legislation and all the problems that come with it, that is their individual State right. If South Carolina does not want to have such disorder, discord, and such laws, that is our right in South Carolina.

Mr. President, that is the point or the case I am trying to make.

I do not wish to interfere in the business of other States through any unwarranted Federal action and, similarly, I do not wish other States to interfere in my State of South Carolina through unwarranted Federal action.

Mr. President, I ask that the article from the Washington Post of Saturday, August 8, 1959, entitled "Building is Guarded Against Racial Strife," the article from the New York Herald Tribune of Monday, August 10, 1959, entitled "Crowd Hems in Two Officers Over Arrests," and the article from the Washington Post of Saturday, August 8, 1959, entitled "New Rights Laws in 15 States Show Rising Power of 19 Million Negroes," be printed in the body of the RECORD.

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

[From the Washington Post, Aug. 8, 1959]

BUILDING IS GUARDED AGAINST RACIAL STRIFE

CHICAGO, August 7.—Police mounted a 24-hour guard today around a three-flat building where crowds gathered 2 nights in a row in a racial disturbance.

Police arrested 13 persons last night and early today, after about 4,000 persons milled around the flats to protest the reported purchase of the building by Negroes. The building is in a white neighborhood.

[From the New York Herald Tribune, Aug. 10, 1959]

CROWD HEMS IN TWO OFFICERS OVER ARRESTS—KICKED, BEATEN BY 300 NEGROES

(By William Rollins)

Three hundred shouting, shoving Negroes held two detectives at bay on an east Bronx street corner for 20 minutes yesterday afternoon after the officers, both white, took a Negro man and woman into custody on charges of illegal possession of alcohol.

The detectives were kicked and beaten as they guarded their prisoners in front of a fish-and-chips store at 1423 Brook Avenue, near 171st Street in a Negro neighborhood, before 25 uniformed policemen arrived and arrested 2 members of the crowd.

JUG IS DISCOVERED

Detectives Jeremiah O'Connor and Thomas Marino entered the store shortly after 1 p.m. and discovered what they believed to be a jug of bootleg whisky behind the counter.

Detective O'Connor asked the owner of the store, Tyson King, 47, of 115 West 142d Street, for the keys to the store's basement, and the fracas was on. The detectives said the store's cook, Lucy Quick, 33, of 2525 Seventh Avenue, seized a pair of shears and tried to stab Detective Marino while the owner began to battle Detective O'Connor.

The policemen subdued the pair, but the sounds of the scuffle attracted a crowd.

The detectives put their prisoners in their radio car parked outside and stood by the car—one on each side—with pistols drawn as the angry group pressed in on them.

One member of the crowd, identified by police as William Golden, 44, began shouting: "Don't let them take away. Kill the bulls."

While the crowd clawed and kicked at the two policemen, a 270-pound construction worker, identified by police as Robert Edwards, 43, ripped Detective O'Connor's jacket off.

The detectives, still with guns drawn, fended off the crowd until five radio cars bearing the reinforcements converged on the scene and, with difficulty, dispersed the mob. Detective O'Connor observed later that the crowd was pressing so close he couldn't use his revolver because he might have hit his partner.

Police investigating the store later reported they found 12 half-gallon jugs of alcohol in the basement along with 100 empty gallon bottles and 6 empty 10-gallon cans. Detective O'Connor said he believed the store operators were retailing the alcohol after diluting it with water.

The police also discovered that the tires on the detectives' radio car, left during the height of the crowd's anger, had been deflated.

The man and woman in the store and Edwards, of 3743 Third Avenue, and Golden, of 1461 Brook Avenue, both the Bronx, were all charged with inciting a riot, a felony.

In addition, the man and woman in the store were charged with illegal possession of alcohol and felonious assault and the woman with violation of the Sullivan law in connection with the wielding of the shears. Edwards was also charged with felonious assault.

IN COURT TODAY

The accused four were to appear in Bronx Magistrate's Court today.

The two detectives and the three male prisoners were taken to Fordham Hospital for treatment.

The incident yesterday was similar to another scene on July 13 when 400 Negroes gathered outside the West 123d Street station to protest the arrest of a Puerto Rican woman believed by the crowd to be Negro—whom police believed to be drunk—and a man who allegedly interfered with police action. That crowd dispersed after the man was released and Harlem idol Sugar Ray Robinson, middleweight boxer, urged the crowd to go home.

The woman pleaded guilty to a charge of disorderly conduct. Her sentence was suspended, and a charge of second degree felonious assault was reduced to third-degree assault, for which she will be tried. Charges of police brutality in the incident were later disproved.

[From the Washington Post, Aug. 8, 1959]

NEW RIGHTS LAWS IN 15 STATES SHOW RISING POWER OF 19 MILLION NEGROES

(By Milt Freudenheim)

NEW YORK, August 7.—The rising political power of 19 million U.S. Negroes showed itself this year in 15 State legislatures that passed two dozen new civil rights laws.

Blocked by southern Democratic segregationist committee chairmen from getting very far in Congress, equal rights groups have turned to State lawmakers with impressive success.

The 1959 record crop of new laws crisscrossed the North from Maine to Alaska, dipping as far south as the border States of Missouri and Kansas.

With new laws this year in Ohio and California, enforcible fair employment practices legislation is on the books of every important industrial State except Illinois.

ACCOMMODATION ADVANCES

Discrimination is outlawed in places of public accommodation in 24 States, with the addition this year of Maine.

But the biggest advance came in housing. Four States banned discrimination in all housing, public and private, with varying exceptions to exempt individual homeowners.

Of the 15 legislatures passing civil rights laws, 11 were Democratic controlled, 2 Republican, and 2 divided. However, many of the laws were introduced with bipartisan backing.

States taking new civil rights action include:

Alaska, California, Colorado, Connecticut, Idaho, Kansas, Maine, Massachusetts, Missouri, Nevada, New Mexico, Ohio, Oregon, Washington, and Wisconsin.

Separate, parallel surveys of these developments have been prepared by the American Jewish Committee with the Anti-Defamation League of B'nai B'rith, and by the American Jewish Congress.

STATE DEVELOPMENTS

Here are the highlights:

Housing: Colorado, Massachusetts, Connecticut, and Oregon banned discrimination in private housing, the first such State laws. New York City and Pittsburgh already had city laws on this.

New York, New Jersey, California, and Washington ban discrimination in publicly assisted housing. The new Oregon law will suspend the license of any real estate salesman or broker aiding in discrimination.

Employment: Sixteen States with enforcement agencies are using conciliation backed by threat of administrative orders. Indiana and Kansas have antidiscrimination laws without enforcement arms.

New Mexico strengthened its enforcement commission. Missouri banned discrimination in State employment, without providing enforcement.

Interracial marriage: Laws forbidding interracial marriage were repealed by California, Idaho and Nevada this year.

Public accommodations: In addition to the new Maine law, California, Connecticut, Kansas, and Wisconsin tightened up their bans on discrimination in this area.

Credit applicants: Washington outlawed questions about race, religion, color and national origin from credit application forms of banks, loan companies, insurance companies, etc.

THE BUDGET BUREAU RECOMMENDS AGAINST BUDGETING FOR DEBT RETIREMENT

Mr. ENGLE. Mr. President, 2 months ago I introduced a bill, S. 1932, to establish a guide for reducing the Federal debt when economic conditions are favorable. The bill was referred to the Committee on Finance, and the committee's chairman requested a report on it from the Bureau of the Budget.

The bill is brief and simple enough that its desirable consequences can be foreseen without difficulty. It proposes, when a prosperous year is anticipated, that the President shall set aside in his budget a definite amount for debt retirement. If he wants to present a balanced budget, the total requested for expenditure must be less than anticipated Federal receipts by a definite amount. The amount for debt retirement is equal to 10 percent of the estimated increase in gross national product during the year of the budget. When no increase in gross national product is anticipated, no appropriation for debt retirement is contemplated.

An increase in gross national product will require debt retirement. It also will increase the tax collections of the Government. The budget should be drawn up to yield more taxes than are spent, thus providing the means for reducing the debt, in any year of growth—and particularly in a year of boom or inflation, when gross national product is growing very rapidly. The budget presented by the President will need to limit requests for spending authority, to make debt retirement possible. The limitations will have to be especially strict when inflation promises very rapid increase in gross national product, to meet the rate of debt retirement set by the bill. Limitations will have to be strict to provide the means of retirement because collections of individual income taxes not withheld and of corporation income taxes are made some months after income is earned, with the result that collections do not increase as rapidly as product. The adjustment of budget requests required by a rapid rate of debt retirement will bring desirable counterpressures from the Federal Government against inflation.

It is to be emphasized that this bill makes debt retirement an essential and unavoidable consideration in drawing up the budget presented for congressional action. Also worth emphasizing is the fact that the appropriation for debt retirement will require congressional approval. The appropriation will not be automatic. The appropriation for debt retirement will be available until spent, thus fitting debt retirement to the inflow of receipts from increases in national product.

My bill was written to establish a guide for making debt retirement systematic; for adjusting annual debt retirement so that it will contribute to the stability of the economy, and thus establish a pattern of debt retirement that can be maintained year after year as economic conditions change. The bill requires a budget which yields a surplus of revenues in prosperous years, and it avoids the ineffective procedure of retiring debt according to a schedule, without regard to the balance of the budget.

The way my bill would work in the economic conditions that are likely to develop in the future can be foreseen by anyone who considers its language.

The modest intellectual effort required to appraise the bill seems to have been too much for someone in the Bureau of the Budget. The bureau sent a letter mentioning the number of the bill to the senior Senator from Virginia [Mr. BYRD]. The letter has the flavor of a form letter prepared in anticipation of inquiries on a broad subject, and sent out in place of a custom-made reply when diverse inquiries are received—the sort of form which is pulled out of a file and handed to a typist with instructions to copy it, insert an address, a salutation to the addressee, and type the number of a bill in a blank space in the body of the letter.

The letter states that "the Bureau of the Budget is in favor of the objective of reducing the public debt." A harmless statement, committing the Bureau to nothing. The objective is not given any definite rank among other objectives. Reducing the debt has no meaning when the amount and the rate of debt reduction, and the circumstances in which it will be sought, are passed by without commitment.

The Bureau makes no commitment because they hold to a basic postulate that effectively forestalls consideration of this bill for debt reduction. They do not seriously consider whether the rate of debt reduction proposed in the bill is desirable or whether the circumstances in which reduction is proposed are those most appropriate. They avoid the exercise of practical judgment on the bill before them. They merely assume that being in favor of debt retirement cannot have any practical consequences. The Bureau implies that, despite its professed preference for reducing the public debt, it is powerless to influence the planning of Federal expenditures and receipts, and powerless to influence Federal spending so that the debt can be reduced voluntarily. Forgotten are its established practice of reducing agency requirements before including them in the budget, and its power of controlling expenditures by apportioning appropriations throughout the period of their availability. Perhaps these powers were not forgotten. Perhaps the Bureau only assumed it has reached perfection in budget review and apportionment, and can do nothing further toward achieving a surplus of receipts for debt retirement, even if directed to do so. After stating that it is in favor of reducing the debt, the Bureau's letter continues:

> As a practical matter, however (that is, despite favoring the objective) the only way to achieve a net reduction in the debt is for the Government to spend less than it collects and to use part or all of the surplus for debt reduction.

My bill is founded on recognition of the obvious fact that debt can be reduced only from the proceeds of taxes in excess of expenditures, and states a rule that can be put into dollar terms to guide budgeting for a surplus and for debt reduction.

Guides for budgeting are so distasteful to the Bureau that it cannot see them when they are proposed. Its letter does not trouble to comment on the guides to budgeting actually intended in the bill, but instead discusses another proposition. Their strawman is set up in the following words:

> While the Congress might direct that the public debt be reduced by a specified amount in a given fiscal year * * *.

No such blunt and unqualified direction is given in my bill. To repeat, it directs the President to propose a debt retirement appropriation based on forecasts of increase in gross national product, and to consider as balanced, or as providing a surplus, only a budget in which debt retirement can be made from a net surplus of receipts.

The Bureau follows the phrase quoted above with the phrase containing the blank to be filled in "as proposed by S. 1932."

The letter continues its sentence with a description, as if it were relevant to the bill named, of what used to happen when the sinking fund was used for debt retirement during the 1930's and 1940's. The letter reads:

Unless the Government's total receipts were sufficient to cover such debt repayments in addition to all other current expenditures authorized by the Congress, the Treasury would have to borrow additional funds to meet the required amount of debt retirement.

If such a bill were presented to the Bureau for review, the comment would be appropriate and interesting. But when the comment is made on a bill to which it is irrelevant, it is absurd. The Bureau bases its recommendation against my bill largely on experience with a sinking fund, and not at all on the provisions of my bill.

If debt retirement were automatic, requiring consideration neither by the President nor by the Congress, and proceeding without regard to the condition of the Federal finances, none of which characteristics can be found in the bill the Budget Bureau presumes to recommend against, then such a "bill might lead the public to believe that the debt was being reduced when this might not, in fact, be true." Another irrelevant observation; and probably inaccurate as well. Does anyone suppose that during the 1930's and early 1940's the sort of legislation described by the Bureau led anyone to believe the debt was being reduced?

The last sentence of the Bureau's paragraph on debt reduction completes its underlying thought that the budget will be as it will be and cannot be arranged otherwise:

On the other hand, if total revenues were sufficient to permit debt reduction, the results of this proposal would be the same as under the present system of applying budgetary surpluses to reducing the debt.

True enough: A surplus under the proposal would reduce the debt, and a surplus now can be used to reduce the debt—or to build up a bank balance. But the sentence, like the paragraph, overlooks the essential point of my bill, which is to provide a systematic procedure of budgeting for surpluses and debt reduction when economic conditions permit.

The Bureau of the Budget has repeated some obvious and some irrelevant thoughts, when it should have discussed the merits of the proposed legislation before it. If improvements in the legislation had been suggested, they would have been welcomed. But no service to the process of legislation is performed by a report of the sort sent to the senior Senator from Virginia in connection with this proposed legislation.

I ask unanimous consent to include in the RECORD following my remarks a copy of the letter from the Bureau of the Budget, dated June 24, 1959, and signed by Phillip S. Hughes, Assistant Director for Legislative Reference of the Bureau of the Budget, and directed to the Honorable HARRY F. BYRD, chairman of the Committee on Finance.

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

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., June 24, 1959.

Hon. HARRY F. BYRD,
Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in reply to your letter of May 18, 1959, requesting the views of the Bureau of the Budget on S. 1932, a bill to provide for the retirement of the public debt in amounts which reflect annual increases in the gross national product.

The proposed legislation would require that the budget for any fiscal year include a request for an appropriation equal to 10 percent of the amount by which the estimated gross national product for that fiscal year exceeds the estimated gross national product of the current fiscal year, to be used for retirement of the public debt.

The Bureau of the Budget is in favor of the objective of reducing the public debt. As a practical matter, however, the only way to achieve a net reduction in the debt is for the Government to spend less than it collects and to use part or all of the surplus for debt reduction. While the Congress might direct that the public debt be reduced by a specified amount in a given fiscal year, as proposed by S. 1932, unless the Government's total receipts were sufficient to cover such debt repayments in addition to all other current expenditures authorized by the Congress, the Treasury would have to borrow additional funds to meet the required amount of debt retirement. Thus, the bill might lead the public to believe that the debt was being reduced when this might not, in fact, be true. On the other hand, if total revenues were sufficient to permit debt reduction, the results of this proposal would be the same as under the present system of applying budgetary surpluses to reducing the debt.

For these reasons, the Bureau of the Budget recommends against the enactment of S. 1932.

Sincerely yours,
PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

Mr. ENGLE. Mr. President, I should like to say that no finer illustration of administrative absurdity and inanity will appear in the RECORD in a long, long time to come. For all of this administration's protesting about the expenditures of the Federal Government and the desire to balance the budget, when serious legislation is proposed for the purpose of meeting this objection we would not expect to receive this kind of inane answer from the Bureau of the Budget.

The legislation introduced proposes specifically that when the gross national product increases in the Nation, as I think it will in the years ahead, a specific amount of the tax revenue from that gross revenue product is to be earmarked and set up in the budget to be reported to Congress as the basis for debt retirement. The administration has undertaken to overlook that suggestion and says, "Oh, well, it means nothing anyway, because unless we have a surplus over and above appropriations we are not going to reduce the Federal debt."

I am certain we are not going to reduce the Federal debt until we undertake a systematic program for applying money against the Federal debt, and the way to start that is to have the President report in his budget message when he sends it to Congress each January how much it is anticipated the gross national product will increase during the ensuing fiscal year, and how much any earmarking of taxes from a definite proportion of that would amount to, and to allocate that, in connection with a balanced budget, specifically toward the problem of debt retirement.

I am discouraged that this administration has shown so little interest in the first specific program that has been made in this Congress in the direction of a systematic program for the reduction of the Federal debt and a declaration by the Congress that it intends to follow out that kind of systematic program.

I hope, too, that the distinguished chairman of the Senate Committee on Finance, at the beginning of the next session, will give me an opportunity to be heard on this proposed legislation so we can put this administration squarely up against confessions whether or not their talk of reducing the Federal debt and balancing the budget is just so much window dressing, or whether or not they are willing to support programs that look constructively and vigorously in that direction.

Mr. President, I am ready to yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Without objection it is so ordered.

ORDER FOR ADJOURNMENT UNTIL TOMORROW AT 11 A.M.—LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I am informed that this morning the Banking and Currency Committee voted to report to the Senate the President's veto message of the housing bill and the accompanying housing bill, with the recommendation that the bill pass, the objections of the President to the contrary notwithstanding.

I have conferred with the distinguished chairman of the subcommittee in charge of the accompanying legislation. He informs me that he would like to have the Senate meet tomorrow at 11 a.m., and remain in session until action is taken on the question of overriding the President's veto.

I have talked with as many of the members of the committee as possible, and I believe tomorrow will be the most convenient time we can select for that vote. I have cleared this matter with the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], and with the ranking minority member of the Banking and Currency Committee, the Senator from Indiana [Mr. CAPEHART].

Therefore, Mr. President, I ask unanimous consent that when the Senate concludes its session today, it adjourn until 11 a.m. tomorrow.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Without objection, it is so ordered.

Mr. JOHNSON of Texas. I announce that tomorrow there will be the usual morning hour, with a 3-minute limitation on statements; and at the conclusion of the morning hour, the motion to which I have referred just now will be made, and Senators who then desire to discuss the merits of the veto message or the merits of the accompanying legislation will be heard. I hope the session tomorrow will last until late in the evening, if necessary, in order to have a yea-and-nay vote on the question of whether the bill shall pass, the objections of the President to the contrary notwithstanding.

CONVEYANCE OF CERTAIN LANDS TO THE STATE OF ILLINOIS

The Senate resumed the consideration of the bill (S. 747) to provide for the conveyance of certain lands known as the Des Plaines Public Hunting and Refuge Area to the State of Illinois.

The PRESIDING OFFICER. The question is on agreeing to the amendment to S. 747.

Mr. DOUGLAS. Mr. President, I understand the measure before the Senate is S. 747.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOUGLAS. This is a bill which I introduced to convey some 2,400 acres of land in the so-called Des Plaines Public Hunting and Refuge Area to the State of Illinois for the consideration of $286,638.

Mr. President, the bill comes to the Senate with the unanimous endorsement of the Committee on Government Operations. A subcommittee consisting of the Senator from Maine [Mr. MUSKIE], the Senator from Alaska [Mr. GRUENING], the Senator from Oregon [Mr. MORSE], and the Senator from Indiana [Mr. CAPEHART], held hearings on the bill and unanimously reported the bill.

In the form in which the bill was reported it embodied an amendment suggested by my colleague from Illinois [Mr. DIRKSEN] which we have always understood was endorsed by the State administration.

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

Mr. DOUGLAS. I am happy to yield.

Mr. MORSE. I wonder if the Senator will take a moment to explain the Dirksen amendment, because I do not think it is thoroughly understood.

Mr. DOUGLAS. I will do so in just a minute.

Mr. MORSE. I am sorry to have interrupted the Senator.

Mr. DOUGLAS. That is perfectly all right.

I am also happy to say that the amended proposal is endorsed by the General Services Administration, in a letter sent to the chairman of the committee [Mr. MCCLELLAN] under date of August 3, 1959. I ask unanimous consent that the letter may be printed in the RECORD at this point.

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

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., August 3, 1959.

Hon. JOHN L. MCCLELLAN,
Chairman, Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of May 18, 1959, requested the views of the General Services Administration on S. 747 (amendments), 86th Congress, to strike out and amend all after the enacting clause and amend the title to read "A bill to provide for the conveyance of certain lands which are a part of the Joliet Arsenal Military Reservation, Will County, Ill., to the State of Illinois."

The purpose of the proposed amendment of the bill is to authorize and direct the Secretary of the Army to convey to the State of Illinois, without consideration therefor, approximately 1,500 acres of land at the Joliet Arsenal for wildlife conservation or recreational purposes.

The views of this agency with respect to S. 747 as originally introduced were expressed in our report dated March 24, 1959, to your committee, and in testimony on April 9 before the special subcommittee created to hold hearings on the bill. As introduced, the bill would require this agency to transfer 2,414 acres comprising a portion of Joliet Arsenal to the State of Illinois for use for wildlife conservation and recreational purposes. The State, through is department of conservation, has been operating this 2,414 acres and the 1,500 acres which are the subject of the substitute bill since March 29, 1948, as the Des Plaines Wildlife and Public Hunting Area. The 1,500 acres, more or less, described in the substitute bill have not been reported to GSA as excess property by the Department of the Army.

As we testified during the above-mentioned hearings and during hearings before the House Armed Service Committee on May 29, 1959 on H.R. 3984, a companion bill, since it appeared to us that certain portions of the property had a high potential for industrial development we were unable to say that it was chiefly valuable for wildlife conservation purposes. Accordingly, the property was offered for sale on February 2, 1959 in three separate parcels and as a whole to establish exactly what it would bring on the market. The bids were opened on March 16, 1959, and the awarding of the successful bids has been postponed until August 15, 1959, in order to study the results of the bidding, and to make a determination of whether the land should be conveyed for public or private uses as well as to afford your committee time to hold hearings on S. 747. Two of the parcels comprising 1,468 acres brought offers of $805 and $660 per acre on this first brief exposure to the market, which established that they are not chiefly valuable for wildlife conservation purposes. The third parcel of 946 acres, partly of low lying and inundated land, produced a bid of $303 per acre, which indicates that although this parcel is valuable for other than wildlife conservation use, its market value is not out of line with prices paid by the State of Illinois for park and wildlife conservation purposes in other localities. This 946-acre tract adjoins the 1,500 acre tract which is the subject of the proposed amendment to S. 747. GSA is prepared to sell to the State of Illinois the 946 acre parcel at the price of $303 per acre offered at the public sale. We believe it in the public interest to dispose of the remaining 1,468 acre tract for its value for industrial uses.

We understand that the State of Illinois is agreeable to buying the 946 acre parcel at the above stated price if they can get title to the 1,500 acre tract, and that they will not object to the sale of the remainder of the Des Plaines Wildlife and Public Hunting Area for commercial use, under these circumstances.

Therefore, GSA favors enactment of the proposed amendment of S. 747, which, together with sale of the 946 acres to the State of Illinois, as discussed above, would constitute an acceptable resolution of the problem under all of the circumstances.

The financial effect of the enactment of the proposed amendment to S. 747 cannot be ascertained at this time.

The Bureau of the Budget has advised that, while there is no objection to the submission of this report to your committee, the Bureau would have no objection to the enactment of the measure if S. 747 (amendments) is amended as suggested in the Department of the Army report to your committee on the bill.

Sincerely yours,

FRANKLIN FLOETE,
Administrator.

Mr. DOUGLAS. Mr. President, I think it may be important to see what is at issue in this matter. In the back of the Chamber I have a map, which illustrates a part of the land attached to the so-called Joliet Arsenal. The land, in all, comprises 43,000 acres. 2,400 of these acres were leased in 1948 to the State of Illinois for the purpose of a wildlife and game refuge. Those acres are designated as parcels 1, 2, and 3. The State of Illinois developed these parcels and spent upon them between $300,000 and $500,000. Part of this expenditure was in the form of buildings. All of the buildings are on parcels 1 and 2. Part of the expenditure was in the form of roads, which extend into parcel 3, which is the southernmost part of the original piece of land under consideration.

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

Mr. DOUGLAS. I am glad to yield.

Mr. GORE. Is this the tract of land for the purchase of which a corporation has been organized in Indiana?

Mr. DOUGLAS. No. That is connected with the Indiana Dunes. This land has nothing to do with the Indiana Dunes. It is about 60 miles from the Dunes. It is located entirely in the State of Illinois.

During the course of the winter, the Army declared these 2,400 acres to be surplus, and the General Services Administration asked for bids upon the land. Bids were made by an industrial syndicate, which offered a total bid of $1,351,000 for the full 2,400 acres.

In view of the shortage of recreational areas around Chicago, and in view of the fact that this area had been used for 10 years by the State of Illinois as a wildlife, hunting, and game refuge region, I introduced a bill to prevent the sale of the land for industrial purposes, and to continue to reserve it for the State for the purposes for which it has been used during the past 10 years.

Various conferences were held, and we reached an agreement with the State administration—my colleague [Mr. DIRKSEN] was very helpful in this connection—whereby 1,500 of the 2,400

acres, namely, parcels 1 and 2, fronting on the Des Plaines River, were to be used for industrial purposes, but parcel No. 3, the southernmost parcel, consisting of approximately 940 acres, was to be reserved for the State of Illinois.

Then it was proposed that, in addition to the 900 acres, a further plot of 1,500 acres lying directly south of parcel No. 3 should be conveyed to the State of Illinois. We can call this parcel 4. The Governor of Illinois asked for an appropriation of $286,638 for the transfer of parcel No. 3, and this was approved by the legislature. The money is now ready and can be used for this purpose.

This is the present-day, 100 percent fair market value of the property. When these areas were bid upon by the industrial syndicate, it bid $296,638 for parcel No. 3. So the State of Illinois is not only willing to pay 50 percent of the present fair market value; it is willing to pay 100 percent.

It is asking—and we are asking, fundamentally—that the 1,500 acres to the south be joined with parcel No. 3, and that the appropriation of $286,638 be regarded as an adequate State contribution to the Federal Government for the transfer of the full 2,400 acres.

In terms of original cost of acquiring these properties back in 1941, $286,638 represented between 75 and 80 percent of the original cost. If we add the improvements, in the form of roads, which the State has made upon parcel 3 during the intervening period, the total amount which the State is willing to pay, in cash and in kind, amounts to well over $286,638—how much more, we do not know.

I believe that this is a very sound and desirable transfer. As I have said, it is unanimously approved by the Committee on Government Operations, and has also been approved by the General Services Administration.

As the colloquy last week brought out, if and when these lands should cease to be used for recreational purposes by the State of Illinois, the title would revert to the Federal Government. So the full reversionary rights of the Federal Government would be maintained. If the national interest should require that the 1,500 acres be reclaimed by the Army, this will be given, too.

The objections to this proposal come from two sources. The first is from the Army itself. Second, there is the question of the so-called Morse formula.

The Army is objecting to the proposed transfer—although, as I have said, the General Services Administration is not—on the alleged ground that it needs the southernmost 1,500 acres for maneuver purposes.

I point out in this connection that the Army has 39,000 acres outside this area, which it could use for maneuver purposes. It seems extraordinary that it cannot part with this 1,500 acres.

The Army is offering, as a substitute for this 1,500 acres, another 1,500 acres, a mile and a quarter southeast, not contiguous, and separated from these parcels by Route 66, which is one of the most heavily traveled highways in the country. It would be impossible for people to go there on foot; likewise pheasants and ducks could not move.

So the Army proposal is a thoroughly unsatisfactory substitute, based upon the assumption that it must have the southerly 1,500 acres in order to carry on military maneuvers on weekends. To my mind this is truly an extraordinary position. The Army has 39,000 acres in which reservists can maneuver on weekends. This does not involve Regular troops.

While I do not wish to make any definite suggestions, it is interesting that the land which the Army wishes to retain is contiguous to the game preserve. Naturally pheasants would stray across the border, which would afford very valuable shooting bases for such officers of the Army as might care to come down on weekends and indulge in the sport of pheasant hunting.

I believe this really should dispose of the objection of the Army.

I notice that my good friend the Senator from Oregon [Mr. MORSE] is in the Chamber, and has before him a manuscript. I know that, unless his heart has softened, in the next few minutes he is likely to take the floor and say that this proposal does not meet the Morse formula, and therefore should be rejected.

It pains me very much to have my good friend from Oregon take this position. I remarked last Thursday that "bitter indeed are the chastisements of a friend." I believe, however, that this bill meets any sensible interpretation of the Morse formula.

Let me first discuss the acquisition costs for the 2 areas, plot No. 3, in the first 2,400 acres and then the 1,500 acres which have been added to it from the south. The acquisition cost of these 2,400 acres was something less than $400,000. In addition, as I have stated, the State of Illinois has made additional improvements, so that it is offering over 75 percent of the original cost.

As I understand him, the Senator from Oregon is contending that we should not take the original cost of acquisition, but instead what this land would bring in the open market if put up for industrial purposes. First, I point out that the $286,638 does take into consideration some of the increase in land value which has occurred between the time of acquisition and now. But if we impose the test which the Senator from Oregon is at the moment rigidly applying, it means that local communities will be forced to compete with industrial concerns for the acquisition of land; and factories and industrial concerns can generally pay much more than the local taxpayers are willing to pay for recreation. Just as it is impossible for a public housing project to pay for the use of land on the same scale that a hotel or skyscraper would pay, so it is almost impossible for localities to pay full commercial value for land for recreational purposes.

As a matter of fact, we do not know what the full commercial value of these 2,400 acres would be. We do know that for the northerly 940 acres the State of Illinois is willing to pay the full 100 percent value. It is our belief that if the 1,500 acres to the south are added, the total value would be at an acreage rate less than for the 940 acres to the north, and it may well be that the $286,638 would be close to half of the fair market value in terms of competitive prices. It might not be. But certainly it would be well over three-quarters of the cost of the original acquisition; in fact, according to some computations, it could well be in excess of the original acquisition.

I point out that there is a national interest involved in this matter. That national interest was first shown in the purchase of this land by the Army for ordnance purposes. Furthermore, the national interest demands recreational areas, and recreational areas are needed near the great cities, not merely in the wide open spaces of the West. I sometimes think that some of the Members of Congress from the Mountain States in the West think of recreation in terms of their beautiful mountains and seashores, and are less careful of the needs of the great city populations for places of easy access.

Yellowstone, Yosemite, Glacier, Grand Canyon, the beautiful Olympic peninsula, and the inspiring areas of Oregon and Washington are very lovely regions. I have tramped in those regions. I like them very much. But they are hardly accessible to the great mass populations of New York and Chicago. Only a comparatively few persons can reach them, and then only after a protracted automobile, airplane, or railroad trip. As the population of the Nation increases, and as the movement toward the cities continues to develop, great metropolitan accumulations of people are taking place, without adequate places being provided for them to enjoy the beauties of nature.

I have always supported the Senators from the Northwest in their attempt to conserve the public domain. I ask that they, in turn, appreciate the problems of the metropolitan areas. In and around Chicago there is already a metropolitan population of close to 6 million persons. In the course of the next 20 years, the population will increase to 8 million, and by the end of the century it will probably be more than 10 million. Huge areas of land for residential and industrial purposes are being taken, but the amount of land devoted to recreational purposes is all too meager. There is a Federal interest in the public health, as well.

So I hope the senior Senator from Oregon will evidence some compassion in this matter and will not oppose my proposal, which is, as I have said, in thorough conformity, I believe, with what is known as the Morse formula.

I may say to Senators across the aisle that the pending measure includes the amendment which the distinguished junior Senator from Illinois [Mr. DIRKSEN] has proposed, namely, to substitute the southerly 1,500 acres for the northerly 1,500 acres. So the bill is not in any sense a party measure. Therefore, in a sense, it comes with the unanimous support of the two Senators from Illinois, who represent both parties; and it comes with the approval of the Committee on Government Operations and of the General Services Administration. It is opposed only by the Army, the Bureau of the Budget, and, at least for the

moment, by the distinguished senior Senator from Oregon. I hope very much that the Senator from Oregon will dissociate himself from those relationships and will join hands with us who have always worked so hard with him so that we may save the recreational areas, not merely for the people of Oregon, but for the people of the Midwest.

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

Mr. DOUGLAS. I yield.

Mr. MORSE. Returning to the Senator's explanation of the Dirksen amendment, am I to understand that the Dirksen amendment in essence means that it is proposed to substitute the 1,500-acre tract under consideration for a 1,500-acre tract which comprises lots 1 and 2?

Mr. DOUGLAS. That is correct. It substitutes an area which fronts on the Kankakee River for the areas which front on the Des Plaines River. Those two rivers join just a little farther on to form the Illinois River.

Mr. MORSE. What is the status of lots 1 and 2?

Mr. DOUGLAS. They are to be sold for industrial purposes, but the General Services Administration is asking for another set of bids.

Mr. MORSE. Does the Senator from Illinois know what the amount of the original bid for lots 1 and 2 was?

Mr. DOUGLAS. The bid for lot 1 was $449,000 for 620 acres; for lot 2, $559,000 for 848 acres; the total being approximately $1,050,000 for 1,500 acres.

Mr. MORSE. In addition, there is lot No. 3.

Mr. DOUGLAS. That is correct.

Mr. MORSE. I understand that the bid for lot No. 3, which the State of Illinois is willing to meet, is approximately $286,000.

Mr. DOUGLAS. That is correct—the full amount. But it wishes to have the $286,638 considered for both those 900 acres and also the 1,500 acres to the south; and we are prepared to submit an amendment which will make clear that the $286,638 is for both plots, not merely for plot No. 3.

Some unfortunate language was included in the bill as reported; there was a statement that plot No. 4 was being transferred without consideration. What we meant to say was that the $286,638 would be a consideration for both plot 3 and what I may call plot 4.

Mr. MORSE. Am I correct in understanding that the bids received for lots 1, 2, and 3 total approximately $1,300,000?

Mr. DOUGLAS. One-million, three-hundred-thousand.

Mr. MORSE. Am I also correct in understanding that the bids on lots 1 and 2 have, in effect, been rejected, and the General Services Administration is calling for additional bids?

Mr. DOUGLAS. Yes; it believes it can get more than that amount.

Mr. President, I am ready to yield the floor.

I am delighted to see in the chair the distinguished junior Senator from Maine [Mr. MUSKIE], who acted as chairman of the subcommittee in connection with this matter. He spent countless days in dealing with it—an amount of time which was greatly in excess of what its relative importance justifies.

If it is in order and is not a violation of Senate procedure, I wish to express my deep appreciation to the junior Senator from Maine [Mr. MUSKIE] and to the junior Senator from Alaska [Mr. GRUENING] for the care they exhibited in dealing with this matter and for the statesmanship they showed. I hope that if the going gets rough, we shall be able to have some other Member of the Senate take the chair, to preside over the Senate, so that the Senator from Maine may thus depart from his present position of legislative impartiality, and may participate in the debate.

But I hope that will not be necessary, and that the Senator from Oregon [Mr. MORSE] will realize that the weight of opinion and of justice is against him; and I hope that after a nominal argument designed to indicate the consistency of the Senator from Oregon, he may be persuaded, by reason of logic and justice, to agree to have this measure passed, together with whatever amendments may be necessary to indicate that, in fact, the Morse formula is being observed and followed.

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

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Does the Senator from Illinois yield to the Senator from Oregon?

Mr. DOUGLAS. I am glad to yield.

Mr. MORSE. I should like to suggest to the leadership of the Senate that arrangements be made so that the distinguished junior Senator from Maine [Mr. MUSKIE] can participate in the debate, because I certainly would like to hear his explanation of the bill. I am always looking for new knowledge, and I would certainly like to hear his explanation of why he voted in the committee for this bill.

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

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The Chair expresses his appreciation, and would be happy to participate in the debate at any time when that is made possible.

Mr. MORSE. Mr. President, by way of introduction to the argument I shall submit to the Senate today, I shall repeat only the main outline of the argument I submitted last week.

At the outset, I wish to say—as I tried to make clear last week—that it pains me and grieves me whenever I find myself in disagreement with the Senator from Illinois [Mr. DOUGLAS], because he is one of my great teachers. I have sat at his feet, in the field of economics, more than he knows. Whenever I find myself in disagreement with the senior Senator from Illinois, who is a distinguished scholar and is one of the greatest debaters I know, I am very careful to be completely satisfied that I am correct, and that, on such rare occasions as this one, my great teacher, the Senator from Illinois, has only proved that he is fallible.

Certainly, Mr. President, in my judgment the Senator from Illinois is mistaken in regard to certain points in connection with this controversy, and therefore it is impossible for me to vote for the bill in its present form. But, as I shall endeavor to demonstrate as the debate this afternoon progresses, I have some suggestions to make; and I believe they will perfect the bill, and will protect what I regard as a policy which should be maintained in the Senate.

That policy is one which, without exception, I have followed since 1946. I have dedicated myself to that policy, insofar as proposals for the transfer of Federal property are concerned—to such an extent, in fact, that I am satisfied that the savings which have accrued to the taxpayers of the Nation since 1946, as a result of the application of the so-called Morse formula, total a great many millions of dollars, which is not a bad saving as a result of a one-man economy drive. I did not do it alone, I hasten to add. That saving never would have been made if I had not had the cooperation of my colleagues in the Senate.

It should be stated that at times when I have objected to consideration of certain measures during the call of the Consent Calendar, because I did not believe that the taxpayers of the country would receive, if those measures were enacted, proper compensation for the property concerned, the application of my formula has been defeated by means of motions to have the Senate consider those bills. As a result of agreeing to such motions, several bills have been considered and passed by the Senate, even though they were in violation of the Morse formula. However, such instances since 1946 have been very, very few. I have never had a count of them made, although I shall do so, and I should have had one made before this debate today. But at this time I shall make an estimate that since 1946, not more than a dozen bills to which I have objected during the call of the unanimous Consent Calendar, because I have believed the bills to be in violation of the Morse formula, have been passed by the Senate, as a result of the making of motions for their consideration. In fact, I believe that less than one dozen bills of that sort have been passed under such circumstances.

I doubt very much if there have been a dozen times since 1946 when the Senate has seen fit to circumvent the Morse formula, so to speak, through bringing up by way of a motion, a bill which has has been objected to on a call of the calendar.

I want to thank my colleagues in the Senate, including the Senator from Illinois, for years and years of assistance, time and time again, in support of the principle I rise to defend here again today.

We can have, and have had—and this is an instance in proof—honest differences of opinion as to whether in a particular case the Morse formula in fact applies; but I would not object to any bill if I did not think the formula applied and was willing to state my case, as I shall this afternoon, as to why I think it did apply. But it is this word of thanks I want to express at this point in debate to my colleagues who have joined me time and time again in supporting the proposal we adopted in 1946,

that surplus Federal property should not be given away, but should return at least some money to the Treasury of the United States for its transfer. In case a bill seeks to grant surplus Federal property to a private party or body or institution, the Federal Government should receive 100 percent of its fair market value. If the bill proposes that the property should be transferred to a State, county, school district, or political subdivision of some State for public purposes, then that political body should pay 50 percent of the appraised fair market value, that value taking into account the diminution of the value of the property created by reservations that may be attached to the conveyance, or sale in case of personal property.

Mr. President, that has been the policy. I think it is good policy. The Senator from Illinois thinks it is good policy. He only disagrees in this instance with the Senator from Oregon as to the application of the formula to this particular bill. It is a very fair and honest position for him to take, and I know that he would take no other.

I think one word of further explanation should be made as to the origin of this policy, because, as I said the other day, I would that it did not bear my name. I would that it just bore the name of the Senate's formula for the disposal of surplus property. It bears my name only because in 1946 I served on the Armed Services Committee of the Senate. The first subcommittee chairmanship it was ever my honor to fill in the Senate was in 1946, came when I was appointed by the then chairman of the Armed Services Committee to be chairman of a special committee to consider a policy that ought to be adopted by the Armed Services Committee with respect to the transfer of surplus military property.

We were confronted in 1946 with an avalanche of bills, introduced in both Houses of the Congress, to give away great quantities of surplus military property. It seems that there was a tendency to turn surplus military property into a sort of political grab bag, and many politicians in the Congress took advantage of the opportunity to introduce bills that would have a very strong appeal in their home towns or home districts or home States, and proposed that a considerable quantity of military property should be transferred by the Federal Government to some State agency or subdivision.

It was such a serious matter, Mr. President, that the Armed Services Committee decided we ought to do something about it, and so a subcommittee, which the Senator from Oregon served as chairman, the other two members of it being the Senator from Massachusetts [Mr. SALTONSTALL] and the Senator from Virginia [Mr. BYRD], was appointed to consider this problem and make a recommendation of policy to the Armed Services Committee.

The subcommittee did consider the problem. The members of the subcommittee came forth with a unanimous recommendation, which was unanimously adopted by the Armed Services Committee in 1946, that with respect to military surplus property, which was the only property over which the Armed Services Committee had jurisdiction, it would be the policy to require that any bill which proposed to transfer any surplus military property should include in it a formula requiring payment of 50 percent of the fair market value of the property by any public agency for the conveyance of the property to be used for public purposes, and 100 percent if the transfer was to a private agency or individual.

Mr. President, the Armed Services Committee was not the only committee in the Senate that had jurisdiction over surplus Federal property. There are great quantities of Federal surplus property that fall within the jurisdiction of other committees. It did not seem fair and right to me that we should follow one rule, requiring that any bill which provided for the transfer of surplus military property should contain the fair market value formula—and that is where the formula arose—and should not apply the same principle to the other surplus property that fell under the jurisdiction of other committees.

So the CONGRESSIONAL RECORD will show that in 1946 I said on the floor of the Senate that, so far as bills called on the unanimous consent calendar were concerned, it would be the policy of the Senator from Oregon to object to any transfer of surplus Federal property unless the formula which had been adopted in the Armed Services Committee was followed in such bills. That is how the formula came to be known around the Senate as the Morse formula; and I have followed it ever since.

Mr. President, with that discussion of historic background, we turn to the operative facts of the case now before the Senate. I shall repeat at this time a very brief part of the speech I made last week on this subject matter only because I think, for the purposes of logical development this afternoon and for reference by anyone who reads the RECORD later, the explanation should be contained in my speech today.

As I said the other day, S. 747, the bill under consideration, would authorize the Administrator of the General Services Administration to convey to the State of Illinois approximately 946 acres of land for wildlife, conservation and recreational purposes. The State, under the provisions of the bill, would pay the Federal Government a total of $286,638 at the rate of $303 per acre for the 946 acres of land declared to be surplus. As to this parcel, the bill contains a provision under which the 946 acres would revert to the United States in case the lands should cease to be used for wildlife, conservation, and recreational purposes.

Section 2 of the bill authorizes and directs the Secretary of the Army to convey to the State of Illinois, without consideration, approximately 1,500 acres of land adjacent to the 946-acre tract. The 1,500 acres of land would also be used for wildlife, conservation, and recreational purposes. The conveyance of the 1,500-acre tract of land would be contingent upon the State's purchase of the 946-acre tract. The bill contains the usual reversionary clause.

Then I made a statement about a point which has been raised again today in the able discussion of the Senator from Illinois, and therefore I think I should repeat my position in the matter. I said the other day that I wished to say for the RECORD, so that the Senator from Florida [Mr. HOLLAND] could consider it the next day, as he studied my statement on this matter, that the insertion of a reversionary clause in any particular land transfer did not in any way remove the applicability of the Morse formula to such land transfer. It needs to be kept in mind that the formula calls for payment of 50 percent of the appraised fair market value when the conveyance is for public purposes. If a piece of property has a reversionary clause attached to the conveyance, then the appraised fair market value would be considerably less than would be the case if there were a transfer in absolute fee simple.

Therefore, I could not quite follow the implied reasoning of the Senator from Florida [Mr. HOLLAND], when he raised a question as to whether the transfer contained a reversionary clause. It does, but it still follows that the Morse formula is equally as applicable as it would be in the case of a transfer in absolute fee simple.

There have been scores and scores of cases since 1946 in which we have applied the formula for transfers which contained a reversionary clause. In fact, Mr. President, though I am guessing now, I think it is a reliable guess that perhaps most of the transfers since 1946 have retained for the Federal Government mineral rights by way of a reservation clause.

In this particular type of transfer, the reversionary clause is one which would put the property back in the Federal Government if the State of Illinois, the recipient of the property, should cease to use it for the purposes for which it is being conveyed. Property with that kind of a reversionary clause has value, and the reversionary clause will be weighed by the appraiser when he appraises what the fair market value of the property is with that encumbrance attached to it.

Mr. President, as I have stated, the bill contains the usual reversionary clause, to become effective in case the land should cease to be used for wildlife, conservation, and recreational purposes.

The State of Illinois has been operating the above-mentioned area since March 29, 1948, as the Des Plaines wildlife and public hunting area through a permit granted to it by the Department of the Interior. The original authorization was for a 5-year period and was extended for another 5-year period ending in 1958. The property in question was originally part of the Joliet arsenal comprising 36,092 acres. In early 1958 the 946-acre tract of land was declared surplus. The remainder of the hunting area, consisting of approximately 1,500 acres, was retained by the Department of the Army. According to the committee report, the 1,500-acre tract is not surplus property.

The original acquisition cost of the property covered by the bill as originally introduced by the distinguished Senator

from Illinois [Mr. DOUGLAS] was $615,-119. The bill as introduced by the Senator from Illinois would have authorized and directed the Administrator of the General Services Administration to convey to the State of Illinois, without consideration, 2,414 acres of surplus real property for the purposes I mentioned previously.

The Senator from Illinois then went on the other day to point out that the bill was introduced primarily for the purpose of getting a stay of time so that further consideration could be given to this problem, and subsequently S. 747 in its present form was introduced, which, as has been pointed out in the debate, involves only the 1,500 acres of land, and what on the map here in the back of the Senate Chamber I would refer to as the parcel of land at the lower extremity of the map, which we may consider as parcel No. 4.

Parcels 1 and 2 on the map were parcels of land which the General Services Administration has declared to be surplus, on which some bids have been obtained, but not accepted, and for which the General Services Administration, the Senator from Illinois now tells us, is asking for further bids because they think they can get more money for the land than was originally bid.

Parcel 3 on the map is the 946 acres in question, for which the State of Illinois proposes to pay some $286,000, which is the amount of the highest bid for the property, and which, I agree with the Senator from Illinois, apparently represents a fair market evaluation of the property.

Mr. DOUGLAS. Will the Senator yield?

Mr. MORSE. I yield.

Mr. DOUGLAS. One hundred percent of what its value would be for industrial purposes.

Would the Senator further yield?

Mr. MORSE. Yes, I yield.

Mr. DOUGLAS. Mr. President, it is the purpose of the Senator from Illinois to offer an amendment pointing out that the $286,638 which the State of Illinois would pay for both parcels 3 and 4 we believe is in excess of 50 percent of the fair value of the land for recreational purposes, not necessarily for industrial purposes but for recreational purposes.

Mr. MORSE. Well, let me say that in the course of my argument this afternoon I shall point out that in my judgment the offer of the State of Illinois to pay $286,000 for 946 acres of land is twice as much as they should be expected to pay for it. The Senator from Oregon would have supported from the very beginning a bill that would have proposed to transfer to the State of Illinois the 946 acres of land for 50 percent of its appraised fair market value.

What the Senator from Illinois may have in mind when he talks about "for recreational purposes," I am not too sure. We do not distinguish between taxpayers of the United States so far as the value of land is concerned. The taxpayers of all the United States own this land.

It has always been the position of the Senator from Oregon that the taxpayers of the United States are entitled to receive their money's worth. They are entitled to receive 50 percent of the appraised fair market value minus a reduction of value, as the appraisers would have to determine, because of the reversionary clause that would be attached to the transfer.

I will say more about it later, but I want the Senator from Illinois to understand that the Senator from Oregon never has taken the position that we are going to bleed out of the purchaser of a piece of property every last dollar we can get for it. That is why I have always supported the reversionary clause, because when a reversionary clause is attached, automatically the value of the property depreciates.

A reversionary clause is attached for two purposes; first, because the Federal Government in such cases believes that it is important that it maintain some legal access to the property, which is what a reversionary clause makes available to the Federal Government in such transfers; and also because the Federal Government takes into account the nature of the property, and the purpose for which the property is going to be used.

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

Mr. MORSE. I yield.

Mr. DOUGLAS. I appreciate the two statements of the Senator from Oregon very much. The first is an admission that the State of Illinois is paying very much more than one could expect it to pay, under the Morse formula, for plot No. 3. In fact it is paying 100 percent, whereas the Morse formula is only 50 percent. I may say in that connection that we would like to have this excess payment on plot 3 considered as payment on plot 4.

Mr. MORSE. That is one of the suggestions I was going to make.

Mr. DOUGLAS. In line with that suggestion, I think it will be found that it is close to the 50 percent of fair market value, properly defined, of the two plots considered as a unit.

Mr. MORSE. If the Senator will permit, I am going to propose, before I conclude, some modifications to the bill which would give the State of Illinois credit for its overpayment, and I think more, possibly, but I am going to leave that up to the appraisers, and I also propose to leave up to the appraisers the value of tract No. 4.

I do not think that should be determined on the floor of the Senate. It is a highly technical matter, and we ought to be willing to leave it to the appraisers.

Mr. DOUGLAS. If I may make one point in the discussion with the Senator from Oregon, if the Senator means, by "fair market value," the amount for which the property can be sold for industrial purposes, I think that is altogether too rigorous a standard.

While the Senator from Oregon says he does not intended to bleed the last dollar which he can get for the property out of the State and out of the people of Illinois, that is in fact what he would be doing under such a standard.

If the Senator will permit, I should like to read my testimony on this point, given before the committee. The Senator from Maine [Mr. MUSKIE], who was the chairman of the subcommittee, asked me this question:

> Would you consider the bid to be a fair reflection of the fair value of the property?

I replied:

> Well I think that is a very important issue here. Should you take as your standard of comparison the value of this land for industrial purposes, or the value of the land for recreational purposes? Now this is a policy problem that you will have to decide.

The Senator from Maine asked me the further question:

> If the value of the land for recreational purposes were less than its value for industrial purposes—

I replied:

> Yes, it would be.

Then I asked some further questions of the subcommittee, which I now ask of the Senator from Oregon.

> Well, how much is a mother's love worth? Some of the most precious things in life cannot be bought and sold in the market place. How much is Christian charity worth; how much can you sell that for in the marketplace? There are a whole lot of values, which the General Services Administration either feels that it is legally prohibited from considering, or chooses not to consider.

I will say that the Army probably would be even more rigorous than the General Services Administration.

I went on:

> But certainly recreation, contemplation of nature, periods of quiet are of tremendous value even though you cannot put a price on them so far as the market is concerned. And I think one of the great troubles in this country is the fact that we tend to judge everything by the thumb and finger measurement, what it will sell for.

I do not want to quote poetry to my good friend from Oregon, but he will remember the lines from Rabbi Ben Ezra:

> But all, the world's coarse thumb and finger failed to plumb.

What the Senator from Oregon is insisting upon, apparently, is that the coarse thumb and finger of the industrial value of this property should be used as the sole test of value. I am appealing to the Senator's better nature, to his warm heart and to his compassionate soul, in urging him to get away from this lawyer like prison into which he has encompassed himself, to burst his bonds of captivity and to set his soul free.

Mr. MORSE. I appreciate that appeal of the Senator from Illinois, but on matters such as this one must be somewhat like the banker with one glass eye. He must fulfill his duty of guardianship over the public treasury. If the Senator will bear with me, as a one-eyed, glass-eyed banker does——

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

Mr. MORSE. I yield.

Mr. DOUGLAS. I have noticed with respect to certain bills recently under consideration—noticeably, bills for the transfer of lands to Indian tribes in New Mexico—the Senator from Oregon was not as rigorous in applying these tests as he is in applying them to the citizens

of Illinois. I wonder if the Senator would be inclined to favor this proopsal if we set up a committee of Indians to administer the tract of land. We could name a group of Indians as trustees, and perhaps this might make the Senator from Oregon look more kindly upon the proposal.

Mr. MORSE. I am sure my good friend from Illinois knows that an allegation is not proof. The mere fact that the Senator from Illinois alleges I followed a different court of action with regard to the transfer of Indian lands does not make it so. I would be very glad to discuss those Indian land cases with the Senator from Illinois, or any other case involving the Morse formula, and demonstrate to the Senator, at least so far as the precedents and my views are concerned, that I have followed a consistent policy with regard to the application of the Morse formula.

I am delighted to be of help to the Senator from Illinois. I have a suggestion I will make before we finish this discussion which ought to be of help to the Senator.

No criticism, express or implied, is intended by my suggestion. I have studied this case at some great length. As the evidence I shall introduce in the RECORD later will show, I have taken up the matter with the Department of the Army and with the General Services Administration. I should like to direct the attention of the Senator from Illinois to the question of whether the authors of the bill have given full consideration to the possibility of a national interest involved in the property, which I do not seem to be able to find in the RECORD, except by a passing reference here and there. I refer to the fact that the property involves a Federal interest in respect to the use of the lands for the flight of wild fowl from Canada across Illinois on down into the southern States.

The Federal Government spends huge sums of money for the protection of wildlife and wild fowl. I have read the RECORD. There are passing references to this matter, but I wonder if the Senator from Illinois disagrees with me when I say that the RECORD does not contain a presentation of the value of the Federal interest in maintaining access to the land for wild fowl, in respect to which all the people of the United States have a considerable interest.

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

Mr. MORSE. I yield.

Mr. DOUGLAS. I thank the Senator from Oregon for suggesting this point, because I think the Senator strengthens the position of the Senator from Illinois, even though inadvertently.

Mr. MORSE. Not inadvertently; by plan. I have worked on this matter. Since the Senator and I discussed the matter the other day I have worked hard.

Mr. DOUGLAS. I am profoundly grateful.

Mr. MORSE. I am always glad to pleasantly surprise the Senator from Illinois.

Mr. DOUGLAS. May I continue? Would the Senator from Oregon regard the Senator from Illinois as being reasonably truthful?

Mr. MORSE. I would insist that the question be stricken from the RECORD, because it implies that the Senator from Oregon might have some doubt as to the Senator from Illinois being the personification of integrity and truthfulness.

Mr. DOUGLAS. I do not claim to have those qualities.

Mr. MORSE. That is the opinion of the Senator from Illinois held by the Senator from Oregon.

Mr. DOUGLAS. I am very glad to have this certificate of good character. [Laughter.]

I will say that I have inspected the area, and I know the area very well. The Kankakee River is on the international wild fowl flyway.

Mr. MORSE. That is the term I was trying to recall, the flyway.

Mr. DOUGLAS. The wild geese, as they fly down from the north, avoid Chicago, because that is a great metropolitan center, but they come down to the Kankakee River, which, with the Des Plaines River, forms the Illinois River shortly below the area in question. Then the geese continue on their course. The United States maintains game refuges, where the wild geese can stop to rest, so to speak.

Mr. MORSE. And the wild ducks.

Mr. DOUGLAS. As the geese move south there are further refuges which the Government maintains, so that the geese may have an uninterrupted course, do not exhaust themselves, and are not completely obliterated by hunters.

If the Senator from Oregon is more appealed to by the flight of wild geese than the plight of humans, I can use this as an argument. I have been discussing the need of human beings for places of rest and quiet. I have not seemed to make much of an impression on the Senator from Oregon. But if he is more interested in fowl than in humans, more interested in geese than in children, we can take care of the people and the geese too.

I have learned some very interesting things about geese, by studying their behavior. Geese have the greatest devotion to each other of any birds that I know. The mating habits of many birds tend to be transitory; but if a male goose loses the companionship of his mate, he remains single throughout the remainder of his life. His fidelity lasts beyond death. The same goes for the female goose, too.

So I join my colleague in paying tribute to the geese. Since he does not seem to be affected by the plight of humans, I think possibly he may now be concerned, since he realizes that this area would provide a hostel for geese, and that the State of Illinois would furnish it as a part of a general system of game refuges. Perhaps his legal scruples could be overcome in this larger cause.

Mr. MORSE. Mr. President, all I wish to say to the Senator from Illinois is that it has been a great pleasure to me to observe his debating technique in the Senate over the years. He loves debating, and sometimes he allows the forensics of the moment to carry him away into committing a great fallacy by trying to put in the mouth of another words which he did not use, or into his mind ideas which he does not hold. The Senator from Illinois was guilty of that technique when he sought to leave in the record the false impression that, in connection with this subject, the Senator from Oregon places the interests of wildfowl above those of human beings.

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

Mr. MORSE. I yield.

Mr. DOUGLAS. I am not making the record. The Senator from Oregon is making the record.

Mr. MORSE. Would that that were true. But the Senator from Illinois has just made that record. It is inconsistent with the facts. I thought I had the complete and perfect attention of the Senator from Illinois the other day. I was personally pleased and flattered that the Senator from Illinois was giving me what I thought was perfect attention, but apparently he was paying attention to something else, in view of the argument he has just made.

The other day, on the floor of the Senate, the Senator from Oregon said:

> How can we evaluate what this land will be worth to unborn generations of American boys and girls who will live in the area of Chicago, land within easy, quick access to the Loop of Chicago? This is an area to which they can go—and I am not being sentimental—to get a little closer to their Creator, as all of us always do when we find ourselves in the bosom of nature. I think that is worth much to the Nation as a whole, as well as to the people of Illinois.
>
> With these views in mind, I think it ought to be possible for us to find an area of agreement in regard to this matter, an agreement which will protect a principle which, not because it bears my name—as I have said, I wish it might be called the surplus property disposal formula rather than the Morse formula—is very close to my interest. We should not overlook the fact that since 1946 the application of this formula has saved the taxpayers many millions of dollars in specific bills, and we do not know how many millions of dollars more because of the fact that bills have come to the floor containing this principle.

Later in the speech the other day—I will paraphrase it—I said to the Senator from Illinois that I felt that Senators from the West very frequently overlooked the problems confronting Senators from the Midwest and the East in regard to the need for recreational areas. I said there was a national interest involved in our seeing to it that easy access to such areas was provided to the many people living in Chicago. I think the RECORD will show that I referred to a similar problem in New York and other metropolitan areas. The people of such areas should have access to recreational areas or wilderness areas so that they, too, may enjoy getting closer to their Creator, as each of us does when he goes out and loses himself, so to speak, for a period of time, in the bosom of nature.

So, esteeming the Senator from Illinois as I do, I do not hesitate to correct what would be a very unfair implication in this record if I did not answer it. That implication is to the effect that the Sen-

ator from Oregon places wild fowl above human values. Quite to the contrary. What I am trying to work out, in all sincerity, is an adjustment of the problem so that interests of all the taxpayers of the country will be protected and at the same time a very good arrangement for the people of the State of Illinois will be provided with respect to this land. If the Senator from Illinois will patiently hear me through, I do not think he can have any doubt as to my motivation when I finish this account.

The RECORD of the other day will show that the Senator from Illinois and I had a discussion as to the position of the General Services Administration in regard to this bill. The Senator from Illinois pointed out that the General Services Administration now favors the bill. I said that I had been in some doubt about it, because I do not think the committee report makes it very clear.

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

Mr. MORSE. I yield.

Mr. DOUGLAS. That was not the fault of the committee. The General Services Administration did not make its position clear until the 3d of August. By that time the committee report had been filed. But the evidence is now clear.

Mr. MORSE. I believe the Senator from Illinois is correct. The RECORD will have to speak for itself. Again I paraphrase, but accurately. I believe the RECORD will show that the other day I said that I did not find in the committee report any clear statement that the General Services Administration supported the bill. The Senator from Illinois assured me that it did. I accepted his statement; but the RECORD will show that I told the Senator from Illinois that I would write a letter to the General Services Administration over the weekend for the purpose of getting the answers to certain questions I wished to have answered, and for clarification purposes. I think I certainly paraphrase the Senator from Illinois very accurately when I say that the RECORD shows that the Senator from Illinois said he hoped I would do so.

He also said something to the effect that he was pleased that I was seeking to find some common ground on which we could at least narrow the area of our disagreement.

I announced also that I would write to the Department of the Army. I have done so. I think it is only fair to all concerned that I read into the RECORD my letter to the General Services Administration and the reply to me, dated August 5:

AUGUST 5, 1959.

Re S. 747.

MR. FRANKLIN FLOETE,
Administrator, General Services Administration, Washington, D.C.

DEAR MR. FLOETE: Yesterday Senator PAUL DOUGLAS and I engaged in a colloquy on the floor of the Senate with respect to the pending legislative proposal to transfer from the Federal Government to the State of Illinois approximately 2,446 acres of land designated as the Des Plaines Public Hunting and Refuge Area. A tearsheet from the RECORD of August 4, containing our remarks, is enclosed. Also enclosed are copies of S. 747, as reported to the Senate, and Senate Report No. 565 thereon.

S. 747 has given me a great deal of concern because of my fear that in its present form it may violate the so-called Morse formula under which payment of 50 percent of the fair appraised market value is required where lands are to be conveyed by the Federal Government for public use purposes.

A reading of Senate Report No. 565, especially the material at pages 4 and 5, gave me the impression that the General Services Administration does not favor S. 747, but some doubt was raised on this point during my floor discussion with Senator DOUGLAS. I was told at that time that the GSA objection was directed toward S. 747 in the form in which it was introduced originally by Senator DOUGLAS and that the objection does not apply to the bill as it was reported to the Senate. You will note that on the enclosed tearsheet, taken from the CONGRESSIONAL RECORD, page 15087, Senator DOUGLAS had this to say on the specific point:

"The objection of the General Services Administration was directed toward my original bill. When it was modified to substitute the lower 1,500 acres for the more northerly 1,500 acres, and when it was accompanied by the offer of the State of Illinois to pay $286,638, I am informed that the General Services Administration was and is in favor of the bill in its present form, although the Bureau of the Budget has not given its approval."

I would appreciate receiving a report from you at the earliest possible date concerning your present position with respect to S. 747 as it was reported. If you have no objection to the bill as reported, I would like to have that information and an indication of why you find the bill unobjectionable. Time is of the essence on this matter inasmuch as the bill will be discussed, in all probability, within a few days.

It is my sincere hope that I may be able to work out with Senator DOUGLAS some satisfactory arrangement whereby the 2,446 acres may be conveyed to Illinois for public-use purposes at 50 percent of the fair appraised market value. It will be of great help to me if you can supply the following information on this topic:

1. The lands discussed in section 1 of S. 747 comprise 946 acres of surplus property designated as parcel No. 3, which, under the bill, would be conveyed to the State of Illinois for $286,638.

What is your latest estimate of the fair appraised market value of this parcel?

2. Does parcel No. 3 include buildings and other improvements?

3. If the answer to question No. 2 is "Yes," please advise me of the respective values of the land, buildings, and other improvements, and indicate whether the buildings and improvements were placed on the land by the Federal Government or by the State of Illinois or one of its subordinate agencies of government.

4. What is your latest estimate of the fair appraised market value of the 1,500 acres (lying immediately south of parcel No. 3) which, under section 2 of S. 747, would be conveyed, without consideration, to the State of Illinois?

5. Does the 1,500-acre tract include buildings and other improvements?

6. If your answer to question No. 5 is "Yes," please advise me of the respective values of the land, buildings, and other improvements, and indicate whether the buildings and improvements were placed on the land by the Federal Government or by the State of Illinois or one of its subordinate agencies of government.

According to Senate Report No. 565, the 1,500-acre tract has not been declared surplus to the needs of the Government. If so, the answers to questions 4, 5, and 6 may have to be supplied by the Department of the Army. Since I desire very much to have prompt answers to all of these questions, I would appreciate it if the General Services Administration would collaborate with the Department of the Army in supplying answers to the last-mentioned questions. In order to facilitate matters, I am transmitting a copy of this letter and enclosures to the Secretary of the Army.

In some of the questions listed above I asked for information on the fair appraised market value of the two tracts under consideration. If the fair appraised market value is not immediately available in your files, I would appreciate very much having estimates of approximate values of the tracts to which I can refer in my further discussions of this case on the floor of the Senate.

Sincerely yours,

WAYNE MORSE.

Under date of August 7, 1959, 2 days after I sent my letter—and I want the General Services Administration to know that I appreciate very much their cooperation in this matter—I received the following letter from Mr. Floete, Administrator of General Services:

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., August 7, 1959.

Hon. WAYNE MORSE,
U. S. Senate, Washington, D.C.

DEAR SENATOR MORSE: In response to your request of August 5, 1959, for information as to the position of the General Services Administration with respect to S. 747 as it was reported to the Senate, there is enclosed a copy of our report of August 3, 1959, to the Senate Committee on Government Operations.

The answers to the specific questions which you pose are as follows:

1. As is indicated by our report of August 3, 1959, we consider the current market value of parcel No. 3 to be $286,638 ($303 per acre), the amount of the high bid received after nationwide advertising of its availability for sale.

2 and 3. Our records indicate that there are no improvements of any value on parcel No. 3.

4, 5, and 6. We have been advised by representatives of the Secretary of the Army that you are being furnished the desired information by the Army.

We note that under section 2(a) of S. 747, as reported by the committee, the Secretary of the Army is authorized and directed to convey the 1,500-acre parcel "for wildlife conservation or recreational purposes." Under current general law, conveyances to States, political subdivisions, etc., for park or recreational purposes are authorized to be made at 50 percent of fair value (sec. 13(h) of the Surplus Property Act of 1944, 50 U.S.C. App. 1622(h)), while conveyances to State agencies, for conservation of wildlife, of property chiefly valuable for such use are authorized to be made without reimbursement or transfer of funds (Public Law 537, 80th Cong., approved May 19, 1948, 16 U.S.C. 667 b–d).

It has occurred to us that elimination of reference to recreational purposes in section 2 might constitute a possible basis of compromise, since such an amendment would bring the section into conformity with the general law.

Sincerely yours,

FRANKLIN FLOETE,
Administrator.

The quoted letter refers to the GSA report of August 3, 1959. I shall not include it in the RECORD at this point because the Senator from Illinois [Mr. DOUGLAS] has already placed it in the RECORD.

I may say to the Senator from Illinois that after I received this letter from the

General Services Administration, I went to the law books, because I have no desire, as I said before, to exact from the State of Illinois any price for this property which would be unfair or which, by some modification of the bill, could be greatly reduced, if the bill were changed so as to comply with existing law. So I call the attention of the Senator from Illinois to title 16 of the United States Code, section 667(b), which reads as follows:

§ 667b. Transfer of certain real property for wildlife conservation purposes; reservation of rights.

Upon request, real property which is under the jurisdiction or control of a Federal agency and no longer required by such agency, (1) can be utilized for wildlife conservation purposes by the agency of the State exercising administration over the wildlife resources of the State wherein the real property lies or by the Secretary of the Interior; and (2) is chiefly valuable for use for any such purpose, and which, in the determination of the Administrator of General Services, is available for such use may, notwithstanding any other provisions of law, be transferred without reimbursement or transfer of funds (with or without improvements as determined by said Administrator) by the Federal agency having jurisdiction or control of the property to (a) such State agency if the management thereof for the conservation of wildlife relates to other than migratory birds, or (b) to the Secretary of the Interior if the real property has particular value in carrying out the national migratory bird management program. Any such transfer to other than the United States shall be subject to the reservation by the United States of all oil, gas, and mineral rights, and to the condition that the property shall continue to be used for wildlife conservation or other of the above-stated purposes and in the event it is no longer used for such purposes or in the event it is needed for national defense purposes title thereto shall revert to the United States. (May 19, 1948, ch. 310, § 1, 62 Stat. 240; June 30, 1949, ch. 288, title I, § 105, 63 Stat. 381.)

I say to the Senator from Illinois and to other Senators that this section of the United States Code needs to be analyzed and carefully considered, in my judgment, in connection with certain proposed modifications of the bill which I shall make before I take my seat. However, certain points in this section of the code ought to be very clearly stated for the RECORD, so that anyone reading the RECORD will not assume for a moment that we were not cognizant of that provision and did not take it into account as we considered certain modifications of the bill, which I shall propose. The statute provides:

Upon request—

The State of Illinois can make that request—

real property which is under the jurisdiction or control of a Federal agency and no longer required by such agency, (1) can be utilized for wildlife conservation purposes by the agency of the State exercising administration over the wildlife resources of the State wherein the real property lies or by the Secretary of the Interior.

We have a stumbling block in that language, in the words "no longer required by such agency." Who will determine whether it is required by such agency or not? There is no doubt, as the evidence I shall place in the RECORD shortly shows, that the Department of the Army is adamant about this matter—regrettably and unfortunately so, I believe.

The fact is that the Department of the Army says it needs this particular tract of land for Army purposes. It says it needs this tract of land in connection with the Reserve program.

The Senator from Illinois does not share that opinion. I have a great deal of respect for the analytical ability of the Senator from Illinois to detect military policies that are not in the public interest. He has demonstrated that ability time and time again, here in the Senate.

But the Senate needs to have a clear understanding that the Department of the Army has adamantly refused to declare this property surplus, and it continues to refuse to declare it surplus. The communications from the Army which I shall soon place in the RECORD leave no room for doubt that I have just heard from the Army. It still is opposed to the proposed transfer, because it says the land is needed for Army purposes.

That situation puts us in a very difficult and grave position. We have the power, as the legislative body, to say to the Army, "We declare this property surplus." We can pass a bill which will overrule the Army. In other words, in connection with this matter the Army can be overruled by the Congress. But certainly we should be very careful to satisfy ourselves that the 1,500 acres of land in parcel No. 4 are, in fact, not needed by the Army.

I say, most respectfully and noncritically, that I do not think the committee has brought to the Senate an adequate and thorough analysis of the issue of whether the property is, in fact, needed by the Army. Senators should read the report.

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

Mr. MORSE. I shall yield when I finish submitting this very vital point. I wish to submit it now, because the Senator from Alaska [Mr. GRUENING] is now on the floor, and the Senator from Maine [Mr. MUSKIE] is in the chair; and I want both of them to know whereof I speak.

I say most respectfully that the committee report does not satisfy me that the members of the committee went thoroughly into the matter of whether the Army in fact needs this property for Army purposes. I think the Senate is entitled to a much more thorough hearing, I say respectfully, than the one the committee gave this matter, and I believe the committee still should, in connection with its obligation to the Senate, go into the question of whether this property is, in fact, needed by the Army, in order to carry out a Reserve military program.

Now I am glad to yield to the Senator from Illinois.

Mr. DOUGLAS. Mr. President, the members of the staff of the committee inform me that the committee inquired of the Department of the Army whether it wished to be heard, and, indeed, invited the Army to be heard, but that the Department of the Army did not appear.

I am also informed that on the basis of the committee's thorough study, the committee dealt with that issue. In that connection, I read from page 7 of the report, which deals with this matter on both page 7 and page 8, "that the Department of the Army has available to it in the Joliet Arsenal area approximately 32,000 acres of land, part of which, it appears, could easily be used for Reserve training purposes in lieu of the 1,500 acres proposed to be utilized for wildlife and conservation purposes."

On page 8 of the committee report we find the following:

Finally, the subcommittee concluded that, in view of the vast areas of land surrounding the Joliet Arsenal amounting to approximately 32,000 acres, the Department of the Army had failed to make a compelling case for the retention of the particular 1,500-acre tract in question as being essential to its training program.

I see on the floor the junior Senator from Alaska [Mr. GRUENING]. If the Senator from Oregon will yield further, I think the Senator from Alaska has certain comments to make, bearing on the point the Senator from Oregon has tried to make.

Mr. MORSE. I am delighted to yield to the Senator from Alaska.

Mr. GRUENING. Mr. President, I have listened with interest to the detailed explanation the Senator from Oregon has made of his point of view.

I respect the careful judgment and study and knowledge of the law of the Senator from Oregon and his far more complete understanding of the Morse formula, of which he is the author. But I respectfully have to disagree with him.

I think a fair offer was made. I think the excess land which the Army has for a greatly reduced operation could be cut very much further.

I think this bill is a desirable one. I do not think Uncle Sam will be defrauded in any way. I think the bill in its present form should be passed without amendment; and I shall support it.

I think the committee made a very thorough study. The problem was a very difficult one; there were many conflicting interests.

The committee very patiently heard all sides again and again; and I doubt whether many investigations were any more thorough than this one.

Mr. MORSE. Mr. President, I do not mean to be the least unkind or seem to be personally critical of the members of the committee. Such is not my intent when I make this statement. Certainly I have a very high regard for the opinion of the Senator from Alaska.

But the fact still remains that the committee's report in regard to whether the Army needs this land is based upon the testimony of parties interested in the enactment of the bill. In my judgment, the committee should not only have invited representatives of the Army to appear at the hearing, but should have instructed them to come there, for examination, so we would have no question as to whether the property is needed by the Army. When we have before us a bill which involves a question of taking facilities away from the Army, and when the Army alleges that

it needs the property for military purposes, the presumption is in favor of the Army. However, that presumption is subject to rebuttal; and I think the committee should have presented in the report the evidence in rebuttal, in addition to the committee's conclusion. In the report, the committee states that it is satisfied that other property which the Army can use is available. But the Army does not say so.

The representatives of the Army sent a very thorough letter of comment to the House committee; and I shall attempt to be helpful to the Senator from Illinois by referring to the letter sent to the House committee. I think the record of the House hearings should be made available to Senators, because the controversy over this subject matter will not end today. Instead, other bills calling for the disposal of alleged surplus Federal property will come before the Senate in the years to come. I realize that I could make my argument for 5 or 10 minutes, and then take my seat. But in that case I would not make a proper record for use and for reference in connection with future debates.

That is why I believe it important to make a record point by point in regard to each one of the contentions; and that is also why, in connection with my discussion of the statute, I point out that we have a right to overrule the Army, by way of passing proposed legislation. It is my judgment that if we overrule the Army in regard to the question of whether this property is, in fact, surplus, we should comply with the statute. In other words, we have legislative authority over the Army; and if we declare the property surplus, I think we should meet the requirements of the language of section 667b, which reads in part as follows:

Upon request, real property which is under the jurisdiction or control of a Federal agency and no longer required by such agency—

We have the authority to determine whether or not it is required by that agency, as a legislative decision. I do not think the committee was of great help to us in supplying us, in its committee report or in the transcript of its hearings, with evidence that justifies us in overcoming the rebuttable presumption of the Army that it requires this property for further military use.

Be that as it may, I have made my point, and I go on to the next part of the statute. The statute goes on to provide—

can be utilized for wildlife conservation purposes by the agency of the State exercising administration over the wildlife resources of the State wherein the real property lies, or by the Secretary of the Interior—

This is a proposal to have the State exercise jurisdiction over this property for wildlife purposes, and note the limitations in the statute as to those purposes, as I proceed—

and (2) is chiefly valuable for use for any such purpose, and which, in the determination of the Administrator of General Services, is available for such use may, notwithstanding any other provisions of law, be transferred without reimbursement or transfer of funds—

I would have the attention of the Senator from Illinois on this point, because he seems to be concerned as to what my position is on values. The statute provides—

and which, in the determination of the Administrator of General Services, is available for such use may, notwithstanding any other provisions of law, be transferred without reimbursement—

Under what circumstances? Under the circumstances that it is found the property—

is chiefly valuable for use for any such purpose—

Mr. President, surely, it is valuable for industrial purposes; but if it can be demonstrated here on the floor of the Senate, or back in committee that the property is chiefly valuable, under all the facts and circumstances, as a wildlife refuge, that value should be taken into account in the appraisal of the property. I think the bill ought to be sent back to the committee for further hearings, subject to the instructions of the Senate to report it on a day certain. The committee ought to provide us with information concerning the national interest—which I shall later try to substantiate, namely, the national interest in an international migratory fowl flyway, and its value. But in the absence of meeting this criterion of the statute, I say we owe it to the taxpayers of this country, since it is their property, to get 50 percent of the appraised fair market value. If the primary value of the property is for industrial purposes, then we ought to get 50 percent of the appraised fair market value of the property for industrial purposes.

Mr. President, that has always been my position. Never have I taken the position that we can proceed to sell highly valuable property for some purpose to a State or subdivision thereof for less than 50 percent of the appraised fair market value. If that policy were ever started, let me tell Senators what would happen here in the Senate. We would find many persons would take a look at Federal property located in their States, of exceedingly high value, and decide it could be used for some other purpose that would involve a much lesser value, and then proceed to make the argument—using this case or this bill as a precedent, if passed in its present form—that we should deny to all the taxpayers of this country 50 percent of the true value of the property belonging to those taxpayers.

The whole purpose of the formula is to protect the taxpayers from a raid, in effect, upon the Federal Treasury, taking away from them values to which they are entitled. So we come to grips in this case with the question as to what the chief value of the property really is.

Again I respectfully say the committee has not been of much help to us, because the committee has not gone into the question of the value of this property to the Nation as a whole as a wildlife refuge for migratory wild fowl flying the flyway. I look in vain, and I cannot find it, for any thorough consideration of the committee in regard to the value of this property for wildlife not involved in the migratory bird program, because the statute goes on to have something to say about the part the Secretary of the Interior should play in this matter.

I think the statute is pretty clear on this. Under all the facts and circumstances of this case, I think it is clear that the property is really chiefly of value for a wildlife refuge. The statute is met and the public policy expressed in the statute is followed if it can be shown that the State of Illinois is entitled to receive the property without compensation or consideration.

There is nothing new about that principle in the application of the Morse formula. Over the years, piece of property after piece of property has been transferred under not only this section, but under another section that I shall discuss in connection with another bill sometime in the future, in regard to the transfer of property that can be used for hospital and charitable purposes. But confining ourselves to this property, I think we are entitled to know from the committee for what purpose this property is chiefly valuable; whether or not in fact it meets the language of the statute that when there are taken into account all the facts about the wildlife refuge matter, its chief value to the State or to the Nation is not for industrial purposes, but for bird refuge purposes.

If that is its chief value, then the fact that more money can be obtained for it for industrial purposes is quite irrelevant to the application of the statute.

I say, most respectfully, I just do not think the committee has given us a report that is of very much help to us with regard to either of the two points I have raised.

Now we proceed to the next part of the statute—

or (b) to the Secretary of the Interior if the real property has particular value in carrying out the national migratory bird management program.

May I say to the members of the committee and to the Senator from Illinois that we have an alternative here in the statute itself. If we are to take the position that it is chiefly valuable in connection with the migratory bird program, then the transfer could be to the Secretary of the Interior.

But there is a mixed problem here. This I think is perfectly clear, although, may I say, I got the evidence on this information from sources outside the committee report and outside the committee hearings.

This property will be of great value to the State of Illinois as a refuge for birds that are domestic to Illinois primarily, not migratory birds, although my research on this matter also shows that it will be of great value to the migratory bird program.

It does not follow because it is of value both for wild fowl domestic to Illinois and also for the so-called, for want of a better description, Federal migratory birds, that under the statute it need be turned over to the Secretary of the Interior. It only followed that once the property was declared surplus, the Secretary of the Interior, had

he desired, could have asked to have it designated as a Federal game reserve.

Obviously that is not his intention, and the fact that it is not strengthens the case of the Senator from Illinois in that it shows that the Senator from Illinois is seeking to cooperate with the Federal Government in respect to the total bird program. The part affecting birds domestic to Illinois and the part affecting birds controlled by the Federal Government, ought to be taken into consideration when we come to determining the question of disposing of this property.

Mr. DOUGLAS. Will the Senator yield?

Mr. MORSE. I yield to the Senator from Illinois.

Mr. DOUGLAS. I thank the Senator from Oregon for paying tribute to the Senator from Illinois for seeking to get cooperation. As the Senator implies, we like to take care of pheasants, but we do not believe our care should be exclusively confined to pheasants, but that we should also shelter migratory ducks and geese. But we object to ourselves being made geese; nor do we wish to be made sitting ducks for legal quibbles.

Mr. MORSE. May I say to my friend from Illinois that only when the legal principles for which I am pleading are protected will the Senator from Illinois and the people of Illinois be able to enjoy their full rights under our system of government by law.

It would be very easy for the Senator from Oregon merely to yield to the desires of Senators from Illinois and other States who just ignore the fact that the bill in its present form is a clear violation of the Morse formula. It would be easy to wink at it, let it go by the boards. But such action would make me guilty of destroying a policy under which all the taxpayers of this country are entitled to protection. Irrespective of the misrepresentations of the Senator from Illinois of the motivations of the Senator from Oregon, or his allusions to legalistic quibbling, I am going to hold fast to these principles, because I know how precious they are in a system of government by law.

Human values are taken into account in the Morse formula. What we say in the Morse formula is that all the people of the United States do not have a 100 percent interest in a park or a recreational facility in Illinois or Oregon or anywhere else in this country. When we propose to convey Federal lands for park purposes I think it is a pretty fair adjustment to say that we are willing to grant at least 50 percent of the cost of such a park or refuge or recreational facility to the people of Illinois or Oregon or California or anywhere else for a State park or a State public-use project. If this were a Federal park in Illinois, under Federal jurisdiction, subject to Federal control and policy, then the interests of all the taxpayers of this country would be 100 percent.

I say to the Senator from Illinois that I would not object to the property's being a Federal park. Under the statute I have been seeking to analyze here in an endeavor to help the Senator from Illinois in this matter, I would not object to a bill that directed the Secretary of the Interior to take over this particular property as a Federal game refuge.

I want to repeat the position I took, Mr. President, because I do not want a possible basis for any misunderstanding between me and the Senator from Illinois as to what I am seeking to accomplish. I expect a difference of opinion between us, and apparently between the committee and me, in regard to the applicability of the Morse formula to this bill, but I repeat, there is a piece of property here, and it can be shown, under the statute, that it is chiefly valuable either as a migratory wild fowl flyway or a Federal game refuge, or is chiefly valuable as a refuge for domestic birds and game of the State of Illinois. The statute says there is one of two alternatives that may be followed legislativewise. The property may be transferred to the State of Illinois without compensation for the former purpose, or it may be transferred to the Secretary of the Interior to be used as a Federal refuge.

What I am saying is that there is not adequate showing, either in the committee hearing or in the committee report, that the property is of that nature. There is not adequate showing in the committee report or in the committee hearings that the Army is not right when it says that for whatever purposes it may be needed, for wildlife purposes, not recreational purposes, but wildlife purposes, another 1,500 acres across Highway 66, referred to by the Senator from Illionis, would be just as suitable.

I do not know what the fact is. We cannot ascertain from the committee report, and we cannot discover from the committee hearings. But the answer is of vital importance in determining the value of this property—its chief value.

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

Mr. MORSE. I yield to the Senator from Illinois.

Mr. DOUGLAS. I think we have already consumed infinitely more time on this subject than the matter is really intrinsically worth. Since the Senator from Oregon has raised the question, I consulted with conservation groups in Illinois and they tell me that this other alternative plot of land, if we can call it parcel 5, is completely unsatisfactory, that it is separated from parcel 3 not only by much traveled Route 66, but it is also 1¼ miles southeast, so that people could not move from parcel 3 to parcel 5. As a matter of fact, there would not be much of a transfer of game from parcel 3 to parcel 5, but game would move from parcel 3 to parcel 4, and very possibly officers of the Army might find it very convenient to come down with shotguns on weekends and do some shooting on their own. I do not think that is a purpose which should be controlling, nor would it add to the military efficiency of this Nation.

Mr. MORSE. I wish to say, with regard to the latter point, that the Army denies it; but I think the Army ought to be required to deny it on the record. The Army takes the position that there is no basis for the impression that they seek to keep the 1,500 acres as a sort of private hunting lodge domain for officers of the Army. The Army represents that the land is needed for the Reserve program.

Who am I—or, for that matter, who is anyone else in the Senate—without supporting evidence to the contrary, to take the position that the Army is trying to hoodwink the Senate with regard to its need? I think it is pretty serious, Mr. President, when one comes to pass judgment upon the allegations of the Army.

I am well aware of the fact that the Army has to be carefully checked, Mr. President, but I think the best way for the committee to check the Army is to get the Army representatives before the committee, to ask them questions, and to put them under examination. All that was necessary to do was to request that the Army representatives be at the committee hearings. That has not been done.

Mr. President, certainly on the basis of the record, I respectfully submit, we do not know what, under the language of the statute, is the chief value of this land. We do not know. I think we ought to have testimony taken to show whether the land is chiefly valuable for the use to which the Senators from Illinois seek to put it in their bill. That is one of the requests I make. That is one of the reasons for my insisting that before we pass the proposed legislation we ought to have the question answered.

Of course, the statute goes on to say that any such transfer to other than the United States shall be subject to the reservation by the United States of oil, gas, and mineral rights, and to the condition that the property shall continue to be used for wildlife conservation.

The language of the bill is, as I understand it, intended by the Senators from Illinois to mean that there shall be this reservation: If the State of Illinois ceases to use the land for the stated purposes, it shall revert to the Federal Government.

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

Mr. MORSE. I yield.

Mr. DOUGLAS. The Senator from Oregon appreciates that we are in the concluding weeks, or perhaps, days, of this session of the Senate; that there are many matters to come before this body; and that quite possibly tomorrow morning we may be faced with a question as to whether we will override the veto by the President of the housing bill. May I ask the Senator from Oregon if he will permit us to come to a vote on this matter at a reasonable hour tonight? This long discussion of the Senator from Oregon may so delay matters that we will not be able to have a vote tonight. As I say, I think the discussion has already gone on to a much greater extent than the intrinsic importance of the subject matter justifies.

I think the Senator from Illinois took about 20 minutes to state the affirmative case. The Senator from Oregon has taken 2 hours. Would not the Senator from Oregon permit us to come to a vote in the near future?

Mr. MORSE. I am sorry that my detailed analysis of this bill is consuming so much time. I am sorry that my friend from Illinois finds it very difficult to be patient with the deliberate and, I hope, thorough, analytical discussion of the bill by the Senator from Oregon. But I have a suggestion to make to the Senator. If he would not interrupt me so much, urging me to stop, we might get through quicker, because I am going to make my case on the bill. The evening is young.

I am making a case not only on this bill, Mr. President, but I am making a case, I know, I am going to need for reference with regard to future bills when they are under consideration, because I know the danger of this bill as a precedent. I have not lived through these discussions of the Morse formula for so many years without knowing that my able colleagues in the Senate and their able research assistants in their offices always keep a magnifying glass on every word the Senator from Oregon ever utters on the Morse formula, to see if they cannot find some inconsistency or some exception. I do not intend to supply them with that evidence in this or any other case. In order to completely protect myself, I am going to discuss the matter from every possible angle.

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

Mr. MORSE. And I will say to the Senator, since I do not want to take him unawares, I am going to move that the bill be recommitted to the committee in order to obtain certain information I think we need in connection with the statute I am discussing, to be reported back on a day certain, and to be made the pending business when the bill is reported back.

I am hopeful that I will be joined in this effort by the members of the committee. I should like to see the members of the committee themselves volunteer to associate with me on the recomittal of the bill until we can get the information, because I think the record is perfectly clear the committee members did not have the information when they reported the bill, and they ought to have had it before they reported the bill.

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

Mr. MORSE. I yield.

Mr. GRUENING. This member of the committee feels that the committee had adequate information when it reported the bill.

Mr. MORSE. I judge that to be true, from what the Senator from Alaska has said. I am sorry to have to tell the Senator from Alaska that he should not overlook the fact that when he functions as a committee member he functions as an agent of the Senate as a whole. Of course, if any one Member of this body feels the committee has not fulfilled all its obligations of agency in the matter, it is his duty to say so, even though I find it rather painful to do it.

I had hoped that the Senator from Illinois and the members of the committee would see the advantages of this section of the code.

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

Mr. MORSE. And I had hoped the Senators would proceed to try to get us the information, to find out to what extent the application of this section of the code might be relevant, or to what extent the next point I am going to make might justify a reconsideration of the amount to be paid for both pieces of property combined, the 946 acres and the 1,500 acres.

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

Mr. MORSE. I am going to make what I hope will be a constructive suggestion in respect to that, if we are to assume that section 667(b) of title 16 of the Code cannot be made applicable to this property, and I am far from convinced it cannot be. If the section can be made applicable I want it to be applicable, because I do not want to exact from the taxpayers of Illinois any money which, under the law, they are not obligated to pay. But I think it is only fair that the taxpayers of Illinois, as well as of any other State, pay whatever is a fair amount, upon the basis of the application of the Morse formula, for the acquisition of any piece of Federal property.

That is the issue, Mr. President. I am going to proceed, if the Senator from Illinois will allow me, to discuss now the Army position.

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

Mr. MORSE. I yield.

Mr. LONG. Can the Senator give us some idea as to exactly how much money is involved, if we consider the difference between the figure the Senator from Oregon estimates the State should pay and the figure the Senator from Illinois estimates the State should pay for the land in question?

Mr. MORSE. That brings up one of the troubles, one of the reasons why I feel that the bill should go back to the committee.

I will give the Senator from Louisiana what my calculations are, based upon the figures which the Department of the Army has given me, to which I am about to refer.

If section 667(b) of title 16 is not applicable, but the property is to be disposed of on the basis of 50 percent of the appraised fair market value the total amount payable would be $480,819. This takes into account 50 percent of the $286,638 which the State of Illinois has already agreed to pay for parcel 3, and assumes that that is the fair value—a point that needs further consideration, may I say. It is only fair that the State of Illinois should be allowed to buy parcel 3 on the basis of the Morse formula, rather than the full value, which it believes it is doing now with its offer of $286,638. The total figure of $480,819 also includes 50 percent of the Army's estimated $675,000 value of parcel 4.

Again, I say I want hearings on this matter. These questions can be answered in a day or half a day of committee hearings, in my judgment, if letters are sent out in advance to the departments, permitting them to bring back to us the facts which I think we need in order to assure ourselves that we are not giving away taxpayers' value for which they are not getting fair compensation.

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

Mr. MORSE. I yield.

Mr. LONG. If I correctly understand, the Senator feels that the difference which he believes the State should pay would be in the vicinity of $418,000.

Mr. MORSE. Four hundred and eighty thousand dollars. That is not peanuts.

On August 5 I also wrote to the Secretary of the Army as follows:

AUGUST 5, 1959.

The Honorable WILBER M. BRUCKER,
Secretary of the Army,
Washington, D.C.

DEAR MR. SECRETARY: Enclosed is a copy of a letter I have addressed today to Administrator Floete of the General Services Administration.

You will note that questions numbered 4, 5, and 6 set forth in the enclosure may be answerable only by the Department of the Army. Any assistance you may be able to render on these questions will be greatly appreciated.

Sincerely yours,

WAYNE MORSE.

On August 7 I received the following letter from the Department of the Army, signed by Dewey Short, Assistant Secretary of the Army for Manpower, Personnel, and Reserve Forces:

DEPARTMENT OF THE ARMY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, D.C., August 7, 1959.

Hon. WAYNE MORSE,
U.S. Senate.

DEAR SENATOR MORSE: This is in reply to your letter of August 5, 1959, to Secretary Brucker requesting information concerning the lands under consideration in the Senate bill S. 747, as outlined in your letter to Mr. Franklin Floete, Administrator, General Services Administration, dated August 5.

I have had a hurried check made with the U.S. Army Engineer District, Chicago, to obtain information to reply to your questions 4, 5, and 6 in the letter to Mr. Floete. The following information is furnished as an estimate and cannot be considered as an appraisal:

(a) An estimate based on a cursory review of comparable area appraisals, including the recent bids by industrial groups on GSA parcels 1, 2, and 3 to the north of the subject 1,500 acre area, indicates an approximate value of $450 per acre, or a total of $675,000 for the 1,500 acres.

I digress from the letter long enough to say that the price being paid by Illinois for the 946 acres is about $303 an acre, instead of the $450 an acre which the Army estimates.

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

Mr. MORSE. Let me tell the Senator what I think. The Senator from Louisiana knows as well as I do that on this job we develop a certain intuition in appraising the arguments and estimates of special pleaders in matters such as this. The Army is a special pleader in this case. Let us not forget that the Army does not want to give up this property at all. So, frankly, I wonder if $450 an acre is not too high a price for this property. I have been led to believe, as I studied the record in this case—and,

believe me, I have studied it, or tried to—that it is not as valuable a piece of property, acre by acre, as the 946 acres to the north. That is my conclusion.

When we come to the parcels of land shown on the map across Highway 66, the other land is of even less value.

All I am saying is that I should like a little more reliable information than I feel we have in the record, as to what the property is really worth. There has been no appraisal of it, because it has never been declared surplus.

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

Mr. MORSE. I yield.

Mr. DOUGLAS. I have made some hasty computations, and it appears that, even on the basis of the appraisal of the Army, which the Senator from Oregon admits would tend to be inflated, the total value fixed by it for the 2,400 acres would be $961,000.

The Senator from Oregon says the State of Illinois should pay one-half of that amount. That would be $480,000. The State of Illinois has appropriated $286,638. So the Senator from Oregon is creating all this hullabaloo for less than $200,000—and it may be very much less than $200,000.

The Senator from Oregon has already used up a thousand dollars worth of space in the CONGRESSIONAL RECORD, and may well have delayed the proceedings of the Senate. Assuming that the time of the Senate is worth anything, he has already used up scores of thousands of dollars worth of the time of the Senate. Does the Senator from Oregon not believe that, everything considered, the best thing to do is, as the committee has suggested, to accept the offer of $286,638.

Mr. MORSE. That is an interesting argument coming from the great scholar from Illinois. I am quite surprised. He must be tired to make an argument like that.

The Senator from Illinois suggests that because time and many pages of the CONGRESSIONAL RECORD are required to make a case against an inadequate committee report and against an inadequate bill, in order to protect a very important question of policy, and because the passage of that time costs the taxpayers of the United States some money for printing in the CONGRESSIONAL RECORD, therefore the Senator from Oregon is at fault.

It is our job in the Senate to take whatever time is necessary, any time, in order to make a record against what we believe to be bad legislation, not because of its relationship to the particular piece of legislation alone, but because of the importance of the precedent which is being established as to future pieces of legislation.

So I say to my good friend from Illinois that it is not my fault that the bill is before the Senate in this form. That is the fault of the Senator from Illinois. It is not my fault that a committee report is before the Senate with inadequate information in it, so that we cannot get accurate answers to the question I am raising. That is the fault of the committee.

I am proposing that, in order to remedy the situation, we should send the bill back to the committee, with specific instructions to obtain the information we need and report back by a date certain.

That is the procedure to follow. I am surprised that my dear friend from Illinois really thought he would be able to stop the Senator from Oregon from making the record he desired to make, on the basis of the fallacious, non sequitur argument that making the record is delaying the proceedings and taking up time, which costs the taxpayers money.

That is the argument used by Republican politicians out in Oregon against the senior Senator from Oregon. I am surprised to hear it from my Democratic colleague. I said to the people of Oregon, "I give you this pledge: Nothing will stop me from talking in the Senate so long as I think something must be said in order to make the case of the people on any issue." That applies in this instance to the bill of the Senator from Illinois, irrespective of its origin.

To go back to the letter of the Army, I think the figures which the Senator from Illinois just gave are accurate based upon an analysis of the Army figures. I think if we take the $450 an acre estimate of the Army Engineers, we end by giving the State of Illinois credit for $286,000-plus for the money it offers to pay for parcel 3. I think we end, I say to the Senator from Louisiana [Mr. LONG], by giving them credit for an overpayment on parcel 3 to a difference between us of about $200,000. The total amount which Illinois would have to pay, upon the application of the Morse formula to the entire tract, would be in the neighborhood of $480,000, based upon these figures.

I do not know; the Senator from Louisiana does not know; the Senator from Illinois does not know; because there has been no appraisal of what the accurate figure is. What I am saying on this point is that we ought to know before we are asked to vote. I do not buy pigs in a poke. I do not intend to start doing so with this bill.

The committee does not know. Obviously there is nothing in the record of the committee and nothing in the report of the committee which gives us the information we need on this very important point.

Returning to the letter of the Department of the Army, I shall repeat the first part of the paragraph I started to read:

> An estimate based on a cursory review of comparable area appraisals, including the recent bids by industrial groups on GSA parcels 1, 2, and 3 to the north of the subject 1,500-acre area, indicates an approximate value of $450 per acre, or a total of $675,000 for the 1,500 acres. The highest and best use of the area is for agricultural purposes with some potential for industrial development.

That is a very important point, because it is the first time we find such an observation in this record. Here the Department of the Army is admitting, or is at least taking the position, that the highest and best use of the area is for agricultural purposes, with some potential for industrial development. All I can say is that I am trying to help the Senator from Illinois determine what the true value of the property is in accordance with its most valuable use, because a determination of that question of fact is essential to determining what amount of money, if any, the State of Illinois should pay for this property.

I feel that I am confronted with some question on the part of the Senator from Illinois and apparently from one member of the committee that I am taking a position which is unreasonable. The sad fact is that neither the Senator from Illinois nor a member of this committee has supplied the Senate with any such information as I have been able to obtain from the Army, because I asked some specific questions. That is what the committee ought to have done, so that we might consider the bill from the standpoint of the rights of the taxpayers, in order to make certain that they will get, under the policies of the Morse formula, a fair return for the sale of the property.

The Army goes on to say:

> (b) There are three so-called improvements in the area; a run down 50 to 60-year-old farmhouse, a building formerly used for alum treatment of water wastes, and an earthfill dam in conjunction with this building. There are two gravel roads through the area on which some Army Reserve troop training has been accomplished.
>
> (c) None of the improvements in b, above, add to the value of the area and they have not been considered in arriving at the estimate in a, above. The water waste treatment building and earthfill dam were constructed by the Federal Government. Department of the Army has no knowledge of any improvements made by the State of Illinois or its subordinate agencies.
>
> I wish to reiterate that the above is a quick staff estimate and, although based on known values of comparable areas, it cannot be considered an accurate appraisal. Further, I would like to point out that the subject area is not excess to the Department of Army requirements and thus no consideration has been given to placing a valuation on the subject area.
>
> Sincerely yours,
>
> DEWEY SHORT,
> *Assistant Secretary of the Army (Manpower, Personnel, and Reserve Forces).*

Mr. President, what is the importance of this letter to the Senate in considering this matter? There are two things I wish to stress at this point.

First. The Department of the Army makes clear again that it does not consider this property surplus; that it is needed for Army purposes. I respectfully say that a very thorough consideration of that statement ought to be submitted to the Senate on the basis of testimony and evidence taken by the committee, so that we will not have simply an unsupported judgment of the committee, but will have the facts on which a judgment on the part of each one of us can be based.

Second. From this letter it is perfectly clear that no one has appraised this property. I simply say that I think it is inexcusable procedure in the Senate for us to propose to dispose of property belonging to every taxpayer when we do not even know the value of the property and have no appraisal of it. That simply is not good business. We ought to follow good business practices in the disposal of property belonging to the peo-

ple. Why? Because we are their trustees. We sit in the Senate of the United States as trustees of the property belonging to all the taxpayers.

I will not vote for a measure when the bill itself and the committee report itself do not give me the information I need as to the value of the property we are being asked to dispose of. I cannot reconcile such action with the fulfillment of a trusteeship responsibility.

After I wrote to the Army under date of August 5, and received the Army's reply under date of August 7, I wrote the Army a second letter under date of August 7, 1959:

AUGUST 7, 1959.

Re S. 747.

Hon. WILBER M. BRUCKER,
Secretary of the Army,
Washington, D.C.

DEAR MR. SECRETARY: Upon reviewing Senate Report No. 565 relative to the above-captioned bill, I find that as of June 18, 1959, the Department of the Army was opposed to the proposed transfer of the 1,500-acre tract described in section 2 of S. 747. It is my understanding that this is the tract lying immediately south of the land designated as parcel No. 3.

In order that my information may be current on this subject, I would appreciate your advising, at your earliest convenience, whether the Department of the Army is still opposed to the proposed transfer of the 1,500-acre tract in question.

Sincerely,

WAYNE MORSE.

Under date of August 11, 1959, I received the following reply from the Army. Again, the letter is signed by Dewey Short, Assistant Secretary of the Army for Manpower, Personnel, and Reserve Forces. The letter reads:

DEPARTMENT OF THE ARMY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, D.C., August 11, 1959.

Hon. WAYNE MORSE,
U.S. Senate.

DEAR SENATOR MORSE: This is in reply to your letter of August 7, 1959, to Secretary Brucker, requesting the Army's position on Senate bill S. 747 concerning the proposed transfer of 1,500 acres of land to the State of Illinois for wildlife, conservation, and recreational purposes.

As evidenced by the attached copy of report, dated August 6, on H.R. 3984, as amended, which is identical to S. 747, as amended, the Department of the Army is strongly opposed to the enactment of S. 747, as amended.

The Department of the Army has a firm requirement for the 1,500 acres proposed for conveyance in S. 747, as amended, for the training of Army Reserve units.

Sincerely yours,

DEWEY SHORT,
Assistant Secretary of the Army (Manpower, Personnel, and Reserve Forces).

I shall not take time to read all of the attached report. Instead, I ask unanimous consent to have the letter and the report printed at this point in the RECORD.

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

DEPARTMENT OF THE ARMY,
Washington, D.C., August 6, 1959.

Hon. CARL VINSON,
Chairman, Committee on Armed Services, House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense on amendments (in the nature of a substitute) for H.R. 3984, 86th Congress, a bill to provide for the conveyance of certain lands known as the Des Plaines public hunting and refuge area to the State of Illinois. The Secretary of Defense has delegated to the Department of the Army the responsibility for expressing the views of the Department of Defense thereon.

The purpose of the proposed amendments is to authorize and direct the Secretary of the Army to convey, without monetary consideration therefor, approximately 1,500 acres of land in Will County, Ill., to the State of Illinois for wildlife conservation and recreational purposes. The conveyance would reserve to the United States all oil, gas, and mineral rights and other interests determined by the Secretary of the Army to be necessary in the public interest. The property would revert to the United States if it ceases to be used for wildlife conservation or recreational purposes, or if it is required for national defense purposes. The Secretary of the Interior would be required to enforce compliance with the provisions of use. The title of the bill would be amended to read: "A bill to provide for the conveyance of certain lands which are a part of the Joliet Arsenal Military Reservation, Will County, Ill., to the State of Illinois."

The Department of the Army, on behalf of the Department of Defense, is strongly opposed to the enactment of H.R. 3984 as modified unless the bill is further amended in the manner set forth in this report.

The Kankakee Ordnance Works and the Elwood Ordnance Plant were established in 1941 as (1) a powder-manufacturing plant and (2) a loading plant on 36,092 acres of land acquired at a cost of $7,197,426 in Will County, Ill., 10 miles south of Joliet. In 1945 the facilities constituting the two plants were consolidated and redesignated as Joliet Arsenal. From time to time as land areas and facilities were not required for accomplishment of the mission of the installation they have been made available for nonmilitary utilization. An area of 4,388.02 acres was so made available to the Department of the Interior on January 20, 1948, for fish and wildlife conservation purposes. Thereafter the State of Illinois obtained a permit and through its Department of Conservation, on March 29, 1948, established the Des Plaines public hunting refuge area.

The Department of the Army in furtherance of the program for the training of Army Reserve units requires the use of open land areas to permit field training exercises in addition to and to supplement classroom and other training. These outdoor training areas would be used normally on weekends by reservists in a particular area. The responsibility for providing multiple drill outdoor sites has been assigned to the commanding generals of the U.S. armies in each area within the continental United States. The maximum use in this program, as in others, must be made of Government-owned lands.

A review of the requirements for the Joliet Arsenal indicated in 1957 that its mission would not be hampered if certain areas containing in the aggregate 5,757 acres were transferred for other uses. The major portion of these lands were comprised of an area previously retained as a safety and protective zone for the Kankakee unit. It was determined by the Department of the Army that the requirement for outdoor training of some of the units of the U.S. Army Reserve in the vicinity of Chicago under the direction of the commanding general, 5th Army could be satisfied through the use of approximately 1,500 acres of the lands no longer required for the Joliet Arsenal. The terrain of this area is particularly suitable for the purpose and will be utilized for a wide range of field training exercises. Areas not required for any other Department of Defense use, including the land described in H.R. 3984 as originally introduced, were reported to General Services Administration as excess real property for transfer or disposal in accordance with the Federal Property and Administative Services Act of 1949 (63 Stat. 377) after agreement with the respective Committees on Armed Services in Army disposal project No. 83 pursuant to 10 U.S.C. 2662.

Inasmuch as the 1,500-acre area retained for Reserve training was included in the permit under which the State of Illinois was operating the public hunting area referred to above, the commanding general, 5th Army undertook a cooperative effort with the State Department of Conservation with the view to permitting the maximum public use of the land consistent with its utilization for military training. As a result an understanding was arrived at in June 1957 under which reservists while in training would not be permitted to hunt or fish, small fenced areas then being developed by the conservation department would be retained without interference by the military, the area would be open through the conservation department for public use except when in actual use for military training, and no training would be undertaken during the period established by the State as the pheasant hunting season. In furtherance of this concept the public has continued to have access to the 1,500 acres and long-range plans have been formulated by the Army for year-round multiple outdoor drill training exercises for 167 Army Reserve units with an aggregate strength of 12,672 personnel. This schedule will require the intensive use of the training area each weekend on a year-round basis exclusive of the 20-day controlled hunting season. This joint use of a large training area, reconciling the military requirements with those of the surrounding civilian community, is an outstanding example of the solution of a problem without added cost. It is the type of cooperation that the Department of Defense and the military departments are hopeful of extending wherever possible.

Although the above described area is not available for transfer to the State because of the Reserve training requirement, the Department of the Army would have no objection to the transfer of other lands originally acquired for the Joliet Arsenal. A portion of the area proposed for transfer to the State has previously been reported to the Administrator of General Services as excess real property while the balance had been retained for future use of the arsenal. To permit sufficient flexibility in determination of the precise area it is recommended that the proposed amendments to H.R. 3984 be modified by deleting lines 6 through 15 and substituting therefor the following:

"In and to an area not to exceed 1,500 acres of lands now or formerly part of Joliet Arsenal, Will County, Ill., as determined by the Secretary of the Army to be available for nonmilitary purposes and generally located in the southern portion of the Kankakee unit of Joliet Arsenal adjacent to the Kankakee River. The area comprises parts of sections 13, 14, 15, 22, 23 and 24 within the boundary of Joliet Arsenal."

If the above amendment is adopted, "SEC. 3" should be redesignated as "SEC. 2."

A map delineating the various referenced areas is attached hereto.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

Inasmuch as the committee has requested that the report be expedited, it is submitted without a determination by the Bureau of the Budget as to whether or not it conforms to the program of the President. As soon as

such advice is received it will be forwarded to your committee.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.

Mr. MORSE. Mr. President, in order to save time, I shall summarize, for the record, the report. I hope my friend, the Senator from Illinois, appreciates my cooperation in that respect.

In its report, the Army sets forth its arguments and reasons why it does not consider the property to be surplus. I think the Army should be cross-examined about that. There are a good many questions which, as a member of the committee, I would wish to ask the Army about its report, because I would not wish to put myself in the position—if the facts support the Army; and I think there is reason to believe that the facts do support the Army—of urging the Congress to declare the property surplus, and then have the Congress provide that the entire 1,500 acres would be transferred to the State of Illinois without consideration, under title 16, subsection 667 (a) and (b) of the code.

But some might say, "If you think there is a possibility that further investigation by the committee might result in a finding that the code applies, why object to the bill in its present form, as introduced by the Senator from Illinois?"

My answer is that there is all the difference in the world between a course of action in the Senate based on the facts and a course of action in the Senate based on an effort to reach the same general objective, when one does not know what the facts are.

So I do not think the Senate should act on this bill until it has the answers to the various inquiries for information which I have raised during this speech.

I hope it will not be too great a shock to the Senator from Illinois if I tell him that I, too, am very desirous of finding a legal way, based on the facts, under existing law and existing policy, to make available to the people of Illinois this land at the most reasonable cost possible—or, in case we can make title 16, section 667 (a) and (b) of the code apply without any cost to them at all, because I do not yield even to the Senator from Illinois in my desire to protect the human values, too, as well as wild geese, and because I think great values can accrue to the national interest from making available to the boys and girls and also the adults of Chicago and other metropolitan areas in the travel vicinity of this land, this kind of wildlife refuge and human recreational center.

But I do not think I am being unreasonable when I seek to obtain the facts on this case which will accomplish that aim, without putting myself in such a position that in the future any Senator could say that I had acted to jeopardize the Morse formula, and had made an exception to it, and had followed a policy of political opportunism in regard to the Morse formula—because that would be what would be said if ever I were to fail to take the course of action which I have taken in connection with this bill.

So, Mr. President, I propound the following parliamentary inquiry: Would it be in order for me to move at this time, without submitting the motion in writing to the Chair, that the bill be recommitted, with instructions to the committee to report the bill by August 18, and with the further provision that the bill be considered by the Senate within 1 week after it was reported to the Senate at that time?

If the Chair needs to have my motion submitted in writing, I shall be glad to do that. But, first, I ask whether I may have an answer to my parliamentary inquiry.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The Senator from Oregon may make his motion orally, provided no point of order is raised and no Senator insists that the motion be submitted in writing.

The motion may contain instructions to the committee to report on a day certain, but may not include any condition as to when the Senate will thereafter consider the report of the committee.

Mr. MORSE. Mr. President, at this time I suggest the absence of a quorum.

Mr. LONG. Mr. President, will the Senator from Oregon temporarily withhold his suggestion of the absence of a quorum?

Mr. MORSE. Yes.

Mr. LONG. I am acting for the majority leader, in his absence, and upon his request. If the Senator from Oregon wishes to make such a motion, certainly there will be no objection, so far as I am concerned, to the Senator's making the motion to recommit the bill and to have the committee report on a day certain.

But I believe the majority leader, who has the responsibility of scheduling the consideration by this body of proposed legislation, would like to be consulted if the Senate were to be required to take up the bill on a certain day. Otherwise, so far as the other part of the motion is concerned, there would be no objection to waiving the formality in that connection.

Mr. MORSE. Mr. President, I am sure there will be no objection to withdrawing my suggestion of the absence of a quorum in short order, after I have an opportunity to reduce my motion to writing. Therefore, at this time I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DOUGLAS in the chair). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 118) authorizing and requesting the President of the United States to issue a proclamation calling for the flag of the United States to be flown at half-staff on the occasion of the death of the last surviving veteran of the War Between the States.

COMMITTEE MEETING DURING SENATE SESSION

Mr. JOHNSON of Texas. Mr. President, I have been requested by the chairman of the Subcommittee on Constitutional Amendments of the Committee on the Judiciary to make the request that that committee be permitted to meet in executive session during the meeting of the Senate on Wednesday, August 12.

Mr. LONG. Mr. President, reserving the right to object, I believe the distinguished chairman of the committee would like to be heard on that request. I hope the request will be made when he is present, because he has some views relating to witnesses and whether the committee should meet on that day. I shall have to object. I hope the Senator will renew his request when the chairman of the committee is present.

Mr. JOHNSON of Texas. I shall be glad to.

PROGRAM FOR TOMORROW—CONVEYANCE OF CERTAIN LANDS TO THE STATE OF ILLINOIS—UNANIMOUS-CONSENT AGREEMENT

Mr. JOHNSON of Texas. Mr. President, I understand the Senator from Oregon [Mr. MORSE] desires to make a motion to recommit the pending business. We have canvassed the Senators present, as nearly as we can, and we are informed that we shall have a greater attendance tomorrow in connection with the veto message and the accompanying legislation than probably any other day this week. Therefore, if it is agreeable to the Senator, I should like to propound a unanimous-consent request.

How much time would the Senator like to have on the motion to recommit before the Senate votes on it? Would 1 hour be sufficient?

Mr. MORSE. I do not need more than 5 minutes.

Mr. JOHNSON of Texas. Will 10 minutes, to be equally divided, be sufficient?

Mr. President, I ask unanimous consent that immediately following the vote on the veto message, the Senate have not to exceed 20 minutes on the motion to recommit Senate bill 747, the time to be equally controlled by the majority and minority leaders.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Is there objection? The Chair hears none, and the agreement is entered.

The unanimous-consent agreement, as subsequently reduced to writing, is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective on August 12, 1959, following the vote on veto of S. 57, further debate on the motion to recommit S. 747, to provide for the conveyance of certain lands known as the Des Plaines Public Hunting and Refuge Area to the State of Illinois, be limited to 20 minutes, to be equally divided between the opponents and proponents. (August 11, 1959.)

Mr. JOHNSON of Texas. Mr. President, I announce that the Senate will convene at 11 o'clock tomorrow morning. I do not know how long Senators will discuss the veto message. We expect to have a yea and nay vote on it. As soon as we dispose of that vote, the Senate will take up the motion to recommit Senate bill 747. Ten minutes later we should have a yea and nay vote on that motion. I understand the Senator from Oregon wants a yea and nay vote on his motion. I shall attempt to get a sufficient second for the yeas and nays. We may also vote on the treaty tomorrow.

Mr. President, I ask for the yeas and nays on the motion of the Senator from Oregon [Mr. MORSE] to recommit S. 747.

The PRESIDING OFFICER. The yeas and nays have been requested on the motion to recommit made by the Senator from Oregon. There is a sufficient number, and the yeas and nays are ordered.

The Parliamentarian advises the Chair that, since the motion has not been submitted, the order is perhaps inappropriate.

Mr. MORSE. Mr. President, I am trying to get that situation corrected.

I move to recommit Senate bill 747 with instructions to the Committee on Government Operations to report back to the Senate by August 18, 1959.

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

On this motion, the yeas and nays have been requested by the Senator from Texas.

The yeas and nays were ordered.

THE PARTICIPATION BY SELF-EMPLOYED PERSONS IN VOLUNTARY RETIREMENT PROGRAMS

Mr. ALLOTT. Mr. President, I am pleased to note that the Senate Finance Committee is renewing its hearings on H.R. 10, the Keogh-Simpson bill. As we know, this proposed legislation is designed to allow self-employed persons to participate in voluntary retirement programs, within limits, on the same tax basis as employees.

I believe firmly in the principle of equal and uniform treatment for all taxpayers. Last session, I cosponsored legislation similar to H.R. 10. This year, I withheld my outright support for three reasons:

First, it was my hope that a prompt review of this and other inequities in our tax structure might be undertaken by this Congress.

Second, with the urgent need to maintain a balanced budget in the face of continuing inflationary pressures, I wanted to study further the Treasury Department statement that such legislation would reduce revenues by some $365 million in the very first year.

Third, the Treasury Department, year after year has admitted "that present law does not give self-employed persons tax treatment for their retirement savings comparable to that now accorded to employees covered by employer-financed pension plans." In view of this, it also has been my hope that the Department would advance its own proposal to end this admitted inequity. Such proposal, I am sorry to note, has not been made. Neither does it now appear that there will be an early revision of any inequities in our tax laws.

That leaves it squarely before this Congress to act. We are the hope of the self-employed—the farmer, the small businessman, the barber and beautician, the doctor, the dentist, the accountant, the architect, the garageman, the service station owner, the homebuilder, the plumbing contractor, the realtor, the retail druggist, the retail grocer, the food broker, the manufacturer's representative, the professional engineer, the florist, and many, many others.

With this in mind, I have studied each objection raised to this bill. It does not set a precedent for other forms of tax deferral. Rather, it follows precedent already set under which some 19 million employees now are covered, in addition to those in the civil service, Armed Forces, and railroad retirement systems. It certainly is not class legislation, for many of the self-employed are the rugged individuals who often wonder if they are not working more for themselves for pride than for profit.

We then come down solely to the impact upon the budget. We find the Treasury Department estimate of a $365 million tax revenue loss the first year based on an assumption that self-employed individuals will make payments to restricted retirement plans totaling $1 billion. Do savings habits, buying habits and family budgets change this rapidly? It seems entirely unlikely. Economists who have studied this subject estimate that this rate of retirement payments is not likely to be reached for a least 5 years—and probably more. There is little reason to assume that a million self-employed will immediately deposit $1,000 each under this plan. Indeed, surveys indicate that only about 50 percent of the self-employed intend to utilize the plan at all.

As a matter of fact, two sound studies on the impact of H.R. 10, one by the Tax Foundation and the other by Prof. Roger Murray, of Columbia University, indicate an initial impact of $75 to $100 million. Actual experience with similar legislation in England, New Zealand and Canada demonstrated a revenue loss of about one-sixth the official estimates. Translated to our situation, this would mean only about $60 million.

One other point, Mr. President, largely has been overlooked: The money which the self-employed would place into approved retirement savings would move directly into the mainstream of our capital dollars. The inevitable result will be increased savings in the American tradition of thrift which in turn will add to the capital financing available for the further economic growth we all favor. The current controversy over "tight money" points up the timely importance of any sound move in the direction of making more money available to the investments market to facilitate domestic and industrial expansion. By thus helping to build American enterprise, we in turn, would provide additional sources of tax revenue to help offset any loss.

There is some feeling, Mr. President, that we should enact legislation which is all-inclusive and not restricted only to the self-employed. However, such a move might lend credence to the supposition which I have tried to discount; that is, the impact this legislation would have upon the Treasury. All-inclusive legislation, depending upon the added numbers who might take advantage of the tax-forgiving features of the bill, might be extremely costly.

Secondly, it is well to point out here that most pension plans are the result of collective bargaining. The pensionless employee today has the opportunity to obtain pension plan benefits by negotiating with his employer just as he has the opportunity to obtain higher wages, better working conditions, sick leave, paid holidays and so forth.

It may be that, some time in the future, when the complexion of our national economic picture warrants, we might want to extend coverage of this measure to the pensionless employed. However, it would, in my opinion, be a mistake to do so now. The real injustice—that which we are trying to correct now—is done to the self-employed.

It is my hope that the Senate Finance Committee will see fit, promptly upon concluding its hearings, to report H.R. 10 to the floor. If it contains reasonable limits on the amount of tax deferral to be allowed each year, and in total, and on the means of retirement savings which can be utilized comparable to those of other private retirement programs already approved, then I shall vote for it and urge my distinguished colleagues to do likewise. To wait longer is to compound inequity.

CONVEYANCE OF CERTAIN LANDS TO THE STATE OF ILLINOIS

The Senate resumed the consideration of the bill (S. 747) to provide for the conveyance of certain lands known as the Des Plaines Public Hunting and Refuge Area to the State of Illinois.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Mr. MUSKIE. I have listened with great interest to the discussion on S. 747, a bill which was reported by the Committee on Government Operations, and was considered by the subcommittee of which I happen to be chairman.

I have listened to the long discussion of the Senator from Oregon, and, as always, I was enlightened, educated, and greatly interested in what he had to say. At the end of his remarks I must confess that I would not have reached a different opinion on the pending bill than is indicated by the committee report, and I think in all fairness to him and to the Members of the Senate I ought to indicate exactly why the subcommittee acted as it did.

The original bill, S. 747, as introduced by the Senator from Illinois, proposed transferring title to what have been referred to in the colloquy this afternoon as plots 1, 2, and 3 to the State of Illinois

for no consideration. The subcommittee scheduled hearings on the bill and we took considerable testimony.

After hearing all the testimony the subcommittee was impressed by the fact that apparently these three plots of land had value for industrial purposes and also value for recreational and wildlife purposes. There was some indication in the hearings that perhaps the plots could be applied to both purposes if there could be a definition of the areas that were chiefly valuable for one or the other of the two purposes.

The subcommittee did not feel it had the function to act as arbitrator between the State of Illinois and the General Services Administration. However, I wrote to the Governor of Illinois, and pointed out to him that it seemed to us that there was an area for possible negotiation between the State of Illinois and the General Services Administration, that we were impressed by the fact that the land in question was valuable for the two purposes, and that perhaps some parts of it were chiefly valuable for one or the other.

As a result of that letter, the State of Illinois did initiate negotiations with the General Services Administration, in which the subcommittee did not participate, since we did not consider that to be our function. As I understand, present at those negotiations were representatives of the State of Illinois, of the Governor of Illinois, the General Services Administration, and the two Senators from Illinois, both of whom are interested in the proposed legislation, and as a result of the representations that were made in these negotiations of the value of the land, it was suggested to the subcommittee that we consider a proposition, the very proposition that is encompassed within the bill as it is now before the Senate, and we did so on the basis of the record that had been established in the previous hearing.

We were very familiar with the Morse formula as we understood it. Perhaps we did not understand it as fully as the Senator from Oregon does, but we understood that he felt that when surplus land is disposed of, it should bring into the Treasury of the Federal Government 50 percent of the fair market value. We did not consider that formula in connection with any one of these four pieces of land, but we considered the overall situation.

The testimony in the hearings indicated that the General Services Administration had received bids for plots 1, 2, and 3 totaling $1,345,418. As the Senator from Oregon has pointed out, no appraisal value has been established for plot No. 4. However, the acquisition cost was $245,777.

The total package that is involved in this proposition is not included in the bill. The rest of the package involves the sale of plots Nos. 1 and 2 for industrial purposes by GSA under the statutory authority which it now has.

Therefore, in considering what the Federal Government ought to realize from the property, we took into consideration plots 1, 2, 3, and 4. Whether or not this is a correct application of the Morse formula as sponsored by the Senator from Oregon I cannot say.

Mr. MORSE. Will the Senator yield for a question of information?

Mr. MUSKIE. I am happy to yield to the Senator from Oregon.

Mr. MORSE. When the Senator from Maine refers to plots 1 and 2, am I correct in my understanding he is referring to sales not to the State of Illinois, but to private users?

Mr. MUSKIE. The Senator is correct.

Mr. MORSE. So private users are supposed to be buying the property for industrial purposes and paying 100 percent of its value.

Mr. MUSKIE. That is correct.

Mr. MORSE. Obviously that takes the transfer completely out from under the Morse formula, and therefore I do not understand why the Senator refers to a package deal here covering parcels 1, 2, 3, and 4, because plots 1 and 2 have nothing to do with transfers to the State of Illinois.

Mr. MUSKIE. Let me refer to a little history to reply to that comment by the distinguished Senator from Oregon.

Originally the 2,400 acres involved in plots 1, 2, and 3, and also the 1,500 acres available in plot 4, were considered to be available for nonmilitary utilization by the Department of the Army. I forget the exact date at the moment, but I think in 1948 the land was made available by the Department of the Interior for fish and wildlife conservation purposes for the State of Illinois.

So, rightly or wrongly, the committee considered all this area as a unit. It was our objective to realize from the transfer of all the area a sum of money which would at least match the amount called for by the Morse formula.

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

Mr. MUSKIE. I am happy to yield.

Mr. MORSE. I say, most respectfully, of course, that is a very serious error on the part of the committee. What the Senator from Maine is saying to me is that even though plots 1 and 2 were to be sold for private purposes for industrial use the committee thought that it ought to include the amount of money to be obtained for parcels 1 and 2 in the computation when it came to the question of consideration of whether the taxpayers of the country were to receive 50 percent of the value for parcels 3 and 4. Once parcels 1 and 2 are sold for private use to private purchasers, the only parcels involved are parcels 3 and 4.

As I said earlier this afternoon, Illinois is paying twice as much as it ought to pay for parcel 3. The question of fact before us is, What is the value of parcel 4? Is the State of Illinois subject to the liability of paying anything for the land at all, if it can be determined that title XVI, section 667 (a) and (b) of the code apply to it?

I repeat, all I am trying to find out is an answer to the question of fact. Certainly parcels 1 and 2 have been removed completely from the consideration of the problem before the Senate, if they are to be sold to private purchasers for industrial purposes.

Mr. MUSKIE. Let me review what I have already said about the background of the proposed legislation.

S. 747 in its original form would have provided for the transfer of plots 1, 2, and 3 to the State of Illinois, if passed by the Congress. That bill was before us at the time we accepted the present form of the bill.

We had an original decision to make as to whether all of plots 1, 2, and 3 should be transferred to the State of Illinois for wildlife and recreation purposes. The Administrator of GSA faced this decision before we did, because he had the problem of disposing of this land which had been declared surplus, and he had to make a decision under the statute, which provides that upon request real property which is under the jurisdiction or control of a Federal agency and is no longer required by such agency may be transferred without reimbursement or transfer of funds if it can be utilized for wildlife conservation purposes of the agency of the State exercising administration over the wildlife resources of the State wherein the real property lies.

In an attempt to discharge his responsibility under that statute, the Administrator solicited bids. He advertised nationwide for these three plots. He had not yet made his decision as to whether the land was chiefly valuable for wildlife conservation purposes. He was in the process of making the decision when the proposed legislation came before our subcommittee.

As I have already pointed out, the bids indicated that these three plots of land would have obtained from the highest bidder a total sum of $1,350,000.

This was the situation when the hearings were concluded. The Federal Administrator, the Administrator of General Services Administration, still had pending before him in the event we did not act, or in the event the Senate did not act, a decision as to whether the land was chiefly valuable for wildlife purposes or for industrial purposes. In the committee hearing the Administrator did not indicate what his decision would be. As a matter of fact, the Administrator indicated he was not sure what his decision might be.

The people representing the State of Illinois, on the other hand, testified to the best of their ability—which, in the case of some witnesses, at least, was considerable—that in their judgment and on the basis of the experience of the State of Illinois in managing the property for some 10 years, on the basis of the attraction the area had for hunters and other public users, the land was chiefly valuable for recreation purposes.

The question for the committee at that point was whether we should allow the Administrator of GSA to make the decision he had the responsibility to make under the statute, or whether we should as a committee decide legislatively, or recommend to the Senate that it should decide legislatively, that these three plots of land were chiefly valuable for wildlife and recreational purposes? Or, should we find that in our judgment the Administrator would not be wrong if

he found the land to be chiefly valuable for industrial purposes?

As I say, out of all this, with these decisions pending before the Administrator of the General Services Administration and before the committee, it appeared there was an area for compromise. This area for compromise involved not simply plots 1 and 2 individually or together but the whole thing. Was there some practical possibility for making available to the State, because the State was interested in industrial development also, part of this area for industrial purposes? Was it possible to make available to the State another part of the area for wildlife and recreation purposes? And at the same time would the transaction bring into the Treasury of Uncle Sam a fair value for the whole?

It can be argued, I suppose, we should have considered each of these four plots of land separately, but we saw this as one problem involving four plots of land which should in some way be made available for these two very useful purposes, and at the same time bring to the Federal Treasury a fair price.

So on this basis, when the negotiating groups suggested to us these three objectives could be met by the proposition encompassed in the proposed legislation now before the Senate, it seemed to us a fair proposition. Plots 1 and 2 have not yet been sold for industrial purposes. They may not be sold for industrial purposes if the proposed legislation falls by the board. If this situation reverts to its status prior to the introduction of the bill, and if the GSA administrator has the responsibility to decide whether the land is chiefly valuable for wildlife conservation purposes, he may so find. We have no way of knowing he will not do so. The point is, since the proposed legislation was tossed in our laps and we saw an opportunity of resolving these conflicting purposes and interests, it seemed to us practical and good sense to do so. Uncle Sam is going to get at least $1,350,000 out of this, and I think more, because there is some indication in the RECORD that at least in the judgment of the GSA people lots 1 and 2 may very likely bring a higher price than was offered in the bids presented. So I think Uncle Sam may very well get more than $1,350,000.

Although we do not have an appraisal for plot No. 4, my impression from the RECORD and from the testimony is that it is comparable to plot No. 3, which is worth $303 an acre. Even taking the Army figure, which the Senator from Oregon mentioned earlier, we are talking about a little over $900,000 for the 1,500 acres, I believe. Even at that figure, which I think may be high, the $1,350,000 represents more than 50 percent of the fair value of the four plots.

Again, as I said earlier, this may not be an accurate application of the Morse formula as the Senator from Oregon has conceived it and sustained it through the years. This he will have to comment on. But I submit, in behalf of the subcommittee, that we devoted long hours to this problem. We listened to a great deal of testimony in the hearings and talked with a great many persons outside the hearings. Perhaps we should have done so in the hearings, but we talked with a great many persons at odd moments, wherever we could find them, over days and weeks, in an effort to reach a fair solution to a very practical problem.

The committee is fully cognizant of its responsibility to the taxpayers of the country. It is fully cognizant also of its responsibility, once this problem is dropped into its lap, of serving the interests of industrial development in Illinois and the interests of wildlife and recreational facilities in Illinois. This was not a responsibility which the committee took lightly.

As a matter of fact, there was a great temptation to take the easy way out, and say, "Senate bill 747 was unacceptable on any basis as it was originally introduced, because it provided for no reimbursement."

We had no function to try to act as arbitrators, or to hammer out a hard bargain in Yankee fashion. We saw an opportunity to render service, perhaps inaccurately in terms of the Morse formula, but I am sure not inequitably so far as the taxpayers of the United States are concerned. They will receive ample return for these four plots of land if this legislation is enacted.

I have no personal interest in this problem. It is a problem in the State of a colleague who is very much interested. It does not matter to me personally whether this land is used for hunting, for industrial buildings, or for any other purpose. I did not support this legislation because of any personal interest, and I assure the Senator from Oregon that I did not support this legislation because I was delinquent, or considered myself delinquent, in my duties to the Senate or to the taxpayers of the country.

I cannot begin to add up the hours that were devoted to this piece of proposed legislation. It may be that we did not make some of the inquiries which the Senator from Oregon would have made if he had been on the subcommittee. The Senator from Oregon has had a great deal of experience in the Senate. He has a deserved reputation for thoroughness, and for meticulous care in the discharge of his duties on the floor of the Senate and in committee. So I hope that nothing I say will be construed as criticism of him, or even as denying him the right to criticize me or the subcommittee. He has that right too. I assure him of something which I am sure he is convinced of in his heart, and that is that we tackled the problem as best we could, as conscientiously as we could, and we did not neglect any aspect of it which occurred to us as being important in the discharge of our responsibilities.

Mr. MORSE. Mr. President, only because I think it will be helpful tomorrow when the Senate as a whole comes to consider my motion to recommit the bill, I wish to make a brief reply to the Senator from Maine tonight.

Let me say to the chairman of the subcommittee that I appreciate very much the explanation of the subcommittee action which he has given the Senate. I want him to know that there is no question in my mind that he and the other members of the subcommittee performed their functions as chairman and members of the subcommittee in accordance with their honest and best judgment as to the policies which should apply to the property involved in the proposed transfer.

Not only does the statement of the Senator from Maine as to the policy followed by the subcommittee convince me that the bill should be recommitted until August 18, but I think he has made an eloquent argument in support of the proposition that it should be postponed until next January, until we can get the administrative bodies concerned to proceed to do the work and supply information to which I think the Senate is entitled before it takes final action on the bill.

Let me very quickly cover the points raised by the Senator from Maine.

It is a very interesting discussion he gives us as to the package concept of this transfer. He points out that the subcommittee took into account parcels Nos. 1 and 2, along with its consideration of parcels 3 and 4, and, in effect, decided whether or not the taxpayers were getting a fair and equitable payment for the four parcels considered together. He says the committee did so because the General Services Administration had not reached a decision as to whether or not parcels 1 and 2 were chiefly valuable for wildlife and recreational purposes.

I think it is at that point that the committee made a serious mistake. If we are to protect the interests of the taxpayers, it is the responsibility of the General Services Administration to indicate the principal purposes for which the land could be used.

By the chairman's own admission, the committee acted before the General Services Administration did so.

Mr. MUSKIE. Mr. President, will the Senator yield at that point?

Mr. MORSE. I yield.

Mr. MUSKIE. The Administrator of the General Services Administration was a party to the negotiations leading to the proposal which is encompassed in the bill and approved of it.

I was not a party to the negotiations, so I can only state that as coming from those who were parties to the negotiations, but I understand that the Administrator of the General Services Administration did approve, so he participated in this perhaps unusual, perhaps unorthodox decision, which supplants his responsibilities under the law, if the law were allowed to operate.

Mr. MORSE. Let me say most respectfully to the Senator from Maine that it is immaterial what the Administrator of the General Services Administration did, aside from his legal obligations under the law. There is nothing in the law which permits him to negotiate a transfer of property except in accordance with the law. The law places upon him the duty to determine whether or not this property is chiefly valuable for

industrial purposes or chiefly valuable for wildlife and recreational purposes.

If I correctly understood the Senator from Maine, he said that that question was never determined. It has not yet been determined. It still may be determined. My point is that the Senate is entitled to have it determined.

Mr. MUSKIE. Mr. President, will the Senator yield at that point?

Mr. MORSE. In just a moment.

If we look at the record from its four corners, to all intents and purposes, the question was determined by the Administrator of the General Services Administration. But I will come to that point after I yield to the Senator from Maine.

Mr. MUSKIE. Of course, I cannot inquire—successfully, at least—into the mind of the Administrator of the General Services Administration. If I could, I might not like what I saw; I am not sure.

I conceive his function in the negotiations to be to contribute what he could to an evaluation as to what the various plots of land are chiefly valuable for, the same kind of evaluation which would have to be made under the law. I take it that his evaluation in those terms was consistent with the proposal which emerged from those negotiations, and, accordingly, he approved.

Mr. MORSE. Let me say to my friend from Maine that it is at that point that we start to have our great difference.

Mr. MUSKIE. May I ask the Senator from Oregon a question, in order to nail down our difference on this point?

Mr. MORSE. Certainly.

Mr. MUSKIE. It seems to me that what we are talking about, really, is whether or not, as a practical matter, we should handle a problem like this in the way some of my Yankee friends in Maine would handle it, around the hot stove, and come up with a practical solution to a practical problem, or whether in this instance we should say to the Senators from Illinois [Mr. DOUGLAS and Mr. DIRKSEN] and others interested in the proposed legislation, that "the law provides for the disposal of that property, so let the law operate, and we will table your bill."

Because I myself was tempted to reach this conclusion, I can certainly respect the conclusion on the part of any other Senator, including the Senator from Oregon, that we should have taken the second course and said, "There is a law that is applicable. Let it work, and let us get rid of a headache for ourselves."

That is what we are talking about. I respect the Senator's position if he says that is what we should have done. On the other hand, I still believe that, as a practical matter, we have come forth with a practical solution to a practical problem, which will, in effect, if endorsed by the Senate, result in the utilization of all this property for its most valuable purposes, and return a fair sum of money to the Treasury of the United States.

I am perfectly prepared, as obviously I must be, after the long discussion this afternoon, to have the Senator from Oregon disagree with me. I am sure he is prepared to have me disagree with him. It may be that eventually, after I have been subjected to the educational process which he conducts so effectively in the Senate, a day will come when I will be taking the same line he takes about problems of this kind. It is a lawyer-like approach, I agree, to follow meticulously the requirements of the law and the precedents which have already been established.

We cut, admittedly, a few Gordian knots in dealing with this problem. We rounded off a few corners and came up with probably what can best be described as a Yankee compromise. Maybe that is wrong. If it is, then the committee is subject to criticism. But I emphasize again that this action was not taken lightly. It was not done offhandedly. It was not done without long, serious, meticulous thought and care being given to the very specific problem of how best to serve the various interests who appeared before us and who appealed to us to give them consideration.

Mr. MORSE. I do not think it is of any great moment whether the Senator from Maine and I disagree about any particular point, but I think it is important for the record that we understand the basis of our disagreement. I feel certain, as the record now stands, that the basis of our disagreement is not at all clear. I want to clarify it before I leave the floor tonight.

Mr. MUSKIE. If that is the case, then I suspect I ought to accept the blame for the confusion which appears in the RECORD.

Mr. MORSE. Not at all; I think it is mutual. I think there is involved the possibility that the taxpayers may be losing more than $200,000 by the bill. There is also the possibility that if we get the facts which I am seeking, we may end by saving the taxpayers of Illinois more than $200,000.

But I respectfully submit that if the bill is passed in its present form, we will be authorizing a transfer of this property which, in my judgment, cannot be reconciled with the law which is on the books and, I am satisfied, cannot be reconciled, for whatever it is worth, with the policy of the so-called Morse formula.

So I want to return to a discussion of the chart and map in the back of the Chamber for my rebuttal to the remarks of the Senator from Maine. I repeat that when it was decided that parcels 1 and 2 should be sold for industrial purposes, and when bids made by private industrial concerns for that property for industrial purposes were agreed to, or a policy of disposing of the property on that basis was agreed to, those two parcels were removed from any further consideration under S. 747. Not only is there no question that the Morse formula did not apply, there is no question that title 616 (a) and (b) of the code did not apply.

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

Mr. MORSE. I yield.

Mr. MUSKIE. Would the Senator from Oregon reach the same conclusion with respect to parcel 3, as to which bids were also received? It was subject to the same solicitation of bids as were parcels 1 and 2, and the $286,000 figure we are talking about in connection with parcel 3 was an industrial bid.

Mr. MORSE. Yes; and the State of Illinois agreed to pay it or to pay an equivalent amount for the use of the property for refuge purposes. When the State of Illinois became involved in the purchase of any piece of property for refuge purposes, the Morse formula then proceeded to apply.

But if I understand the record of this debate and the record of the committee correctly, the reason why the bids on parcels 1 and 2 were not accepted by the General Services Administration is that they believe that property is even more valuable. They apparently want to get even more money. The taxpayers still might be able to benefit even more from parcels 1 and 2 than from the bids which have been made. That buttresses my contention that we had better take a long look at the transfer to make certain that the taxpayers of the country as a whole will get what is due them from this transfer, and that applies now to parcels 1 and 2.

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

Mr. MORSE. I yield.

Mr. MUSKIE. Another reason why the bids were not accepted is that by the time the committee was in a position to act, the time for accepting bids had expired. By the time the committee had gone through the process which I have described this afternoon, the time for accepting bids had expired. This did not concern the General Services Administration, because it was our impression that they were going to solicit additional bids anyway, for the reason stated by the Senator from Oregon.

Mr. MORSE. Do I understand correctly, then, that a time element was involved in the consideration of the bids? That the period had passed, and therefore General Services Administration would not have been free to accept bids after the passage of that time, so they did not issue an invitation for further bids.

Mr. MUSKIE. If I may supplement that comment, they could, of course, have asked for an extension of time, if they had felt they wanted to do so.

Mr. MORSE. I am glad the Senator made that point. They could have asked for an extension of time. They did not ask for an extension of time because apparently they thought that resubmitting the property to bids would not get them more money.

Mr. MUSKIE. I think that is a fair statement.

Mr. MORSE. Although there has been no formal finding, apparently, by the General Services Administration as to whether the chief value of the property is for recreational, game, and refuge purposes, I would infer, on the basis of no better record—and I want a better one—that General Services Administration seems to be of the opinion that the property ought to be sold for industrial purposes.

If that is a fair interpretation of the record, it demonstrates even further that the Morse formula has absolutely nothing to do with those two proposals.

The Senator from Maine said that what the committee tried to do was to solve what it considered to be a practical problem in a practical manner, and he raised the question if I did not think that was what the committee ought to have done. My answer is: No.

Mr. MUSKIE. I anticipated the Senator's answer.

Mr. MORSE. If I am correct in my understanding of what the Senator from Maine means by that verbal formula, it is a very catchy one, a very plausible one, to say, "We had a practical problem, and we solved it in a practical way." It also puts me on guard. I always say, "We had better take a look now and see what is meant, first, by a practical problem, and then what is meant by a practical way."

I say most respectfully it is an excuse for not following the law; an excuse for not carrying out the trusteeship doctrine to which I referred earlier; an explanation for not letting the course of the law apply, and letting the chips fall where they may. I say most respectfully that I did not buy that argument from the Senator from Maine. I do not find it persuasive at all. It simply caused me to wonder all the more why the committee thought it could strengthen its case by taking two pieces of apparently highly valuable industrial property, lots 1 and 2, say it would lump them both together, and consider what was received for lots 1 and 2, in a determination of whether it had reached an equitable solution for the sale of 1,500 acres.

My answer to the Senator is: That should not have been done. Why? Because every taxpayer in the Nation has an interest in those 1,500 acres, and the return to those taxpayers should not be diminished on the 1,500 acres simply because the General Services Administration could get a substantial price for the industrial use of parcels 1 and 2. Who loses under this practical solution worked out by the committee, to which the Senator from Maine refers? I am afraid the taxpayers of the United States lose.

That is why, although it pains me to say so, I find myself so much opposed to the committee report. I am opposed to it because I do not think the committee has any right to put parcels 1 and 2 into a package deal.

Mr. MUSKIE. Mr. President, will the Senator from Oregon yield?

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Does the Senator from Oregon yield to the Senator from Maine?

Mr. MORSE. I yield.

Mr. MUSKIE. I thought this kind of an approach would appeal to the Senator from Oregon.

Mr. MORSE. I wish to confine my David Harum tactics to the farm, if that is what the Senator from Maine means.

Mr. MUSKIE. No; I do not mean that. I have enjoyed the Senator's hospitality on his farm; and I have observed his fine herds of beef cattle and his fine horses, and I have listened with interest to his explanation of how he acquired some of his beef cattle and some of his horses. His tactics have, quite obviously, been very effective for him, and are the kind of tactics which I think would make him an almost typical New England Yankee, if he were to choose to settle in our part of the country.

Mr. MORSE. My basic stock happens to be New England.

Mr. MUSKIE. But with regard to the package arrangement. I am prepared to have the Senator from Oregon disagree with me in what I am about to say, because he could not very well do otherwise, after his disagreement all this afternoon, parcels 1, 2, 3, and 4 were parts of the arrangement in 1948; and the Department of the Army and the Department of the Interior released the land for recreational purposes, and the entire tract was managed and operated as a recreational package. We did not pick 1 and 2 practically out of the air, somewhere. This entire tract of land is a package, and it is now being operated by the State of Illinois as one conservation and wildlife and recreational area. So we are talking about disposing of this tract.

It is the Senator from Oregon who split it up into four parts, and who has been saying that we should consider them separately. But no one knows what the Administrator of General Services would do if this bill went out the window and if the whole problem were sent back to him. None of this land might be used for industrial purposes, for aught we know.

The Senator from Oregon said that the fact that the General Services Administration agreed to accept bids on parcels 1 and 2 for industrial purposes means that those parts are chiefly valuable for use for industrial purposes. But that does not necessarily follow at all.

This situation reminds me of a story which is told about Ulysses S. Grant. When he was a small boy, his father sent him to have his first experience in trading for a horse. The Senator from Oregon should appreciate this story. The young Ulysses asked his father what he should offer for the horse. The father replied, "Offer $25. But if he won't take that, offer $50."

So the young boy went to the owner of the horse, and said his dad wanted to buy the horse. The owner asked, "What do you offer for it?"

The boy replied, "Well, Dad said to offer $25, but if you wouldn't pay that, to offer $50."

This package is a compromise of conflicting points of view; and one cannot correctly say that the General Services Administration, by approving the compromise, therefore has indicated that it had decided that parts 1 and 2 were chiefly valuable for industrial purposes, any more than one could correctly say that the Illinois conservation people, by approving this package, were thereby agreeing that if no compromise were reached, plots 1 and 2 would be chiefly valuable for industrial purposes. I do not think that would be a proper conclusion at all, and I do not think that inference can properly be drawn.

Mr. MORSE. I hope the Senator from Maine does not mean to say that I implied that the General Services Administration engaged in the negotiations on the same basis as that of the horse trading engaged in by the young boy, although I am beginning to suspect that that is what the General Services Administration did; and that is all the more reason why we should have time to obtain the facts. The longer the Senator from Maine talks to me about this matter, the more convinced I am becoming that we should postpone final action on this measure until January, until the General Services Administration complies with the law. Nothing in the law authorizes the General Services Administration to write its own ticket, so to speak, in regard to this matter.

If the Senator from Maine really believes that parcels 1 and 2 might be found by the General Services Administration to be chiefly valuable for recreational and refuge purposes, then let me say that it is very much in the interest of the State of Illinois and in the national interest to have such a finding made, and we should require the General Services Administrator to make his finding one way or the other.

The Senator from Maine says I made a mistake by inferring that the property would be sold for industrial purposes, in view of the bids which were taken, and that that means that therefore the General Services Administration concluded that the property was chiefly valuable for industrial purposes. If it is not, then the General Services Administration should not have accepted any bids for the sale of the property for industrial purposes. But if, in fact, the property is chiefly valuable for refuge and recreational purposes, we should insist that it be disposed of on that basis, and on no other, because I think both Illinois and the entire Nation are entitled to that protection.

Mr. MUSKIE. Mr. President, will the Senator from Oregon yield on that point?

Mr. MORSE. I yield.

Mr. MUSKIE. All I intended to say—although I am never sure of what I have actually said until I read the RECORD the next day, and I am sure the Senator from Oregon appreciates that problem, too——

Mr. MORSE. Yes; I am with the Senator from Maine.

Mr. MUSKIE. All I intended to say—and I suppose here I am swapping horses with the Senator from Oregon—was that there has been no finding that the General Services Administration thought that any of these plots was chiefly valuable for any purpose. All it did was approve a compromise of conflicting interests; and the compromise seems to the General Services Administration to be fair.

Of course, the General Services Administration might rule that parcels 1 and 2 were chiefly valuable for industrial purposes. But I am saying that the General Services Administration has not in fact made such a ruling as of now; and the same is true with respect to the other lot.

I agree with the Senator from Oregon that it is fair, I believe, to say that one of the reasons why the subcommittee was interested in exploring this method of solving the problem was that we felt

that parts of the area—although we might not agree as to 1 and 2—were chiefly valuable for industrial purposes, and parts were chiefly valuable for wildlife conservation purposes.

That was set forth in my letter to the Governor of Illinois, and I have no reason to go back on that. That was wholly the reason why we looked for a solution.

Mr. MORSE. The Senator from Maine said or inferred that I am responsible for the consideration of this tract in its various parts. But I deny that that is so. The committee and the bill are responsible for that, not the Senator from Oregon. I have to consider the record as I find it. And I find that the committee has been talking about the four parcels, and I find that the bill deals with the four parcels. So I ask how we got into this situation. We got into it because of the negotiated settlement which the General Services Administration tried to work out, as reported by the committee.

My reply is that the only two pieces of land which are of concern to the Senate—unless the General Services Administration determines that 1 and 2 are chiefly valuable for recreational and refuge purposes—are 3 and 4. I am satisfied that Illinois would be paying too much for 3 because it should be given credit for half of the appraised market value. I am not informed as to the fair appraised market value of parcel 4. The record is incomplete. I think we should find out.

I am afraid that if I vote for the bill in its present form, I shall be voting to deny the taxpayers of the Nation as a whole at least a minimum of $200,000 which they should be receiving from the State of Illinois, after the State of Illinois has been given credit for its overpayment on parcel 3. That is my position.

I am only asking—and I think it is reasonable to ask it—that the committee take time, after it studies this RECORD, to obtain the answers I have requested, and to obtain an appraisal of parcel 4, and to obtain from the General Services Administration a determination for what, under the law, this land is chiefly valuable. That is what the law requires, and I see no reason why we should not follow it.

I close by saying that I could never be more earnest and I could never be more sincere in expressing a deep conviction on my part in regard to what my duty in the Senate is, and that is to follow the law in accordance with where the facts lead. I am satisfied that we have not been following the law on the statute books in regard to this matter. I am satisfied that we do not have the facts that we should have. Therefore, I have moved that the bill be recommitted.

Mr. MUSKIE. Mr. President, will the Senator from Oregon yield to me, before he closes?

Mr. MORSE. Yes, in a moment.

Furthermore, Mr. President, the more we discuss this matter and the more I listen to the Senator from Maine, the more I begin to question in my own mind what the rush about this matter is, and why it is necessary that we dispose of this question at this session. It will be the same Congress, come January. This property is not going to disappear between now and January. In fact, I would be willing to support a bill that would stop the General Services Administration from selling it to anybody prior to consideration of it in the next session of Congress. We ought to have all the information before us by January, proceed to consider it in January, and I think then we would do equity to all concerned, and would not fail to follow the law, and I am more and more inclined to believe we would follow the law.

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

Mr. MORSE. I yield.

Mr. MUSKIE. To demonstrate to the Senator from Oregon my interest in the Morse formula, I think I ought to quote from the record of the hearings. I think this is the first point at which the Morse formula had been introduced at the hearings:

> Senator MUSKIE. I cannot resist asking the Senator this question.

I was addressing the Senator from Illinois [Mr. DOUGLAS].

> The Senator, I know, is familiar with, and very interested in, the Morse formula. What is your feeling on that, with regard to this proposal?

Then, to complete the record, I would like to say this, and I am not going to extend unduly my remarks. So far as parcels 1, 2, and 3 are concerned, if they were all that were involved, this matter could be handled administratively by the General Services Administration without any legislation. The only reason why legislation is considered necessary is that parcel 4 has not been declared surplus, so it is not subject to disposal by the General Services Administration.

So, in order that that parcel should be disposed of, it has to be done by legislation. If it were not for that fact, the matter could have been handled administratively, because the action has the approval of those who, administratively, are charged with the responsibility for action.

Mr. MORSE. As I said earlier in the debate, I am in favor of calling the Army in and subjecting them to the kind of cross examination needed to get the information we need in order to determine whether or not this property is, in fact, surplus. If it can be declared surplus, we can move on.

Mr. MUSKIE. May I comment on that point?

Mr. MORSE. Yes.

Mr. MUSKIE. I intended to make a comment previously, when the Senator made reference to the Army, but I was in the Chair, so I did not have an opportunity to comment directly. The Army presented us with objections in a letter which I presume has been made a part of the RECORD in some part of the discussion. I refer to the letter addressed to the chairman of the full committee.

Mr. MORSE. I put the letter in the RECORD.

Mr. MUSKIE. I presume it is in the RECORD.

Mr. MORSE. It is in the RECORD.

Mr. MUSKIE. Following it, and following negotiations, the Army was asked to consider the proposals encompassed in this bill. Sometime subsequent thereto, Secretary Brucker, or perhaps it was Assistant Secretary Short, and the Senator from Illinois [Mr. DIRKSEN], approached me to ask me whether or not the committee would consider an alternative as to parcel No. 4. This has already been mentioned in the discussion. The committee did consider that alternative. It felt, because it was not contiguous to parcel No. 3, much of its value for recreational purposes would be lost, or at least minimized. Of course, all conservation interests in Illinois opposed it.

Then we went back to considering parcel No. 4 for the purpose of evaluating again all the factors that were involved in this situation. I instructed the committee staff to ask the Army to sit down with us in executive session and go over this proposition. I wanted to hear the Army's case or if they wanted to expand the case as contained in the letter to us of June 18. We wanted to get their reaction. We wanted to have a full and frank hearing of all their objections. They, quite frankly, were not interested in coming.

The Senator from Oregon states that we should have insisted on their coming before the committee. Perhaps the Senator from Oregon would have done that, but our position was that we had had extended hearings. The Army knew we were talking about this property. They could have attended the hearings. There was considerable discussion with them. They had the opportunity. They were put on warning that we were going to consider their interests in deciding the legislation to be proposed. If they were not sufficiently interested to come before us, we felt their case, which had never impressed us with its strength, was not sufficient to sustain their coming before the committee.

Perhaps we should have needled their conscience, reminded them of their duties, and stimulated them to action, as many of us here in the Senate have to do with the executive agencies. But they are not children. They are big boys. They knew what we were going to talk about. They knew what we were interested in doing. They knew the proposal being made to us. They knew we were not interested in their alternative. If they had had substantial interests to protect, if substantial military interests of the United States were involved, then it would not have been a question of whether the Army wanted to come before the committee; it would have been their duty to come before us. When they did not, I think we had a right to conclude they could not make a case. Perhaps that is wrong. Perhaps the committee was not as thorough as some of our colleagues would have been.

Mr. MORSE. There was not involved a controversy between the committee and the Army.

Mr. MUSKIE. We never considered it as such.

Mr. MORSE. There was involved a duty on the part of the committee to as-

certain what the facts were, and the fact that the Army did not see fit to accept the invitation of the committee to sit down with its members at an executive session and discuss the problem did not, in my judgment, relieve the committee of the responsibility to see to it that some of us who are not on the committee got the facts to enable us to answer the simple question: Is this property in fact important to the Army? Is the Army justified, on the facts, in refusing to declare it surplus? Even today the Army insists the property should not be declared surplus, that it is needed by the Army. I think that fact raises a rebuttable presumption. We ought to have evidence. Simply saying the Army did not desire to testify, with no rebuttal of the presumption, is not sufficient, because we have not received evidence on the use to which the property is being put or can be put. We have been advised informally that the Army has great plans for a Reserve program in the Chicago area, and that this property is easily accessible to Chicago. I think the Army ought to be put on the spot and questioned with regard to it.

What I hope is that a further investigation of this matter will enable us to reach a finding that the chief value of this property is for wildlife and conservation purposes. If it is, then, under the law, the people of the State of Illinois are entitled to that property.

In addition to the reasons I put into the RECORD today as to why I could not possibly vote for this bill in its present form, I am fearful that, if we follow the procedures on the statute books, the people of the Nation as a whole are entitled to a minimum of $200,000 more for the 1,500 acres than they would be getting under this bill. So long as I honestly believe that, I would have no right, as one of the trustees of the taxpayers' property, to vote for a bill which would deny the people the $200,000.

Mr. MUSKIE. Mr. President, the Senator from Oregon has been very kind in yielding to me. I do not want to keep the Senator from Oregon on his feet by asking him to yield to me further.

I just cannot let the RECORD rest at this point with the suggestion that the committee had no facts on which to evaluate the Army's position on parcel No. 4. I read one paragraph of the Army's letter of June 18, as follows:

> The Department of the Army in furtherance of the program for the training of Army Reserve units requires the use of open land areas to permit field training exercises in addition to and to supplement classroom and other training. These outdoor training areas would be used normally on weekends by reservists in a particular area.

So far as this letter discloses, unless I have overlooked something in my hasty review, this is the sum total of the Army's case for retention of these 1,500 acres, to be used for an outdoor training area on weekends, weekends outside of a period which they agreed could be used for pheasant hunting, on weekends for reservists, and I understand this is not even every weekend. It could be, but it is not every weekend.

This is the sum total of their case so far as this letter discloses, and they had an opportunity to disclose more.

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

Mr. MUSKIE. In addition, if I may just round out this argument, here we have 32,000 acres of land, and part of it, at the very tip, is the land involved in the alternative proposal made to the committee.

The land offered as an alternative is not needed for any other purpose. It is not needed as a buffer zone around the arsenal, as much of the rest of this area is.

Why is not this as good for weekend training by reservists as the 1,500 acres which is the subject of discussion?

I agree with the Senator. I think I can anticipate what he is going to say, that we would only be doing what the Army asked whether or not the other areas are useful for this purpose, but there is no installation in these 1,500 acres for the purpose of those weekend drills other than some mobile type of installation which can be moved into any other part of the area.

The 32,000 acres are largely grazing land, used as a buffer around the arsenal, and this much area was needed when the arsenal was operating at peak capacity, but it is not needed now.

There are large areas within those 32,000 acres which must actually be excess to the Army's needs if we assume that it was sufficient to take care of the buffer zone needs when the arsenal was operating at peak capacity. If it was sufficient at peak capacity, now that the capacity has dwindled to a fraction of what it was originally, there are large areas of those 32,000 acres that must be excess to the Army's needs, and the only case they have made to the committee for any part of it is contained in this one sentence, "These outdoor training areas would be used normally on weekends by reservists in a particular area."

I submit that the committee was justified in reaching the conclusion that some other portion of those 32,000 acres is available for that purpose.

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

Mr. MUSKIE. I yield to the Senator from Oregon.

Mr. MORSE. I wish to say, in reply, that the Senator from Maine, in pointing out what is in the record, completely substantiates my objection on this point as far as I am concerned. I do not know what the reserve requirements are. I am satisfied, however, that we need to build up the reserve program in this country. I think the reserve program, by and large, is in a pretty deplorable state, and anything we can do to encourage building up a reserve program I think would be in the interest of our security.

Apparently all the evidence the subcommittee received was a letter from the Army, which the Senator from Maine considered to be a very inadequate reply to the request of the committee. That is when the officials should have been brought in. That is when the pertinent questions of fact should have been answered, so that those not on the committee, those of us in the Senate who must vote on this bill, might be satisfied that we are voting for declaring a piece of property surplus which in fact ought to be declared surplus.

I am inclined to feel that it should be. I think we ought to make the record. I hope my motion will be agreed to tomorrow, and that the committee will make a record by August 18.

Mr. MUSKIE. Let me say, in closing, that I have enjoyed this colloquy with the Senator from Oregon. As always, I am enlightened, if not corrected, by what he has had to say. I must confess it would be more comfortable to have him on the same side than on the opposite side.

If he is going to insist on the last word, I submit what I am saying is that so far as the Army's case on the parcel is concerned they had an opportunity to make their case. I assume they made the strongest case they could in a letter that was more than a paragraph or two, and if there is some part of their case they overlooked, even though I appreciate the Senator's remarks on the importance of the reserve program, that is their responsibility. Once they presented their case to me, they knew they had to make it, and I have a right to expect that to be their full case.

Mr. MORSE. If the Senator will yield, I merely desire to say that the Senator overlooks his responsibility when he says that to the Senate. We are entitled to the facts.

To the Senator from Illinois and to the Senator from Maine I wish to say that I appreciate very much the fine spirit in which this discussion has been conducted today, and I am looking forward to being on the same side with the Senators on the next issue.

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

Mr. MUSKIE. I am happy to yield to the Senator from Louisiana.

Mr. LONG. How many acres does the Senator say are involved?

Mr. MUSKIE. The total acreage?

Mr. LONG. How many acres are involved in the bill we have heard debated today?

Mr. MUSKIE. The total acreage is 3,946.

Mr. LONG. Approximately 4,000 acres. I was concerned about that.

Mr. MUSKIE. May I correct that? What is involved in the bill is 2,446 acres, but there was involved in the total package 3,946 acres.

Mr. LONG. Some years ago the Army told us that it was absolutely necessary that they have a sufficiently large area to conduct full-scale war maneuvers of corps size. The people of Louisiana undertook to acquire maneuver rights to 6 million acres for the Army at that time on a firm understanding with the Army that a certain major defense base in Louisiana would be kept open.

The Senator will agree that 6 million acres is considerably more than the 2,000 acres involved in this instance.

It would appear that for the Army to acquire the same type of maneuver

rights over the same type of property elsewhere would have cost the Army at least $5 an acre a year. That would have represented an annual cost of about $30 million.

The Army at this time is losing all those maneuver rights by virtue of a decision to close that base which they had agreed to keep open.

During the course of the Eisenhower administration, and up to the time this administration concludes its tenure of office after 8 years, the savings which could be established would be $1½ million.

Every military man who is not directly under the thumb of the Secretary of Defense, who could testify on his own independent judgment, indicated to all of us that the Army will require an area which is that big once again, the first time the Army undertakes to see what will happen if they maneuver an Army with atomic weapons, when they have to have large areas in which to operate.

It does seem strange that the Army can take such conflicting points of view. The 2,000 acres here in question, the Army says it cannot do without. Perhaps someone goes there to shoot pheasants, but they want to keep it available in the event that sometime they may want to maneuver across the open territory. The only area they have in all North America big enough to maneuver a real Army is being given away, being given up by virtue of an administrative decision. We cannot get the Army to talk about what it will cost the next time they have to conduct maneuvers. It does seem to be a strange inconsistency to see the Army giving up such fantastic amounts of property values, but almost declining to even discuss what it will cost to maneuver the Army again. Yet with regard to this relatively small parcel, 2,000 acres, they insist they must have it. I was trying to calculate what the percentage 2,000 acres is to 6 million acres.

Mr. MUSKIE. To compute that in his head the Senator would have to be better at mathematics than I.

Mr. LONG. With the benefit of a pencil we could work it out. It would be far less than one-tenth of 1 percent. It would be away down in the decimal points.

Mr. MUSKIE. Yes.

Mr. LONG. It is strange that with regard to property use we find the executive department, on the one hand, to quote the Scripture, completely capable of swallowing a camel, but on the other hand, straining at a small gnat.

Mr. MUSKIE. I appreciate the comments of the Senator from Louisiana.

The committee has no desire, and I am sure the Senator from Illinois [Mr. DOUGLAS] has no desire, to deprive the Army of anything it really needs. Of course, there are degrees of meticulousness one can apply to inquiries in situations of this kind. We felt we had made all of the inquiry we fairly could be expected to make, and that there was not a real case on the other side.

Mr. LONG. It does seem somewhat strange to see the Army take the attitude that it can, with utmost deference, surrender property rights on 6 million acres of land, yet find some great issue with regard to 2,000 acres.

Mr. MUSKIE. Does that have an effect on the value of the land in Louisiana?

Mr. LONG. No; I hope not. The people of the State provided all these maneuvers rights, and I believe it was, for that period, the only area for which the Army could acquire rights. It was the same general area which was used for the conduct of the war games in World War II. The Army acquired those rights from the citizens of Louisiana at no cost. It was more or less a patriotic effort on the part of the people, a cooperative effort of working with the service.

The point is that this will not be available again. We see the inconsistency of the Department taking an attitude that this great area is something they are not using, so they have no need for it and are turning back rights on 6 million acres, yet with regard to the other 2,000 acres they would have us believe that the land is absolutely essential.

Mr. MUSKIE. I should correct the Senator to say that we are discussing only 1,500 acres.

FOUR POINTS FOR EFFECTIVE LABOR REFORM LEGISLATION

Mr. HRUSKA. Mr. President, the President's national television message on labor reform legislation of last week has resulted in a great deal of discussion the Nation over. It has resulted in much mail to Members of Congress.

It brings to a focus the keen and abiding concern and belief of the American public that effective action be taken on this subject.

America's strength, greatness, and future are built on the capitalistic system: hard working laboring folk, investors who furnish the money, and management which arranges for tools and machines. Result: jobs, income, and goods to use and enjoy.

Unions were formed to improve the lot of the worker by better pay, better working conditions, safety and health measures; workmen's compensation insurance, pensions, and so forth. Acting properly in their rightful realm, unions have helped workers a great deal.

WORKERS' NEED FOR PROTECTION

While employers and unions generally and their respective officials, have tried to be fair and do the right thing, that is not true of all of them. It is pretty well proved that the worker needs protection against employers who overreach or exploit. He needs protection also against the union official who is corrupt, overreaching, or dishonest.

The public, too, is in need of protection against the super power of certain unions which is of such tremendous size and is capable of abuse.

In any legislation, fairness to all concerned should be stressed. Every effort should be made to avoid punitive measures which would do harm to the workers or the unions, the employers, or the public.

The points contended for by the President in his telecast are fair. They are not punitive. They are the sober and deliberate judgment of a man long dedicated to the overall public good. He is not a candidate for election to public office.

Mr. President, all labor bills are not necessarily good labor bills. There are many gradations and many degrees. Some are only shells. Some treat with partial or marginal segments of the problem. Others seek to get at the core.

Altogether too many Members of Congress talk glibly of the necessity for labor reform bills, but vote against provisions which would deal realistically yet fairly with the abuses and the threats to the Republic's safety which are involved.

As was brought out by the President, the labor bill as passed by the Senate last April did not contain any of the four points which the President stressed as necesary to an effective bill. These points are first, a bill of rights to protect the individual rights of union members within their unions, assuring them, among other things, of fair elections and honest handling of their money; second, no man's land provision which will vest in the States jurisdiction of labor disputes which the National Labor Relations Board will not process; third, coercive picketing, sometimes called blackmail picketing; fourth, proper provision against secondary boycotts.

Mr. President, when the Senate considered the labor bill last April, each of these points was proposed as an amendment to the bill pending before this body. The Senator from Arkansas [Mr. MCCLELLAN], chairman of the Senate Select Committee on Improper Activities in the Labor or Management Field, proposed the amendment in each instance of the four votes referred to below. It should be remembered that the Select Committee was bipartisan, with four members from each major political party.

Mr. President, I ask unanimous consent that there be printed at this point in my remarks a brief description of the four points on which there were Senate rollcall votes, and how each member of the select committee cast his vote.

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

Bill of rights: McClellan amendment to guarantee each union member equal rights, identical voting rights, equal protection of union's rules and regulations, freedom of speech and assembly without interference or penalty, and so forth.

DEMOCRATS

Yes: MCCLELLAN, ERVIN.
No: KENNEDY, CHURCH.

REPUBLICANS

Yes: GOLDWATER, MUNDT, CURTIS, CAPEHART.

No man's land: Jurisdiction of all labor disputes would be continued in National Labor Relations Board. If the Board determined to exclude any class of cases from its jurisdiction a State court or agency could assert jurisdiction, even if the labor dispute would affect interstate commerce.

DEMOCRATS

Yes: MCCLELLAN, ERVIN.
No: KENNEDY, CHURCH.

REPUBLICANS

Yes: GOLDWATER, MUNDT, CURTIS, CAPEHART.

Coercive picketing, sometimes called Blackmail Picketing: McClellan amendment making it an unfair labor practice to engage in organizational or recognition picketing under specified circumstances, and providing penalties.

DEMOCRATS

Yes: MCCLELLAN.
No: KENNEDY, ERVIN, CHURCH.

REPUBLICANS

Yes: GOLDWATER, MUNDT, CURTIS, CAPEHART.

Secondary boycotts: McClellan amendment directed against secondary boycotts.

DEMOCRATS

Yes: MCCLELLAN, ERVIN.
No: KENNEDY, CHURCH.

REPUBLICANS

Yes: GOLDWATER, MUNDT, CURTIS, CAPEHART.

Mr. HRUSKA. Mr. President, the records of the Senate show that the senior Senator from Nebraska voted in favor of each of these McClellan amendments, and therefore, of course, in favor of each of the points listed by President Eisenhower in his national telecast of August 6.

It is to be earnestly hoped that progress will still be made in the form of a suitable and effective labor reform bill—one which, if properly enforced, would drive out the crooks who have invaded certain of the unions, and would restore the rule of law.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 11, 1959, he presented to the President of the United States the following enrolled bills:

S. 1289. An act to increase and extend the special milk program for children;

S. 1455. An act to amend the Agricultural Adjustment Act of 1938, as amended, with respect to the preservation of acreage history and the reallocation of unused cotton acreage allotments; and

S. 1512. An act to amend the Federal Farm Loan Act to transfer responsibility for making appraisals from the Farm Credit Administration to the Federal land banks, and for other purposes.

ADJOURNMENT UNTIL TOMORROW AT 11 A.M.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. LONG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LONG. Has it been agreed that the Senate will stand in adjournment, when it concludes its business today, to meet at 11 a.m. tomorrow?

The PRESIDING OFFICER. The Senator is correct.

Mr. LONG. Mr. President, pursuant to the order which was entered earlier today, I move that the Senate stand in adjournment until tomorrow at 11 o'clock a.m.

The motion was agreed to; and (at 7 o'clock and 33 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Wednesday, August 12, 1959, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate August 11, 1959:

DEPARTMENT OF JUSTICE

J. Walter Yeagley, of Indiana, to be an Assistant Attorney General, vice William F. Tompkins, resigned.

INTERSTATE COMMERCE COMMISSION

The following-named persons to be Interstate Commerce Commissioners for terms of 7 years expiring December 31, 1966 (reappointments):

Howard G. Freas, of California.

Abe McGregor Goff, of Idaho.

EXPORT-IMPORT BANK

James Smith Bush, of Missouri, to be a member of the Board of Directors of the Export-Import Bank of Washington, vice Vance Brand.

DEVELOPMENT LOAN FUND

Vance Brand, of Ohio, to be Managing Director of the Development Loan Fund.

COLLECTOR OF CUSTOMS

Norman A. Kreckman, of Rochester, N.Y., to be collector of customs, with headquarters at Rochester, N.Y. (Reappointment.)

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

Mabron L. Compton, Elkmont, Ala., in place of W. S. Morris, removed.

Jessie W. Hagood, Town Creek, Ala., in place of J. W. Davis, transferred.

ARKANSAS

Devoe Bollinger, Jr., Horatio, Ark., in place of A. T. Cowden, retired.

CALIFORNIA

Ruth H. Burkett, Cedar Glen, Calif., in place of B. B. Malcom, retired.

Gay Nell V. Mentzer, Couterville, Calif., in place of V. E. Sackett, retired.

William F. Evans, Ducor, Calif., in place of M. L. Stewart, retired.

Leslie V. Sims, Pallbrook, Calif., in place of J. L. Sims, retired.

Dorothy N. Sweet, Valyermo, Calif., in place of G. C. Brandenburg, retired.

COLORADO

Harold W. Best, Larkspur, Colo., in place of J. U. Mixer, deceased.

CONNECTICUT

Jewell R. Burnham, South Windsor, Conn., in place of R. H. Bossen, resigned.

ILLINOIS

Chester C. Heindel, Stockton, Ill., in place of F. C. Niemeyer, deceased.

Charles W. Weaver, Tennessee, Ill., in place of B. P. Hodges, retired.

INDIANA

Ervin M. Watson, New Harmony, Ind., in place of H. S. Glump, retired.

IOWA

James B. Thompson, Letts, Iowa, in place of L. M. Crumly, transferred.

KENTUCKY

Irene M. Polly, Cromona, Ky., in place of Esther Branham, deceased.

MARYLAND

Myrl M. Smith, Fullerton, Md., in place of I. F. Bodenburg, deceased.

MASSACHUSETTS

David DeMario, Ipswich, Mass., in place of Eugene Matheson, retired.

Joseph F. Condon, North Billerica, Mass., in place of N. A. Ritchie, retired.

Carl E. Leino, Sandwich, Mass., in place of M. L. McParlin, retired.

Frank F. Silvia, Taunton, Mass., in place of T. L. McCarron, retired.

MICHIGAN

Shirley E. Thorne, Horton, Mich., in place of Velma Strait, retired.

Cecil L. Erfourth, Rudyard, Mich., in place of P. C. Carr, retired.

MINNESOTA

Leslie M. Olson, Hartland, Minn., in place of I. C. Stensrud, retired.

Eino R. Latvala, Tamarack, Minn., in place of D. W. Brekke, transferred.

MISSISSIPPI

Charles W. Smith, Inverness, Miss., in place of W. M. Herring, retired.

James H. McCord, Pontotoc, Miss., in place of O. H. Akers, retired.

Elizabeth S. McLendon, Port Gibson, Miss., in place of J. V. Gage, retired.

MONTANA

James W. Campbell, Malta, Mont., in place of P. C. Lapham, deceased.

NEW JERSEY

Shirlee W. Thompson, Vincentown, N.J., in place of H. S. Elbert, removed.

NEW YORK

Dorothy E. Burr, Savona, N.Y., in place of E. E. Mulliken, deceased.

NORTH CAROLINA

Don D. Cogdill, Jr., Sylva, N.C., in place of T. W. Ashe, retired.

NORTH DAKOTA

Frank V. Jansky, Ross, N. Dak., in place of L. T. Breeling, retired.

OKLAHOMA

Merle W. Hardwick, Lamont, Okla., in place of V. L. Thorlton, failed to return from military duty.

Henry D. Friend, Oklahoma City, Okla., in place of F. M. Shaw, deceased.

PENNSYLVANIA

Wilbur D. Walker, Bigler, Pa., in place of E. P. Thompson, retired.

Harry M. Showalter, Ephrata, Pa., in place of W. F. Smith, retired.

Glenn I. Gegogeine, Reno, Pa., in place of Susan Breene, retired.

SOUTH CAROLINA

Theodore G. Hicks, Lamar, S.C., in place of W. P. Scarborough, transferred.

W. Robert Cooper, Jr., Lane, S.C., in place of J. A. Montgomery, retired.

SOUTH DAKOTA

Carl R. Blank, Jr., Ipswich, S. Dak., in place of I. I. Engler, removed.

TENNESSEE

Reuben P. Taylor, Gleason, Tenn., in place of W. L. Newberry, retired.

M. Frances Long, Palmer, Tenn., in place of E. R. Overturf, retired.

TEXAS

Tom E. Friery, Palacios, Tex., in place of G. M. Barnett, retired.

James R. Burras, Windom, Tex., in place of R. E. Blair, retired.

VERMONT

Lyndell C. Wood, South Royalton, Vt., in place of G. M. Goodrich, retired.

Donald R. Dayton, East Middlebury, Vt., in place of C. M. Morgan, retired.

VIRGINIA

Thomas K. Mitchell, Jr., Elliston, Va., in place of S. B. Henson, retired.

Joseph B. Glasscock, White Post, Va., in place of L. G. Fowler, retired.

WASHINGTON

Cloyce G. Johnson, Dayton, Wash., in place of C. H. McCauley, resigned.

WEST VIRGINIA

Margaret M. McCormick, Anawalt, W. Va., in place of Wash Hornick, Jr., resigned.

Ruby L. Teets, Aurora, W. Va., in place of G. R. Mason, resigned.

HOUSE OF REPRESENTATIVES

TUESDAY, AUGUST 11, 1959

The House met at 12 o'clock noon.

Father Nicholas I. Puhak, St. Peter and Paul's Catholic Church, New Brunswick, N.J., offered the following prayer:

O bountiful and loving Lord, grant to all Members of this Congress spiritual and physical courage that they may serve as Your instruments for the propagation of Thy Ten Commandments.

Grant to these United States of America political leaders of conscience and citizens of integrity. Thou hast said, "I am the Light of the World." Pray God that we follow this light, for scientific advancement, wealth, and world leadership without the spirit of Thy law will lead us inevitably into materialism and godless communism. We pray that by Thy grace, O Lord, we shall become a people of vision. Amen.

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

TENNESSEE VALLEY SELF-FINANCING

Mr. DAVIS of Tennessee. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2471) to amend the Tennessee Valley Authority Act of 1933, as amended, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. HALLECK. Mr. Speaker, reserving the right to object, first of all I ask unanimous consent that I may extend my remarks in the RECORD at this point and include certain observations I made on yesterday; and, Mr. Speaker, I ask unanimous consent that all Members may extend their remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, reserving the right to object—and as far as I am concerned, I shall not—I think the RECORD should be very clear as to what we are doing here today. The President has been recommending self-financing legislation for TVA since 1954. H.R. 3460 substantially complied with the recommendations which the President had made on numerous occasions. The President was deeply concerned, however, about one section of the bill which not only had confusing language, but which additionally established a mechanism for the approval of new power producing projects which would allow the Congress to act directly on recommendations of the TVA, a subordinate agency to the President, regardless of Presidential desires and without opportunity for Presidential review of such congressional action.

S. 2471 eliminates this language. Its main substantive effect is to prohibit the TVA from dealing directly with the Congress concerning new power producing projects. It does not and could not change the relationship between the President and the members of the Tennessee Valley Authority who are his appointees and who are subject to his general directions. It is the opinion of the President, as well as of all his legal advisers, as well as of the Board of the Tennessee Valley Authority, that TVA still is subject to the budgetary sections of the Government Corporation Control Act, and as such will be required to submit to the President for his review and modification their annual financial program for the use of bond revenues and power proceeds. The President will submit his revised program to the Congress as part of his regular budgetary submission. It will be up to the Congress to determine whether any action is to be taken upon the President's recommendations for the ensuing fiscal year.

While H.R. 3460 gives directly to the Tennessee Valley Authority certain authority with reference to the use of revenue bond proceeds, it does not and cannot change the relationship of the TVA Board to the President and their basic responsibility to him as the Chief Executive of this country.

Mr. Speaker, I would also like to read from a letter addressed to the President of the United States by the Tennessee Valley Authority Board:

DEAR MR. PRESIDENT: We greatly appreciated the opportunity to meet with you on July 29 and present to you our views concerning the pending TVA financing bill, H.R. 3460, and the urgent need for its enactment.

Following our meeting with you, we had a further discussion with members of your staff. At this subsequent meeting we presented a one-page memorandum, representing the opinion of our general counsel relative to the meaning of H.R. 3460. The first paragraph of that memorandum is as follows:

"H.R. 3460 does not exempt TVA from the budgetary provisions of the Government Corporation Control Act. TVA will continue to submit its budget program to the President; and the President will continue to submit such program, as modified, amended, or revised, to the Congress as part of his annual budget. H.R. 3460 provides that the issuance and sale of bonds and the expenditure of bond proceeds shall not be subject to the requirements or limitations of any other law, but the budgetary provisions of the control act do not relate to the issuance and sale of bonds or the expenditure of bond proceeds and are therefore not affected by this provision."

Mr. CRAMER. Mr. Speaker, all throughout the hearings before the Committee on Public Works on H.R. 3460 the TVA bond issue financing bill in March and in the committees' subsequent executive consideration of the provisions of H.R. 3460 the minority repeatedly expressed its deep concern aloud with other points with respect to adequate control by Congress and the executive branch over the expenditure of bond proceeds and submitted, without success, amendments designed to provide such control by both the President and the Congress.

That this concern was well founded is evident from statements made by the General Counsel of the Tennessee Valley Authority, Mr. Charles J. McCarthy, a month later before the House Committee on Appropriations.

When Mr. McCarthy was testifying before that committee on the public works appropriations for 1960—hearings, part 2, page 903—there was an exchange of questions and answers between the gentleman from Pennsylvania [Mr. FENTON] of the committee and Mr. McCarthy. The substance was as follows:

Mr. FENTON. And you are, of course, trying to tell us the President would have no authority to restrict and control the use of bond revenues?

Mr. MCCARTHY. Under this bill the TVA Board of Directors would be given, by the Congress, authority to determine what bonds should be sold within the $750 million limit provided and the amount of capacity that should be constructed.

Mr. FENTON. Your answer is, I take it, you do not have to. The President has no authority?

Mr. MCCARTHY. The President is fully advised of the plans. If you are asking me whether express approval of the Bureau of the Budget would be necessary, the answer is "No."

After the passage of H.R. 3460, the bill now before this House, S. 2471, was introduced to remove from H.R. 3460 a provision relative to Presidential authority which did not meet with the President's approval. The language proposed to be stricken by S. 2471 is as follows:

Provided, That, with the budget estimates transmitted by the President to the Congress, the President shall transmit the power construction program of the Corporation as presented to him and recommended by the Corporation, together with any recommendation he may deem appropriate.

Neither bond proceeds nor power revenues received by the Corporation shall be used to initiate the construction of new power-producing projects (except for replacement purposes and except the first such project begun after the effective date of this section) until the construction program of the Corporation shall have been before Congress in session for ninety calendar days. In the absence of any modifying action by a concurrent resolution of the Congress within the ninety days, such projects will be deemed to have congressional approval.

The following information, which has just come to me will perhaps help clarify the situation that will exist upon passage of S. 2471:

First. The General Counsel of the Tennessee Valley Authority has submitted a legal opinion to the President that TVA is still subject and will under this bill be subject to the budgetary provisions of the Government Corporation Control Act.

Second. Members of the Board of TVA have written the President outlining the procedures they will follow, pursuant to the opinion of their general counsel if S. 2471 is enacted. According to this letter, paritally included in the RECORD yesterday by the distinguished minority leader, they will submit their annual financial plan to the President in accordance with the provisions of the Govern-

ment Corporation Control Act, and they have clearly stated their understanding that the President, as a part of his annual budget, will transmit to the Congress estimates of TVA requirements as modified, amended, or revised by the President.

Third. Congress may, but only through substantive legislation, alter such estimates of TVA requirements under either H.R. 3460 as enacted, or as amended by S. 2471, although such alterations, if the latter—S. 2471—amendment is adopted, will be subject to Presidential approval. H.R. 3460 provided for concurrent resolution action which is not subject to Presidential action and S. 2471 eliminates this provision.

With these three points in mind it becomes clear that if S. 2471 is adopted the President, in line with the opinions expressed by the TVA Board, will have an opportunity to review the annual plans of TVA for the use of power revenues and revenue bond proceeds, including the construction of new plants, and that the Congress will be enabled to take such action as it might desire on the President's proposals through the enactment of appropriate substantive legislation which would require the President's approval.

In debate I offered amendments to provide that the TVA budget would be processed through the regular budgetary processes, with the President and Congress exercising the customary existing full control over budgetary matters. TVA, as a part of the executive branch, should be subject to Executive control and Congress certainly has an interest in continuing some control over TVA because of the $1.2 billion taxpayer investment therein.

S. 2471, at least in the opinions expressed above, preserves Presidential control to some extent. I had hoped more interest would be shown by Congress in retaining its own control through budgetary processes over TVA. Only time and future events will be the judge.

Mr. SCHERER. Mr. Speaker, on last Thursday the President approved the TVA financing bill, H.R. 3460. It was generally understood until a few days before last Thursday that the President was going to veto the bill because it greatly limited and restricted his control and that of the Congress over TVA's power construction program. To avoid the veto, a deal was worked out whereby the President would sign the bill if Congress would meet the President's objections by immediately amending the bill accordingly.

Today we are presumably fulfilling Congress' part of the deal by passing S. 2471, which merely deletes from the bill signed by the President the following language:

> *Provided,* That with the budget estimates transmitted by the President to the Congress, the President shall transmit the power construction program of the Corporation as presented to him and recommended by the Corporation, together with any recommendation he may deem appropriate.
>
> Neither bonds proceeds nor power revenues received by the Corporation shall be used to initiate the construction of new power producing projects (except for replacement purposes and except the first such project begun after the effective date of this section) until the construction program of the Corporation shall have been before Congress in session for 90 calendar days. In the absence of any modifying action by a concurrent resolution of the Congress within the 90 days, such projects will be deemed to have congressional approval.

Mr. Speaker, it is almost unbelievable, but I submit that the deletion of this language, instead of giving the President and the Congress greater control and direction over the construction of new power-producing projects by TVA as the President desired, unequivocally and completely eliminates any direction and control whatsoever by either the President or the Congress over the use of either revenue bond proceeds or power revenues by the corporation in the construction of new power-producing projects.

The advocates of socialized public power have been driving for an unfettered and uncontrolled powerplant construction program. Under the bill signed by the President, they almost had it. When we pass S. 2471 today, their victory will be complete. Privately they have been jubilant since the deal was made. When we pass this bill today, they will no longer need to hide their enthusiasm. They will have achieved what they always have wanted but never quite thought they would get.

On a number of occasions this House has turned down TVA's request to build additional steamplants. Now they can thumb their nose at us. They got the bond-issuing authority so they would have the money to build their plants. Now they can have as many as they please, as big as they want, anytime, anywhere, inside or outside the Tennessee Valley. Without let or hindrance they can build steamplants to their heart's content, to provide more and more cheap, Government-subsidized power, so that they can pirate more industries from your district and mine.

Mr. Speaker, in 1948 Congress realized that it did not have control over the use of TVA power revenues for the construction of new power-producing projects and, therefore, said in section 831h–2, title 16, of the United States Code:

> None of the power revenues of the Tennessee Valley Authority shall be used for the construction of new power producing projects (except for replacement purposes) unless and until approved by Act of Congress.

This section of the code is repealed in the first section of the bill signed by the President last week.

The provisions in the bill to which the President objected and which today are to be stricken from that bill provided at least some semblance of control by the Congress. Part of that language which we are now asked to strike reads:

> Neither bond proceeds nor power revenues received by the Corporation shall be used to initiate the construction of new power-producing projects (except for replacement purposes and except the first such project begun after the effective date of this section) until the construction program of the Corporation shall have been before Congress in session for ninety calendar days. In the absence of any modifying action by a concurrent resolution of the Congress within the ninety days, such projects will be deemed to have congressional approval.

This provision was bad enough, but at least it gave Congress veto power over TVA's new power construction programs. Now even this limited control is wiped out by the deletion of this language. Before H.R. 3460 became law last week any new construction program had to be submitted to Congress. Congress had to approve it by affirmative legislation. All of us remember those debates over new steamplants. On a number of occasions Congress saw fit to turn down TVA's requests.

With TVA acquiring huge and additional revenues from the sale of bonds, it was even more necessary that Congress should have retained its control over TVA's expansion programs. Under H.R. 3460 we diluted that authority to a mere veto power. Today, if we pass this bill, we wipe out completely all congressional authority and control.

It is rather ironic but we all remember that during the past 10 days the President indicated that one of his objections to H.R. 3460 was the fact that, if Congress by concurrent resolution exercised its veto and disapproved a proposed TVA power expansion program, the President under the law could not approve or veto such concurrent resolution. Now today in passing S. 2471 we wipe out both the Congress' veto and the President's veto and we are supposed to have met the President's objections to the original bill.

Mr. Speaker, I know some will say, "SCHERER, you can't be right. This does not make sense." Certainly it does not make sense, but let me quote to you from the Senate report on S. 2471. On page 2, under the heading of "Recommendations," we find this language:

> The committee believes that this bill removes certain restrictions from H.R. 3460 and also removes from that act provisions for congressional scrutiny and approval of the power construction program of TVA which the President himself would not have, thus maintaining the constitutional concept of power among the branches of Government.

The August 7 Congressional Quarterly says:

> With the elimination of this provision TVA's future power construction program will be free from control by either the executive branch or Congress.

One of the other objections which the President indicated he had to the bill he signed was the fact that he had to transmit to the Congress the power construction program of the TVA Corporation as presented to him and recommended by the Corporation, rather than submitting his own program, as he does with respect to all other agencies. It is contended that the elimination of this language by S. 2471 also cures this objection of the President and that he can then submit the power program with the budget estimates which he transmits to the Congress for the general operation of the Corporation.

I submit that the President will have no more control over the use of revenue bond proceeds than will the Congress,

because we find the following language in the bill just signed by the President:

The issuance and sale of bonds by the Corporation and the expenditures of bond proceeds for the purposes specified herein, including the addition of generating units to existing power producing projects and the construction of additional power producing projects, shall not be subject to the requirements or limitations of any other law.

If in the deal that was made it was really intended that the President and the Congress should retain any control whatsoever over TVA's construction program, then the deal should have included not only the deletion of the language provided for in S. 2471, but also the substitution of language which the administration itself had prepared when H.R. 3460 was being considered by the Congress. In fact, the minority offered this language as an amendment at that time, but it was turned down.

Let us take a look at this amendment prepared and urged by the administration. It reads:

Provided, That in addition to the budget program transmitted by the President to the Congress in the budget, the President shall transmit a summary of the power construction recommendations of the Corporation as presented to him by the Corporation.

No commitment for the construction of new power producing projects or for additions to existing power producing projects (except for replacement purposes) shall be made unless approved by the Congress in connection with action taken on the budget program transmitted by the President.

It should be obvious now to the least informed that the administration knows that, if it is to retain this power and control by the President and the Congress, the language of its own amendment would have to replace the provisions stricken by S. 2471. Of course, if the deal that was made involved the surrender of this power and control, then S. 2471 accomplishes this purpose admirably.

The considerations for the deal must have been great because up until a few days before the bill was signed, the President in a number of press conferences said in substance that his chief objection to the bill was that the control and direction of TVA had been diluted too much. S. 2471, instead of accomplishing what the President said he wanted, not only dilutes the direction and control of TVA further but in fact it completely dissolves it, as I have shown.

I have contended, as you will see from the debates on the floor, that the proponents of socialized power have no intention whatsoever of acquiescing in a territorial limitation for TVA. In fact, TVA's chief proponents have said time and time again that they oppose any territorial limitation. I have pointed out that any territorial limitation is a temporary concession or sop until the public power boys can get the bond-issuing authority; that, as soon as the vertical power demands in the present TVA service area are met, they will demand and readily be granted increased bond-issuing authority. To get it, they will use the argument that the bond-issuing authority costs the Federal Treasury nothing.

Of course, they will carefully avoid mentioning the loss of corporate and other taxes to the General Treasury. For instance, when TVA moves in to serve seven of the cities exempted from the territorial limitations in H.R. 3460—cities having a total population of only 55,000—the Federal Government will lose $800,000 annually in Federal taxes alone.

With this bond-issuing authority, they will be ready to expand TVA all over the South. The illusory fence placed around TVA's service area by H.R. 3460 will fall like a house of cards. The proposed plant on the Ohio River more than 30 miles outside TVA's service area should be proof enough that the public power boys plan unlimited and uncontrolled expansion of TVA.

Revenue bond-issuing authority will give them means to do this. We are going to have a rash of bills which will permit other government power agencies all over the United States to do the same thing.

In fact, the Senate has just completed hearings on a bill to create a planning, financing, power-generating, and power-transmitting corporation to absorb the Bonneville Power Administration. Under the bill the Bonneville Power Corporation would be authorized to issue bonds to the Treasury up to $1,100 million to finance electrical generating and transmission facilities.

We all know the difficulty the Treasury Department is having in selling bonds to refinance our obligations. What is going to happen to the Government's bond financing program if these power agencies all over the United States begin to issue revenue bonds? There will be such a competition for money that current interest rates will look low by comparison. At this very moment the administration is opposing, and properly so, the issuance of revenue bonds to meet the current deficits in the highway trust fund because such bonds will compete with the sale of General Treasury bonds.

The enactment of H.R. 3460 and S. 2471 is a tremendous victory for the advocates of socialized power. It will be the beginning of the end for private enterprise power in the United States.

Mr. Speaker, the beginning of the end is already taking place. In a letter to the President on July 28, 1959, I pointed out to him that TVA was already making surveys to build a new steamplant on the Ohio River, at least 30 miles outside the TVA service area. Now I realize that under the territorial limitations of H.R. 3460 TVA cannot sell or provide power for use in an area more than 5 miles beyond the periphery of the service area as of July 1, 1957, nor in States in which TVA did not supply power on that date. As I read the bill, however, there is no provision against building a plant like the one proposed on the Ohio River outside the service area just as long as the power is used within the area. But after such a plant is built, how long can or will the pressure be resisted to have it serve all customers within reasonable transmission distance in Kentucky, Indiana, and Ohio? Eventually how many more plants will be built outside the Tennessee Valley? The parade has just started. Hold your hats and do not stand up.

Mr. EVINS. Mr. Speaker, as we pass this legislation—perfecting legislation—I want to take this occasion to publicly express my appreciation for the signing of the TVA bond bill—the self-financing bill by the President. The people whom I represent have been greatly interested in this legislation for the past several years and the signing of this bill by the President represents a culmination of 4 years' work and effort. It means that TVA will remain unfettered and be permitted to continue to serve the 6 million people of its service area in the South.

TVA has had a most successful 25 years' history and the approval of this bill which provides an alternative and additional method of financing—private financing—will mean that this great agency of the Government will have another 25 years of growth and service to the Nation.

I am pleased the President has given his approval of the bill.

I want also to commend the dean of our delegation from Tennessee, our friend and colleague, Congressman CLIFF DAVIS, and our colleague and friend, Congressman BOB JONES of Alabama, for their joint effort and leadership in the passage of this legislation. Both Congressman DAVIS and Congressman JONES have worked untiringly over the past several months and years to secure the enactment of this legislation. The bill has had a very rough chartered course at times but these pilots have brought the measure safely into harbor and they are deserving of our thanks and commendation and praise.

I would also express my appreciation to Speaker RAYBURN, our distinguished majority leader, Congressman MCCORMACK, and all of our colleagues who have voted for passage and otherwise supported and worked for this needed legislation.

Among the many advantages of its enactment is the fact that we should have a recess from the annual recurring battles over TVA and the controversy which, in the minds of some, it invokes.

I congratulate all who have had a part in the securing of the passing of the TVA legislation and of course urge the passage of the pending bill to perfect this legislation.

Mr. MACK of Washington. Mr. Speaker, President Eisenhower has been recommending to Congress repeatedly since 1954 that a self-financing plan be developed for the Tennessee Valley Authority provided that any self-financing plan adopted continue executive and congressional approval of TVA programs.

The minority members of the House Public Works Committee have worked from the beginning to accomplish the President's wishes as to TVA financing.

Since TVA first was established some 25 years ago, it has received appropriations from Congress of $1.2 billion for the building of power dams, steam generating plants, transmission lines and other power generating and distributing facilities.

TVA never has paid any interest on this $1.2 billion appropriated investment

of the American taxpayers. The Bonneville Power Administration and the St. Lawrence Seaway and Power Authority have paid interest on Federal funds invested in their facilities. Therefore it was felt, and rightly so, that TVA should pay interest on this appropriated investment as well as paying off the principal over a period of years just as the Bonneville Power and the St. Lawrence Seaway and power projects are required to do. TVA certainly was not entitled to any more favorable treatment on the repayment of interest and principal than other similar agencies.

The Bonneville Power Administration in its 25 years has paid the Government $189 million in interest whereas TVA has not paid $1 of interest.

The recent TVA bills did have the advantage to the Federal Government and its taxpayers of requiring interest payments from TVA on the invested capital supplied to it by the Nation's taxpayers.

Under existing law, TVA is required to repay $30 million a year to the Federal Government on the appropriated investment of $1.2 billion made by the Federal Government in TVA power facilities. This was the only money received by the Federal Government on its $1.2 billion investment of taxpayers' money in TVA power facilities.

Under the bill just enacted and signed by the President, TVA for the first time will begin paying interest at the rate of about $36 million a year plus a further payment of $10 million a year on the appropriated interest during each of the next 5 years; $15 million a year during the 6th to 10th years, inclusive, and $20 million after the 10th year.

Thus, the Federal Treasury, starting immediately, will begin receiving in principal and interest payments from TVA $46 million a year or $16 million a year more than TVA now is obligated to pay. Within 10 years these payments will be increased to $56 million a year and will be a return of $26 million a year over what TVA now repays to the Federal Government. These increased payments are a great gain for the American taxpayers.

This is one of the great benefits of the TVA law just enacted.

These payments can be met by TVA without undermining TVA's financial position inasmuch as TVA revenues after meeting all operating and maintenance expenditures last year were about $99 million and will be even larger each year in the years ahead.

The original bill for TVA self-financing proposed, in the opinion of the Republican members of the House Public Works Committee, was not a sound bill.

The first reported TVA bill, sponsored in 1957 by TVA advocates, proposed that the TVA Directors should be granted unlimited authority to issue any amount of bonds they wished—$1 billion, $2 billion, or even $3 billion of them—without review by Congress of the program on which such bond revenues were to be expended. That proposal in the original TVA bill, in the opinion of the Republican members of the Public Works Committee, was a blank check grant of an absurd amount of unrestrained authority to three appointive, not elective, officials of the Government. The Republicans on the committee voted unanimously against this unlimited bonding authority being granted TVA. The bill, however, was voted out of the Public Works Committee over Republican opposition and sent to the Rules Committee. The Rules Committee refused to grant a rule on this bill. It never reached the House floor.

Republican opposition killed the blank check approach to the TVA self-financing problem, and in killing that proposal the Republicans rendered a great service to the Nation's taxpayers and a sound blow for fiscal responsibility.

Later a new TVA bill was introduced. This new bill placed a limit of $750 million on the amount of bonds the TVA Directors could have outstanding at any one time. The bill which has been enacted and signed into law by the President carries this $750 million limitation.

The original TVA bill carried no limitation upon the territory which the TVA could serve other than the one in existing law which allows TVA to serve any area within economic transmission distance of present TVA generating plants. Without some limitations being placed on the territory served by TVA that agency could with its revenues and bond proceeds expand the area it served severalfold.

Republicans, joined by many Democrats, reached an agreement for territorial limitations allowing TVA to expand some 2,000 square miles outside present limits.

When the Democratic majority of the committee agreed to pay interest on the appropriated investment, which will amount to about $36 million a year, it at the same time proposed a reduction of the already agreed to $30 million-a-year payment on the appropriated investment to $10 million a year.

This change in the existing law meant that TVA would be allowed 120 years to pay off the $1.2 billion which American taxpayers now have invested in TVA power and distributing facilities.

Bonneville Power and the St. Lawrence Seaway and Power Authority in addition to interest payments are required to pay off the appropriated investment in their projects in 50 years. Republican members of the Public Works Committee felt that if the Bonneville and the St. Lawrence authorities were required to repay the capital invested in them in 50 years, that TVA should not be granted 120 years to make its repayments.

The Republican members of the House Public Works Committee bent backward to be fair to TVA and suggested that annual payments of TVA on the invested capital be set at $20 million a year. Since TVA last year, after operation and maintenance costs, had a surplus of $99 million, it was felt by the Republicans that TVA could easily pay $36 million a year in interest and $20 million on principal and still have $43 million left over for plant expansion. This proposal was rejected by the majority in committee. Later this same proposal was advanced by the Republicans when the bill was debated on the House floor. It was again rejected by the Democratic majority in the House. As the bill passed the House, it called for a repayment on principal of only $10 million a year instead of the $30 million a year to which TVA previously had been committed to pay.

Later, the Senate as a matter of compromise, proposed that instead of the $10 million repayment in the House-passed bill that TVA repayments should be made at the rate of $10 million for each of the next 5 years, $15 million a year during the following 5-year period and after the 10th year the payments on the appropriated investment should be at the rate of $20 million a year as the Republicans had urged both in committee and on the House floor.

This provision for higher repayment of the appropriated investment means that TVA will repay its debt to the Federal Government in about 60 to 65 years instead of the 120-year period provided for in the original TVA bill. This is one of the gains made for the taxpayers and progress toward fiscal responsibility.

The Tennessee Valley Authority is a wholly owned and wholly financed Government agency. It does a gross annual business of about $250 million a year and after meeting all operation and maintenance costs last year had a surplus of $99 million. It will spend $100 million to $200 million annually in building new powerplants and transmission lines. It now, under this bill, has authority to borrow money in the bond market in the enormous sum of up to $750 million.

This vast business is administered entirely by three appointed, not elected, Federal officials. These three appointed officials can borrow hundreds of millions and spend them building new power facilities. It is the feeling of Republican members of the House Public Works Committee that sound management should suggest that these three officials be under the supervision and control of both the executive and the Congress. The bill as finally passed and approved largely exempts TVA from these restraints and in the opinion of many of us is defective in that respect.

However, it is a better bill than any of those originally proposed and was the best solution the minority was able to obtain.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 15d(a) of the Act to amend the Tennessee Valley Authority Act of 1933, as amended, and for other purposes, approved on August 6, 1959, is hereby amended by deleting therefrom the following:

"*Provided,* That, with the budget estimates transmitted by the President to the Congress, the President shall transmit the power construction program of the Corporation as presented to him and recommended by the Corporation, together with any recommendation he may deem appropriate.

"Neither bond proceeds nor power revenues received by the Corporation shall be used to

initiate the construction of new power producing projects (except for replacement purposes and except the first such project begun after the effective date of this section) until the construction program of the Corporation shall have been before Congress in session for ninety calendar days. In the absence of any modifying action by a concurrent resolution of the Congress within the ninety days, such projects will be deemed to have congressional approval."

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 CERTAIN OFFICERS OF THE PUBLIC HEALTH SERVICE

Mr. LANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4120) for the relief of Dr. Raymond A. Vonderlehr and certain other officers of the Public Health Service, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: "That the following-named retired officers of the United States Public Health Service are hereby relieved of all liability for payment to the United States of the following stated sums, such sums representing overpayments of retired pay as a result of unauthorized recomputations of their retired pay under the provisions of the Career Compensation Act of 1949: Doctor Charles V. Akin, $9,705.12; Doctor Richard H. Creel, $10,928.94; Doctor Marshall C. Guthrie, $10,928.94; Doctor John W. Kerr, $10,928.94; Doctor Allan J. McLaughlin, $10,928.94; Doctor John McMullen, $10,928.94; Doctor Roy P. Sandidge, $10,039.74; Doctor Frederick C. Smith, $10,928.94; Doctor Walter J. Treadway, $10,928.94; Doctor Clifford E. Waller, $8,701.22, and Doctor Mark J. White, $10,928.94."

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

The title was amended so as to read: "An act for the relief of certain officers of the Public Health Service."

SUBCOMMITTEE ON ELECTIONS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the Subcommittee on Elections of the Committee on House Administration may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

ARGYRIOS G. GEORGANDOPOULOS

The Clerk called the bill (S. 554) for the relief of Argyrios G. Georgandopoulos.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Argyrios G. Georgandopoulos 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.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Argyrios G. Georgandopoulos. From and after the date of the enactment of this Act, the said Argyrios G. Georgandopoulos 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."

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.

ANGELINAS CUACOS STEINBERG

The Clerk called the bill (S. 593) for the relief of Angelinas Cuacos Steinberg.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Angelinas Cuacos Steinberg, the widow of a United States citizen, shall be deemed to be within the purview of section 101(a)(27)(A) of that Act, and the provisions of section 205 of that Act shall not be applicable in this case.

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.

LEA LEVI

The Clerk called the bill (S. 967) for the relief of Lea Levi.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Lea Levi 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.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Lea Levi. From and after the date of the enactment of this Act, the said Lea Levi 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."

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.

MRS. VASSILIKI P. THEODOROU

The Clerk called the bill (H.R. 1665) for the relief of Mrs. Vassiliki P. Theodorou.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Vassiliki P. Theodorou, who lost United States citizenship under the provisions of section 404 of the Nationality Act of 1940, may be naturalized by taking prior to one 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 Mrs. Vassiliki P. Theodorou 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.

MRS. ELLEN LESCHNER

The Clerk called the bill (H.R. 1701) for the relief of Mrs. Ellen Leschner.

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

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

CECIL E. FINLEY

The Clerk called the bill (H.R. 2946) for the relief of Cecil E. Finley.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Cecil E. Finley shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment of this Act, upon payment of the required visa fee.

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.

HARRY AND LENA STOPNITSKY

The Clerk called the bill (H.R. 3801) for the relief of Harry and Lena Stopnitsky.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Harry Stopnitsky and Lena Stopnitsky, 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 one 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 Harry Stopnitsky and Lena Stopnitsky shall have the same citizenship status as that which existed immediately prior to its loss.

With the following committee amendments:

On page 1, line 3, change the name "Lena Stopnitsky" to "Lily Stopnitsky".

On page 2, line 1, change the name "Lena Stopnitsky" to "Lily Stopnitsky".

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 Harry and Lily Stopnitsky."

A motion to reconsider was laid on the table.

LEILA BERNSTORFF GRAUERT

The Clerk called the bill (H.R. 5530) for the relief of Peter Clemens August Grauert and Hans Herbert Grauert.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of subsection (g) of section 201 of the Nationality Act of 1940, Leila Bernstorff Grauert shall be held and considered to have been a resident of the United States for at least five years after she attained the age of sixteen years.

With the following committee amendment:

Amend the title so as to read: "A bill for the relief of Leila Bernstorff Grauert."

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.

CHRISTOPHER J. MULLIGAN

The Clerk called the bill (H.R. 5645) for the relief of Christopher J. Mulligan.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 315 of the Immigration and Nationality Act of 1952 shall be held to be inapplicable to Christopher J. Mulligan.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That, for the purposes of title III of the Immigration and Nationality Act, section 315 of the said act shall not be applicable to Christopher J. Mulligan."

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.

LILIANA CAPRARA

The Clerk called the bill (H.R. 6886) for the relief of Liliana Caprara.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Liliana Caprara (A-10315172) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of May 8, 1954.

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.

FROL MARTIN SIMONOV

The Clerk called the bill (H.R. 6954) for the relief of Frol Martin Simonov.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Frol Martin Simonov, lawfully admitted for permanent residence in the United States on February 20, 1954, shall be held to be included in the class of applicants for naturalization exempted from the provisions of section 313(a) of the Immigration and Nationality Act, as such class is specified in section 313(c) 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.

LT. COL. FRANCIS E. RESTA

The Clerk called the bill (H.R. 1695) for the relief of Lt. Col. Francis E. Resta.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, Lieutenant Colonel Francis E. Resta (serial number TM 1000) shall be advanced on the Army retired list to the grade of colonel and shall be entitled to receive all rights and benefits of a commissioned officer of that grade, effective from the date of his retirement.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following: "That notwithstanding any other provision of law, Lieutenant Colonel Francis Resta (TM 1000) may be retired for physical disability, as determined by the Secretary of the Army under the provisions of title 10, United States Code, section 1201, and he shall be entitled to receive all rights and benefits provided by law to an officer of the Army with the same grade, length of service, and physical disability, effective from the date of his retirement."

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.

HENRI POLAK

The Clerk called the bill (S. 162) for the relief of Henri Polak.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Henri Polak shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 30, 1952.

SEC. 2. That, notwithstanding the provisions of the Immigration and Nationality Act, the periods of time Henri Polak has resided and was physically present in the United States or any state since September 30, 1952, shall be held and considered as compliance with the residence and physical presence requirements of section 316 of said 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.

MRS. JOYCE LEE FREEMAN

The Clerk called the bill (S. 539) foı the relief of Mrs. Joyce Lee Freeman.

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

The SPEAKER. Is their objection to the request of the gentleman from Massachusetts?

There was no objection.

ROSA MARIA MONTENEGRO

The Clerk called the bill (S. 1053) for the relief of Rosa Maria Montenegro.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Rosa Maria Montenegro, shall be held and considered to be the natural-born alien child of Lieutenant Commander Anderson V. Showen, a citizen 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.

PAK JAE SEUN

The Clerk called the bill (S. 1104) for the relief of Pak Jae Seun.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Pak Jae Seun, the fiancée of Robert Lewis Hall, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months, if the administrative authorities find (1) that the said Pak Jae Seun is coming to the United States with a bona fide intention of being married to the said Robert Lewis Hall, and (2) that she is otherwise admissible under the Immigration and Nationality Act. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Pak Jae Seun 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 three months after the entry of the said Pak Jae Seun, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Pak Jae Seun 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.

ALICE KAZANA

The Clerk called the bill (S. 1135) for the relief of Alice Kazana.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Alice Kazana, the fiancée of Edward Boruk, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months: *Provided,* That the administrative authorities find that the said Alice Kazana is coming to the United States with a bona fide intention of being married to the said Edward Boruk 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 three months after the entry of the said Alice Kazana, 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 three months after the entry of the said Alice Kazana, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Alice Kazana 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.

MRS. JOHN M. CICA

The Clerk called the bill (S. 1407) for the relief of Mrs. John M. Cica.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of sections 212(a)(3) and 212(a)(4) of the Immigration and Nationality Act, Mrs. John M. Cica 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 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: *And 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.

KIM FUKATA AND HER MINOR CHILD, MICHAEL (CHANEY)

The Clerk called the bill (S. 1442) for the relief of Kim Fukata and her minor child, Michael (Chaney).

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Kim Fukata, the fiancée of James Chaney, Junior, a citizen of the United States, and her minor child, Michael (Chaney), shall be eligible for visas as nonimmigrant temporary visitors for a period of three months: *Provided,* That the administrative authorities find that the said Kim Fukata is coming to the United States with a bona fide intention of being married to the said James Chaney, Junior, and that they are found otherwise admissible under the immigration laws. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Kim Fukata and Michael (Chaney), 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 three months after the entry of the said Kim Fukata and Michael (Chaney), the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Kim Fukata and Michael (Chaney) 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.

YEE YOU GEE

The Clerk called the bill (S. 1500) for the relief of Yee You Gee.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Yee You Gee, shall be held and considered to be the natural-born alien child of Mr. John M. Yee, a citizen 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.

HO RIM YOON HOLSMAN

The Clerk called the bill (S. 1533) for the relief of Ho Rim Yoon Holsman.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, Ho Rim Yoon Holsman shall be held and considered to be the natural-born alien child of Noel and Helen Holsman, citizens 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.

THEOPI ENGLEZOS

The Clerk called the bill (S. 1558) for the relief of Theopi Englezos.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationalty Act, Theopi Englezos shall be held and considered to have been born in Turkey.

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. ERIKA ELFRIEDE IDA WARD

The Clerk called the bill (S. 1601) for the relief of Mrs. Erika Elfriede Ida Ward.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(4) of the Immigration and Nationality Act, Mrs. Erika Elfriede Ida Ward 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 that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act: *And provided further,* That unless the beneficiary is entitled to care under the Dependents' Medical Care Act, 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.

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.

ADEODATO FRANCESCO PIAZZA NICOLAI

The Clerk called the bill (S. 1611) for the relief of Adeodato Francesco Piazza Nicolai.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Adeodato Francesco Piazza Nicolai, shall be held and considered to be the natural-born alien child of Antonio Nicolai and Teresa Jezierny Nicolai, citizens of the United States: *Provided,* That the natural parents of Adeodato Francesco Piazza Nicolai shall not, by virtue of such parentage, be accorded any right, privilege, or status 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.

EVAGELIA ELLIOPULOS

The Clerk called the bill (S. 1669) for the relief of Evagelia Elliopulos.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Evagelia Elliopulos, shall be held and considered to be the natural-born alien child of George L. Elliopulos and Agapi Elliopulos, citizens of the United States: *Provided,* That no natural parent of Evagelia Elliopulos, by virtue of such parentage, shall be accorded any right, privilege, or status 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.

MR. AND MRS. CARL SKOGEN WOODS

The Clerk called the bill (S. 1684) for the relief of Mr. and Mrs. Carl Skogen Woods.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mr. and Mrs. Carl Skogen Woods, who lost United States citizenship under the provisions of section 404(c) of the Nationality Act of 1940, may be naturalized by taking prior to one 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 Mr. and Mrs. Carl Skogen Woods shall have the same citizenship status as that which existed immediately prior to its loss.

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.

IVAN (JOHN) PERSIC

The Clerk called the bill (S. 1705) for the relief of Ivan (John) Persic.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Ivan (John) Persic, shall be held and considered to be the natural-born alien child of Louis Persic, a citizen of the United States: *Provided,* That no natural parent of Ivan (John) Persic, by virtue of such parentage, shall be accorded any right, privilege, or status 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.

LUSHMON S. GREWAL, JEAT S. GREWAL, ET AL.

The Clerk called the bill (S. 1719) for the relief of Lushmon S. Grewal, Jeat S. Grewal, Gurmale S. Grewal, and Tahil S. Grewal.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 101(a)(27)(A) and 205 of the Immigration and Naturalization Act, the minor children, Lushmon S. Grewal, Jeat S. Grewal, Gurmale S. Grewal, and Tahil S. Grewal shall be held and considered to be the natural-born alien children of Sarwan S. Grewal, a citizen of the United States: *Provided,* That the natural parents of Lushmon S. Grewal, Jeat S. Grewal, Gurmale S. Grewal, and Tahil S. Grewal shall not, by virtue of such parentage be afforded any right, privilege, or status under the Immigration and Naturalization 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.

TSE MAN CHAN

The Clerk called the bill (S. 1724) for the relief of Tse Man Chan.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, Tse Man Chan shall be held and considered to be the minor alien child of Mrs. Alice Lee Chan, a citizen 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.

ALAN ALFRED COLEMAN

The Clerk called the bill (S. 1773) for the relief of Alan Alfred Coleman.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(4) of the Immigration and Nationality Act, Alan Alfred Coleman 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 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: *And provided further,* That the exemption granted herein shall apply only to a ground for exclusion of which the Department of Justice or the Department of State 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.

KUM HUNG SEETO AND KUM WO SEETO

The Clerk called the bill (S. 1828) for the relief of Kum Hung Seeto and Kum Wo Seeto.

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

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

HERMAN LUCHNER

The Clerk called the bill (S. 1829) for the relief of Herman Luchner.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(9) of the Immigration and Nationality Act, Herman Luchner may be issued a visa and be admitted to the United States for permanent residence if otherwise admissible under the provisions of that Act: *Provided,* That this exemption 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.

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.

VICENTE SOLIVA EMPLEO

The Clerk called the bill (S. 1946) for the relief of Vicente Soliva Empleo.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Vicente Soliva Empleo 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.

EXCLUSION OF CERTAIN ALIENS

The Clerk called the resolution (H.J. Res. 477) relating to the exclusion of certain aliens.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RELATING TO PERMANENT RESIDENCE AND DEPORTATION OF CERTAIN ALIENS

The Clerk called the resolution (H.J. Res. 478) relating to permanent residence and deportation of certain aliens.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CALL OF THE HOUSE

Mr. COLMER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently, no quorum is present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 127]

Bowles	Elliott	Moulder
Canfield	Flynn	Powell
Curtis, Mass.	Jackson	Shelley
Dingell	Martin	

The SPEAKER. On this rollcall 420 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

USE OF GREAT LAKES VESSELS ON THE OCEANS

Mr. BONNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4002) to authorize the use of Great Lakes vessels on the oceans, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? The Chair hears none, and appoints the following conferees: Messrs. BONNER, GEORGE P. MILLER, ASHLEY, TOLLEFSON, and VAN PELT.

LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959

Mr. SMITH of Virginia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 338 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 8342, a bill to provide for the reporting and disclosure of certain financial transactions and administrative practices of labor organizations and employers, to prevent abuses in the administration of trusteeships by labor organizations, to provide standards with respect to the election of officers of labor organizations, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed six hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-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, with or without instructions.

That after the passage of H.R. 8342, the Committee on Education and Labor shall be discharged from the further consideration of the bill, S. 1555; that it shall then be in order in the House to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the provisions contained in H.R. 8342 as passed; that it shall then be in order to move that the House insist upon its amendment to said Senate bill S. 1555 and request a conference with the Senate; and that the Speaker shall thereupon appoint the conferees on the part of the House.

Mr. SMITH of Virginia. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. ALLEN]; and pending that, I yield myself 15 minutes.

Mr. Speaker, we have a very remarkable situation here today. We have a rule for the consideration of a labor bill. We have two proposed substitutes to the labor bill. And to be as brief as I can about the rule, it is, I will say, a wide-open rule under the rules of the House. The so-called committee bill will first be considered. When it is read for amendment, at the conclusion of the first section, the gentleman from Georgia will offer the so-called Landrum-Griffin bill as an amendment. It will then be in order to offer the so-called Shelley-Roosevelt bill as a substitute for the Landrum amendment. Then it will be in order to have one amendment each to the Shelley-Roosevelt substitute and the Landrum-Griffin amendment pending at the same time. The Landrum-Griffin amendment will be perfected by whatever amendment may be offered before any vote is taken on amendments to the Shelley-Roosevelt substitute. Then that amendment will be perfected. Then the Roosevelt substitute will be, I hope, voted down. Then the Landrum-Griffin bill will, I hope, be voted up. If that occurs, we will then be at the end of the road. That would then be reported back to the House and the House would vote on the Landrum-Griffin amendment. If that is defeated, in the Committee of the Whole, of course, the committee bill will be open to the much-needed amendments to make it a good labor-management bill.

When all that is done in order to get it to conference, it will be necessary to substitute the Senate bill. The provisions of the Senate bill will be stricken out and whatever the result of the House deliberations is will be inserted in Senate bill, S. 1555. Then, the Speaker will appoint conferees. So much for the rule.

I want to talk this morning, and I do not expect to speak in general debate, on the bills that are before the House—the three bills. First, I want to go back to the proceedings of the Committee on Education and Labor because that presents the most remarkable situation that has come to my attention in my service in the Congress. When that bill was referred to the Committee on Education and Labor, two subcommittees aggregating 12 members were appointed to hear the evidence and sit as a jury. They heard all the evidence, but they did not write the bill. When they got through hearing all the evidence, the bill was then submitted to the full committee and the bill was written in the full committee—sort of like you had a jury trial and you heard all the gory details by one jury and when they got through the judge should say, "No, you do not write the verdict—you might have been prejudiced by all these gory details so we will take you out of the box and we will put another jury in the box that has not heard the evidence and let them write the verdict." Now, that is about what happened. That bill—the committee bill—came out with the votes of its opponents. Is that not remarkable? There were not but five members of the committee who favored the bill reported out by the committee, and it was brought out, and I think quite properly so, by the committee in order that the House might have something to add to the confusion that has already been experienced in the Committee on Education and Labor. Now, let us see about the five members who were for the committee bill, and let us see how many of them served on the jury that heard the evidence—not one—not one. Not a member of those who were in favor of the committee bill was on the subcommittee that heard the evidence, the hearings on which ran over a period of something like 3 months. Now when they got down to reporting this bill out, why then everybody has to have a separate report. So you are presented this morning with this document, the committee report, and if you are going to know anything about this situation, you are going to have to study this document because it tells you a lot—and that is the nine committee reports. Nine different reports, and to those 9 different reports are attached 36 signatures of the 30 members of the committee. That sounds rather unusual, does it not? Here is the kind of report we have got, and I hope it will help you to reach an intelligent decision on this very important case.

We have one report entitled "Statement." We have one entitled "Supplementary Views." We have "General Comments." We have "Separate Views." We have "Dissenting Views"; and "Additional Statement"; "Supplemental Views." Some more "Additional Views" and some more "Supplementary Views." We have every type of dissenting and differing opinion known to parliamentary procedure in this one report. You name it, we have it. You know when I finished delving through this report it reminded me of a couplet that John Rankin used to use about the Arkansas Snake Railroad:

It wiggled in, and it wobbled out
And left the people all in doubt
As to whether in its zig-zag track
It was going west or coming back.

Now, I want to devote my time, if I may, to a discussion of the bills, and I am going to talk about the one feature that has developed until it is the crux of the situation that the American people want to correct, which is hot cargo, the boycott, and organizational picketing. So I will start with the Shelley bill. The Shelley bill is a very honest, straightforward bill. It does not beat around the bush; it just does it at one fell swoop by eliminating and cutting out title 7. That is the title which has to do with the trouble we are trying to correct. They do not mention it. They admit it.

I will not use any time on that except to say it reminds me of an anecdote of the old farmer who had a badly broken leg. They carried him off to the hospital. He was suffering very much, but the hospital was full and they had only one bed and that was in the maternity ward, so they stuck him in there, and he was among the women who were suffering too, but not complaining. He stood it for a while and then said: "Why aren't you all suffering?"

"Oh, we are not suffering," a lady said, "the doctor gave us a miracle drug."

The farmer hollered for the doctor and said: "I want some of that miracle drug." The doctor informed him that they could not give him that, that they reserved that only for patients who were in labor. "Well," said the farmer, "dad gum it, that's what is the matter in this country now, everything is for labor and nothing for the farmer."

I think that pretty accurately describes the Shelley-Roosevelt bill, and I shall not devote any more time to it.

I want to talk seriously now about the two bills that are really going to be the subject of controversy: One is the so-called committee bill, approved by five members of the committee who did not sit on the case and hear the evidence. It is approved by only 5 of the 30 members. That is 16 percent of the membership of the committee who voted for the committee bill that we hear so much noise about. That is what we might call 16 percent of a labor bill.

We all know that the seedbed out of which grows the violence, the racketeering, and the other lawlessness disclosed by the McClellan committee lies in the boycott, the hot cargo, and the so-called organizational picketing. There are other important differences between the Landrum-Griffin bill and the Elliott committee bill, but I shall confine myself to those things which I have mentioned which cry out loudest for correction: Hot cargo, the boycott, and illegal picketing. I assert that the bill reported by the committee—that is, the 16 percent of a labor bill known as the Elliott bill—does not prohibit either or any of them in the area where extortion, racketeering, and violence occur and they materially weaken the present boycott and hot cargo law. Do not take my word for that. Above all, do not take anybody else's word for it.

There have been a lot of statements, a lot of radio and television stuff and public statements given out asserting that so-and-so is thus-and-so, that this Landrum-Griffin bill is a punitive bill. Do not take anybody else's word or mine, but read this yourself that I am going to point out to you.

There is an easy way for you to find out. First take the committee report. This is it, and this ought to be your bible for the next week because this is the thing that tells you what is going on. This is the committee report with the existing National Labor Relations Act in roman type together with proposed amendments in italic. That is, the committee amendments are in italic. All you have to do is to refer to the pages I am going to give you, you can see for yourself, you do not have to take anybody's word, you do not have to take anybody's public statement. You will know when you read these things what the score is and that is what I am asking you to do.

Turn to page 59, paragraph 4, of the committee report. Did you know that all you are doing about boycotting in that paragraph 4, except one little clause, is nothing, because that in roman type is the law now. That is the Taft-Hartley Act that you are reading. But when you get down to the amendments you will see them in italics. If you turn to page 59 you will see that the committee bill drastically weakens the Taft-Hartley Act by addition of the language in italics which exempts from the ban of boycotting subcontractors that are covered now. All of the subcontractors are exempted by the Elliott committee bill from the operation of the present Taft-Hartley Act. This whittles down the Taft-Hartley Act, and the present provisions of that act.

Turn back to page 58, paragraph 6, of the committee report and you will be astonished to learn that the Elliott bill specifically exempts all truckers from the boycott provisions except the small percentage that are licensed under part II of the Interstate Commerce Act. That is already the law by reason of decision of the Interstate Commerce Commission, and approved by the Supreme Court of the United States. So it does not change the law at all. It does not do anything except to weaken the law.

There are 7 million truck drivers in the United States. Only 728,000 are under the Interstate Commerce Commission. In other words 6,172,000 truck drivers or 88 percent of all of them are exempted by the committee bill.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. SMITH of Virginia. Mr. Speaker, I yield myself 5 additional minutes.

So the only thing the committee bill does is to further weaken the law as to boycott and hot cargo by completely exempting the very worst offenders in that area. Do not take my word for that, and do not take anybody else's word for that. It is clearly set out, as I mentioned, on pages 58 and 59 and all you have to do is to take the time to look at those pages, read them, and you will see for yourself.

Look at the Landrum-Griffin bill, page 65, lines 5 to 15. It is short and I am going to read this paragraph:

> It shall be unfair labor practice for any labor organization and any employer to enter into any contract or agreement, express or implied, whereby such employer ceases or refrains or agrees to cease or refrain from handling, using, selling, transporting or otherwise dealing in any of the products of any other employer, or to cease doing business with any other person, and any collective bargaining contract entered into heretofore or hereafter containing such an agreement shall be to such extent unenforcible and void.

That is the provision in the Landrum-Griffin bill. There are no ifs, ands, buts or provisos about it. It says you have to stop the boycott, hot cargo practices. Period. That is what the American people want you to say.

On page 62 of the Landrum-Griffin bill you will find the heading "Boycotts and Recognition Picketing" where changes are made in the existing law strengthening it where it has been found by experience to be ineffective. On page 62 of the Landrum-Griffin bill you will find a comparison with the weakening changes made by the Elliott bill, page 59, paragraph 4, of the committee report. The report tells you. The existing Labor Act is printed in roman type and the committee bill amendments weakening it are printed in italics.

Now, turning to the question of organizational picketing, the Elliott bill treats the subject on page 70, line 6. You will find there the prohibition against picketing is confined to two classes: First, where the employer has recognized in accordance with the act another labor organization and; second, where within the preceding 9 months an election has been held and the picketing union lost the election. That is all that is set out there. That is all the committee bill does.

This leaves untouched the area where the real trouble is, namely, where a union by coercive methods and picketing puts pressure on both employer and employees to recognize a union that the employees oppose and do not want.

Now, there are thousands of instances of that. You have read it all in the newspapers. That is where the trouble lies, not in the two things that the committee bill touches, and they do not touch that subject at all. The committee bill just absolutely does not do anything about that. And you can read it. Do not take my word for it. Read it for yourself.

Now, turning to the Landrum-Griffin bill at page 66. It does the two things in an improved fashion that the committee bill does, but then it goes to the real cause of the trouble that has the country agitated today, namely, in paragraph (C) where the labor organization cannot show enough interest by the employees to support an election under the act, then picketing is prohibited, and (D) where the picketing has been going on for a period of 30 days and it has not aroused enough interest to cause an election, then they must stop picketing. I say the committee bill is worse than no bill, because it definitely weakens existing law, and it weakens even the Senate bill. Do not take my word for it. Do not take anybody else's word for it. Read it for yourself. Compare the bills and come up with the answer. And, if anybody challenges my statement made here this morning, my statement is going

to be in the CONGRESSIONAL RECORD today just as it is, and if anybody thinks I have been wrong about this thing, let them come in here and explain it on the floor. I challenge anybody to say that this is not what those bills do and what they do not do in the areas where the American people are suffering and agitated and worried because of the violence and the graft and the racketeering that has eaten away the hearts of business people and working people of this country.

Now, I again urge you to examine for yourself the sections of the two bills that I have mentioned and the changes from existing law in the Elliott bill as shown on the pages mentioned in the committee report. Do not take my word for it and do not take anybody else's word for it. See for yourself.

Mr. ALLEN. Mr. Speaker, the chief reason that we have before us legislation to curb the great powers of certain labor leaders is because of the great demand by the overwhelming majority of the American people, including millions of honest union men and women themselves.

For 2½ years the American people have witnessed the shameful performance of certain labor leaders before the McClellan committee. They witnessed the hearings on television which brought to light lawlessness, violence, kidnapings, arson, bribery, intimidation, extortion, strong-armed methods, and the misuse and embezzlement of union funds. They rightfully expected that all union bosses would attempt to put their house in order. Instead, many refused to talk—many took the fifth amendment. In some instances, they would not even acknowledge their names.

It must be apparent to all that the actions of certain labor leaders have been most dishonest, un-American, and reprehensible.

The question before us is simple:

Will the racketeering, gangsterism, and corruption in labor unions, exposed by the McClellan committee, be allowed to go unchecked?

Will we support legislation that will make it unlawful and insecure for certain labor leaders to continue their abuses?

Back in 1947, the Taft-Hartley Act was before the Congress of the United States. In my opinion, it was a meritorious and a much-needed bill—for labor, for management, and for the general public.

Never did I receive so much propaganda from labor leaders. You will recall that they called it a slave act. They said that if it was enacted into law, men and women would be working for 10 cents an hour—that it would mean the end of unions.

Twelve years have passed since its enactment. Instead of our people working for 10 cents an hour, they are receiving the highest hourly wage in history, with generous fringe benefits. Our people have the highest standard of living of any people in history. Last year, nearly 40 million major electrical appliances were sold to the American people—television and radio sets; electric refrigerators; deep freezes; electric washing machines and ironers. Millions of people have become homeowners the past few years. Approximately 2 million young men and women will enter college in September.

Instead of the Taft-Hartley Act ending unions, never have unions so flourished. Their number is greater—their funds are greater. The large number of new labor buildings that have been built in Washington alone—of which we bear witness and of which we are justly proud—is evidence that their financial condition is sound.

Now we hear the same thing—that if labor legislation is enacted with legitimate objectives, it will be the end of unions.

In my considered judgment, labor unions are here to stay. They play an important part in our economy.

I do not know a Member of this body who desires to ruin unions. But labor leaders should not fail to consider that there are other groups who also play an important part in our economy—and they should not attempt to exploit other segments of our people. I believe I am correct in saying that Americans do not like to be pushed around.

In my opinion, neither the Kennedy-Ervin bill—nor the labor bill that was reported by the Committee on Education and Labor of the House of Representatives—will adequately protect the interests of the millions of honest union men and women, their employers, and particularly the general public against the many labor abuses brought to light by the testimony of the large number of witnesses appearing before the McClellan committee. Neither bill will rescue the working men and women, and the general public, from exploitation by certain labor leaders.

The Landrum-Griffin nonpartisan bill is a practical and a fair bill. It deals with union finances, honest elections, blackmail picketing, secondary boycotts, and many other things for the protection not only of the union members themselves, but for the protection of the general public.

I hope that the Landrum-Griffin bill will prevail. I am convinced that honest labor leaders would have nothing to fear with its passage.

In conclusion, may I respectfully say that the American people want action.

Are we here to meet the demands of certain dishonest labor bosses—or to meet the demands of the American people?

I ask you—are we penalizing anyone when we deny certain labor bosses the power to commit blackmail, theft, extortion, intimidation, violence, and the embezzlement of union funds?

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Virginia. Mr. Speaker, I yield the remaining time on this side to the gentleman from Indiana [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, the rule now under consideration by the House, if adopted, will give all the Members an opportunity to express themselves and cast their vote for regulating the field of labor and management and the result of our decision on this legislation will affect the economy of our country for a long time in the future. The 6 hours of debate provided by the open rule plus any amendments during the 5-minute period will take the time of this legislative body for the next several days. Three bills regulating management-labor relations were presented to the Rules Committee—the first one under consideration by our committee was the bill reported by the Committee on Education and Labor. Next came the Landrum-Griffin bill and then the Shelley bill. In the brief time allotted to me under the rule, it will be impossible to talk at length on the merits and demerits of these three bills.

The sponsors of the Shelley bill have made available for all Members, a concise and simple comparative analysis of these three bills plus a breakdown of the Kennedy-Ervin bill which was passed by the other body a couple of months ago. I do hope that each Member will study this analysis and learn the facts regarding the provisions in each bill. I am satisfied that it is the earnest desire of the majority of this House to pass effective legislation that will curb the activities of dishonest labor leaders and employers who have taken advantage of their position to enrich themselves at the expense of labor's membership, the stockholders of their companies, and the American public. In my opinion the Landrum-Griffin bill, if enacted into law, will turn the clock of labor's progress back a quarter of a century. It could relegate the working men and women of this country to their unorganized status before the Wagner Act. The Shelley bill will protect honest labor unions so that they can properly function and carry on the rights and privileges which economic organizations are entitled to under the American Constitution. The Shelley bill legislates strongly against racketeers in both labor and management.

HIGHLY FINANCED LOBBY

It is indeed unfortunate that legislation as important as labor-management relations is exposed to the pressure and influences of well-organized semipolitical lobbying groups who are not interested in fair and equitable legislation as much as they are in destroying the effectiveness and power of organized labor. Only a year ago, before the adjournment of the 85th Congress, the other body, by a vote of 88 to 1, passed an effective labor-management bill which would curb and successfully eliminate dishonest labor and management officials of the type which were exposed by the McClellan committee. This legislation was passed by the other body on June 17, 1958, by a record vote of 88 to 1.

KENNEDY-IVES ANTIRACKETEERING BILL

In the CONGRESSIONAL RECORD, volume 104, part 9, page 11486, I find that such distinguished statesmen as Senators Knowland, McClellan, Mundt, Morton, Bricker, Bridges, Byrd, Capehart, Lausche, Dirksen, and others voted for the Kennedy-Ives anti-labor-racketeering bill. When this legislation was considered on the floor of the House on August 18, 1958, just 2 months later, it was defeated by a vote of 198–190. In

the CONGRESSIONAL RECORD, volume 104, part 9, page 11483, I am herewith quoting verbatim, a statement made by Senator MUNDT of South Dakota in one of the closing speeches on the Kennedy-Ives antiracketeering bill:

"By and large, Mr. President, we move in the right direction with the bill we are passing this evening. I have been in Congress long enough to realize that we make haste slowly in any type of reform legislation. I am glad that we have come as far as we have. I again salute the Senator from California on making this much progress possible, by insisting on the amendments that he did insist upon when S. 2888 was before the Senate. I trust that we will be given an opportunity before we adjourn to act on the final passage of legislation in this field. I sincerely hope that in our consideration of the pending legislation we have not been engaged in a 5- or 6-day parliamentary gesture of futility.

I am proud to say that I voted for this legislation when it was on the floor of the House on August 18, 1958, and had our Members adopted this antiracketeering Kennedy-Ives bill which was passed by the other body by one opposing vote, we would not be embroiled in this complex, complicated problem of considering three separate bills under an open rule. This legislative procedure means that 435 Members will try to write a complex labor bill on the floor of the House. If the bill which we pass this week proves to be fair to labor, management, and the public, it will be a legislative miracle.

LEGISLATIVE HISTORY REPEATS

I mention this situation because I think it is time for the Members to stop, look, and listen, and review some of our experiences in the past when the Congress is called upon to enact complex legislation under the heat of high-pressure and highly financed lobbies who are inundating the postal service and the telegraph offices with letters and telegrams from people over the country recommending that we vote for such and such a bill. I venture to say that more than half of the Members in this House have not read or mentally digested in toto any of the three long and complex bills now under consideration by this body. The legislative picture and frenzied environment this week is almost identical with the days that the Taft-Hartley was considered on the floor of this House back in 1947. At that time, each Congressman received hundreds of telegrams, postal cards, and letters which were sent pro and con with almost similar frenzy and feeling. We enacted the Taft-Hartley law which was vetoed by President Truman. His veto message contained the statement that the bill would lead to confusion, chaos, and bitterness between management and labor. I remember the speeches made during the debate by sponsors of the Taft-Hartley law wherein they inferred that if it were enacted, we would step into a millennium of labor management peace and that loss of man-hours and devastating strikes would be a matter of history. Former Senator Taft before he passed away, was recommending 19 amendments to the Taft-Hartley law. During the 5 succeeding years after the Taft-Hartley law was enacted, our country was inflicted with more devastating strikes and loss of man-hours than in any like period of time in its history.

It was not many months after the Taft-Hartley law was enacted, when the turmoil, propaganda, and confusion subsided. The American people, including the millions of members of organized labor only then realized what happened. There is no doubt in my mind that President Truman's veto and opposition to the Taft-Hartley bill in 1947 contributed greatly to his election in 1948. Six Congressmen from Indiana who supported the Taft-Hartley law did not return in the election of 1948, and similar political repercussions occurred in many congressional districts in other States.

SLOGANS AND RIGHT TO WORK

We find that some of these same lobby groups are broadcasting slogans in order to enact restrictive labor legislation in this Congress. We had an example of a beautiful slogan used by antilabor forces in 1958 but that beautiful slogan called the right-to-work law was soon uncovered in its true light by the American public. One of the main sponsors of that legislation was defeated for governor by a million and one-half votes in the State of California. Last November, we learned from election results in Connecticut, Ohio, Indiana, and other States that once the American people recover and learn the true facts, they walk into the ballot booths in droves to reject the forces that misled them in the frenzy and high-pressure lobbying tactics which pertain to legislation involving the working men and women of this country. In 1956, in the State of Indiana a Governor was elected by almost 350,000 majority principally on the statement that he was opposed to legislation under the heading of that beautiful slogan, the right-to-work law. When he took office in January 1957, the National Association of Manufacturers and the Chamber of Commerce in Indiana, through their unseen propaganda organizations, inundated him with letters and telegrams and he did a political double somersault on the right-to-work legislation. Only last November, in his candidacy for the U.S. Senate, he was defeated by almost 250,000 votes. In the last Congress, Indiana had 2 Democratic Congressmen out of 11. Last November, the people of Indiana sent 8 out of 11 Democratic Congressmen to Washington largely as a protest against the phony labeled "right-to-work" law. I mention these facts because a great many first-term Members on the floor of the House are receiving a new experience in legislative operations and their judgment and mental equilibrium might be swayed by the avalanche of highly financed pressure propaganda through telegrams and letters on legislation of this type.

PROPAGANDA

I hold in my hand a dozen telegrams sent to my office from the city of Chicago. Each telegram contains the names and resident addresses of one of my constituents in Lake County, Ind. These telegrams have practically the same wording and same message to support the Landrum-Griffin bill. It is apparent that some highly financed propaganda organization in the city of Chicago paid for and sent these pressure messages and either with or without authority from the names signed to these telegrams, are trying to influence votes on this pending labor management legislation which the House is considering this week. No doubt other Members are receiving the same highly organized propaganda which is very similar and in some cases, identical with the lobby tactics carried on by the National Association of Manufacturers and the chamber of commerce during the days when the Taft-Hartley bill was considered on the floor of this House 12 years ago.

I do hope that for that reason, they make a complete study of these bills now under consideration and cast their votes with fairness and good judgment because it will not be many months and all the people back home will know the true facts of the provisions of the complex legislation which passes the House of Representatives this week.

ANTILABOR PROVISIONS

A few of the restrictive antilabor provisions in the so-called Landrum-Griffin bill are:

First. If a professional disturber—drunk or otherwise—employer representative, or Communist agitator would be disciplined by the presiding officer at a union meeting, the presiding officer could be subject to a 2-year jail sentence for using his power to chastise or exclude this agitator from disrupting the meeting.

Second. This bill would require even the smallest local union without paid officers to file long and complicated burdensome redtape reports.

Third. It would violate the long-accepted rights of organized labor to protect its membership against the necessity of handling products manufactured or distributed by sweatshops or companies engaged in a strike.

Fourth. It would prohibit any union from advising the public that an employer is unfair to labor, pays substandard wages, or operates a sweatshop despite Supreme Court decisions that have held a union has not only a right but a duty to speak out against such abuses.

Fifth. The major power a union has at the collective bargaining table is the right of its members to peacefully picket and this bill would place impossible restrictions on honest labor unions to function effectively.

Sixth. Under the so-called no man's land numerous labor disputes would be relegated back to the States which would promote confusion, lawsuits, and ineffective enforcement. Labor laws in some States would completely nullify Federal laws.

Seventh. The above and other restrictive limitations would place labor back to the days of "yellow dog" contracts and injunctions.

During the debate this week we will hear a great deal from some Members about the witnesses connected with organized labor who appeared before the McClellan committee. We should remember that compared with the thousands of honest and conscientious labor

leaders throughout the country, the leaders connected with organized labor who appeared before the McClellan committee and took the fifth amendment, would be a fraction of 1 percent of the thousands of conscientious officials of organized labor in America. We are going to hear very little of the racketeering and dishonesty on the part of management, employers and their hired racketeers who have been dealing over the years, under the table, with dishonest labor officials.

JACK PAAR SHOW

Mr. Speaker, I am going to herewith ask for permission to include an excerpt from the transcription of the Jack Paar television show of July 23, 1959, when Jack Paar interviewed Robert Kennedy, special counsel of the McClellan Senate committee investigating labor-management racketeering.

JACK PAAR. Management's guilty too?

ROBERT KENNEDY. There's not any question—management—some of the biggest companies and corporations in the United States set Dave Beck in his various financial deals. Well, we have exposed at least 50 big companies and corporations since the beginning of this committee—some of the biggest ones in the United States—who have been involved in various deals (p. 6).

Mr. PAAR. Big companies and well-known companies?

Mr. KENNEDY. Would you like me to name some of them?

Mr. PAAR. I've never backed down yet.

Mr. KENNEDY. Well, the Anheuser-Busch Co., the Freuhauf Trailer Co., the Associated Transport Co. all had deals with Dave Beck.

Mr. PAAR. None of our sponsors. Go on.

Mr. KENNEDY. Sears Roebuck Co., Morton Frozen Food Co., the Whirlpool Co.

Mr. PAAR. You're getting warm.

Mr. KENNEDY. With Nathan Shefferman you had some of the biggest restaurants, in the Chicago area, who were set up—hire gangsters and hoodlums—for a period of some 20 years—to handle their labor-management relations. The Commercial Carriers Co. of Michigan, which was a big trucking company that set Dave Beck—set Jimmy Hoffa up in a trucking company after he came in and settled a strike for them. You have the fact that Dave Beck—that Jimmy Hoffa has made side deals with the Riss Trucking Co. and other trucking companies which was against the interests of the union membership. You have the cartage companies, here in New York City—you have dozens of small corporations and companies which have made "sweetheart" deals with gangster-run unions, here, in New York City, which results in starvation wages for tens of thousands of Puerto Rican and Negro workers.

Mr. PAAR. Yes, I—that was the one I heard where they were paying off (p. 7).

The Shelley bill outlaws and provides heavy penalties against both labor leaders and management on cases similar to this transcript.

The Shelley bill has the endorsement of the AFL-CIO, Railroad Brotherhood and numerous branches of organized labor. Of course, this bill will have the opposition of members who feel that this legislation would not be confined to anti-racketeering and dishonesty but should include restrictive legislation against the vast majority of honest, sincere unions and their officers. The leaders of the AFL-CIO have, at their recent conventions, officially taken effective steps toward cleaning up labor's house by ostracizing several unions with memberships amounting to about one-tenth of its total.

LABOR DEFEATS COMMUNIST INFILTRATION

Newspapers and magazines print very little about the outstanding contribution organized labor has made since World War II to curb Communist infiltration and communism within the labor movement. International communism realizes that if they can control labor not only in this country, but in other nations, its goal for world enslavement is practically won. International communism is not interested in infiltrating the National Association of Manufacturers or the chambers of commerce of this country, but they have centered their finances and strategy on controlling labor. The Government, business, industry, and the American people owe an everlasting debt of gratitude to the successful job that such men as William Green, Phil Murray, George Meany, Dave McDonald, Walter Reuther, George Harrison, William Doherty, and dozens of other outstanding labor leaders have accomplished in forcing Communist leaders and Communist agitators out of the labor movement in this country. These leaders have not only defeated the Communist onslaught on American labor, but during the last 12 years, have sent representatives on numerous trips across the water to aid free labor in France, Italy, West Germany, and other European areas to defeat the Soviets from taking over labor in those countries. This anti-Communist project by American labor in Europe did not cost the taxpayers 1 cent. We are now witnessing the spectacle of powerful, industrial, and business concerns using the force of their propaganda machines to destroy the men who are the very bulwarks against Communist infiltration on our American economy.

GOLDWATER-LANDRUM-GRIFFIN BILL

In the Rules Committee hearing on this bill last Wednesday, Congressman LANDRUM became very much disturbed because I mentioned the National Association of Manufacturers as the author or sponsor of this bill. Of course, we all know from the highly financed propaganda barrage of letters and telegrams into congressional offices that the National Association of Manufacturers has released all of its power for this Landrum-Griffin bill.

I now want to issue a public apology to the National Association of Manufacturers in accusing them of authoring this bill. On last Friday's August 7, Dave Garroway television program, I learned the facts about the authorship and origin of the Landrum-Griffin bill. Only yesterday I called the National Broadcasting Co. and asked them for a transcript of Senator BARRY GOLDWATER's interview with Martin Agronsky on that morning concerning this legislation. The transcript arrived at my office this morning and I can now inform the Congress as to the origin of the Landrum-Griffin bill as it came directly from the distinguished statesman from Arizona. I have the transcript of the Goldwater-Agronsky interview in my hands and I will read verbatim from page 4:

Mr. AGRONSKY. Who helped write the Landrum-Griffin bill?

Senator GOLDWATER. I don't know—in fact—I—I know the contents of it—I—I—if you want to know the truth, I think it's mostly the administration bill that I introduced in the Senate.

I personally do think that we should not deprive Senator GOLDWATER of the results of his long work over the years on labor legislation. I know that Congressmen LANDRUM and GRIFFIN want to be fair and reward the Senator from Arizona for his long toil on this legislation so I would suggest at the proper time that this House should promote good feeling between the two legislative bodies and give credit to the Senator from Arizona, Mr. GOLDWATER, which in a small way will recompense him for his long months and years of work on labor legislation and title this legislation the Goldwater-Landrum-Griffin bill.

The public is rapidly learning that it was the political strategy of former Secretary of the Treasury George Humphrey who sparkplugged the administration and the National Association of Manufacturers against the Kennedy-Ives bill. If the Kennedy-Ives antiracketeering legislation was enacted in June 1958, it would have crippled the Republican campaign for the phony right-to-work legislation in many States over the Nation.

The American voters rejected this Republican strategy by a landslide in the last election. Maybe Secretary Humphrey who is also the braintruster for big steel might have decided a steel lockout during August of this year might crystallize public opinion for antilabor legislation.

My hope is that the dozens of new Members who rode into Congress on the Republican right-to-work bill in 1958 are not political victims of the highly financed National Association of Manufacturers' propaganda against the working men and women and ride out in 1960 on the tail of the Landrum-Griffith antiunion legislation.

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. BARDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8342) to provide for the reporting and disclosure of certain financial transactions and administrative practice of labor organizations and employers, to prevent abuses in the administration of trusteeships by labor organizations, to provide standards with respect to the election of officers of labor organizations, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the con-

sideration of the bill H.R. 8342 with Mr. WALTER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. BARDEN. Mr. Chairman, I yield 15 minutes to the gentleman from Arizona [Mr. UDALL], but before the gentleman proceeds I would like to state to the House that this will be a rather unusual proceeding. Normally there are two groups, you might say, that are interested on the floor of the House in legislation. In this instance, there will be three bills on the floor of the House for consideration. We are troubled with the problem of the division of time, of course, but in order that you might follow the proceeding, the gentleman from Arizona [Mr. UDALL] will discuss the committee bill, the gentleman from Georgia [Mr. LANDRUM] will discuss the Landrum-Griffin bill, the gentleman from California [Mr. SHELLEY] will speak on the Shelley bill and as best I can, I shall try to keep Mr. SHELLY from speaking on the Landrum bill and Mr. UDALL from speaking on the Shelley bill, and so forth.

I wanted everyone to have this word of explanation because recognition will be handled in such a way as to not further confuse the situation.

Mr. UDALL. Mr. Chairman, this bill unquestionably from the standpoint of the gravity of the legislation and the interest of the country is certainly the high point of this session of the Congress. One of my colleagues jocularly referred to this legislation and says that we have misnamed it; according to him, it should be called the Congressional Retirement Act of 1959. I do not know about that, but I do know there are very grave issues involved that we must discuss.

I am speaking today as a pinchhitter. Our colleague who was scheduled to deliver this address, the gentleman from Alabama [Mr. ELLIOTT], has been stricken and is in the hospital. Mr. ELLIOTT has a prestige I cannot hope to have and I believe in a very real way this bill—the committee bill—personifies CARL ELLIOTT in that it is moderate, it is sensible, and it puts the country first. Therefore, I am proud to try to fill in for CARL today.

Let me say one other thing, too, before I begin my remarks. I would be ungracious if I did not at this time pay a compliment to the chairman of our committee, the gentleman from North Carolina [Mr. BARDEN], who through very long and arduous hearings presided with complete fairness and who, throughout proceedings that would have tried the patience of Job, presided with justice and fair play, and we are all indebted to him for the fact that we have a bill here today.

Now, to start my comments today, I should simply like to say that above all we need facts. We need an honest search for truth here. We have had wires from people; we have been deluged by mail. I submit to you that these people do not know what is in these bills. The ultimate of the legislative process is that we sit down here on the floor to discuss these bills and search out the truth as best we can.

My colleagues, if you want to have a rich experience, get the New York Times today and read the address that the Speaker of the House delivered to the Nation last night. I do not know what speeches will in time be gathered in the archives of the little library in Bonham, Tex., but there is greatness written across this speech. If we are wise enough to take his advice in these proceedings, we will come out at the right place in the end. So, let us put aside all slogans and emotions and get down to some plain, old, hard thinking.

Now the committee bill was ridiculed here today. Indeed, this is one of the strangest paternity cases that I know of, because all the 30 members of the committee were in the delivery room, and no sooner was the child born than everybody rushed to the nearest exit to deny paternity. The truth is that it has a good birth certificate. It is the only bill that was written by a committee. It is that simple.

My friends, you have not been getting wires; we have not been receiving letters saying "Back the committee bill." There is a very good reason which explains this lack. About every 12 or 15 years a great collision occurs between the two great, powerful special interests—management and labor. One of them backs the Shelley bill; the other the Landrum-Griffin bill. Of course, they are not for the committee bill. Why? Because it is a compromise, and it is about that simple. So, if you want to know whether we have any lobbies back of it, the answer is that we do not. What we do have is, we have a lot of hard committee work. Our committee, as you know, worked 16 days to produce this bill. There will be talk about bipartisan bills, but in the very best sense of the word, the only bipartisan bill before you is the committee bill. There were shifting majorities; some of us voted with the Republican members to preserve key provisions of the Senate bill. I must state that our Republican colleagues were completely honest and responsible in their voting on the vital amendment. They were on the prevailing side much of the time, and they deserve a great deal of credit for the committee bill.

The Speaker, in his address last night, made this statement:

> This middle road, the road of reason and fair play, is a hard one to walk, but more often than not it is the path of common sense and of justice.

Mr. Speaker, you are right. It is a hard road to walk; it is often a brutal road—and some of us have some welts on our backs to prove it. I want to reiterate, too, that there were contributions made—for we worked as a committee in the way committees usually work—that every member of the committee, Republicans and Democrats alike, made contributions to the committee bill. There were some very great contributions: For example, the gentleman from New Jersey [Mr. THOMPSON] and the gentleman from Michigan [Mr. GRIFFIN] worked out a solution that enabled the committee to discard the ridiculous Communist oath which the other body had required every employer in this country to file annually. This was a constructive accomplishment, and they deserve the credit for it. And we borrowed from the gentleman from North Carolina's bill [Mr. BARDEN] his sections on employer reporting and broad investigatory powers for the Secretary of Labor. The gentleman from Pennsylvania, [Mr. KEARNS] provided the essence of our no man's land section. And so it went, each member of the committee making, in his own way, his contribution. So, you can ridicule the committee bill if you want, but it is a product of the normal process, and it has the same birth certificate that any other bill has when it comes to the floor from a committee of this House.

As a matter of fact, there is only one way really to judge the product of a committee's work, and that is how it is treated by those who participated in its deliberations and later drafted the Landrum-Griffin substitute.

The first 10 pages of the bill contain the declaration of purposes and definitions: the Landrum-Griffin bill and the committee bill are identical; not a single change. Then there is the bill of rights, pages 10 to 16, and there are some changes which I will discuss later. From page 16 on to page 60 there are three significant amendments that occupy a total of about a page and a half. Other than that the two bills are identical.

Title II on reporting, which is one of the vital antiracketeering sections of this bill, is the same except for the small union exemption. Title III on elections is identical paragraph for paragraph, word for word. The fourth section is on trusteeships, and in the long haul, because this is vital foundation legislation, the election and trusteeship sections may be the most important of all in producing beneficent reform. They are identical, paragraph by paragraph, word for word. The safeguards for labor unions you will find in title V, are also identical.

There are only two changes in title VI, which has important miscellaneous provisions. In other words out of a bill of 72 pages, with the exception of about 13 or 14 pages, the remaining provisions are identical. In other words, the "tough, strong" Landrum-Griffin substitute has the same reform provisions as the "weak and watered down" committee bill.

It was mentioned earlier today that there were 102 amendments the committee added to the Senate bill. That sounds like a lot of amending. I traced down the treatment accorded those 102 amendments by the framers of the "strong" substitute, and I want to give you a report on it.

In the Landrum-Griffin bill—and those who drafted it were gentlemen who knew good work when they saw it—80 out of the 102 amendments were accepted in toto, 8 were accepted with changes, and only 14 were rejected. In other

words, we had a batting average of about 85 percent.

Thus, the quarrel narrows down to six issues. The chairman of the Committee on Rules, our esteemed Judge SMITH, was quite candid in his address a few moments ago when he pointed out that the real issue is no longer labor reform and racketeering but the great power struggle between labor and management over Taft-Hartley Act amendments.

The first issue is the bill of rights. It has been said that the House committee "watered down" the Senate bill of rights. Someone even used the expression that we had "gutted it." This is one of the least technical sections of the bill, and I am not going to express any profound opinion to you today on its merits. Each of you can take 30 minutes or so and sit down and compare the Landrum-Griffin and Elliott bills of rights. And I will submit this to the judgment of every Member of this House. Make your own analysis and, when you finish you will see that every right conferred in the Senate bill is conferred in the House bill; indeed, that we spelled them out more clearly, that we eliminated vagueness. Every right and every remedy is there. So I think that disposes of that issue. It really never has been an issue, and I doubt that it will be mentioned much in the debate.

Let us pass on to No. 2. That is the small union exemption. The other body passed the buck on this issue to the Secretary of Labor and gave him power to exempt small unions if he saw fit to do so. The House committee, in its judgment, took the bull by the horns and made a public policy decision in this field.

I submit to you that this particular issue is a nice question. It is a question that I think two reasonable men might differ on.

Now, the reasons why the committee did what it did were these. There has been a long history in Congress of exempting small business from regulatory acts. Last year, in the welfare and pension fund legislation, as you will remember, we exempted employers who had under 25 employees. The reason, of course, is that it is burdensome on small people. Most small unions in rural areas do not have paid officers. These are people who keep their books in their homes. We felt it would be unduly burdensome for them. It is also true, too, that the smaller the unit, the more jealously the people guard their rights and the more democracy and open dealing they have in their union business affairs. But, the will of the committee in this instance was to declare the exemption and to set it out, and I think the case for doing it is probably as strong as any case that can be made against it.

The next question that is raised is that we struck out the criminal penalties in the act. There was in the bill passed by the other body a broad and sweeping criminal provision. I want to read to you the language of this because every time I read it, I hark back to some of the debates that we had 2 years ago on the civil rights bill.

The provision is as follows:

(b) It shall be unlawful for any person through the use of force or violence, or threat of the use of force or violence, or by economic reprisal or threat thereof, to restrain, coerce, or intimidate, or attempt to restrain, coerce, or intimidate any member of a labor organization for the purpose of interfering with or preventing the exercising by such member of any right to which he is entitled under the provisions of this Act.

That is a broad, sweeping criminal penalty, and for my own part, if the sponsors of the Landrum-Griffin bill say that this provision makes their bill tough, I will concede that point—it is tough. In my opinion, it is too tough. Anybody who has ever worked as a prosecuting attorney knows that unless the penalty fits the crime you cannot get convictions and the law is not workable. It is just as simple as that.

As far as violence is concerned, we have State laws. We have always left to the States to prosecute cases of assault and battery and crimes of violence. If someone wants rewrite a Federal statute merely to cover violence that would be one thing. But, so far as a "threat of violence" and an "attempts to intimidate"—that is one of the things that frightens every honest labor leader because he cannot know when one of his acts will be misconstrued. To me, this section is far too drastic.

I say to you that there are no less than 10 or 11 other criminal penalties in this particular bill. The fines run all the way to $10,000 and prison terms for as long as 20 years.

Now, we come to the fourth issue, and that is the issue of "no man's land". In all candor, I say that this particular issue has nothing to do with labor reform. The "no man's land" problem is a disgrace, in my opinion, but it has nothing to do with labor reform. So let us discuss it as a nonlabor reform issue. It has no significance with regard to whether this is a strong or weak anti-racketeering bill. In the first place, the basic question on the "no man's land" question is—which is the best solution? Our committee put forward one solution. The other body put forward another solution. The Landrum-Griffin bill puts forward a third solution. Our "no man's land" provision is taken bodily from the Kearns bill which is based upon recommendations made by a downtown management consulting firm—the McKinsey Report conducted for the NLRB.

The Elliott bill requires the NLRB assert its full jurisdiction. Let it perform its job before we may make an attempt to cede away jurisdiction and then if there is a "no man's land" left we can do something about it.

The vices of the Landrum-Griffin proposal are several.

First, with reference to the jurisdiction of the States and the State labor relation law agencies, I would say offhand that 35 or 36 of the States do not have labor relations agencies that can administer the National Labor Relations Act. The real vice of the Landrum-Griffin bill is that it turns these cases over to the State and local agencies to handle under State laws.

Once that is done, all the machinery for elections provided under the NLRB, all of the unfair labor practices regulations that protect worker and employer are stripped away. You have, in effect, exempted all of these people from all of the rights accorded them under the Labor-Management Relations Act. So one can argue if one wishes that this is better or that is better. The truth of the matter is, in my opinion, none of the three proposals I have discussed here provide a perfect solution. They do not, because this problem is too complex. I personally think the committee solution is the best of the three that have been proposed.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. UDALL. Would the gentleman from North Carolina yield me additional time?

Mr. BARDEN. I yield the gentleman 3 additional minutes.

Mr. UDALL. I thank the gentleman very much.

Now we get down to the last two issues and, of course, this is the real nub of the dispute. It is not any longer a racketeering or corruption dispute; it is a dispute over the Taft-Hartley Act, and we get down to the picketing and boycott provisions. What we have really in this controversy is this: the labor people take the view that any restrictions on organizational picketing are outrageous; the management people take the view—embodied in the Landrum-Griffin bill—that all organizational picketing is outrageous. The committee bill steers a middle course. The committee has the identical picketing limitations that were in the bill passed by the other body.

The President said in his speech the other night that the committee bill did nothing about blackmail picketing. I take issue with his speech writer, and I take issue out of 3 or 4 months study of this problem.

The committee bill does something about the coercive picketing problem. We have in section 704 of our bill a provision for prehearing elections under which an election can be obtained in 30 to 45 days. Therefore, if the blackmail pickets show up, the employer can petition for an election under section 705 of our bill and the election will occur in 30 or 45 days. After the election, of course, the picketing is unlawful and they cannot picket again for a 9-month period.

The CHAIRMAN. The time of the gentleman from Arizona has again expired.

Mr. UDALL. Mr. Chairman, will the gentleman from North Carolina yield me a little additional time in order that I may finish my statement?

Mr. BARDEN. I am sorry, but it is difficult to find enough minutes in an hour.

Mr. UDALL. Will the gentleman on the other side yield me a little time?

Mr. BARDEN. The gentleman understands that if he takes more time he will be taking it from his colleagues and members of the committee. I will give the gentleman 3 minutes of my time.

The CHAIRMAN. The gentleman from Arizona is recognized for 3 additional minutes.

Mr. UDALL. I thank the gentleman from North Carolina for his generosity.

Under the Landrum-Griffin bill blackmail picketing can be stopped after 30 days. The committee bill would give an employer a weapon to stop such picketing in not more than 45 days. The difference between 30 days and 45 days is 15 days which should be almost enough to make a Democrat vote for a Republican bill.

Now let us get on to the subject of secondary boycotts. One would never know from the President's speech the other night that the Taft-Hartley Act which was passed 12 years ago outlawed secondary boycotts; and the example he gave in his speech, so the New York Times said, was an example of a secondary boycott that has been unlawful for 12 years.

The bill passed by the other body, and we have every paragraph of it in our bill, deals effectively with "hot cargo" contracts. We accomplished this with precision. The Landrum-Griffin bill secondary boycott section uses a meat cleaver instead of a scalpel and would go far beyond the regulation of secondary boycotts. This is one of the chief reasons that the labor people shout "punitive" at the Landrum-Griffin bill. If a steelworker today who is walking a picket line says to a fellow worker: "Do not go in, please respect our picket line," that is a secondary boycott under the Landrum-Griffin bill. This is a radical and sweeping provision that goes far beyond the announced purpose of its framers. On the other hand, the Elliott bill followed the Senate pattern and closed the "hot cargo" loophole.

Mr. Chairman, I want to reiterate in closing that we on the committee have no special-interest groups back of us. But we do have two great flags that we fly. On the one hand, we fly the flag of reasonable compromise. We fly one other, and we fly it proudly. That is a battle-worn flag that has been flying hereabouts for nearly a half century. It is the flag of a gentleman whose judgment at times like these is soundest of all—the flag of the Speaker, the Honorable SAM RAYBURN.

Mr. BARDEN. Mr. Chairman, I yield 15 minutes to the gentleman from Georgia [Mr. LANDRUM].

Mr. LANDRUM. Mr. Chairman, on the 27th of July, together with the gentleman from Michigan [Mr. GRIFFIN], I introduced H.R. 8400, a bill designed to end corrupt practices in labor-management relations. We took this action because the bill H.R. 8342, the committee bill, reported by the House Committee on Education and Labor, failed miserably, in our opinion, to meet the minimum requirements in law for ending such wrong, such corruption, as has been shown to exist. Our decision is fortified by more than 3 months of hearings before the House Joint Subcommittee on Reform Legislation and further fortified by a careful study of the findings in hearings before a select committee of the other body.

I have listened with much interest to the remarks of the distinguished gentleman from Arizona in support of the committee bill, who, incidentally, was not a member of the joint subcommittee which heard the evidence. I must say in all frankness, that I feel that had the gentleman been a member of the joint committee, and had the privilege and opportunity of sitting with me and listening to the trials and tribulations poured forth from the minds and hearts of men and women from across our great country, the gentleman's viewpoint might be somewhat different.

The basic issue, I respectfully submit is this: Does the committee bill do the job? Does the committee bill in the words of our distinguished and honorable Speaker "control racketeering and hot cargo contracts?" Does the committee bill, again in the words of my distinguished Speaker, "outlaw objectionable types of organizational picketing"? The issue is not—I repeat is not—whether the committee bill is "soft" on the leaders of organized labor or whether the substitute which I shall propose is "hard" on such leaders; but, rather, which bill in view of the evidence in this body and the other before the McClellan committee will do the job fairly, justly, and thoroughly. In order to put this tremendous problem in proper perspective, let me be both specific and factual.

First, I shall touch briefly the no man's land problem to which the gentleman preceding me alluded in the closing part of his remarks. The no man's land is simply this: The National Labor Relations Board says that if the effect of the business of a company before that Board on interstate commerce is so trivial that it does not come within criteria set out by that Board, it will not hear the complaint. Likewise it says the same thing about a union member or an employee. The Supreme Court has held that is all right. But the Supreme Court has further held that because the Federal Government has legislated in this field it has preempted it. Therefore the State agencies and State courts have no jurisdiction. So we have a no man's land. We have an area in which people who have been wronged, businessmen, businesswomen, union members and workers who have been wronged, have no forum to go to in order to get relief. That is the no man's land.

What do we do? We recognize, as the gentlemen in the other body recognized, that something had to be done. The Senate Bill provided: We will permit State agencies other than courts to handle it. But we find that only 10 of the now 50 States have State agencies, leaving about 40 States without any forum and still with a no man's land.

So, what do we do? The committee says "No" to the decisions of the courts. The committee says "No" to the decisions of the National Labor Relations Board, and the committee says You shall take jurisdiction of all labor disputes, thereby bringing about complete federalization of all labor complaints, regardless of how trivial or how small the effect on interstate commerce. What do we say? We say we recognize the National Labor Relations Board decision not to go below that cut-off line and we say that State agencies, including State courts—State courts, that is all we say—shall have the right to hear these complaints where the effect on interstate commerce is trivial. That is all there is to the no man's land. We give them a place to go to get relief.

Now, let us get on to the next problem. Let us consider the matter of secondary boycotts. The committee bill deals with this problem only in section 705 where it proscribes the formal execution of hot cargo contracts between the unions and those common carriers subject to part 2 of the Interstate Commerce Act. That is all it does. But, knowing something of the circumstances under which the committee bill was written, it is not too shocking to learn that that is substantially our law today, and even this "dose of mild medicine," however, is subject to two provisos in the committee bill: the first, that no employee shall be required to enter upon the premises of an employer who is engaged in a labor dispute, not even a legal dispute, and, second, that contracts between the parties may legalize such refusal. The committee bill therefore would be of no assistance to a witness, appearing before the joint subcommittee, from Houston, Tex. In his case, although there was no strike by the employees, and although no picket line appeared around his place of business, numerous neutral employers refused to provide him service. Why? Because of the "overpowering authority, monopolistic, and financial practices" of the Teamsters Union.

Nor would H.R. 8342 correct the secondary union pressure applied against the distributors and customers of a poultry processor of my district in Georgia; or the customers of a packing company in St. Louis, Mo.; or the customers of a sheet metal manufacturer in Akron, Ohio; or the buyers of a poultry dealer in east Texas.

Similarly, the committee bill would be of no assistance to a small family apple processor in California who, after 16 of his 17 employees voted against the union, had boycotts instituted against his customers in Los Angeles, San Francisco, and other markets. Nor would the Dairy Association in Utah be helped when its customers in New York City and elsewhere were subjected to union pressure for months; nor a county dairy in California which had its customers' stores in Seattle, Spokane, San Francisco, and Los Angeles boycotted, resulting in a loss of sales of $80,000 a week.

The alleged committee bill would be of no assistance in these cases because it does not deal with union pressure against secondary or neutral employers. The substitute bill which I shall propose in section 705 would close this loophole.

Now, secondly, let us consider the problem of organizational and recognitional picketing; and, let us again be specific and factual.

The joint subcommittee of the House heard testimony showing that a small restaurant in Peoria, Ill., was picketed for 10 months; an automobile dealer in

Galesburg, Ill., was picketed for 3 years; a family restaurant in San Francisco was picketed for more than 925 days; an automobile dealer in St. Charles, Mo., has been picketed continuously since April 1, 1957.

In none of these situations, I repeat, in none of these situations, would the committee bill be of assistance, since no union had been properly recognized under Taft-Hartley and since no election had been held during the preceding 9 months.

Likewise, the committee bill would be of no help to the filling station operator in Morton Grove, Ill., who was picketed by the Teamsters 24 hours a day for 3 years and 2 months.

Hearing, as I did, so many instances of atrocious abuse of union power, I could well sympathize with the owner and operator of a small grill in Peoria, Ill., who said, in answer to the statement that punitive pickets would come back after her testimony before a congressional committee: "Well, somebody has to do something sometime. It might as well be me." What will be the answer of this Congress to this courageous little lady? She might be the lady to whom you went in to have a cup of coffee and left your card.

It is also difficult to refrain from sympathizing with the problem of a small ice company in Denver, Colo., which, because of the mere wording of a picket sign, could obtain no relief under present law although the Teamsters Union represented none of its employees.

The substitute bill would correct these situations. It would prohibit such picketing: where another union has been lawfully recognized; where a valid election has been held within the preceding 12 months; where the union cannot show that it represents at least 30 percent of the employees; and, where picketing has been in progress for a reasonable time—not exceeding 30 days—and no petition for an election has been filed. Now what is unreasonable about these restrictions? What is punitive about that? What union is going to be "busted" with them?

I imagine that it will be suggested and argued strenuously later in House debate that such problems as I have set forth will be solved by requiring the National Labor Relations Board to take jurisdiction over all labor disputes. This argument I submit, however, is neither factual nor correct.

For years subsequent to the passage of the Taft-Hartley law the Board did not condemn either recognitional picketing or organizational picketing by a union not representing a majority of the employees. In the Curtis Brothers decision, 119 NLRB No. 33, however, the Board finally—10 years after passage of Taft-Hartley—held that picketing for recognition by a union after it had lost a representation election was unlawful for 1 year. The U.S. Court of Appeals for the District of Columbia disagreed, holding that, under present law, minority picketing whether for "organizational" or "recognitional" purposes was lawful under section 8(b)(4)(c) of Taft-Hartley, absent certification of another union by the Board. In another case where facts are identical, the Fourth Circuit Court of Appeals disagreed and the matter is now pending on certiorari in the Supreme Court. There is, therefore, no definitive or final word even as to this area of picketing activity.

The committee bill, however, would limit this limited proscription, by allowing minority picketing after 9 months, subsequent to a lost election, or even allowing picketing immediately after a lost election if the union then claimed that it has signed up on application cards a majority of the employees. It certainly does not tax the imagination to envision Jimmy Hoffa and his Teamster business agents driving helter-skelter through this elephantine loophole in the law.

But this is not all. Neither the committee bill nor present NLRB law even pretends to deal effectively with organizational picketing. As a matter of fact, the Board, in applying the Curtis decision principle, repeatedly has made it clear that its decision was in no way concerned with organizational picketing. Nor would advertising picketing, or picketing to strengthen the union's bargaining position with other employers be limited under either the committee bill or NLRB case law.

Precisely what this means to American small businessmen and women is seen by a letter sent by a local of the Teamsters to employers in the Chicago area. The letter stated in part—listen to this:

> Local 710 IBT has decided to embark upon a campaign to organize your office and clerical employees. * * * We wish to make it clear that local No. 710 does not at this time represent * * * a majority of your office and clerical employees. * * * The purpose of our picketing is solely to call to the attention of union members and supporters of organized labor that your office and clerical employees are not members of local No. 710. * * * You may * * * explain these detriments (loss of patronage) to your employees and urge them to apply for membership in the union and therefore acquire for themselves and for your company the good will of our union and its friends. * * * We feel sure that if your employees * * * are convinced that it is your sincere desire that they join the union they will quickly realize that acquisition of union membership at the earliest opportunity is in their best interest.

Is this an "objectionable" type of picketing, Mr. Chairman? Do you want to stop such activity?

With the employers' deliveries thereby shut off, with his employees and customers thereby intimidated, with the very lifeline of his business in jeopardy, one is prone to inquire: Is 20th century America living within the age of enlightenment and reason? If this Congress permits such blackmail to continue, is it difficult to foresee the economic, the social, and the political consequences to our children and our grandchildren? If we want to stop such blackmail picketing, we have got to deprive the goons and racketeers of these weapons.

I submit that the American men and women who testified on such atrocious abuse of the secondary boycott and organizational picketing line are entitled to adequate and meaningful relief.

Can this great House, with its responsibility to all Americans, do less? Can we close our eyes and our ears to these acute—these life-and-death problems, and pretend they do not exist, because perhaps we wish they didn't?

Now, before concluding, I would say a few words about title I of both bills and their rights for union members.

The substitute bill proposes to restore these criminal penalties, as set forth in the Senate bill. The reason for this is simple. Can we afford to ignore the case of a St. Louis member, who while being ejected from a union meeting had his front teeth knocked out, his cheek bone fractured, his lung punctured, and several ribs and his nose broken? Can we satisfy our conscience with a civil injunction, against a future violation only, for the member, who after speaking his mind at a meeting, was clipped from behind? In the words of the senior Senator from Arkansas:

> Since extraordinary powers of industrial government are granted to unions, and protected by Federal law, it is entirely appropriate that the Federal Government insure that those union members' rights and personal freedoms contained in the Bill of Rights of our Federal Constitution will not be willfully violated by force.

I have spoken of what the substitute bill seeks to do; but, it is also pertinent to ask what it would not do.

The substitute bill would not prevent a single American working man or woman from joining voluntarily any union of his or her choice. The substitute bill would not prevent any union from negotiating collective bargaining contracts, with the traditional right to strike.

The substitute bill would not prevent any union from seeking to organize employees in legitimate ways; and secure exclusive bargaining rights through an NLRB election, or through voluntary and uncoerced employer recognition.

The Congress in 1935 by the Wagner Act conferred great powers and great privileges upon the labor unions in this country. Such powers were intended for the benefit of the workingman and workingwoman in this country; and not power for the benefit of the Hoffas, and Becks, or the Johnnie Dios. Is it too much to expect—yes, is it too much to demand, that these powers and privileges be used in a democratic and American way. That is all the rights for union members says, and they must be a member of a union to get these rights. Again, in the words of the senior Senator from Arkansas, the distinguished JOHN MCCLELLAN:

> I say with all the force at my command, the substitute bill is not designed to penalize that which is good, but only to prevent that which is evil.

It is not designed to penalize that which is good. It is only to prevent that which is evil. That is what the substitute bill does. That is the only punitive part about it that I can find, if it is punitive, it is to stop that which is evil and help that which is good.

In conclusion, I repeat, the issue is this: Shall the Congress accept this challenge? Shall the Congress prescribe reform and make it effective? I respectfully submit that the substitute bill is the minimum required to do the job.

Anything less, in the words of the trucker from Galveston, would in my judgment be a moral principle compromise.

I refuse to believe that this House, I refuse to believe that this Congress, I refuse to believe that this America will buy moral compromise. Our forefathers did not buy moral compromise in 1776. We did not buy it in 1941. And with the help of Almighty God, and the courage that I know every man and woman in the House has, I do not believe that we can, and I do not believe we will buy moral compromise in 1959.

Mr. KEARNS. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. HOFFMAN].

WHY LABOR LEGISLATION

Mr. HOFFMAN of Michigan. Mr. Chairman, it was my privilege in 1953 to serve with the gentleman from Georgia [Mr. LANDRUM], and if I may, permit me to most humbly suggest if you learn about the need for labor legislation and its terms he is a man who has had wide experience with the House Committee on Labor and has sat in on hearings in various places throughout the country. It might be well to read the RECORD tomorrow morning, because his talk covered many of those questions as to the particular provisions carried in the various bills and why he advocated the adoption of the substitute bill. If there is anyone in the House who has a more profound or accurate knowledge of the need than the gentleman from Georgia, it has not been my privilege to meet him.

Mr. Chairman, It is not my purpose to talk about the various bills. That will come later, and that is why we are here and the necessity of doing something. I am thoroughly convinced that this House intends to pass a worthwhile bill, and the main reason is the disclosures made by the McClellan committee and the publicity given by the press and television and all those agencies which deal with publicity have at last so aroused our people that we are driven to it, are we not?

Before the House begins prescribing for the patient, labor, which in reality means union and nonunion employees, employers, the public generally, let us follow the example of everyone who courageously meets and successfully solves any major problem.

If we consider organized labor as the patient, even a casual examination will show that it is afflicted with a malignant, cancerous growth caused by the infiltration of able, unscrupulous, ambitious men, greedy for both wealth and position, who care not at all how they obtain their objective.

If the foregoing be questioned, permit a brief review and summary of the activities of some of the more respected and respectable leaders who have contributed to the present appalling structure which, if continued, means the enslavement not only of the employees in whose behalf they pretend to work, but of industry and the Government itself.

FINANCIAL BURDEN

Through the use of the special laws enacted for its benefit, organized labor, taken over in important areas by lawless individuals, has, through the enactment of legislation giving special benefits, ruthlessly imposed upon its members initiation fees, dues, special assessments, for which there has been no justification; upon the public ever higher prices for services and necessities, as well as for one-time luxuries.

It has collected in this way so many millions of dollars that the Labor Department, though requested by privileged House Resolution 290, was unable to reply. Nor is the information available from any other source.

And the millions so collected have not only to a large extent been unjustly and illegally spent, but have been and are exempt from the tax imposed upon every individual and organization except the few charitable organizations specially exempted by law.

Labor has not only deprived the individual of his right to work when, where, and on whatever terms he might obtain a job, but it has, through organized effort, engaged in criminal activities which deprive the citizen of his ordinary freedom, of his property, without just compensation, subjected him to beatings and many times sentenced him to death.

Lack of time, of finances, and of space prevent a detailed documentation of the foregoing statements, but they are all borne out by records available to the public.

In the past, and long before our forefathers came to this country seeking freedom and progress, labor was enslaved. Still later, and until around 1935 and the passage of the Wagner Act, employers as a group had the advantage, and some were as ruthless as some of our present-day union officials.

Necessity for remedial labor legislation will be found in the records of John L. Lewis, Walter P. Reuther, James P. Hoffa, and their aids.

JOHN L. LEWIS

In 1937 the Southern Illinois Coal Co. had a mine halfway between Herrin, Ill., and Marion, Williamson County seat. Its employees were members of a union local, of which State Senator William Sneed was president, and were under the jurisdiction of the United Mine Workers of America, of which John L. Lewis was president.

When the company decided to remove the coal by strip mining, it employed engineers, it employed steam shovel men who were members of the Steam Shovel Men's Union. Removal of the coal by steam shovel was cheaper and more efficient than the other method of mining, but the United Mine Workers' members went on strike and besieged the new employees, who belonged to the Steam Shovel Men's Union, in the gully in which they were then working.

June 18 Sneed sent a telegram to Lewis, asking for instructions and the next day received an answer, which, in the last paragraph, stated:

> Representatives of our organization are justified in treating this (Steam Shovel Men's Union) crowd as an outlaw organization and in viewing its members in the same light as they do any common strikebreaker.
>
> JOHN L. LEWIS.

That answer from Lewis to Sneed was received on June 19. It was posted in Herrin.

Result? Some of the storeowners were bound and gagged in a search for weapons; State troopers were called for but were not sent, and, in the afternoon of June 21, a mob of United Mine Workers Union striking miners made an attack upon the besieged workers.

The coal company consented to discontinue work at the mine, but the attack was continued, and, the next morning, under an offer of safe conduct, the besieged workers — 47 in number — marched out, and a march, under escort of United Mine Workers men, toward Herrin began.

McDowell, the company superintendent, a cripple, was unable to keep up with the procession. He was struck several times and, little more than a mile from the mine, was shot.

Some 3 miles from Herrin, the workers were lined up, told they would be allowed to get away if they climbed a fence. They began climbing and 13 were shot to death. Others died before reaching the timber. Eight who escaped from the massacre at the fence were caught in the woods. Two were hanged immediately, six others were taken to Herrin. According to the press, the six were bound together with rope and wire, after they had been dragged behind automobiles, were exhibited in Herrin and then shot. A total of 30 of the workers were killed; three union men were killed and four to eight were injured. Nineteen of the workers were given official burial; 11 were never accounted for.

This was the action of a local under the jurisdiction of John L. Lewis. Action which followed his reply to the inquiry. Four hundred indictments were returned by a grand jury, but not one conviction was ever obtained—a demonstration of the power of Lewis' union over local and State law-enforcing officials. This local knew Lewis' economic philosophy and strike methods.

On May 13, 1959, 37 years later, I asked Mr. Lewis, in committee, about that situation. His reply was that my questions were not relevant to the question of whether additional Federal law was now needed.

That answer was given, notwithstanding the fact that I also called his attention to the fact that, on March 31 this year, the operator of a mine near Barbourville, Ky., was killed in a United Mine Workers strike, that a truckdriver was also reported to have been killed in the coal strike violence this year.

From 1922 to May 13, 1959, a period of 37 years, Lewis' record has been one of the use of violence in strike after strike. You need only to read the record of the sit-down strikes of the CIO when Lewis was its president from 1937 on to the date he got out of the CIO and AFL—a record of strikes, destruction of property, and violence while Lewis was its president, to learn his determination to rule.

Nor can Lewis plead ignorance of the communistic leadership in organized labor.

Lewis cannot be accused of a lack of knowledge of the facts in connection with labor disputes. He cannot be accused of a lack of intelligence, of courage, nor can he be accused of ignorance, though some may wonder if he knows what he wants or where his thought and action might lead him. He long sought an industrial dictatorship, but finally settled for the presidency of the United Mine Workers.

As early as January 3, 1924, Senator Lodge presented a series of six articles prepared by the United Mine Workers of America, of which John L. Lewis was president, and the preparation of which Lewis admitted he supervised—when testifying before the House Committee on Education and Labor on July 3—which, among other things, stated: [1]

Imported revolution is knocking at the door of the United Mine Workers of America and of the American people. The seizure of this union is being attempted as the first step in the realization of a thoroughly organized program of the agencies and forces behind the Communist International at Moscow for the conquest of the American continent.

The overthrow and destruction of this Government with the establishment of an absolute and arbitrary dictatorship, and the elimination of all forms of popular voice in governmental affairs, is being attempted on a more gigantic scale, with more resolute purpose, and with more crafty design than at any time in the history of this Nation. (S. Doc. No. 14, 68th Cong., 1st sess., p. 1.)

Appearing at the Indianapolis convention in 1930, Lewis, an embittered AFL leader, characterized three of the ace agitators of the CIO, Powers Hapgood, John Brophy, Adolph Germer, as "fakirs, repudiated leaders, traitors to the unions, opportunists, and purveyors of every falsehood, slander, and deception."

Seven years later, after Lewis had left the AFL and was organizing the CIO in Michigan, Lewis employed as his agents and helpers the same three men—Hapgood, Brophy, and Germer—as well as many other active Communists.[2]

[1] Talk of CEH, June 1, 1937, 75th Cong., 1st sess., CONGRESSIONAL RECORD, vol. 81, pt. 5, p. 517.

"It is purely a revolutionary organization, and makes no pretense at legality. * * * This party has at its head the supreme executive revolutionary committee in America, responsible only to * * * officials of the Communist International. * * *

"On the surface, working partly in the open, is another revolutionary organization, known as the Workers Party of America, * * * fundamentally the same as that of the Communist Party of America, i.e., to overthrow the Government of the United States. * * *

"Joined with these two revolutionary parties * * * is the Trade Union Educational League, headed by William Z. Foster. * * *

"This league is the direct instrumentality of the Communist International." (S. Doc. 14, 68th Cong., 1st sess., p. 6.)

[2] CONGRESSIONAL RECORD, June 1, 1937, 75th Cong., 1st sess., vol. 81, pt. 5, pp. 5168–5177, where you will find the names and a partial record of many communistic members at that time.

When, on May 2, 1959, I asked him why, he, in part, replied that "they reformed in the meantime", which answer was not in accordance with the facts.[3]

From the March 26, 1943, edition of PM, under a Washington dateline, permit me to read:

ATTACK ON TWO UNIONISTS LAID TO UMW GOONS—HILLMAN (SIDNEY HILLMAN, FOR YEARS A WELL-KNOWN LABOR LEADER IN THE EAST)—CHARGES HIS ORGANIZERS WERE BEATEN BY LEWIS' RAIDERS

WASHINGTON, March 26.—Sidney Hillman, president of the Amalgamated Clothing Workers, CIO, charged today that two officials of his union were attacked and beaten by eight representatives of John L. Lewis' United Mine Workers Union in Tennessee early this week.[4]

BUT WHY EXTEND THE RECORD?

The New York Times of April 1, 1959, called attention to a United Mine Workers strike, where a 20-car convoy of United Mine Workers drove up to a small mine owned by Woodrow Smith of Flatlick, Ky.

Witnesses told the State troopers that 5 or 6 men from the convoy of about 80 pickets chased Mr. Smith up a hill near the mine, that shots were fired and Smith was then found on the hill, shot 6 times and dead.

At our hearings on May 13, the Herrin massacre, the killing of a mine operator and a truckdriver in strikes under Lewis' jurisdiction, and other organized violence where people were killed and troops had been called out, were called to the attention of Mr. Lewis—hearings, page 1117—and I asked him "whether in your opinion, you think Congress should write some legislation that will hereafter, if it does not end, at least tend to lessen violence in connection with strikes."

Mr. Lewis answered, and I quote:

No, I do not, of course, because we already have statutes in the several States and laws covering all of the alleged crimes that you think might have been committed. I assume by and large they have been prosecuted and that justice has been done.

This, notwithstanding the fact that Mr. Lewis knew that in bloody Williamson County 400 indictments had been returned for the crimes which followed the receipt of his telegram; that, periodically, from that day 37 years ago, throughout the country, in connection with strikes carried on by his United Mine Workers, many a man had been killed, many a man had been beaten, millions of dollars worth of property had been destroyed, and many of the criminals had gone unconvicted because of the union's power over local workers.

Nor has Mr. Lewis himself been guiltless. Maybe he has forgotten, but others have not, that he was fined and forced to pay a sum of $10,000.

While the Supreme Court of the United States said that it did not think the circumstances warranted the unconditional imposition of a $3,500,000 fine against the defendant union, a majority ruled that it would modify the imposition of the $3,500,000 fine "so as to require the defendant union to pay a fine of $700,000, and further, to pay an additional fine of $2,800,000 unless the defendant union, within 5 days after the issuance of the mandate herein, shows that it has fully complied with the temporary restraining order issued November 18, 1946, and the preliminary injunction issued December 4, 1946."

[3] Hearings before a joint subcommittee of the Committee on Education and Labor, on H.R. 3540, H.R. 3302, H.R. 4473, H.R. 4474, and related bills, 86th Cong., 1st sess., pt. 3, p. 1118.

[4] Hearings, ibid., p. 1216 and insert.

The Court also said:

The defendant union can effect full compliance only by withdrawing unconditionally the notice given by it, signed by John L. Lewis, president, on November 15, 1946, to J. A. Krug, Secretary of the Interior.[5]

John L. Lewis is able, courageous, and forthright, but he has little, if any, regard for State or Federal law—he is a lawless leader of a union which has accomplished much for the United Mine Workers of America, but at the expense of all of us.

Robert F. Kennedy, counsel for the McClellan committee, recently said that Hoffa was the best reason for remedial legislation.

John L. Lewis is another.

Robert Kennedy might well have added that Hoffa had but patterned his program of defiance of the law—his program of violence—on that of Lewis and Reuther.

WALTER P. REUTHER IS ANOTHER REASON WHY, IF WE ARE TO MAINTAIN A SOUND ECONOMIC AND CONSTITUTIONAL GOVERNMENT, LONG OVERDUE LEGISLATION MUST NOW BE ENACTED

As pointed out, John L. Lewis demands, for the benefit of his members and people, the right to levy a tax upon coal, a necessary product, and to force the payment of that tax by organized violence.

For him and his purpose it may be said that the results have benefited his members, though at the expense of all of us, his methods beyond the law. He has not robbed his members, stolen their funds, for his personal advancement, and he has obtained for them better living conditions and higher wages.

While Hoffa is able, unscrupulous, greedy, and politically ambitious, a brazen defier of law and order, will trample underfoot the rights of members of his own union, his activities are not as destructive to our form of government or our economic stability as are those of Walter P. Reuther.

Reuther does not lack any of Hoffa's ability, his unscrupulousness, his ruthlessness, or disregard for the rights of members of his organization. He is far more adroit and subtle.

His apparent objective does not seem to be solely the advancement of his own power and prestige, but a determined effort to overthrow our form of government, to lead us to accept the Communist philosophy. Of the soundness and the efficacy of Communist policies, he seems to have no doubt. This conclusion is justified by his record.

When Reuther first went to Detroit, working nights at Briggs or Ford, attended night school and then for 3 years

[5] *United States* v. *Mine Workers*, 330 U.S. 258.

studied at Wayne University, he and his brother Victor associated with many of the leftwingers and radicals of that day and community. Apparently he then began to accept their conclusions as to the form of government which was best for our country.

In 1933, two of the Reuthers, Walter and Victor, went to Russia, worked and studied in an industrial plant, there wrote back a letter addressed to "Comrades" in Detroit, praising the workers' lot in Russia and ending with a plea to Detroit associates to carry on the "Fight for a Soviet America."

SITDOWN STRIKES

The sitdown strike, a method successfully used by the Communists in France, was introduced in Michigan on the last day of December 1936. The strike continued until June 11, 1937. Lewis was the guiding genius during that strike.

Though at that time Walter Reuther did not direct the activities of the CIO, he was and ever since has been an ardent, active, forceful, and efficient supporter of their methods and procedure.

Communist methods and Communist organizers and leaders, some of whom had been bitterly condemned by Lewis in 1924,[6] were employed. During that strike, not only industrial plants, but control of cities, were taken over by the CIO.

Force and violence were the prevailing methods. Law-enforcing officers were ignored. Court orders were defied. The gates and the doors of industrial plants were welded shut. Electricity supplying power and light to hospitals, to police and fire departments, was cut off. Public streets were blocked. Anarchy prevailed.

The strikers had the support of the then Governor of Michigan, Frank Murphy. He used the National Guard, not to protect the civil rights of the citizens, but to protect the illegal actions of the strikers.

The sitdown strikes were settled on the 11th day of June 1937, when it became apparent to Lewis and Gov. Frank Murphy that law-abiding citizens of Michigan were about to arm themselves and by force of arms protect their property, their liberty, and their lives from the lawlessness of the CIO, whose activities were then dominated by Communists.

In my hand is a photograph taken on April 3, 1941, at the Ford River Rouge plant in Dearborn, Wayne County, Mich. It is authentic. It was sent me by a Federal judge who earlier presided at a trial in his court when the strike referred to was an issue.

The picture shows seven CIO members, four of whom were actually engaged, one with a club, in the brutal beating of Melvin Bartling, timekeeper, at gate 4 on Miller Road. State police standing within 50 feet witnessed the outrage but gave no assistance.

The photograph shows Jess Ferrazza standing at the side of Bartling, who was a timekeeper and who was going into the plant to assist in making out the checks to pay the strikers for sums due them.

[6] S. Doc. No. 14, 68th Cong., 1st sess.

Two of the assailants were at the time carrying Communist cards.

I hold in my hand photostats of two of those cards which years ago came into my possession.

What is the significance of the statements just made? At that time, Walter Reuther was active in the CIO organization. The Jess Ferrazza referred to and who was then an active participant in this beating is the same Jess Ferrazza who, in 1954, under the direction of Mazey and Reuther, headed a goon squad in the Kohler strike in Sheboygan, Wis.

At the time of the sitdown strikes and for long thereafter, the CIO was dominated, its policies fixed, the methods used determined, by Communists, who were working through the CIO toward the overthrow of this Government by force.

WASHINGTON SUPPORT FOR COMMUNISTS AND THE CIO

In their organizing campaign, the CIO had the active support of the Senate Civil Liberties Committee, of which Robert La Follette, Jr., was then chairman. CIO organizers carried upon their cars a banner stating that they had the support of the Senate Civil Liberties Committee.[7]

The La Follette Senate Civil Liberties Committee, through its hearings, gave active and almost unceasing support to the CIO.

After the enactment of the Wagner Act in 1935 and the establishment of a National Labor Relations Board, Communists in Government offices were of inestimable help to the CIO and its Communist officials.

The National Labor Relations Board was charged with the interpretation and the enforcement of the act. It had as its counsel Nathan Witt.

The CIO had as its counsel Lee Pressman. The quality of the justice—if it can be called that—dealt out to either an organized or unorganized worker, to an employer, can be easily evaluated when it is remembered that Witt, a Communist and adviser of the Board, which was the investigator, prosecutor, and judge in labor disputes, was the buddy and associate in a Communist cell here in Washington of Lee Pressman, general counsel for the CIO. Pressman handled cases for the CIO when they came before the National Labor Relations Board for decision. Both at times had the benefit of John Abt, a member of the same Communist cell, who at one time was with the Department of Agriculture.

A pretty picture? For the CIO, Pressman, its counsel, made a complaint to the National Labor Relations Board or defended before the Board when a complaint was made by an employee or a businessman or industrialist. Witt, his Communist buddy and cellmate, advised the Board both as to the facts and the law. The Board listened to the attorney of the employer or the complaining employee, then listened to Pressman, attorney for the CIO, and then was advised by Pressman's Communist buddy, Witt, as to what its decision should be.

[7] See CONGRESSIONAL RECORD, vol. 81, pt. 5, 75th Cong., 1st sess., June 1, 1937, p. 5170.

Where were the loud, vehement recent supporters who demanded protection for civil rights, when hundreds of thousands, yes, millions of American citizens of all colors, creeds, nationalities, were being denied their civil rights?

When Reuther obtained an almost complete measure of power in CIO, he, through his lieutenant, Emil Mazey, continued to defy the courts, to violate the law.

At Clinton, Mich., in 1947, Reuther's outfit called a strike at the plant of the Clinton Machine Co., which employed approximately 700 workers.

Clinton, at that time, had a population of 1600. To intimidate the workers of the plant who did not want to go on strike and the people of the town, Reuther sent Mazey with a sound truck and a goon squad to intimidate the workers and the people of the town.

State police were called in. Acting under the direction of Captain Scavarda and the Michigan State Police commissioner, they made no effort to protect the workers, rather supported the strikers.

Reuther's lieutenants, Mazey and Mullins, who were directing the picket line, had approximately 1,200 members in the CIO's "flying goon squadron." Mazey told the police captain that 2,000 more pickets were on their way from the Detroit local.

Mazey himself testified[8] that he took into Clinton from Detroit, a distance of some 70 miles, an "enforcement squad" of some 400, none of whom was employed at the Clinton plant.

At that time—and that was in 1947—Mazey, acting under the direct command of and for Reuther, violated the State law, defied police officers, took over the city of Clinton.[9]

[8] Hearings—labor-management disputes in Michigan, Indiana, and Ohio—before the special subcommittee of the House Committee on Education and Labor, House of Representatives, 80th Cong., 1st sess., pursuant to H. Res. 111, p. 326.

[9] Mazey was asked, ibid., p. 327:

"Mr. HOFFMAN. Was it your purpose if, when you got to Clinton you found a picket line down at the plant and that the employees or some of the employees of the company attempted to go through that picket line and if it became necessary in order to get through for them to push or shove your pickets aside, that you were going to call for action from so many of your 400 supporters as might be necessary to prevent that?

"Mr. MAZEY. That was our purpose and our record there speaks for itself. We did not prohibit anybody physically from going into the plant."

Ibid., p. 328 (Mazey had taken 400 union members from Detroit to join others on the picket line at Clinton. He was asked):

"Mr. HOFFMAN. Now, I continue to read from the paper: 'This demonstration by the Detroit and Toledo locals is just a sample of what is going to happen if this strike continues.' What did you mean by that?

"Mr. MAZEY. I meant that if the strike was to continue we would bring additional people, thousands if we had to.

"Mr. HOFFMAN. Thousands, if you had to?

"Mr. MAZEY. That is right."

Ibid., pp. 332, 333:

"Mr. MAZEY. Getting back to the observation I was about to make, I want to state

Reuther brought about a somewhat similar situation at St. Joseph, Mich.; Dowagiac, Mich.; at Michigan City, Ind.; and at Galion, Ohio.

That this lawlessness directed by Reuther and carried out by Mazey and his lieutenants was a part of the established program of the Communists in the CIO cannot be disputed. The facts are in the record of many a congressional hearing.

Many a CIO organizer was a Communist.[10]

That the Communists dominated and controlled the CIO—not in all, but in many of the strikes it called—is shown by the fact that eventually the methods employed were so lawless, so violent, so destructive, that the CIO was later, under the direction of James Carey, its Secretary-Treasurer, to expel some of its unions—a partially successful effort to purge itself of Communist leaders.

ATTEMPT BY FORCE TO OVERTHROW OUR GOVERNMENT

The more recent strike at Kohler and the methods employed demonstrate that Reuther is, by force and other illegal means, determined to overthrow our form of government.

Reuther is but following the program of the Communist, Earl Browder, who said:

> We industrial unionists are going to take over the industries some day for three very good reasons:
> 1. Because we need them.
> 2. Because we want them.
> 3. Because we have the power to get them.

Rexford Guy Tugwell[11] gave expression to the same thought when he said:

> It will be seen that the control of investment is not so complex a matter as it might at first seem. The principles involved would be only two: The forcing of all investment funds into an open market, and the regulating of new capital issues. Neither of these seems impossible if we grant (1) the substitution of Federal for State incorporation, and (2) the correctness of using the taxing power to force surpluses into the market. * * *
>
> If industries were to be controlled, incorporation of business enterprises would need, in effect, to be transferred from the States to the Nation, though some subterfuge might need to be employed; the flow of new capital into different uses would need to be supervised; prices would have to be controlled; and some vital interests now partly or wholly neglected would have to be protected.
>
> Planning will necessarily become a function of this Federal Government; either that or the planning agency will supersede the Government. * * * Business will logically be required to disappear.
>
> This is not an overstatement for the sake of emphasis—it is literally meant.
>
> New industries will not just happen as the automobile industry did. They will have to be foreseen, to be argued for, to seem probably desirable features of the whole economy before they can be entered upon. * * * The future is becoming visible in Russia. * * *
>
> Perhaps our statesmen will give way or be more or less gently removed from duty. Perhaps our Constitution and statutes will be revised. Perhaps our vested interests will submit to control without violent resistance. * * * Yet the new kind of economic machinery we have in prospect cannot function in our present economy.
>
> We have no reason to believe that the disestablishment of our plutocracy would be pleasant. These historical changes never are. We have, however, the duty of avoiding violence as the process goes on.

In the Kohler situation at Sheboygan, Wis., Mazey was Reuther's lieutenant. That strike began on April 5, 1954. The real issue was not wages, fringe benefits, or working conditions.

The real issue was the one of who was to control the plant, who was to manage the business—whether the workers at Kohler were to be forced, regardless of their wishes, to join the UAW-CIO; whether a part of every employee's compensation was to be paid to fatten the treasury of Reuther's UAW-CIO.

Mazey, according to his own sworn testimony given in October 1947, has been an active official of the UAW-CIO since 1936. He boasted:[12]

> I have participated in practically every major strike that our union has had, with the exception of the General Motors strike in 1946, and I happened to be on a little island in the Pacific at that time and I couldn't participate.

He was then asked:

> Question. Did you make an attempt to organize the soldiers?
>
> Answer. I did organize them.

Reuther and Mazey furnished the brains, directed the Kohler strike. They had as their lieutenants William Paul Vinson; John Gunaca, alias John Ballerino, alias John Moreski, alias John Price, a fugitive from justice; Guy Barber; James Fiore, Donald Rand, Jess Ferrazza, and many others.

During that strike, there were 460 incidents of violence and vandalism, occurring either on the picket line or in other sections of the town.[13]

A glance at the record of some of the Reuther-Mazey enforcers discloses that Vinson, a 27-year-old, 6-foot, 200-pound organizing expert, was recently serving a 1- to 2-year term in the Wisconsin State penitentiary, because, from behind, he hit 50-year-old, 140-pound Willard Van Ouwerk, knocked him unconscious, kicked and trampled him, sent him to the hospital with internal injuries, a crushed chest, a pierced right lung, four fractured ribs.

Reuther may pose morning, noon and night, seven days in the week, as a kind, Christianlike man, but the record shows that he has knowledge of and employs brutal, lawless goons.

John Gunaca, another of his Kohler educators, a longtime fugitive from justice, hiding behind the refusal of Governor Williams, Reuther's buddy, to turn him over to Wisconsin authorities, beat up another citizen in Sheboygan so

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that for a number of years we have been assisting sister local unions when they are in difficulty. What took place in Clinton, Mich., has taken place in a number of other communities for the last 10 years. I have been in Flint, I have been in Pontiac, I have been in every section of the State assisting our local unions to settle their problems with management and this is the only time that people seem to have gotten excited in this particular hysterical era that we are living in today with the Taft-Hartley Act and so on; this thing has been made quite an event, quite an affair * * * but we have for years, we have been able to build our organization and maintain it on the basis of assisting our local unions when they are in difficulty; we have been doing it for 10 years and we intend to continue doing it.

"Mr. HOFFMAN. Now, let us analyze that just a moment. You intend to continue for example sending in to say Berrien County and Benton Harbor hundreds of thousands of men from other unions in order to assist local unions?

"Mr. MAZEY. If our services are needed; yes.

"Mr. HOFFMAN. And when they come in do you intend to assist them on the picket line,

"Mr. MAZEY. Yes."

[10] See CONGRESSIONAL RECORD, June 1, 1937, vol. 81, pt. 5, 75th Cong., 1st sess., p. 5171.

[11] Assistant Secretary of Agriculture, 1933; Under Secretary of Agriculture, 1934–37.

[12] Hearings, labor-management disputes in Michigan, Indiana, and Ohio—before Special Subcommittee of the House Committee on Education and Labor, 80th Cong., 1st sess., p. 332.

[13] They included mass picketing, preventing employees from going to work.

Preventing men and women from seeking employment by abuse, physically by shoving, elbowing, shouldering, and kicking.

Kidnaping.

Physical assaults on nonstriking workers, including beating and kicking one man almost to death, breaking another's neck, and assaulting another and his wife, and wrecking their tavern.

Mass picketing of homes of nonstrikers in residential areas, often with 300 or more pickets shouting, cursing, and menacing the householders.

Dynamiting of automobiles and buildings.

Shotgun blasts through the windows of homes.

Throwing flaming torches and other incendiary devices into automobiles and onto the porches of homes.

Hurling paint bombs, fashioned from electric light bulbs, through the windows of homes and against the sides of homes.

Smashing of automobile windshields.

Shouting vile and obscene language on the picket lines.

Smearing nonstrikers' automobiles with paint or paint remover.

Scratching the finish of nonstrikers' cars as they were driven through the picket lines.

Putting sugar in tractor and automobile gasoline tanks, and sand in the crankcases.

Slashing automobile tires.

Telephone threats to the wives and children of nonstrikers.

Tying bolts and other metal objects to cornstalks, ruining farmers' corncutters. (Directed at those who had relatives working at the Kohler plant.)

Publishing vicious rumors and slanderous untruths about nonstrikers and members of their families.

Tearing up landscaping in the yards of nonstrikers.

Breaking into the summer cottage of a nonstriker and hurling acid over the walls and furnishings, and damaging the boats and outboard motors.

Telephoning nonstrikers throughout the night, threatening them, and preventing them from getting sleep.

Throwing rocks and other missiles through automobile and house windows.

Slinging ball bearings through the windows of homes.

Smearing excrement over the interior of a nonstriker's automobile.

Mutilation of farmers' cows, in one case so severe that the animal had to be destroyed.

severely that he, not long thereafter, died.

Gunaca fled back to Michigan and for more than 2 years was prevented by Reuther's assistant, Governor Williams, from being extradited. Finally, forced by public opinion to be released to Wisconsin authorities, he was returned to Wisconsin, entered a plea of guilty and was given a jail sentence.

Jess Ferrazza, another of Reuther's and Mazey's educators at Sheboygan, is, as has been stated, the same individual who, in 1941, in Detroit, participated with three others in the cowardly beating of an inoffensive worker who was making an effort to get paychecks to union workers.

When Mazey went to Wisconsin to direct the Kohler strike, he undoubtedly had in mind the same thought as he did at Clinton, Mich.—when he testified:

> We decided to take things into our own hands.

At Kohler, there was only one way to accomplish that: Through the defiance of the peace officers, court orders, violence and destruction of personal property. He was backed up by Graskamp, president of the local, who publicly announced:

> We have tried to discourage people from going into the plant by peaceful means—but from now on, the gloves are off.

Burkart, an international representative, added:

> Let us do everything we can to keep them away from the plant before they get to the picket line.

That declaration was followed by violence and the destruction of property at the homes of the workers—see footnote 13. Then Mazey, on August 15, 1954, referring to employees still endeavoring to work, said:

> They joined the ranks of the enemy. They ought to be treated as such. During the war, when they join the enemy, they are shot when convicted.

The foregoing brief statement with reference to the Kohler strike shows that it has long been the purpose of Reuther and his lieutenants to, by defiance of lawful authority and violence, overthrow our Government. An objective no different from that of the Communist Party. The Kohler strike failed. Hundreds of employees sought jobs elsewhere. The strike cost the union millions of dollars.[14]

Failing in its direct efforts to destroy Kohler—now working toward the same end—Reuther and his CIO have called for a nationwide boycott of Kohler products.

For more than 19 years, Walter P. Reuther has been an active, driving force in the CIO. During all that time, he has known of the objectives of the Communists. He has been familiar with their methods—with their violence and their lawlessness.

He has known, for example, that in Wisconsin the Government was defied, defense production held up during wartime by a strike directed by Harold R. Christoffel, a Communist, at the Allis-Chalmers plant.[15]

He knew that in Detroit the CIO held up production for the Navy which interferred with the carrying on of a war. In one case, for 21 days—and another, for 41.[16]

Walter Reuther has been called to the White House by those who sought his advice on economic problems.

In a letter to President Truman on July 15, 1950, in a program labeled as an effort to stop Communist aggression throughout the world, Reuther proposed that "for the next hundred years, the people of the United States, through their government, pledge themselves to make available through the United Nations, an annual sum of $13 billion."

Is even war a more effective method of destroying us than compliance with a suggestion of that nature?

Would its adoption not make of us economic slaves to the rest of the world?

It is time that the cloak of hypocrisy which some columnists in national publications seek to throw around Hoffa and Reuther be temporarily at least pushed aside, and a view of the real individuals there hiding be exposed to public view.

While Beck and Hoffa have promoted and condoned violence, lawlessness, the misuse of union funds, in my judgment Reuther is far more dangerous to the welfare of our people, to our form of government.

For years, he has regarded industry, management, those who furnish capital and the know-how to create and operate industries which gave employment, as enemies of the rest of us, of those who desire to work.

He seeks for himself and other labor leaders the right of management of a business. But apparently he is neither able nor willing to assume the responsibility which rests upon management, upon those who provide the capital to establish a business or an industry which gives employment.

His political philosophy is that of the Communists.

Union leaders, officials in high places in labor organizations, not only assume, but presume, to speak for the members of their organizations. That is an utterly false claim. Union members, neither as individuals nor as groups, no more accept the political philosophy of Reuther than they condone the acts of Beck, Hoffa and other union officials who have been called before the committee, and exposed as criminals.

That legislation need not be complicated. It need not be expressed in technical words or phrases.

If we can have a fair and adequate enforcement of the present laws, all we will need is simple legislation for the protection of Union men—of the non-unionized worker—of citizens generally. Legislation which will protect the national health, welfare, and safety.

Much of that task will be accomplished if unions and union officials are deprived of the special privileges heretofore granted them—when they misuse and abuse those special grants of power to the detriment of the people as a whole.

While the right to strike should be religiously preserved—no man be forced to work against his will—employment should be open to any individual who can find an acceptable job.

The Congress should enact legislation which will prevent nationwide or industrywide strikes which injuriously affect either the public health, safety or welfare.

Testifying on March 10, 1959 before the House Committee on Education and Labor, President Meany of the AFL-CIO advocated such legislation—hearings before joint subcommittee of House Committee on Education and Labor, 86th

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[14] Sturgis Daily Journal, July 27, 1957:

"IS THE SENATE AFRAID OF REUTHER?

"The Automobile Workers Union has spent $11,300,000 on its strike against the Kohler Co., of Kohler, Wis., says the union's secretary-treasurer. The strike was lost long ago and the Kohler local of the union wrecked, but the union expenditures continue in an effort to wreck the Kohler Co. by a boycott. On this the UAW has already spent more than $2 million.

"Chesly Manly recently concluded a summary of this bitter, bloody industrial conflict in our news columns. A reign of terror was instituted in Kohler and neighboring cities. Criminals were hired to direct acts of violence against the company and its employees. One of the union's strong-arm men remained in Michigan, protected by Governor Williams from extradition to Wisconsin to stand trial on a charge of beating a Kohler workman. The victim's death has been attributed in part to the injuries he suffered.

"Here certainly is as flagrant abuse of the power and funds of an international union as the Nation has witnessed in many years. The strike was lost, yet the vindictive campaign against the company goes on. The purpose, it is plain, is to show the American people that no employer dares to say 'No' to Walter Reuther, boss of the UAW.

"The Kohler case is far more menacing in its implications than any misuse of union funds by Dave Beck and his associates in the Teamsters Union. Senator McClellan and his colleagues, however, seem strangely disinclined to give their attention to Mr. Reuther or any of his works. Mr. Reuther is one of the bosses of the left wing of the Democratic Party, who style themselves Americans for Democratic Action.

"Senator Kennedy, Democrat, of Massachusetts, is a member of the committee. His brother, Robert, is its counsel and director of its investigations. Senator Kennedy is an aspirant for the Democratic presidential nomination. The enmity of Reuther and his radical associates could be fatal to the Senator's hopes.

"So long as Senator McClellan fails to investigate Reuther's power and the ways in which it is abused, he sustains the suspicion that the Democratic majority in the Senate is afraid of the union boss."

[15] Hearings (Mar. 1, 1947) before the House Committee on Education and Labor, 80th Cong., 1st sess., vol. 4, "Amendments to the National Labor Relations Act," pp. 2079–2142.

[16] Reply of the Acting Secretary of the Navy, Charles Edison, dated October 20, 1939, to H. Res. 314, "requesting certain information from the Secretary of Navy on certain matters in connection with a strike of employees in the plants of the Bohn Aluminum Co. at Detroit, Mich.; by Mr. Hoffman." See Congressional Record, vol. 103, pt. 3, pp. 4016–4019; vol. 103, pt. 5, pp. 6154–6155; vol. 103, pt. 6, pp. 8302–8303.

Congress, part 1, page 151. Yet none of the bills, except one introduced by me sometime ago, even considered that phase of the situation nor was any consideration given to the admitted need for legislation prohibiting monopoly in connection with union activities.

Congress should enact legislation which will make it impossible to, by a picket line or a secondary boycott, destroy the business of an individual or an organization.

JAMES R. HOFFA

Another reason demanding the immediate enactment of remedial legislation is given in the person of Jimmy Hoffa and in his record. Hoffa has long been a Republican. He has been the whipping boy of the McClellan committee, which has paid very, very little attention to the real record of Walter Reuther, and none at all, so far as I know, to the activities of John L. Lewis.

Personally, in his home life, Hoffa is a good husband and father.

As to his union activities—much information derogatory to Hoffa has been put in the RECORD and given to the public. This long before some of the Johnny-Come-Latelies, who now seek political advantage by opposing him, ventured a word; long before they heard from home.

It will be sufficient at this time to call attention to the fact that Hoffa has an overruling passion and an unbridled ambition, that he has misused welfare funds, that he is an advocate of a campaign of violence—notwithstanding that he never drinks or smokes, and so forth, and that he has twice been sentenced for criminal activities.

No need to particularize as to Hoffa's record. The McClellan committee and the press are today doing that most effectively, while seeming to forget Lewis, Reuther, and some others.

While Hoffa is able, unscrupulous, greedy, and politically ambitious, a defier of law and order, one who tramps underfoot the members of his own union, his activities are not as destructive to our form of government as are those of Walter P. Reuther.

Hoffa is a racketeer and an extortionist.

He has frequently been arrested for misdemeanors, seldom convicted.

But twice James R. Hoffa stood before the bar of justice on serious charges.

On December 2, 1948, he and his associates entered a plea of guilty to the charge of one, a conspiracy to extort money, two, a conspiracy to violate the State labor law, three, a violation of the State labor law.

The facts disclose that Hoffa and his codefendants had by force and threat of force compelled little people, independent grocery retailers, to pay to a union as a privilege of doing business, $4,240. That is, Hoffa and his codefendants, by force and the threat of force, so intimidated honest, law-abiding individuals that they were forced to pay to the union in which he was interested various sums which otherwise they might have used to purchase the necessities of life, to spend on a vacation, to educate their children—they were forced to pay tribute in order that they might exercise the civil right to engage in business—earn a livelihood. Where then were the gentlemen from New York [Mr. KEATING and Mr. CELLER], the present-day spokesmen for civil rights?

That Hoffa and his friend, William E. Buffalino, through control of the Teamsters Union, conspired to and did, through the use of force, threats of force, and economic pressure, extort and collect millions of dollars from organized and unorganized members of the union who were operating in the jukebox industry was established by congressional hearings held in Detroit in June of 1953 by joint special committees of the House Committee on Education and Labor and the House Committee on Government Operations—House Report No. 1324, 83d Congress, 2d session.

Anyone wishing to operate a jukebox or, on occasion, a vending machine, in the territory controlled by Buffalino and Hoffa paid tribute and fees fixed by Buffalino to the racketeers. This was possible because Hoffa was president not only of Teamsters Local 299, but of the Teamsters Joint Council 43; 10th vice president of the Teamsters International; secretary-treasurer of the Teamsters Temple Association; president of the Michigan Conference of Teamsters; chairman of the Southern Conference of Teamsters and the Midwest Conference of Teamsters; negotiating chairman for 23 States on highway and city transportation and Central States Drivers Council; chairman, Central States Conference; trustee, Central States Welfare Fund; and trustee for locals Nos. 247 and 614 of the Teamsters Union.

Hoffa and his associates defied the law, oppressed, exorted money from—union members in good standing—not once or twice, not in secrecy, not in the darkness of nighttime, but openly, publicly, so often, so brazenly, that the practice was a matter of common knowledge, became an established union activity.

Why grow sympathetic about the operation of dictators in South America or other parts of the world, when here at home, in Detroit, Wayne County, Mich., in the United States of America, men grasp, hold, and exercise arbitrary oppressive power over their fellow citizens?

Standing before an apparently kindly, sympathetic judge, who, in part at least, owed his judicial position to the voters who lived in Hoffa's bailiwick, Hoffa and his codefendants were ordered by the court to repay to those who might apply, and who had been robbed, their share of the $4,240 illegally taken from them.

Naturally, as Hoffa, his attorney, and the judge well knew, it was more than probable because they were afraid of Hoffa and what he might do to them that not all of those whose money had been unlawfully taken from them would apply for a restitution of the sums due them. Of the $4,240, application for return was made for but $1,937.

Thereafter, the union through its attorney, George Fitzgerald, one of the attorneys who appeared recently in the conspiracy trial of Hoffa here in Washington, asked that the balance of $2,303, for the return of which those defrauded had not made application, be returned to the union. Upon the union's agreement that it would thereafter return whatever might be due to those who might apply, the court ordered the probation officer to pay the balance to the union.

HOFFA GUILTY OF ILLEGAL OPPRESSION

In February 1942 Hoffa and others were charged in the District Court of the United States, eastern district of Michigan, southern division, with having "knowingly engaged in a combination and conspiracy unreasonably to prevent persons, partnerships, and corporations located in the city of Detroit, Mich., other than the defendant wholesalers, from selling wastepaper for shipment from the city of Detroit, Mich., to States other than the State of Michigan and to the Dominion of Canada, which combination and conspiracy in fact has been and is now in restraint of trade and commerce in wastepaper among the several States and with foreign nations, and in violation of section 1 of the act of Congress of July 2, 1890, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies' (U.S.C.A. title 15, sec. 1), commonly known as the Sherman Act."

Hailed before the court, Hoffa and his codefendants did not deny the charge. Hoffa was fined $1,000, as were his friend Bernard Brennan, alias Bert Brennan, and five other defendants.

Permit me again to repeat, if the transportation workers of America want Hoffa, a confessed extortionist, to represent them before the bar of public opinion that is their right.

Hoffa's record shows that he is brutal, that he will use the goons of his union to threaten and to beat honest law-abiding citizens in order to enforce his orders, impose his will; that he will use his power to drive union men out of business for financial gain; that he is an extortionist and a racketeer.

The following incident shows that Hoffa and Brennan are moral cowards for they attempted to hide behind the skirts of their wives.

Though Hoffa poses as a kindly man with the welfare of the Teamsters at heart, he was not adverse, when a financial profit was in sight, to ruining the business of a union Teamster.[17]

Harold Cross and Teamster friends, as employers, operated a profitable haulaway business out of Flint. Hoffa and his friend, Owen Bert Brennan, ruined the business by organizing Test Fleet, Inc. They used the maiden names of Hoffa's wife, Josephine Poszywak, and Brennan's wife, Alice Johnson. The new company took over the business of Cross and his associates through an investment of $4,000.

Whether the $4,000 was actually paid or came from Union funds was not established. In any event, though Mrs. Hoffa and Mrs. Brennan performed no work, had no employees, but utilized the services of an employee of Commercial Carriers, whom they paid $2,400 a year,

[17] Hearings, Ibid., pp. 122, 125, 129.

in four years the company returned to them $62,000 in dividends.[18]

OVERRULING PASSION, UNBRIDLED AMBITION ANOTHER INSTANCE OF HOFFA'S CALLOUSNESS

Hoffa, as the directing force of the Teamsters Union, had almost unlimited power. His legitimate job was to promote the welfare of union members, especially those of the AFL organizations, but his own greed and ambition has always been the controlling force.

Permit the citation of just one instance—when seeking the acquisition of union dues, he turned on other AFL unions, sought to destroy them.

Hearings held at Kansas City, Mo., June 29, 30 and July 1, 2, 3, 1953,[19] showed that Hoffa's lieutenant, Ring, with clubs, pieces of chain, and other weapons, drove AFL members in good standing from their jobs, threw thousands of them out of work, and stopped the construction of defense utilities.

All that ever came from our hearings was the ending of the strike; persecution, conviction, later reversed, of the union man who exposed the lawlessness.

Just a little more of Hoffa's record:

MISUSE OF WELFARE FUNDS

Nor did Hoffa hesitate to profit through the manipulation of union health and welfare funds. He diverted the business of insuring health and welfare funds to, among others, Paul and Allen Dorfman, who, in turn profited exorbitantly on commissions—in 4 years collecting some $250,000 on one policy alone.[20]

When an attempt was made to question the Dorfmans, the father, Paul, invoked the Fifth Amendment 38 times,[21] while the son, Allen, used the same amendment 61 times,[22] thus protecting not only themselves, but Hoffa.

See, generally, "Investigation of Welfare Funds and Racketeering," report of a Special Subcommittee to the Committee on Education and Labor, pursuant to House Resolution 115, 83d Congress, 2d session, pages 5–10.

MISUSE OF UNION FUNDS FOR POLITICAL PURPOSES

Hoffa insists that he is honest, has never misused or profited from the misuse of union funds. Such a statement is not only untrue, but brazenly absurd. In Detroit, under oath, on November 27, 1953, Hoffa made certain admissions or statements.

The records of local 299 for the year 1948 showed State political contributions in the amount of $15,487.70. The minutes of a meeting of the regular union carried this notation:

Motion by Weinberger, seconded by Fontaine, that the local union reaffirm the right of the president.[23]

Which Hoffa said was correct. Hoffa stated the motion was carried by unanimous vote.

Another notation:

Minutes approved the expenditure of funds by Hoffa in the Canadian strike. Motion carried by unanimous vote. Also same motion and approval re right of president to spend whatever moneys he thinks necessary in the forthcoming local elections.[24]

The reference was to the forthcoming local election in Detroit.

Hoffa further testified that in every election he made a request and was granted the right to spend the necessary union funds to conduct whatever campaign "we think is to our best interest," and he further testified that, in spending those funds—and there was available at least a million dollars—"We do not operate as a political committee. We operate as a union." [25]

For 1950, the returns showed that the union made State political contributions to the amount of $13,410.30. Hoffa also stated that the union made political contributions in support of candidates to the campaigns of judicial candidates in Wayne County.[26]

Did Hoffa's misuse of union funds to influence judicial elections in Wayne County and Detroit taint justice's fountains, enhance his ability to go unwhipped of justice?

Why Hoffa should insist that he has not misused union funds is a little difficult to understand, when, in the same breath, he admits that he has used the dues and assessments levied upon Democratic and Republican workers alike to elect local partisan candidates.

DESTRUCTION OF UNION RECORDS

Congressional committees will find difficulty in obtaining information from the records which Federal law requires all business organizations, as well as individuals, to keep to assist the Internal Revenue Service in collecting income taxes.

So far as is known, no one has questioned Hoffa's apparent shrewdness. Under oath, he testified that the financial records of Teamsters Union Local 299, of which he was president, were destroyed each year.

Likewise, through his attorney, he admitted wire tapping meetings of his own union.

For more than 2 years the McClellan committee has been feeding to publicity sources an appalling record of the misuse by a few leaders of organized labor of the special powers and benefits granted them by labor legislation.

The Committee of the Whole sits here today—almost 100 percent of its members in attendance—forced by the press, TV and radio and our constituents who answered that appeal, to enact adequate remedial legislation.

We dare not go home and face our constituents if we leave behind a record lacking such legislation.

The people will get that legislation unless, at this late date, partisanship creeps in and we quarrel among ourselves as to what label shall be pinned upon the remedy and as to just what the remedy should be.

The Senate has voted—90 to 1—for an inadequate bill, but it does not follow that the House can force upon the other body the enactment of legislation which some of our leaders insist we pass.

We should, and we must, adopt a bill which will protect union members from the greed and ambition of their officers as well as from ill treatment by employers; which will protect the individual who must work if he would live and who does not wish to pay tribute to a union; legislation which will protect the welfare of the millions who are not directly interested as an employer or an employee.

Mr. BARDEN. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. SHELLEY].

Mr. SHELLEY. Mr. Chairman, this is going to be probably one of the most emotional weeks through which the Members of the House have sat for some time. I say this out of years of experience in labor negotiations—it is always emotional. However, let us remember, when emotion comes in the door reason goes out the window. Let all of us keep that in mind these few days. Let us try to establish some ground rules so far as I am concerned, right here at the start.

Mr. Chairman, any number of labels are being pinned on this bill, that bill, and the other. Maybe I should feel a little left out, because my good friend, the gentleman from Virginia [Mr. SMITH], chairman of the Committee on Rules, just sort of brushed my proposal off. In fact, he gave the effect of brushing it off with a smile and practically a sneer. I know he did not intend that because he is always a gentleman. The gentleman from Georgia [Mr. LANDRUM], my good personal friend and formerly my neighbor for several years in the same apartment house, I do not think even mentioned the Shelley bill. Of course,

[18] "The Hoffa-Bert Brennan venture was known as Test Fleet Inc. The corporation was organized to lease equipment to Commercial Carriers, a company specializing in over-the-road hauling of automobiles. (Hearings (before a Special Subcommittee of the House Committee on Education and Labor, 83d Cong., Nov. 23, 24, 25, and 27, 1953), pp. 131, 147) Test Fleet was established at a cost of $4,000 to Mrs. Hoffa and Mrs. Brennan. In 4 years, it returned them dividends amounting to $62,000. It was also shown that neither Mrs. Hoffa nor Mrs. Brennan had any part in the functioning of this corporation, which had no employees. (Hearings, p. 144.) One of them merely telephoned periodically, instructing the corporation auditor to pay a dividend. On at least one occasion, no amount was specified in these instructions, and the suggestion was offered that it be 'as much as the corporation could stand' out of its earnings. (Hearings, p. 138)"—Report of a Special Subcommittee to the House Committee on Education and Labor pursuant to H. Res. 115, 83d Cong., 2d sess.

[19] Hearings before special subcommittees of the House Committee on Education and Labor and of the House Committee on Government Operations—83d Cong., 1st sess.—under H. Res. 115 and H. Res. 5—"Strikes and Racketeering in the Kansas City Area."

[20] Hearings before a special subcommittee of the House Committee on Education and Labor—83d Cong.—Nov. 23, 24, 25, and 27, 1953—Investigation of Welfare Funds and Racketeering—p. 17.

[21] Hearings, ibid., pp. 310–326.

[22] Hearings, ibid., pp. 71–85.

[23] Hearings, p. 439.

[24] Hearings, p. 440.

[25] Hearings, pp. 441, 442, 446.

[26] Hearings, pp. 441, 442, 446.

my former chairman of the Committee on Government Operations, the gentleman from Michigan [Mr. HOFFMAN], did not mention it. And, I think a great many people do not want to mention it and do not want to hear about it, because I think it is pretty general knowledge that a fellow named SHELLEY around here has had some experience with labor relations and is one of the few men around here with real experience in the field. When we get into the real discussion of the bills and when we get to the point that my good friend, the gentleman from Indiana [Mr. HALLECK] calls the gut-cutting period, I will stand up against any of them, and I do not think it is my gut that will be cut. I will stack up a record of actual, factual experience and a reputation for clean dealing and honest labor administration against anyone, particularly the theorists.

Now, one charge was made, and I noticed it in the press and I heard it on the radio comments, that this was the Hoffa bill. "SHELLEY" has the Hoffa bill." Well, the other day in the Rules Committee hearing the gentleman from Indiana [Mr. MADDEN] made an accusation about the Landrum bill being the NAM bill, and there was a little flurry and some people became very excited. I think the gentleman from Indiana explained it today and I believe the gentleman from Georgia has accepted it.

Mr. Chairman, I do not think we are going to accomplish anything in this debate by hanging labels on anything. I want to say right now, I give the gentleman from Georgia [Mr. LANDRUM], the gentleman from Michigan [Mr. GRIFFIN], the gentleman from Alabama [Mr. ELLIOTT], the gentleman from Arizona [Mr. UDALL], the gentleman from New Jersey [Mr. THOMPSON], and all who joined with either or all of them, all the respect to which they are entitled. I do not say that anybody wrote the bills and planted them with them. As far as I am concerned, this is their sincere effort to solve a problem with which this country is confronted. I may disagree with them. But if we are going to tie tags on and hang labels, we are not going to get very far.

Now, who wrote the Shelley bill? A fellow named SHELLEY started to write the bill and then called in about 10, then 12, finally 14 other Members of the Congress, practically all of whom, other than myself, are members of the House Committee on Labor and had sat through all the hearings. We worked for 3 nights, several afternoons and a full week end in my office. After we agreed and drafted a tentative bill we had discussion with some AFL-CIO attorneys.

You see, I have had the benefit of some experience in labor relations, and for the RECORD let that show right at this point.

From 1937 to 1947 I was the president of the San Francisco Central Labor Council. In 1937 it happens I was the fellow that dropped the gavel and ordered Mr. Bridges' Longshoremen out of our council. From 1947 until the time I came to the Congress in 1950 I was the president of the California State Federation of Labor. I called a few strikes after the members voted them by a secret ballot and gave them authority to execute the action when all hope for peaceful settlement failed. I have been on a few picket lines. Compared with this, however, I can honestly say that I personally concluded over 1,500 negotiations peacefully and avoided strikes. I have been a member of a union since I was 15 years old, when I first joined the sailors union. I am now a dues-paying member in good standing of the Teamsters Union, and I am not a Hoffa Boy. If you do not know it, I was a candidate against Jimmy Hoffa for president of the Teamsters union, because exactly what is happening this week is what I said would happen and that he would bring on a deluge of terrific violent and vicious antilabor legislative proposals. I was an opponent of Mr. Beck for years, because one time I opposed Mr. Beck in a proposal when he wanted the Teamsters of San Francisco to go out with baseball bats and keep the longshoremen from doing their work on the waterfront. Man, oh, man, would the labor-haters have had something to go to town on if this had happened. Sure they would. Violence and force is not only wrong per se—it is exceedingly stupid.

I took the position that this was bloodshed, this was violence, this was labor fighting labor. For what? Power for an individual. Sure, I got worked over and beaten by 17 thugs. I had to get glasses as a result of it; I wear a partial dental plate where teeth were knocked out of my mouth by brass knuckles; I had a plaster cast over my whole torso for 14 weeks. But these things did not destroy my fundamental belief in the principle of labor, because there were some so-and-so's, some goons, some ambitious individuals who were using their positions to further their own ends. That did not mean that there was a reason to destroy labor any more than a preacher going bad means that we should eliminate all churches, or a banker going south with the bank's money means that we must eliminate the banks, or the head of an investment trust fund going south with some of the money with which he is entrusted means that we must eliminate all investment houses and trusteeships. Oh, by the way, Mr. Beck and his muscle-men have all been caught up with without eliminating unions.

Sure, I later talked to some attorneys from the AFL-CIO, men in whom I have confidence and have known for years. But let us get this in the ground rules. No more than I am saying that the Landrum-Griffin bill is the NAM bill and was written by them, is this bill the Hoffa bill. Hoffa did not write it. The background I have recited to you I believe establishes that as a fact.

In view of that background I do not think there is a man in this House who is any more opposed to racketeering than is the gentleman who is speaking to you now. Yes, I have seen some racketeering in the trade union movement and wherever and whenever I've seen it I fought it. I have differed with some of those in labor who said, "We must repeal Taft-Hartley." I said, "This is a false position. You are not going to achieve it." I said, shortly after it was enacted that we should amend it with sensible amendments. I still believe that—but, only after a real study. The amendments in the other bills have not had that study, cool consideration and calm deliberation in either the House or Senate committees.

When the Hoffa situation developed and the Johnny Dio and other situations, I watched the TV programs. I rented a TV and had it in my office and watched what went on with as much revulsion as anybody in the country. I determined then, in fact, I knew then, that there would be a bill, that there must be a bill to prevent ex-cons or crooks, former crooks, coming into the labor movement and achieving positions of power and leadership; a bill that would prevent the embezzlement or the misspending of union funds. I think that any union official who misspends or misappropriates the dues paid in by the man who is a member of the union, who is putting in that money, who is actually offering his blood, his toil, his tears, and his sweat in these funds—or any of the funds that are in the pension or welfare funds—is more reprehensible and more of a buzzard than even a banker who walks away with a few thousand dollars, because the bank is insured under the Federal Deposit Insurance program. We do not even propose to insure these funds so we must protect them as the workers' property—the union members—not the officers' property, as strictly as possible.

So, when it comes to the differences in these provisions, there are not too many differences in the bills. I think mine is actually stronger in that it provides a stiffer penalty; in that it also applies the same rules for accounting to the employers and to this new field of half-baked operators who are not attorneys but call themselves labor consultants. Oh, yes, I have seen some of them operate. They are peddlers and middlemen, some of them—not all of them. It is a very respectable field in a great many cases. But there is no provision to make them account for what they collect and what they use it for.

Yes, and the great hearings that were held some 14–16 years ago called the LaFollette hearings on labor spying. Those hearings cannot be obtained any more. Management has not ended that practice. I have known of employers offering bribes. You know, a bribe must have a giver as well as a taker. It is not a one-way street.

The bill I have introduced seeks to apply with even justice to the men on both sides of the bargaining table; it seeks to get rid of the crook in labor, to get rid of the ex-con in labor; it requires stricter financial accounting, stricter penalties and a setting up of a fiduciary responsibility for those handling the funds by bonding, and so forth.

Let me touch on the matter of bonding. The Landrum-Griffin bill and the committee bill requires that the officers of trade unions can only be bonded by bonding companies that are on the certified list of the Secretary of the Treasury.

Let me show you this. This narrows it down to a sizable but nevertheless a restricted list of the big bonding companies that are engaged in Federal bonding. In every State there are laws regulating legitimate bonding companies. My bill proposes that union officers be bonded by any legitimate bonding company either on the Secretary's list or any bonding company certified by the law of the State, but that no union officer can take out a bond with a bonding company that has any connection with him or a company that any labor officers set up themselves. This practice of setting up a bonding company is getting to be a new trick that some of the boys want to use, and I think it is this that we want to get at. As a matter of fact, under the present situation, several of the big unions of this country are being refused bonds by all the American companies and the unions are going to Lloyds of London and getting their bonds at a rate cheaper than the going rate here in this country. I do not think we want to drive that business out of our country so long as we provide that the labor men being bonded should not control the company and it is a reliably certified company with Federal or State certification.

With regard to elections—yes; we set up provisions for elections. I think all of the bills do that. We set up provisions to see to it that the elections are held in a democratic way and to see to it that certain things are voted on by secret ballot. We do not have too much quarrel there although there is some difference. The big issue here is in getting rid of the racketeers. The big issue between the committee bill and the Landrum-Griffin bill, and the Shelley proposal with the exception of one or two issues, is not on the objective of getting rid of the racketeers. Now, if that is so, why did I put in the Shelley proposal? Because when we get into title VII, the amendments of the Taft-Hartley Act, then we are getting into the field of labor-management relations. The gentlemen who have preceded me can stand on this floor all day and say they are not punishing labor—maybe that is their intention, but that will not be the effect of the legislation they propose because, actually, the effects of their amendments in this field are damaging and aimed at the heart of free labor unions. I am one Member who voted for the Kennedy-Ives bill a year ago. I would vote for a straight antiracketeering bill any day. But, I think the amendments of the Taft-Hartley Act should be the subject of some long study by the Congress and should be in a separate bill because here is the field in which we really come up against strong emotions. Here is the field in which there has developed over the years this great trade terminology and these trade phrases. How many of you sitting here within the sound of my voice could really get up and give a definition or an explanation of secondary boycott. Of course, those who are on the committee might do so. I am not on the Committee on Education and Labor. But, how many could get up and explain succinctly and clearly what organizational picketing is and how it differs from recognition picketing. This is where you get into the field of punishment by the trick use of labels. The Taft-Hartley law at the present time bans hot cargo. It bans secondary boycotts. By agreement, the Teamsters have written certain provisions into their contracts which provide it is not a violation of contract for a truckdriver to haul "struck" or nonunion products. The Landrum-Griffin bill sets labor man against labor man. Now some are out to get Jimmy Hoffa and the Teamsters. I do not think you will ever legislate Jimmy Hoffa out of business. I think I know the mind of the laboring man and the more he is pushed around by this kind of debate, the stronger Hoffa is going to get with his own members. I saw that happen with Harry Bridges in San Francisco. If Hoffa is going to be gotten, he is going to be gotten by the judicial process and getting the goods on him. But, do not go out after the honest trade unions and the honest leaders of labor. All you will do is make a more militant and active labor movement.

As to organizational picketing, there are any number of reasons why it is necessary for a union to put on a picket line to organize. One bill, the Landrum-Griffin bill, in my humble opinion, prohibits practically all picketing. That is an infringement upon the basic right of free speech accorded to trade union members as well as to every other citizen. Their extension of the interpretation of the secondary boycott not only in my opinion but in the opinion of many lawyers, and not just labor lawyers, is an invasion of the field of the primary boycott and can be used to stop any picket line or any boycott by even a striking union.

My bill I will stand up against any of them on the antiracketeering and other provisions. Sure, I say it proudly, frankly, and flatly, I have presented clean, honest labor's position in regard to the Taft-Hartley law; and, interestingly enough, the authors of the other bills see some good in my bill. On the building trades situation I think we are in pretty general agreement; we all want to try to take care of the no man's land situation, some by providing that it shall be dealt with by State courts. I say this is bad. My bill puts it all in the Federal court. Why? Because the minute you put it in the State courts you, the Members of Congress, are lending assistance to the labor haters of this country who are trying to push for individual right-to-work laws throughout the country and in each one of the 49, and in a few months 50, States there will be a different interpretation of the labor laws, 50 different interpretations of the labor laws, looking at labor basically as a commodity, and the laboring man is not a commodity.

My bill—the Shelley bill—includes all the genuine reform measures that are included in the Senate bill, the Elliott bill and the Landrum-Griffin bill.

It's even more effective, because—unlike the others—it gets at the connivers and the crooks in management, as well as labor.

It deals with union democracy, individual rights, union trusteeships, coercion, embezzlement, backdoor dealing—the whole range of matters investigated by the McClellan committee.

Big business groups and the President have attempted to give the impression that failure to pass the Landrum-Griffin bill would nullify the efforts of the McClellan committee.

Yet nowhere has the McClellan committee recommended legislation in the fields of secondary boycott, hot cargo, or organizational picketing—which are now described to us as essential to the enactment of effective labor legislation.

The fact is this: The McClellan committee has made four principal recommendations—regulation of union funds, provisions for union democracy, control of middlemen and definition of the "no man's land"—all of which are covered in the Shelley bill.

But this is not enough for the anti-union people.

They want to make it a crime for me, a union member, to respect a union picket line.

They want to tell me I cannot carry a sign in front of a department store saying, "Don't buy X company's product, it's a nonunion company."

That is what President Eisenhower said. That is what the Landrum-Griffin bill says.

Now how in the world are you going to find out, if you believe in fair wages and union standards, that X refuses to pay them? How is the union going to protect its members, and protect the fair wages they have achieved by collective bargaining with decent employers? Do you think your daily paper will carry that information on page 1, or on page 41?

All of you have seen pickets, walking up and down with signs saying "Unfair to Organized Labor." Sometimes this means there's a strike; sometimes it means there is some other kind of dispute.

If those pickets are there to shake down the employer, under my bill they would go to jail. But under the Landrum-Griffin bill—supported by President Eisenhower—they would go to jail no matter what they were doing, except for an actual strike; and it is possible they would go to jail for that, too, under the language in the Landrum bill.

I am against the crooks, at whose hands I have suffered physically and spiritually. But I am for the honest labor movement.

Remember this—in this world of today—a strong democracy needs as a vital part a strong, honest labor movement. The labor haters have overlooked this. Look at the world about us and at ourselves—then, don't you forget it.

My bill will end corruption in labor. Your support of the Shelley bill will end corruption in labor.

Mr. KEARNS. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman, I should like to begin by paying a sincere tribute to the Chairman of the Committee on Education and Labor for his infinite patience, and the way he conducted

the deliberations of our committee, with fairness and justice. I pay tribute also to the members of both parties on the committee who worked so hard and diligently to make it possible for the House to work its will on labor legislation.

Mr. Chairman, a man by the name of Abraham Lincoln once said this:

> All that serves labor serves the Nation. All that harms labor is treason to America. No line can be drawn between the two.

Those indelible words of a great friend of labor provide not only a ringing challenge but an exacting standard against which I stand ready to measure the legislation we consider here today.

As I prepared for this debate, my mind returned again and again to those turbulent days 12 years ago when Congress debated the Taft-Hartley Act. I have read, and reread, those eloquent speeches which some of you then delivered. As I read them, I could not help but think how differently great issues can sometimes appear when later viewed through the perspective of history.

"Slave labor bill," "the death warrant for labor," "a vicious monstrosity," "a bill to bring back the sweat shop and yellow dog contract," "a bill to drive unions into the hands of Communists," those and many other colorful descriptions were draped on the Taft-Hartley Act as it passed through this chamber.

Against that background, it has been an interesting revelation during the past several months to sit through the long hearings on this legislation and to hear one labor official after another refer to Senator Taft as a true friend of the workingman.

Mr. Chairman, we are faced with a legislative challenge that will call for the utmost in political courage. The country needs, and cries out for, an effective labor reform bill. If history teaches anything, it is that major legislative changes come very infrequently in this field which is so charged with emotion and controversy.

Now that we have undertaken this task, surely we must fulfill our obligation adequately and effectively. We cannot delude the American people—we cannot fail the workingman and woman of our great land—by passing just a bill which merely bears the title of labor reform.

The distinguished gentleman from Georgia, Mr. Landrum, and I have joined in the sponsorship of a nonpartisan reform bill which we ask you to support when it is offered at the appropriate time as a substitute for the committee bill.

How does the substitute differ from the committee bill? Why will it be effective in meeting the abuses disclosed by the McClellan committee? Will it be harmful to labor?

In part, I should like to answer the last question first by saying that surely the best thing that can happen to promote and make possible the wholesome growth of legitimate unions, will be to get rid of the cancers of corruption, coercion, and violence which now infest too large a part of the labor movement.

Mr. Chairman, union members and the public have a right to expect better and more effective legislation than the committee bill. In the opinion of the gentleman from Georgia and me, this subject is so serious and the need is so great that there cannot, and should not be, any room for partisanship. We cannot allow this desperate need for effective reform legislation to be converted into a petty fight for political advantage—all of us must battle together for the public and for the working men and women of our country. Surely, there is plenty of room in both of the great parties for the champions of this vital cause.

The substitute which we will offer—H.R. 8400—meets minimum recommendations generally laid down by the chairman of the select committee of the other body, and it is in line with proposals made in this field by the President and the Secretary of Labor.

Briefly, it could be said that the substitute bill is so drafted as to restore the "teeth" in the Senate-passed bill which were extracted in the House committee, and the substitute adds necessary and effective provisions to deal directly with abuses left untouched by the committee bill.

Keep in mind that, in general, the substitute is framed on the committee bill; we have retained all of the committee's technical amendments and many other features of the committee bill which make a contribution to an effective labor reform bill. There are no "strangers" in our substitute bill; every provision was thoroughly considered by the full committee.

It shall be my purpose to review, in a general way, some of the major differences between our substitute and the committee bill. Other speakers to follow will explain differences in more detail.

For a moment, I believe attention should be focused upon the similarities between the committee bill and the substitute, H.R. 8400. For example, in both bills, title III—dealing with trusteeships; title IV—dealing with the election of union officials; and title V—covering the fiduciary responsibility of union officers, bonding, loans, restrictions against the Communists and exconvicts holding office—are identical without a word or a comma changed. Title II—dealing with reporting and disclosure—is identical with the committee bill except for an important change relating to an exemption.

I

The bill of rights in our substitute is essentially the bill of rights in the form passed by the other body. It guarantees to union members, subject to reasonable rules and regulations, that they will have equal rights and treatment within their union; that they will have the right to participate in union meetings and to express their views; that their dues and initiation fees will not be increased arbitrarily; that they will not be unjustly disciplined by union officials. These basic guarantees are hardly new or novel—they are the essential and fundamental rights which every American citizen is guaranteed in the Bill of Rights of the Federal Constitution.

As the senior Senator from Arkansas has said:

> There is no reason why a union man should be required to leave the rights guaranteed to him by the Constitution of the United States at the door when he goes into a union meeting.

These are not punitive or repressive provisions. What rank and file union member will complain because the law guarantees him the right to a democratic voice in the affairs of his union.

The committee bill requires a union member to exhaust internal union procedures over a period of 6 months before he can assert his right to institute a civil action in a court or before an administration agency. Since the Taft-Hartley law prescribes a 6 months statute of limitations for the filing of unfair labor practice charges, the 6 months requirement in the committee bill might prevent a member's access to remedies available under the National Labor Relations Act in the case of an unfair labor practice charge against his union. In our substitute bill, we have provided a 4-month limit for the pursuit of internal union remedies.

II

Our substitute contains two provisions—sections 609 and 610—which are designed to help make the rights accorded to union members meaningful and effective.

A. Section 609 of the substitute provides a civil—not a criminal—remedy, enforcible by the Secretary of Labor, to protect a union member from suffering a fine, suspension, or expulsion because he dares to exercise a right guaranteed under the act. A comparable provision in the Senate-passed bill—section 607 (a), approved by a 90-to-1 vote—would make it a crime for a union official to fine, suspend, or otherwise discipline a union member for exercising his rights. In putting our substitute together, we decided to temper the remedy in this instance because we felt that the conduct proscribed was roughly comparable to activity described as an unfair labor practice under the National Labor Relations Act.

Is there a rank-and-file union member who will object because our substitute provides him with this protection? The committee bill provides that after a union member spends 6 months exhausting remedies within the union, he then has the privilege, if he has the courage and if he can afford to hire a lawyer and pay all the expenses, to bring a civil action against the offending union official. Do you honestly believe the committee bill provision will be of any real concern to unscrupulous Teamster officials?

B. Section 610 of our substitute—comparable to section 607(b) of the Senate bill—would make it a criminal offense for any person—whether he be union official or an employer, or anyone else—to use force or violence, or threats thereof, willfully for the purpose of depriving any union member of a right guaranteed to him by the act.

There is no comparable provision for criminal enforcement in the committee bill.

A member of the other body who has been more concerned about the violence and corruption in the labor movement considers this provision as the "guts" of the bill.

It should be noted that the comparable provision in the Senate bill—approved 90-to-1—as in our bill, applies to protect not only those rights provided in the bill of rights, but it applies to all rights accorded to union members anywhere in the act.

For example, the important elections title—section 401(d)—gives union members the right to nominate candidates for union office, to run for office, to vote and openly support the candidates of his choice; a candidate for union office has a right to have an observer at the polls.

In evaluating the objection now being raised to the tempered criminal enforcement provision in our substitute, it should be interesting to recall that the broader criminal provision—section 607 of S. 1555—was in the Senate bill when it was reported from the legislative committee of the other body. At that stage of the legislative process, you will recall that the bill was acclaimed and endorsed by Mr. Meany and the AFL-CIO.

We cannot do less than provide in our bill for criminal penalties for those who resort to violence to keep rank-and-file union members in line.

What rank-and-file union member is going to be against you in this next election if you have the courage to protect him against having acid thrown in his face—or having the lives of his children threatened by a union gangster?

It is inevitable, I believe that this debate will center around the issues of "blackmail" picketing and secondary boycotts. While others are important—yes, very important—I believe I have pointed to the two major areas of controversy.

Mr. Chairman, I believe that the real issues involved in our deliberations can, perhaps, be better understood if we examine for a moment just what our national labor policy is, and should be.

The first, and the most important, principle which underlies that policy is that the workers in any establishment should be free to select, or not to select, by majority rule, the union or bargaining agent of their choice.

The Wagner Act in 1935 was intended to secure that freedom from coercion on the part of employers; the Taft-Hartley Act in 1947 was intended to secure that freedom from coercion on the part of unions.

The second fundamental principle is that the public and innocent third parties are entitled to some consideration and protection; accordingly labor disputes should be confined insofar as possible to the principal, or primary, parties involved.

The Taft-Hartley Act sought to implement this principle by outlawing secondary boycotts, jurisdiction strikes and other practices which inflict injury upon innocent third parties.

The third fundamental principle, in my view, is that unions should be governed by, and should exist for the benefit of the union members—unions should not be the convenient vehicle or tool for despots and racketeers.

Until now there has been little regulation of the internal affairs of labor unions.

It has become frighteningly apparent in the course of the McClellan committee hearings, and in the hearings held by our subcommittee in the House, that the labor movement is now, and will continue to be, a convenient field for the operation of unscrupulous racketeers and gangsters unless there are strict and enforcible laws to safeguard and implement the three important and fundamental principles which I have outlined.

What are the tools, the weapons which gangsters and racketeers use to invade and take over segments of the union movement?

III

Blackmail organizational picketing is the weapon that is used most often and effectively by those who are corrupt in the union movement.

At the outset, it should be clear that there is no provision in any of the bills which impairs or affects the right of organized employees to go on strike for better wages and working conditions—and to picket in connection with such a strike.

There would be absolutely no interference under any of the bills with the ordinary and accepted methods employed by most legitimate unions in organizing members. In the usual case, an organizer will seek out several employees who can influence the thinking of the others; they will work to persuade others to join the union. When the union has enough members it may request recognition or petition for an election.

The basic difference between the two bills on the issue of picketing is that under our substitute a union could not establish an organizational or recognition picket line until at least 30 percent of the employees have indicated an interest in the union.

The basic purpose of this provision is to implement and guarantee the fundamental principle that employees shall be free in the right to select, or not to select, the bargaining agent of their choice.

What rank-and-file worker is going to object because you provide at least a little protection that he shall not be forced to join and pay dues to a racketeer union—when he might prefer to be represented by another union?

Where is the worker who will complain because there is some protection against the evils of "sweetheart contract" representation?

What kind of a union do you suppose workers have when a majority of them are forced against their will to join up with a racket union? Do you suppose they go to very many meetings? Do you think they would have much of a voice in the affairs of such a union?

There are cases by the hundreds to demonstrate the evils of blackmail picketing.

Consider this situation: In the Teamsters Union, as in some other unions, organizers are paid a commission per head for every person they can get into the union by whatever means. This can be a very lucrative and profitable business if you are not concerned about scruples.

For example; one Teamster organizer appeared before the McClellan Rackets Committee and was asked whether he had received and had been credited with commissions for new members totaling more than $375,000 over a period of several years. The official's reply was that he declined to answer on the ground that it might incriminate him.

It should be of interest to learn how that organizer goes about getting people into the Teamsters Union. I have with me a letter which was sent out over his signature to a small employer. The letter reads in part as follows:

> The International Brotherhood of Teamsters, has decided to embark upon a campaign to organize your * * * employees. To induce your employees to join this union we shall begin to picket your establishment on or about the 11th of May 1959.
>
> We wish to make it clear to you that local 710 does not at this time represent, and, of course, we do not claim to represent, a majority of your employees. Local 710 does not ask you to recognize it as the exclusive bargaining representatives of your employees. * * *
>
> You should understand that it is your right * * * to advise your employees of the economic detriment which you and they will sustain as the result of withholding patronage from your concern by union members and sympathizers as long as they remain nonmembers of our union.

It should be obvious that so long as racketeers and gangsters are permitted to use such methods to force employees into their unions the legitimate trade union movement is in jeopardy. The honest and forthright union organizer cannot hope to compete with the organizer who uses such methods. When the weapons of coercion and force are taken from the blackmail organizer, the legitimate union movement can grow and expand in a healthy and wholesome way.

SECONDARY BOYCOTTS

In approaching the subject of secondary boycotts, it is important to keep in mind that our substitute bill would not change—it would only reinforce what was the intent of Congress at the time it passed the Taft-Hartley Act. That intent was to outlaw secondary boycotts.

The secondary boycott is an un-American device whereby one attacks an enemy by coercing or inflicting injury upon the friends or those who do business with the enemy. It is based upon the concept of "guilt by association." It is a method used by dictators to handle nonconformists by coercing their families and friends.

That it was the clear and unequivocal intention of Congress in 1947 to outlaw the evils of secondary boycotts can be illustrated by this statement of Senator Taft taken from the legislative history:

> The Senator will find a great many decisions * * * which hold that under the common law a secondary boycott is unlawful. Subsequently, under the provisions of the Norris-La Guardia Act, it became impossible

to stop a secondary boycott or any other kind of a strike, no matter how unlawful it may have been at common law. All this provision of the bill does is to reverse the effect of the law as to secondary boycotts. It has been set forth that there are good secondary boycotts and bad secondary boycotts. Our committee heard evidence for weeks and never succeeded in having anyone tell us any difference between different kinds of secondary boycotts. So we have so broadened the provision dealing with secondary boycotts as to make them an unfair labor practice.

How does a secondary boycott work?

Well, suppose that a union official considers that company A is unfair. He may be unhappy with company A because its employees voted not to join his union. That was the situation of the Endicott Church Furniture Co., of Warsaw, Ind.

Or he may be unhappy because company A will not sign a "sweetheart contract" and force its employees to join without an election. That was the situation of the Coffee Transfer Co., where the Teamsters official bluntly said he "didn't have time to fool around, and would have to organize from the top down."

Or the union official may be unhappy because the employees of company A have joined another union. That was, and still is, the situation at the Burt Manufacturing Co., in Akron, Ohio, where a boycott has been carried on because the Burt Co. employees elected to belong to the Steelworkers Union rather than the Sheet Metal Workers Union. That was the case in a New York hotel, where a boycott was carried on because the barbers belonged to one union instead of another.

In these and many other cases, a secondary boycott was used. You might ask, How could it have been used if Congress intended to outlaw secondary boycotts? The answer is that over the past 12 years a few gaping loopholes have developed. Our substitute bill is designed only to close up these loopholes.

For example:

First. If the union official goes to company B—a customer of company A—and induces or coerces—by a picket line or otherwise—the employees of company B to refuse to handle the products made by company A—this activity is now an unfair labor practice and the boycott can be stopped under the act.

Second. However, instead of going to company B's employees as a group, if the union official is careful to bring pressure on B's employees one at a time and induces or coerces them individually not to handle company A's products—then, the effect of the present act can be technically avoided. Our substitute would close that loophole—the committee bill would not.

Third. However, if company B just happens to be a railroad company or a subdivision of government the union official can induce B's employees—as a group, or in any other way—to refuse to handle company A's products—and the effect of the act can be avoided because, under a technical interpretation, employees of a railroad are not employees within the meaning of the act. Our substitute would close this loophole—the committee bill would not.

Fourth. If, instead of going to B's employees the union official goes directly to B and threatens him with labor trouble or other consequences, unless he stops dealing with company A—the effect of the act can be technically avoided. Our substitute would close this loophole—the committee bill would not.

Fifth. The union official can also avoid the effect of the act if somehow, through economic coercion or otherwise, he can get B to sign a hot cargo agreement—under which B will agree not to deal with A. Of course, this is standard procedure for the Teamsters Union. This is the one loophole that the committee bill recognizes. However, the committee bill only nips at the heel of the problem by outlawing those hot cargo agreements which are made with common motor carriers subject to part II of the Interstate Commerce Act.

Our substitute would ban all hot cargo agreements.

Mr. Chairman, I have difficulty understanding the position of those who support the committee bill. They seem to recognize the evils of the secondary boycott and its relationship to corruption and racketeering—but then they refuse to support amendments which are designed to close technical loopholes. Are they not in the position of saying that they are against a secondary boycott if it happens to be accomplished in one way—but it will be all right if it is accomplished through one of the technical loopholes in the law?

This is an open invitation for those who are corrupt to take advantage of the union movement at the expense of those who are decent and try to operate within the intent and spirit of law.

Mr. Chairman, what are the principal arguments against the substitute bill?

A few seem to be inclined to vote against the substitute merely because they believe that somehow it has become a partisan issue.

Mr. Chairman, Senator McCLELLAN, the President, and the sponsors of this substitute bill do not consider this grave matter a partisan issue. I am confident that the people across this great land and particularly the working men and women—will not be impressed with that as a reason to vote against sound legislation.

Mr. Chairman, the clinching argument of the opposition seems to be that unless we compromise, there may be no labor bill. Are they contending that the House should abdicate its responsibility as a coordinate branch of Government and become a rubberstamp for the other body?

If the substitute is the minimum that Senator McCLELLAN and President Eisenhower consider necessary; and if the people all over the country are with us—as I believe they are—then I believe the other body will not stand in the way to prevent the enactment of legislation.

Mr. Chairman, the hour of decision is near. There may be some who will do the bidding of the few who seek only to perpetuate themselves in power. But I fervently hope and pray that there will be enough in this great body who will rise up in support of the people—and particularly the working men and women of this great land—in this battle which they cannot afford to lose.

Mr. ALGER. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. I yield to the gentleman from Texas.

Mr. ALGER. I would like to say to the gentleman from Michigan that I am among those who support the Landrum-Griffin bill, that I consider it as the gentleman so well said, a minimum bill, that there could well be additional teeth in this bill, and there may be some teeth available. I suggest, for example, to my colleagues, to look over the bill H.R. 8003 which I shall put in the RECORD at the conclusion of these remarks. I suggest that labor could be placed under the antitrust laws so that the monopolistic power now enjoyed would be curtailed.

I suggest that other teeth could be put in the bill. Certainly the Landrum-Griffin bill is the minimum as has been noted by the President, the Senator from Arkansas as the head of the select committee, the gentleman from Georgia [Mr. LANDRUM], and the gentleman from Michigan [Mr. GRIFFIN]. I thank the gentleman for yielding and commend and join with the gentleman in his statement.

Mr. Chairman, overlooked in the debate of the various labor bills is the real protection needed by the consumer and competitive enterprises from the monopolistic position of labor.

The President, Senator McCLELLAN and Representatives LANDRUM and GRIFFIN, each, in turn, has called the Landrum-Griffin bill a minimum bill in correcting the abuses uncovered by extensive committee hearings, before both the McClellan committee and the House subcommittee headed by Mr. LANDRUM, the gentleman from Georgia. To alter the monopolistic position of labor and place labor under antitrust law so that labor and management operate under the same ground rules, effective legislation must do three things:

First. Prevent centralized control of collective bargaining policies by national or international unions, and return these functions to the local union level.

Second. Prohibit strikes and other forms of coercive action carried out as part of a prearranged plan or combination between two or more unions to impose concerted wage demands and other contract conditions upon industries affecting interstate commerce and trade.

Third. Prohibit union imposed restrictions upon the use of products and improved methods of work performance, limitations on production, price fixing, and similar arrangements arrived at through agreement—either voluntary or coerced—with individual employers or groups of employers.

Simultaneously, it should be made clear that where an individual union engages in any action in the form of strikes, picketing or boycotts as a means of obtaining or enforcing a demand for wages or other conditions of employment—and such action is not a part of

any concerted plan, combination or arrangement with any other union—it would not come within the scope of any antitrust or antimonopoly restrictions even where it may result in an interruption of interstate trade or commerce.

Under such legislation the ability of local unions to use their traditional economic weapons in support of legitimate union objectives would be fully preserved and protected. But the big power combinations of unions would be broken up, just as the big corporation trusts of the 1890's were broken up by the Sherman Act.

It should be apparent to those who have a grasp of the economic force now building up within our country and throughout the world, that enactment of such legislation is our only hope of staving off ruinous inflation and the drabness of the welfare state economy that inevitably lies in store for the next generation.

The specific language of my bill, H.R. 8003, introduced earlier this year, would provide an additional section to H.R. 8342 as an amendment, and is as follows:

Page 72, after line 14, insert the following:

"TITLE VIII—ACTIONS IN CONCERT BY LABOR ORGANIZATIONS

"Declaration of policy

"SEC. 801. (a) The Congress hereby finds and declares that maintenance of a competitive enterprise economy and a free market for goods and services is essential to continued economic growth and prosperity of the Nation; that laws heretofore enacted prohibit combinations and conspiracies among producers and suppliers of goods and services which are in restraint of interstate trade or commerce or tend to create monopolies; that the immunity of labor organizations from these statutory prohibitions has permitted them to form powerful combinations and enter into arrangements which severely limit competition, impose restraints upon trade and commerce, and permit the parties to such combinations and arrangements to exercise monopolistic controls over production costs and the use and distribution of products and services in a number of essential industries; that such combinations and arrangements impair collective bargaining and deny to the consuming public the benefits of effective competition, increased production, new and improved products, and lower prices for goods and services; that such combinations and arrangements are no less damaging to the national economy and the general welfare than similar combinations and arrangements between producers and suppliers of goods and services; and that, in order to protect the public interest, such combinations and agreements formed and entered into by labor organizations must be prohibited.

"(b) It is the purpose and policy of this title to promote the full flow of commerce, to provide orderly procedures for protecting the flow of commerce and preventing restrictive practices or arrangements which may impede the flow of commerce, to preserve the right of employees to form and join labor organizations and to engage in concerted activities necessary to carry out the legitimate objects of their labor organization, and to protect the rights of individual employees, employers, and the public in their relations with labor organizations.

"Bargaining in concert prohibited

"SEC. 802. It shall be unlawful and contrary to the public policy of the United States for any labor organization in concert with any other labor organization (whether or not affiliated with the same national or international labor organization) to combine, agree, conspire, or reach or attempt to reach a common understanding with respect to wages, rates of pay, or any other terms or conditions which any such labor organization shall seek or demand from any employer or employers.

"Strikes for unlawful purposes prohibited

"SEC. 803. It shall be unlawful and contrary to the public policy of the United States for any labor organization to strike or engage in any other course of action for the purpose of inducing, persuading, or compelling any employer to accede to or grant or otherwise put into effect any demand for wages, rates of pay, or any other terms and conditions made pursuant to any combination, agreement, conspiracy, or understanding declared unlawful under this title, where the effect thereof may be to substantially or materially affect the production, use, cost, distribution, selling, or otherwise handling of any commodity or service in commerce.

"Concerted actions prohibited

"SEC. 804. It shall be unlawful and contrary to the public policy of the United States for any labor organization in concert with any other labor organization (whether or not affiliated with the same national or international labor organization), or with any employer or other person, to engage in any action, plan of action, arrangement, or combination in restraint of trade or commerce or which may tend to create a monopoly.

"Unilateral strikes, picketing, and boycotts not prohibited

"SEC. 805. For the purposes of this title, no action or plan of action, including strikes, picketing, and boycotts, undertaken by an individual labor organization in furtherance of or in relation to any purpose of such organization and which is not undertaken or carried out in concert with any other labor organization or with any employer or other person, shall be deemed to be in restraint of trade or commerce.

"Enforcement

"SEC. 806. Notwithstanding any other provision of law, any district court of the United States shall have power to prevent and restrain any labor organization from any violation of the provisions of this title."

To recapitulate, here is how this bill would deal with union monopoly power:

Under this amendment, an individual local union could:

Engage in all proper organizational activities.

Cooperate with national unions in organizational efforts and other activities not resulting in concerted action to restrain trade or commerce.

Use strikes—and all other traditional economic weapons—to enforce wage demands upon the company for which its members work. Any resulting interference with shipment of goods in interstate commerce would be permissible.

But an individual local union could not:

Use strikes—or other interference with interstate commerce—to enforce any concerted industrywide—or pattern—wage demand which was arrived at through agreement with any other labor organization. This would include another local union or a parent union or a subsidiary union. Such interference—or agreement—would constitute unlawful restraint or trade.

Enter into any arrangement—voluntary or coerced—with any employer, groups of employers, or other unions which cause product boycotts, price fixing, or other types of restrictive trade practices.

Example: No longer could a carpenters' union restrict use of prefabricated door and window frames by advising a building contractor that use of these products would result in his labor supply being withdrawn from the project. Result? Denial to the public of cost-saving improvements. Hence, higher prices.

Example: No longer could a milk drivers' union—perhaps in collusion with one dairy—present to all community dairies a union-approved price list and demand its use or wayward dairies would face labor difficulties. Result? Price fixing and higher prices to the consumer.

As a result of this amendment:

Control of local unions and of wage bargaining would be returned to local union elected officers.

Monopolistic practice of industrywide and pattern bargaining by professional labor bosses at the national or international level would be ended.

Unions no longer could fix prices, restrict use of new processes and technological improvements or exclude products from the market.

And enforcement would be based on injunctive relief in Federal courts—but not through criminal prosecution.

To explain the background and need for this amendment more fully, a further analysis would show that the problems of monopoly, which Congress sought to dispose of by enacting the Sherman Act 70 years ago, has reappeared in a form quite as threatening as that in which it appeared during the late stages of the 19th century.

Then it was the monopoly of the large corporations and the industrial trusts. Now it is labor monopoly. The effect is the same—monopoly prices. And the victim is the same—the consumer.

Court decisions which removed labor organizations from antitrust laws were handed down in 1941 by the Supreme Court by United States against Hutcheson when the Court, in effect, said:

> If you are a labor union and you determine in your mind that what you desire to do—although unlawful to everybody else—is in the self-interest of your union, it becomes legal. No matter how much damage this activity may inflict upon the economy, society, or individuals, it is legal—because you say it is in the union's self-interest.

Then, in a 1945 decision, the Court opened the door still wider to union freedom from legal restraint. In simple terms, it said:

> Labor unions have a license to impose whatever economic restraints they wish * * * without regard to their effect upon the rest of society.

In many respects labor monopoly is far more threatening than the business combinations of the last century. It is more extensive and more powerful. And, because labor is the most important element in costs, its effect upon consumer prices is greater.

Where industrial monopolies regulated the prices of only a few commodities, labor monopoly has its impact upon the price of all commodities. Where

the business monopolies were limited to certain industries or areas, labor monopoly wields a unified nationwide force with almost unlimited power over all industries.

Most important of all, labor monopoly is gradually undermining the value of money, a process which—unless curbed—can eventually destroy not only economic welfare but national security as well.

Unfortunately, the labor monopoly subject, and what can or should be done about it has been clouded by emotional and irrelevant arguments. As a result, clear understanding of the subject has been lacking. Spokesmen for organized labor insist that term "monopoly" can be used only in relation to business and commercial functions—that it has no valid applicability to unions or any of their activities.

LABOR CLAIMS IMMUNITY

By reason of this, they argue, it is unrealistic to consider any union activities or practices within the context of the antitrust laws. Let us proceed to examine whether this is true or not.

Monopoly power may be defined as the ability to set prices and outputs of particular commodities and services at levels which are significantly different from those that would be established by the interaction of the forces of supply and demand in a free market.

MONOPOLIST SEEKS SHELTER

In normal circumstances, monopoly power cannot be exercised unless the monopolist is in some way insulated or sheltered from competitive pressures and the checks and balances provided by natural economic forces.

In the case of business firms which manufacture or sell a product, such insulation is difficult to achieve. If they attempt to set or maintain the price of a particular commodity at an artificially high level the consumer will seek, and probably find, a suitable substitute.

Thus would-be monopolists find themselves in control of a product which has no market. To avoid this they must attempt to prevent the entry of rival products or rival businesses into the competitive market. But here they are stymied by the antitrust laws. Any efforts in this direction are prohibited and subject to severe penalties.

Labor unions, on the other hand, are effectively insulated from competitive pressures because those who require a supply of labor cannot find, except in rare instances, a suitable substitute. They have no alternative than to pay the price demanded by the union which supplies or controls the necessary labor.

Further, by virtue of their immunity from the antitrust laws, unions can protect their control over labor supply and labor prices by preventing the introduction of new and cheaper methods or products whose prices are forced up by increased union labor costs.

TEAMSTERS THREATEN TROUBLE

A case in point is the action taken by the Teamsters Union to prevent "piggyback" transportation of truck trailers by rail. This method was developed in cooperation between trucklines and railroads to provide lower freight costs where long-haul shipments are involved.

The Teamsters viewed this cheaper method of transportation as a threat to their control of labor supply in the motor-freight industry. Accordingly, they notified trucking firms that any firm making use of piggyback arrangements would face labor trouble with the Teamsters.

When a few trucking firms ignored this threat, the union directed its members to refrain from loading the trailers onto the railroad flatcars and engaged in picketing to prevent others from loading the trailers. Efforts to obtain legal relief from this highhanded interference with interstate commerce were rendered futile when the Supreme Court held that the Teamsters' boycott could not be enjoined.

If any business firm or firms in the transportation industry were to attempt to impose any such restraints upon the piggyback arrangements they would unquestionably be prosecuted under the antitrust laws.

OTHER EXAMPLES CITED

Many examples of similar union practices can be found in the building construction industry. There, unions have been successful in pushing wages of the bricklayers, plumbers, plasterers, and other crafts to a higher point than almost any other group of industrial workers.

To protect these high wage levels the unions have used various devices to keep competitive products and methods of construction off the market. The Carpenters Union has, for example, outlawed the use of various types of prefabricated door and window sash, wall sections, and modular units. These would greatly increase efficiency and cut costs in building construction.

The Plumbers Union has barred the use of plastic pipe, a new and improved product, which would more than cut in half the amount of plumbing labor involved in home construction and reduce costs of construction appreciably.

In some areas the unions closely regulate the entry of firms into a certain line of business, decide what projects a particular firm may be permitted to bid on, and set a minimum amount for any given bid.

In the printing industry the unions have prevented the use of automatic equipment which would permit cheaper and more efficient printing of books, magazines, and newspapers.

All of these restrictions have, of course, the objective of preventing competition with the unions' established control over the available labor supply. Needless to say, the cost to the consumer is enormous.

Organized labor's apologists willingly admit that unions utilize these various devices to prevent or neutralize competitive factors. But they argue that, one, workers are justified in taking these collective measures to obtain the highest possible wages and preserve their opportunities for employment; and, two, labor is not a commodity. Consequently the control of labor supply is not to be equated with the control of the supply or price of a commercial product or service.

The first part of this argument begs the question as to whether any segment of society is justified in taking self-help measures at the expense of all other segments. The producers of a commodity could, by the same token, argue that they have a right to make an adequate profit from their efforts. And, where necessary, they should be permitted to protect their product from price-cutting competition.

In a practical sense the businessman's argument is just as logical and morally justified as that of the union. But in each case, the result is the same—curtailment of competition and higher prices to the public.

IS LABOR A COMMODITY?

The argument that "the labor of a human being is not a commodity or article of commerce" originally found expression in section 6 of the Clayton Act amendments to the Sherman Act adopted by Congress in 1914. The implication was that any attempt to apply the antitrust laws to unions would amount to putting union members in the same category as so many sacks of flour or pairs of shoes or loaves of bread. To even suggest such a notion, the reasoning goes, demonstrates a disregard of human values.

Actually this argument is more emotional than real. Admittedly, human labor should not be regarded as a commodity or article of commerce. But there is no rational relationship between this premise and the proposition that unions, as organizations, should or should not be subject to the antitrust laws. It is ridiculous to suggest that putting antitrust restraints upon the union would place its members in the category of commodities to be bought and sold in the marketplace.

In actual fact, it would be more accurate to say that just the opposite result would occur—that many of the present practices whereby unions exploit the workers and sell their services to those who can be induced or forced to buy them would be outlawed.

It is a right of workers, individually and collectively, to proffer or withhold their labor as they see fit. But in the vast majority of situations where union economic power is employed to bring about restraints of trade or to force unrealistic or uneconomic costs on production of commodities, the choice of the individual worker to proffer or withhold his labor is not involved. In most such situations the individual union members have little, if any, voice in determining the price to be charged for their labor, or in the determination as to whether their employer is to be permitted or restrained from handing a particular type of product or doing business with another employer.

UNIONS SELL LABOR

These decisions are, for the most part, the decisions of those who manage the union affairs. Consequently, these decisions and the actions which flow from them must be treated as actions of the union as an entity apart from the human

beings whose labor is being proffered or withheld.

In this context it becomes apparent that "the labor of human beings" has become "a commodity or article of commerce" because the union itself is engaged in the business of trading and selling this commodity. And when the union engages in monopoly practices and and restraints of trade it is not necessarily acting for, or in the interests of, those whose labor is being bought and sold.

The idea of a labor union as an association spontaneously formed by individual employees to equalize their bargaining power and protect themselves from exploitation by a powerful employer is as obsolete as the horsecar.

LOCAL AUTONOMY LOST

This concept was true in years past when unions were local in character. That is, they were composed of workers in a particular area, or plant or trade who had common interests and objectives.

In that setting the workers had a direct and immediate interest in their union, and the union had many of the aspects of a genuine fraternal self-help organization. The local union formulated its own collective bargaining demands, carried on the bargaining and, when agreement could not be reached, made the decision on whether or not to engage in a strike.

Although the local union was affiliated with a national or international union, this affiliation was a loose one. On policy matters the local union was autonomous and independent.

During the prodigious union growth of the past 25 or 30 years, local union autonomy has long since been thrown overboard. The center of gravity shifted to the headquarters of the national or international union.

There, the major decisions are made and carried out by a group of professional managers. They have taken over the functions of formulating bargaining demands—even conducting negotiations for the local unions.

In many industries the national union negotiates a pattern contract with a major company. The terms of this contract then become the obligatory terms for all local unions and employers throughout the industry. Decisions to strike are likewise made by the national managers with local members having no choice but to comply.

This transfer of the decision-making functions from the local members to the national officers has caused, quite naturally, a marked drop in interest of rank-and-file members in union affairs.

For the most part the union member no longer feels a close identification with the union. Studies of union loyalty attitudes have shown a high percentage of members having little, if any, interest in the union other than its periodic efforts to get higher wages, and a generally prevalent feeling of skepticism and lack of trust toward the union officers and their motives. This lack of rank and file interest is demonstrated most strikingly by low attendance at union meetings.

COMPULSORY MEMBERSHIP VITAL

In the face of this sharp decline in interest among rank and file members, gradual disintegration of many unions would have been inevitable if the union professional had not had the foresight to demand and obtain compulsory membership provisions in their collective bargaining contracts with industry.

Under these so-called union security clauses the workers are obligated to become, and remain, dues-paying union members as a condition of retaining their jobs. Union managers argue, and have been able to convince the public, that such clauses are necessary to eliminate "free riding" by workers who share the benefits of union collective bargaining activities without paying the cost. But their actual purpose has been to prevent large-scale defections by workers who no longer have any sympathy for, or interest in, the union. This also explains why the professional unionists have thrown almost their total power and resources into the fight against the right-to-work laws.

In the process of change from local union autonomy to the centralized power of the national union, other changes have taken place in regard to union objectives.

The "bread and butter" union objectives of Samuel Gompers have quite clearly been displaced by a broad program of changes in the social and economic system.

The new union managers, almost to a man, maintain no strong sympathy for the competitive enterprise system. They strongly prefer a planned economy. Abundant evidence of this is available from the legislative proposals supported by the AFL–CIO. These include demands for heavier taxes on sources of investment capital, heavy Government spending in the fields of public power and public housing. Federal aid to education, rigid Federal farm subsidies and controls, Federal regulation of natural gas prices and many other programs which would expand the areas of governmental regulation and planning. The ultimate goal is complete Government control over industrial programs, production and prices.

The accomplishment of that ultimate goal has been slowed down to some extent because the American people still are too strongly committed to the competitive enterprise system. The most effective means of overcoming this public resistance and to hasten progress toward the planned economy is to break down the competitive enterprise system and destroy public confidence in it. The most effective tools for accomplishing this are the anticompetitive practices and uneconomic wage costs imposed upon industry by labor unions.

The provisions of this amendment are not punitive nor antilabor. They are "anti." However, as Senator McCLELLAN pointed out recently before the National Press Club, when he said:

> They are anti- gangster, goon, racketeer, and hoodlum. They are anti- theft, embezzlement, shakedown, blackmail, and extortion. They are antiarson, antiacid assault, and antivandalism. They are antifraud, dishonesty, crookedness, and corruption. They are anti- violence, bestiality, brutality, and cruelty. And they are antidictatorship, boss rule, oppression, and exploitation.

It is my hope that this great body in its wisdom will see fit to grant the protection necessary at this time by curbing the monopolistic power of labor organizations and thereby the dictatorial power of the national labor leaders.

Mr. GRIFFIN. Mr. Chairman, I thank the gentleman from Texas and say that the gentleman's statement, I believe, serves to point out that the substitute is a minimum bill. It might be well at this point to mention some provisions that are not in it.

There is no antitrust law provision in this bill.

There is nothing dealing directly with the use of union dues for political activities.

There is no national right-to-work law in any of these bills.

There is not a secret strike ballot provision in this substitute bill.

This is truly a minimum bill that a responsible Congress should pass. I believe I speak for the gentleman from Georgia [Mr. LANDRUM], as well as myself when I say that if amendments are offered on the floor to add antitrust provisions or others that have been mentioned, I, for one, will oppose them. The gentleman from Georgia and I have tried to balance delicately the provisions which we believe should be in a bill at this time and which a majority of this body could support.

Mr. BARDEN. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. THOMPSON].

Mr. THOMPSON of New Jersey. Mr. Chairman, frequently in a debate of this sort there is more heat generated than light. There are also some amusing sidelights. The gentleman from Michigan suggests that this body not make itself a rubberstamp for the other body; and I quite agree.

I would add, however, that this body should not make itself a rubberstamp for the executive branch. This the gentleman would have us do. He advocates a double standard.

I was somewhat amused by the remarks of the delightful and distinguished chairman of the Rules Committee who talked about two juries, the subcommittee being the one that heard the evidence, then the other jury, the full committee, taking it over and reaching the verdict. I hope this is an indication that the gentleman from Virginia will no longer put himself in that position as chairman of the Rules Committee where for ages he has sat as a jury after the legislative committees have undertaken comprehensive studies of matters and have reported bills. Until today, many of us were not aware of Mr. SMITH's abhorrence of this form of double standard—or double jeopardy, as some would call it. We salute his conversion. I might point out to the gentleman from Virginia that the bill which the Rules Committee chairman ridicules contains 102 amendments, each and every one of which needed a majority in the committee, and got it. So far, the substitute he advocates has gotten

nothing but profits for the telegraph company and, of course, his approval.

The Landrum-Griffin bill was the unborn child during the time our committee worked on the legislation, because its authors, Mr. LANDRUM, Mr. GRIFFIN, and whoever helped them, were in labor. They got the miracle drug while the committee went through 26 days of labor with the Senate-passed bill. The poor farmer may not have gotten Dr. SMITH's drug, but he certainly supplied great quantities of it to the struggling parent of the substitute. This was the greatest of all twilight births.

May I at this time invite your attention to a subject of critical importance in the proposed legislation—the so-called bill of rights provisions contained in title I of the committee's bill. It is my sincere conviction that these provisions represent a decided improvement over those of the Senate passed bill as well as those proposed by the Landrum-Griffin bill. I shall briefly give you my reasons for so concluding.

When the Senate passed version of the bill of rights was reviewed in committee, many of us were impressed with the number of suggestions for improvement advanced during the hearings which we felt to be constructive, objective, and for the most part, noncontroversial. Above all, they seemed to reflect the carefully considered judgment of proponents whose reputation and integrity is unassailable and whose practical experience with the subject matter is of many years standing.

Moreover, in our desire to do a conscientious job of writing an effective, and at the same time, fair reform bill, we were somewhat apprehensive of provisions in this complicated and highly sensitive field which were hastily drafted during debate in the Senate rather than after mature consideration by the Senate Labor Committee. As a matter of fact, it was the judgment of that committee, after extensive hearings and careful consideration, that intrusion to this extent by the Federal Government into internal union affairs was unwise and unwarranted.

Accordingly, we considered it our solemn obligation to take a long, hard look before advocating specific regulatory provisions of this sort. As a result, we concluded that certain basic premises were imperative.

First. We could not afford to lay ourselves open to the charge that under the guise of legislating against corruption we were destroying perfectly legitimate and necessary trade union practices and customs.

Second. We could never expect to justify, under the banner of a bill of rights to union members, any provision which actually deprived them of an existing legitimate right or practice.

Third. Having made the decision to recommend some regulation in this particular area of internal union affairs, it was essential that such regulation be workable and fair and not needlessly disruptive of existing governing laws of honest labor unions.

Finally, it was of the highest importance that only those regulatory provisions which were genuinely corrective of existing corruption or abuse were supportable, and any which were not would be indefensible.

Those of us who worked so painstakingly to formulate the provisions of title I of the committee bill earnestly submit that those provisions meet the above tests. With equal sincerity we tell you that certain provisions in title I of the Landrum-Griffin bill do not.

In basic design and content title I of the Landrum-Griffin bill parallels provisions in S. 1555 as it passed the Senate which, as I previously remarked, were hastily drafted during the Senate debate as a substitute for the original McClellan bill of rights. With the exception of the subsection—section 101(a)(3)—dealing with "dues, initiation fees, and assessments," and the more stringent limitations of 4 instead of 6 months for exhaustion of all internal union remedies prior to institution of litigation in the courts—section 101(a)(4)—the provisions of the two bills are the same.

In at least two fundamental respects, the bill of rights provisions of the Landrum-Griffin bill and their counterparts in the Senate passed bill are ill advised, unfair, unworkable, or repugnant to the announced purpose of their inclusion.

EQUAL RIGHTS SUBSECTION—BILL OF RIGHTS

The so-called equal rights subsection of the bill—section 101(a)(1)—is an ill-advised and dangerously deceptive provision. Whatever its independent merits, an FEPC guarantee has no proper place in this reform legislation the purpose of which is to secure correction of corruption and racketeering in the labor-management field without entanglement with civil rights or racial problems. Moreover, there are perfectly legal qualifications uniformly imposed by many completely honest and democratic unions which preclude complete equality of rights and privileges among all members of a labor organization. Just by way of illustration, many unions legitimately exclude the right to hold office, nominate candidates, or vote in certain elections of members who have advanced to supervisory or managerial positions, or who are otherwise inactive in the affairs of the rank and file, and yet retain their good standing membership. This is a fair and reasonable restriction which has been sanctioned by the courts. The committee bill's substitute—section 101(a)(1)—for the equal rights provision of the Landrum-Griffin bill avoids these troublesome problems and still achieves the basic legitimate objective of correcting existing abuses by requiring that every member of a labor organization shall be accorded all his membership rights and privileges "subject to reasonable qualifications uniformly imposed."

First, the protection of the right-to-sue provision of the Landrum-Griffin bill—section 101(a)(4)—is an example of how a provision, purporting to endow union members with additional rights, actually deprives them of one of their most fundamental and cherished existing rights. The Landrum bill provides that a member may seek redress in the courts or administrative agencies and it purports to require the exhaustion of internal union remedies prior to going to court. But it nullifies this exhaustion within the union by providing that it shall not exceed a 4 months' lapse of time. The looseness of draftsmanship and indeed the mischievousness of this section is illustrated by the fact that Mr. LANDRUM effectively precludes action by the membership itself at conventions. This is so for the reason that such action by the membership at conventions on appeals is always at the end of the line following appeals from the local level to the international union president and thence to the executive board of the union. Thus of all of the appeals available, the Landrum bill will automatically short circuit action by the members themselves.

There is no more sacred or traditionally enjoyed right than that of the members themselves, expressed in their union constitutions, to pass upon the grievances of their brother members. The overwhelming number of trade unions today enjoy such a procedure. And it is by the voluntary action of the members themselves in adopting their own governing laws that this choice of procedure has been expressed.

Is it democratic to sweep it aside? Does it contribute to the arrest of corruption or abuse to do so? Those of us who studied the problem and formulated the bill of rights provisions of the committee bill do not think so. We protect the right of a member to sue just as does the Landrum-Griffin bill except that we require the member to exhaust all reasonable remedies available under his union constitution and bylaws before bringing such a suit.

In adopting such a provision we are persuaded that it is compatible with well-established existing law both within and without union organizations. The doctrine of exhausting internal remedies has been universally accepted by the courts of this country, both State and Federal, over a period of many years, and has been required by some courts even in the absence of a provision in a union constitution making it a prerequisite to court action.

It is no answer to argue—as do the proponents of the Landrum-Griffin bill—that some time limitation is necessary or a member will be effectively denied speedy justice. That simply is not so. There is a well-established body of law in both the State and Federal courts of many years' standing which has equitably dealt with this problem. They have done so on a case-by-case approach. There are some cases the facts of which would justify exhaustion of union appeals beyond a period of 4, 6, or 20 months, or even longer. There are others the facts of which would not justify a delay of even 2 or 3 months. The point I wish to make is that it is wise to permit the courts to continue on this case-by-case approach. It is fairer to both the union membership as a whole and the individual member litigant. We should not sweep aside this body of well-established law by adopting an across-the-board limitation which would work an injustice to both the

honest unions and their members. As the courts have pointed out, there are no such limitations in existing law requiring exhaustion of remedies before administrative agencies of the Government before resorting to the courts. And I might also point out that any hope of speedier appeals before the courts than before the individual union membership is an illusory one.

In the committee bill we require exhaustion of only "reasonable remedies" under the union's constitution. That is a sufficient check, judicially enforcible, for those instances where corrupt union officers might attempt to frustrate a member's appeal with the union. On balance, it is a far better solution than a time limitation which, under the name of conferring further rights on rank-and-file members would actually amount to a broad-scale deprivation of existing rights of members to decide appeals of their brother members and a substitution of rule by courts for that of the members themselves. Through inadvertence a time limitation on exhaustion was included in the committee's bills-enforcement section—section 102(a)(2)—but this could easily be remedied through a simple clarifying amendment so as to be consistent with our objective.

My second fundamental objection to the bill of rights provisions of the Landrum-Griffin bill concerns the subsection on safeguards against improper discipline. This is an example of how highly important the actual drafting of language is in this critical field of internal union affairs.

Section 101(a)(5) of the Landrum-Griffin bill requires that no member of a labor organization may be fined, suspended, expelled, or otherwise disciplined—except for nonpayment of dues—unless he "has been (A) served with written specific charges; (B) given a reasonable time to prepare his defense; (C) afforded a full and fair hearing."

Under such a provision, the right of the president of a national union to suspend a local union or a local union official for corruption or wrongdoing is automatically prohibited. In short, before a union member may be suspended, no matter what the offense, he must first be served with written specific charges, then given a reasonable time to prepare his defense, and then afforded a full and fair hearing. In the meantime, while these procedures are going on, he might be looting the union's treasury, or violating any number of its laws, or leading to open rebellion, or openly defying all constituted authority at a union meeting, or refusing to hold a union meeting, or depriving all union members of any exercise of their rights, or even leading a Communist infiltration to totally disrupt or destroy the local union. All of these things have actually happened in the past in unions. When they do, they are usually combated by the president of the parent organization through the exercise of his constitutional powers of suspension, and then a hearing and other due process safeguards are afforded including specific written charges, as is now the case under constitution and governing laws of many of the railroad brotherhoods, for example.

Obviously, such a procedure is not only necessary but completely legal and democratic. The courts of this country have expressly upheld the exercise of such authority by union officers. We think it is self-evident that the supporters of the Landrum-Griffin bill or the Senate passed bill intended no such result by their provision safeguarding a member against improper discipline. Regardless of intent, however, the provision as it now reads is comparable to passing a Federal law prohibiting the arrest of a person until he has been indicted, tried, and convicted, no matter what the offense. Or to bring the analogy closer home, the provision is tantamount to one denying the House of Representatives the authority to maintain order and decorum in its deliberations and to refrain from any disciplinary action pending charges, hearing, and decision.

It would indeed be ironic, would it not, if Hoffa were to wave a copy of this provision of the Landrum-Griffin bill, if enacted, in the collective face of the Congress as his excuse for not suspending corrupt officials actually engaged in embezzlement until after time-consuming procedures while the corruption continued unchecked?

It is just such a provision as this which graphically illustrates the need for careful consideration by legislators, together with persons informed by experience in the field to be regulated, of attempted changes in the internal regulatory laws of institutions as complex as labor organizations. This, some of us on the committee have attempted to do. As a result, we have written the provision safeguarding a member against improper discipline in a way which completely serves the legitimate objective of such a provision but at the same time avoids the absurd consequences of the comparable provision in the Landrum-Griffin bill. The provision in the committee bill reads as follows—page 13:

(5) Safeguards against improper disciplinary action: Any member of any labor organization who is fined, suspended, expelled, or otherwise disciplined by a labor organization or any officer thereof, except for nonpayment of dues, shall be afforded a fair hearing on written charges and other procedural safeguards as provided in the constitution and bylaws of such labor organization.

I have exhausted my time. But I hope I have impressed upon you the importance of the utmost care in formulating provisions regulating rights of union members. Let us give them fair and workable provisions, which will not destroy honest and democratic union procedures. Let us not deceive either union members or the public at large by destroying fundamental, traditional, and legitimate existing rights under a title purporting to confer additional rights. Let us not engage in self-deception or pass regulatory provisions which would prevent the overwhelming number of honest labor unions and their officials from themselves curbing immediately upon its detection the very corruption and racketeering we seek by this bill to eliminate.

LET US REFORM WITHOUT PUNISHING, LET US CURE WITHOUT CRUSHING

Mr. Chairman, no more important, nor controversial bill, has come before the first session of the 86th Congress than the labor reform legislation. Opinion in the Congress is greatly divided as to the best method of achieving reform within the labor-management field, and I believe the bill reported by the House Committee on Education and Labor, H.R. 8342, is the fairest, most feasible, and reasonable legislation which the House could pass. I submit herewith an address given on August 11, 1959, by the distinguished and illustrious Speaker of the House of Representatives, Hon. SAM RAYBURN, of Texas, endorsing H.R. 8342, and urging that this legislation be adopted. I respectfully call the attention of my colleagues to the Speaker's strong arguments and his splendid analysis of the bill:

[From the New York Herald Tribune, Aug. 11, 1959]

RAYBURN'S LABOR-BILL SPEECH

Good evening ladies and gentlemen:

Tonight I want to talk to you about the problem of reform in labor-management relations.

We are now engaged in a great national debate on the subject of what kind of a reform bill this Congress should pass.

The disclosures of racketeering, shakedowns, bribegiving and bribetaking, theft and corruption in labor-management relations make it imperative that this Congress pass a strong, effective bill to put an end to these criminal activities.

POWERFUL INTERESTS

But every time that Congress takes up the subject of labor-management relations, powerful interests move in and try to twist the legislation to give them an undue and an unfair advantage in the age-old struggle between management and labor. Each side tries to shape the laws so that the Federal Government's great power will be put to work on its behalf in this continuing struggle for economic power.

This is not right, for the Federal Government should serve as an impartial umpire between these great economic forces, seeking to maintain fair and free competition.

So this year the fight over a bill to clean up labor-management relations has gone far beyond the issue of dealing with corruption. Powerful interests are using the public demand for a cleanup of racketeering as a smokescreen behind which they can impose crippling legal restraints on the honest, legitimate interests of the workingman.

MISREPRESENTATIONS

Tempers have risen, many misrepresentations of fact have been bandied about, and the noises of discord have become so loud that the quiet voice of reason and common sense and fair play has all but drowned out.

Tonight I want to talk with you, the American people, quietly, fairly, frankly, about this question of what kind of a bill regulating labor-management relations we should pass at this session of the Congress.

First of all, what is our main job—what is the most important thing we have to do?

It is to pass a law which will stamp out the racketeer, the thief, and the hoodlum who has muscled his way into the labor-management field.

In the House of Representatives this week three major proposals are being offered.

COMMITTEE BILL

The AFL-CIO is backing one bill, which in my opinion will not get very far because most Members of the House do not believe

that it is strong enough to meet the situation.

This leaves the real choice between the Republican-backed bill and the proposal known as the committee bill introduced by Congressman (CARL) ELLIOTT, of Alabama.

These two bills contain the same basic weapons against racketeering. One person may prefer the language in one bill to the language in the other, but essentially there is little difference.

The real issue is not over outlawing racketeering.

The fundamental difference between the two bills is the way in which they would alter the balance between management and labor.

GENUINE INJUSTICE

In my opinion, the Republican-backed bill would throw the weight of the Federal Government so heavily on the side of management that it would constitute a genuine injustice to the rights of the honest, law-abiding working men and women of this country.

Now, I would not support any bill that did not meet two tests:

First, it must be strong enough—it must have enough teeth in it—to clean the gangsters out of the labor-management field, and

Two, it must be fair to both labor and management.

The bill which the House Committee on Education and Labor reported after 5 weeks of hard, dedicated work meets these two tests. I am supporting it. I am convinced that it will do a thorough cleanup job, that it will stamp out racketeering, and that it will correct the worst abuses in labor-management relations without trampling on the just rights of any one.

Now this bill—this middle-of-the-road approach—is being shot at from all sides. Jimmy Hoffa (president of the Teamsters Union), violently opposes it, the AFL-CIO is lobbying actively against it along with the U.S. Chamber of Commerce, and the National Association of Manufacturers will be satisfied with no bill that does not punish unions.

This middle road—the road of reason and fair play—is a hard one to walk, but more often than not it is the path of commonsense and justice.

When a bill is being fought by both Jimmy Hoffa and the labor haters, that in itself is a pretty good recommendation.

In the tumult and the shouting, in the middle of all this propaganda, many of you may have missed the facts about the middle-of-the-road approach which the Elliott bill proposes. Let me tell you a few of the things that it contains:

It punishes shakedown picketing with a $10,000 fine and a 20-year prison sentence.

Embezzlement of union funds is punished by a $10,000 fine and 5 years in prison.

OFFICERS RESPONSIBLE

Union officers are made personally responsible for their use of union funds and property just as the administrator of a trust fund is responsible.

Union officers must be bonded.

All unions of any appreciable size must make full financial reports to the Secretary of Labor, and the Secretary may require full reports from any union, however small. Willful misrepresentations in these reports is punishable by a $10,000 fine and a year in jail. All union members are entitled to a copy of these financial reports.

Union officers must be elected periodically by secret ballot, and all nominees for office are entitled to have observers present when the votes are cast and when they are counted. Federal courts are empowered to set aside illegal elections.

The hot-cargo contracts which have formed the basis of much of Jimmy Hoffa's power are specifically outlawed.

Organizational picketing is strictly regulated.

Now these are just a few of the strong provisions of the Elliott bill which, in my opinion, will clean up the corruption in labor-management relations.

PARTISAN ISSUE

I am sorry that the Republicans chose to make the question of labor-management reform a partisan political issue. It should be above partisan politics.

But in the public resentment against corruption, some people saw a chance to pass vengeful legislation designed to punish and hamper all labor, the law abiding and the honest along with the law-breaker.

Legislation should never be written to punish someone. It should always be written in a spirit of fair play, justice, and equal opportunity. The Elliott bill was designed in this spirit of justice.

The injustice, the drastic nature of the bill which the Republicans have adopted—the Griffin-Landrum substitute—is beginning to backfire in the court of public opinion.

QUOTES THE TIMES

Let me read you what the great, fair-minded, conservative New York Times said in an editorial last Saturday. I quote:

"We think the pending bills should be reexamined and particularly that the provisions of the Landrum-Griffin bill ought to be put under the microscope to make sure that in penalizing the wrong practices of some labor leaders they do not interfere with any right and proper practices of the great majority of honest and conscientious labor leaders."

History has a way of repeating itself.

Just 25 years ago public indignation was aroused over racketeering and widespread corruption in the financial world, particularly in the stock market and in the public utility field. Greedy and unscrupulous financiers had defrauded the American people of some $25 billion between 1919 and 1933 through the sales of worthless stocks and bonds.

We had a state of public opinion then which in many ways resembles this great debate today.

Many, many people were so infuriated against the financial racketeers that they wanted to abolish all stock exchanges and all privately owned public utilities.

On the other extreme, many leaders of Wall Street and the utility world were arrogant and defied the Congress to pass any reform laws, declaring that the operation of the financial world was their private concern.

As chairman of the House Committee on Interstate and Foreign Commerce, which had jurisdiction over these matters, it fell to my lot to be in the middle of that fight.

I became the author of three bills aimed at cleaning the crooks out of the financial and utility fields.

This fight for economic justice lasted for 3 years, but all three bills became law and today are still on the books.

BARRAGE OF INSULTS

Congress then was subjected to an incessant barrage of propaganda, insults, and cruel pressure from every side.

We had to reject the insistence of many financial leaders that no reforms should be made. We knew that the people were entitled to have their money handled honestly, and that the crooks had to go.

On the other hand, we rejected the popular demand to abolish the great stock exchanges and the privately owned public utilities. We believed that our country needed these institutions under fair and honest management.

In those years we did—as we are doing today—we chose the middle road, the difficult road. We aimed at reforming without ruining, at curing without crippling.

To cut out the cancer of corruption, we used a surgeon's scalpel instead of a butcher's cleaver.

At that time we were angrily denounced on the one hand for being too lenient with the financial interests, while much of the business world and the conservative press attacked us for crippling the free enterprise system.

MIDDLE COURSE

But today I think that all will agree that the Congress was wise in following the middle course of fair play and commonsense. The racketeers were purged, reforms were made, and our free enterprise system was preserved and strengthened. Our financial institutions emerged stronger, freer, and more profitable than ever before.

In this session of Congress I think that history is going to repeat, itself. Once again we are going to follow the course of honest, sensible, just reform as we did 25 years ago.

We are going to drive out the crooks and racketeers, the bribegivers and the bribetakers, and we are going to wipe out the flagrant abuses in labor-management relations, but we are going to do it without inflicting undeserved punishment on the millions of honest, law-abiding men and women who belong to unions.

I am supporting the Elliott bill because I am convinced it will do this job.

As a public official who for almost half a century has tried to serve you by helping to pass laws that would make your path a little smoother and your burdens a little lighter, I invite you to join with those of us who believe in following the middle path—the road of reason and fair play—as we come to grips with this great national problem.

Let us reform without punishing. Let us cure without crushing.

Let us take the path of justice and commonsense, for down that road lies the America of our dreams, with peace, and plenty, and justice for all.

ANALYSIS OF THE LANDRUM-GRIFFIN LABOR REFORM BILL BY REPRESENTATIVES THOMPSON OF NEW JERSEY AND UDALL OF ARIZONA

The Landrum bill is essentially the same as the committee bill in the provisions dealing with the financial reports to be filed by labor unions and their officers, the financial reports to be filed by employers and labor relations consultants, the guarantees of periodic free elections in labor unions, the guarantees against improper international trusteeships over local unions, and the definition of the fiduciary responsibilities of union officers.

The differences come down to the following items:

1. Secondary boycotts.
2. Picketing at the site of construction.
3. Organizational picketing.
4. Prehire contracts in the construction industry.
5. Exercise of NLRB jurisdiction or cession to the States.
6. Bill of rights.
7. Criminal penalties for forcible interference with rights guaranteed by the act.
8. Exemption of small unions from the reporting sections.
9. Right of strikers to vote in NLRB elections.
10. Prehearing elections.

There are attached hereto, separate memorandums upon each of these subjects.

BILL OF RIGHTS

There is no significant right guaranteed to employees by the Landrum bill which is not guaranteed with equal effectiveness by the committee bill. The difference is that the committee bill takes account of a few practical facts concerning the membership

meetings of labor organizations. This can be demonstrated by a section-by-section comparison.

1. Subdivision 1—Rights of membership: Here the committee bill is actually broader than the Landrum bill in one major respect. It may be narrower in two details.

(A) The Landrum bill guarantees union members equal rights and privileges in relation to four specific activities: (i) nominating candidates, (ii) voting in elections and referendums, (iii) attendance at meetings and (iv) participation in the deliberations and voting at such meetings. The committee bill guarantees every member all the rights and privileges of membership. Therefore, the committee bill covers the four subjects in the Landrum bill and also other rights such as running for office, inspecting books and accounts, filing charges of misconduct against unfaithful officials, et cetera.

(B) The committee bill guarantees these rights subject to reasonable qualifications uniformly imposed. The Landrum bill guarantees only equal rights and privileges. It is hard to find a difference here because "equal" and "uniform" have approximately the same meaning. The change in wording is the result of a practical problem which the committee sought to solve but which the Landrum bill ignores. Many unions have members employed by a number of different employers. If a contract negotiated with one employer comes up for ratification, is it not a reasonable rule for the union to limit the voting to the members who will work under the contract or go on strike if the contract is not ratified? The Landrum bill apparently requires the union to permit everyone to vote on the contract. It would mean that a strike could be voted over the unanimous objection of the men who would do the striking.

(C) The committee bill guarantees every member all the rights of membership subject to the qualifications in subsection (B) which give it the right to adopt rules for the purpose of insuring the orderly conduct of meetings and the performance of collective-bargaining agreements. This is certainly a reasonable qualification. Surely the right to participate in the deliberations of a meeting cannot be carried to the point where the meeting is thrown into disorder or is dragged on until 3 or 4 o'clock in the morning when everyone except a little clique has gone home to bed. But whether this is a reasonable qualification or not, the qualification is less restrictive than the Landrum bill. The Landrum bill permits a union to qualify the rights of members by any reasonable rules and regulations in such organization's constitution and bylaws. Obviously, rules confined to the subjects specified in subsection (B) of the committee bill can do less damage to members than the unlimited reasonable rules permitted by the Landrum bill.

2. Subdivision 2—Freedom of speech and assembly: The two bills have almost identical language in this subdivision. The difference is that the Landrum bill has a proviso which permits the union to adopt rules enforcing the responsibility of every member toward the organization as an institution and also his responsibility to refrain from conduct which would interfere with the performance of its legal or contractual obligations. The committee bill put this proviso in subsection (B). It changed it only by adding that the union might also enforce rules for the purpose of insuring "proper and orderly conduct of the meetings and business of such organization." As stated above, it is certainly not unreasonable to limit the speeches members can make to the extent necessary to get the business of the meeting accomplished. Surely a union should not be forbidden the right to limit the time available for debate.

3. Subdivision 3—Dues, initiation fees, and assessments: The Landrum bill copies the committee bill verbatim.

4. Subdivision 4—Protection of the right to sue: Both bills attempt to protect the right of a union member to resort to courts and administrative and legislative agencies without reprisal by the union or its officers. The language is slightly different.

The Elliott bill enacts that the right of a member to institute such proceedings "shall not be limited or impaired." The Landrum bill enacts that no labor organization "shall limit" the right of a member to institute such proceedings.

The Elliott bill has a proviso to the effect that any member may be required to exhaust his internal remedies. The Landrum bill speaks of exhausting "hearing procedures (but not to exceed a 4-month lapse of time)." This is not an important difference because the doctrine is one of State law and apparently is not affected by the statute.

The qualifications in subsection (B) of the Elliott bill do not affect the right to sue.

5. Subdivision 5—Improper disciplinary action: The Elliott bill forbids a union to discipline a member without "a fair hearing on written charges and other procedural safeguards as provided in the constitution and bylaws." The Landrum bill uses somewhat different words but adds only a specific requirement of "a reasonable time to prepare his defense." This is essential to a fair hearing under all judicial decisions. Therefore, there is no substantive difference.

SECONDARY BOYCOTTS

The Landrum bill would impose the most severe restrictions upon the right of workers to engage in peaceful concerted activities which this country has known for generations. The restrictions which it would impose upon the basic rights to strike and picket are the result of an organized effort to use the issue of corruption in a few unions to enact repressive laws which would interfere with the power of employees to bargain collectively.

The Landrum bill copies the committee bill in the provisions for financial reporting except that it omits an exemption for small unions; it copies the committee bill in the guarantees securing fair elections, in safeguarding local union autonomy, in the provisions designed to drive criminals from the labor movement, and in the imposition of fiduciary duties upon union officers. There are only small differences in the "bill of rights." The big differences come in issues of labor-management relations which have nothing to do with racketeering or corruption, but a great deal to do with the ability of workers to organize and bargain collectively.

At the outset, it must be emphasized that the question is not whether Congress should forbid secondary boycotts. The Taft-Hartley Act forbids secondary boycotts. The courts and the National Labor Relations Board have enforced these prohibitions. The committee bill strengthens the existing prohibition against secondary boycotts by outlawing hot-cargo clauses in the trucking industry.

The true issue is whether Congress should enact a law which would curtail fundamental rights to strike and picket. This becomes obvious when the wording is carefully studied.

(1) Section 705 of the Landrum bill casts doubt upon the legality of every union picket line, even in a direct strike for higher wages.

The picket line is one of labor's traditional and necessary weapons. It is also the understanding of union members that they will not cross a picket.

Suppose now that employees strike at a shoe factory seeking to increase their wages from $1 to $1.10 an hour and that they picket at the factory gates. When the driver employed by the local trucking company came up to the gate, the picket would ask him not to cross the picket line. NLRB section 8(b)(4)(A) forbids a union agent such as a picket "to induce or encourage the employees of any employer to engage in * * * a concerted refusal * * * to * * * transport * * * goods * * * or to perform any service where an object thereof is: (A) forcing or requiring any employer * * * to cease doing business with any other person."

It was argued that the picket at the shoe factory was violating this section because he was inducing the driver who was an employee of the trucking company to refuse to transport the shoe factory's goods where the object was to force the trucking company to stop doing business with the shoe factory. The Supreme Court said that there was no violation because "the applicable prescriptions of 8(b)(4) are expressly limited to the inducement or encouragement of concerted conduct by the employees of the neutral employer" and "there is no suggestion that the union sought concerted conduct." *NLRB* v. *International Rice Milling Co.*, 341 U.S. 655, 671.

Now the Landrum bill proposes to take out of section 8(b)(4) any references to "concerted" conduct or to two or more employees and to make it unfair to induce a single person not to perform services, thus overturning the reason for the Supreme Court decision. If this were done, the picket who appealed to the truckdriver not to enter the plant where men were striking for higher wages could be held guilty of an unfair labor practice.

Of course, if this is true of one picket line, it is true of every picket line, for every picket line appeals to the employees of other employers not to enter the plant. The legality of every picket line would be cast in doubt. Obviously, this has nothing to do with secondary boycotts.

(2) Section 705 of the Landrum bill would invalidate the subcontracting clauses which have proved essential to stabilizing the garment industry.

The garment industry is located in cities where it is easy to rent loft space. Garments are marketed by jobbers. Sewing machines and other machinery are easily moved from one loft to another. For years, employees suffered low wages and miserable working conditions because a jobber who signed a union contract fixing a decent minimum wage could easily contract out the cutting and sewing to a sweatshop hidden away where the union had not found it. By the time the union caught up with the owner, the work would be done; and the jobber would give the next lot to another sweatshop.

Both fairminded employers and the union representing employees in the garment industry learned by hard experience that the only way to check this practice was for the union to induce jobbers to agree not to do business with contractors who had not signed contracts with the union.

The Landrum bill would make it unlawful for the International Ladies' Garment Workers to put pressure upon employers to continue this well-established and essential practice. The Landrum bill makes it unlawful for a union "to threaten, coerce, or restrain any person engaged in commerce * * * where * * * an object thereof is * * * forcing or requiring any person * * * to agree to cease * * * doing business with any other person."

If the addition of the words "agree to cease" have any meaning, they would prevent the union from pressing a jobber to agree to cease doing business with a nonunion sweatshop. Thus the Landrum bill threatens to disrupt the labor relations of the entire garment industry.

(3) Section 702 of the Landrum bill would also cast doubt upon the ability of unions

to bargain in other industries for an accepted form of collective agreement.

Companies and unions in manufacturing industries often agree upon restrictions upon subcontracting in order to protect the employees against the loss of jobs. For example, a textile concern might agree not to contract out the mending of cloth while any of its own menders were unemployed. Under the Landrum bill, a union which bargained for such a clause would apparently be guilty of an unfair labor practice.

(4) Section 702 of the Landrum bill denies freedom of speech.

The bill provides that a union may not restrain an employer where an object is to require him to cease doing business with any other employer. The prohibition reaches not only picketing but leaflets, radio broadcasts, and newspaper advertisements, thereby interfering with freedom of speech.

Suppose that the employees of the Coors Brewery were to strike for higher wages and the company attempted to run the brewery with strikebreakers. Under the present law, the union can ask the public not to buy Coors beer during the strike. It can picket the bars and restaurants which sold Coors beer with the signs asking the public not to buy the product. It can broadcast the request over the radio or in newspaper advertisements.

The Landrum bill forbids this elementary freedom to appeal to the general public for assistance in winning fair labor standards. The union apparently could be enjoined upon the ground that it was coercing or restraining the retailer with the object of inducing him not to deal with the brewery; indeed, as I understand it, one of the acknowledged purposes of the amendment is to prevent unions from appealing to the general public as consumers for assistance in a labor dispute.

This is a basic infringement upon freedom of expression.

(5) The Landrum bill would compel employees to act as strikebreakers by performing struck work.

The point is best illustrated by a concrete example. Royal Typewriter has contracts with many large companies to service the typewriters and business machines in their New York offices. Some years ago, Royal's employees struck for a better contract. Royal then instructed its customers to have the machines repaired by another concern but to send Royal the bill. Note that the independent did the work not as an independent but for Royal's account. Obviously the independent was helping Royal to break the strike. If the independent's employees did this work in order to honor Royal's contracts with its customers, they would be doing the strikers' work and actually helping to break the strike. Therefore, the union appealed to the independent's employees not to do the strikers' work.

The Court of Appeals for the Second Circuit held that this was not a secondary boycott. The independent was not a neutral the court said. Since Royal was asking the independent to help Royal break the strike by performing Royal's contracts for Royal's account, it was only fair to allow the union to ask the independent's employees to help the union win by refusing to do the strikers' work. The court ruled that it was immaterial that there was no contract or agreement between Royal and the independent. *NLRB* v. *Business Machines and Office Appliance Mechanics,* 228 F. 2d 553 (2d Cir. 1955).

The Landrum bill, which pretends to favor unions by authorizing their members not to do struck work, actually denies them the privilege in some situations. Unlike the court decision, it is confined to cases in which the independent undertakes to do the work by contract or agreement with the struck employers.

It has always been the law that a refusal to perform struck work is not an unlawful secondary boycott. The Landrum bill would partially change the rule.

In summary, here are five situations in which the so-called secondary boycott provisions of the Landrum bill curtail basic rights of employees and labor unions, most of them situations having nothing to do with secondary boycotts. The Taft-Hartley Act already outlaws secondary boycotts. The committee bill closes any serious gap by outlawing hot-cargo clauses in the motor carrier industry. The proposed additional restrictions are simply an effort to use talk about union reform to enact repressive legislation.

ORGANIZATIONAL PICKETING

The committee bill (H.R. 8342) and the Landrum bill (H.R. 8400) both restrict organizational picketing. There is no division of opinion between the sponsors of the committee bill and the sponsors of the Landrum bill about the need for some restriction. A vote for either bill is a vote to restrict certain kinds of organizational picketing. The difference is this:

The committee bill forbids organizational picketing when the employer has a contract which binds him to bargain with another bona fide labor union. The committee bill also forbids organizational picketing after a Labor Board election, unless the union won the election or subsequently secured a majority without picketing. The committee bill does not forbid picketing before an election.

The Landrum bill would forbid all organizational picketing.

Therefore, the major issue is whether unionized employees should be permitted to use picketing as a method of inducing nonunion employees to choose the union as their representative in a Labor Board election.

In deciding this issue, note that the committee bill does not permit picketing for an indefinite period. When an employer is picketed by a union seeking recognition as the bargaining representative, he can always petition for an election. Under the committee bill, most of the delays in holding elections would be eliminated. Consequently, an employer could always put an end to the picketing by petitioning for an election and finding out whether the employees did or did not desire the union to represent them. If they did not, picketing would be brought to an end. If they did, the employer would have a duty to bargain with the union.

The committee bill is sounder than the Landrum substitute for the following reasons.

(1) The committee bill forbids any truly unfair organizational picketing.

When the Labor Board conducts an election, all the employees have a free opportunity to indicate their choice of bargaining representative. If they vote not to be represented by a union, their choice should be respected. For a union to picket their employer after losing an election is to attempt to coerce the employees into supporting the union against their express desire. Therefore, the committee bill forbids such picketing.

When an employer has a contract with a labor union which has not benefited from unlawful assistance and which represented a majority of the employees when the contract was signed, 2 years must pass before another union can secure a Labor Board election. Under these circumstances, it is unfair to allow an outside union to injure the employer or the employees in the effort to secure recognition in violation of the contract and the policy of the National Labor Relations Act. The committee bill forbids such picketing.

(2) The Landrum bill denies unions their only weapon of self-defense against the competition of unorganized sweatshops.

Unions usually picket a nonunion establishment because the competition resulting from substandard wages and hours threatens its labor standards. Let me illustrate by concrete examples.

(A) Suppose that the garment manufacturers in a garment center have signed collective-bargaining agreements establishing decent wages and fair hours. Then one company goes to a rural area and opens a shop paying low wages to employees working under unhealthy conditions. If nothing is done, the sweatshop, by force of competition, will undersell the unionized manufacturers and destroy the union wage scale. To protect themselves and their employers, the union must organize the sweatshop. In the face of opposition from the employer, their only means of self-defense is organizational picketing.

(B) In a Massachusetts case there were several meat markets in town. Some observed union wages and hours. Another did not hire union but paid substandard wages. He undersold the unionized markets because of the low wages paid. This meant that union wages would be cut to meet the competition unless the nonunion shop was organized. Surely a union ought to be allowed to tell the buying public that the nonunion market is destroying its wage scale. This is hardly more than free speech, yet the amendment forbids it. If it be said that the publicity injures the nonunion employer, the answer is that he and his employees are injuring the union members.

3. The Landrum bill is one sided because it denies labor unions an effective method of organizing while it leaves employers free to use improper weapons against union organization.

It is naive to suppose that employers do not fight unionization with a wide variety of weapons. Union sympathizers find themselves the first to be laid off at a time of cutbacks. The present law permits employers to interfere with organization by "predicting" that they will move away from the community if the employees organize. It permits a local chamber of commerce acting on its own initiative to write employees that the local merchants will put them on a blacklist of workers who cannot secure credit unless they send in a notice that they will not support the union. So long as these opportunities for coercion exist, it is only fair to allow the union some method of demonstrating its power—organizational picketing is the only method available.

The Landrum bill is also one sided because it asks the Congress to revise the NLRA for the benefit of employers without giving any consideration to the faults in the present law which organized labor has been asking Congress to consider. Further restrictions upon organizational picketing should not be considered, until there is a comprehensive review of all aspects of our labor-management relations law. The need for a labor reform bill protecting union members against unfaithful officials is not a proper occasion for enacting proemployer legislation.

(4) The Landrum bill curtails freedom of speech.

Section 705(c) forbids a union to picket any employer for organizational purposes. This restraint goes far beyond the coercive tactics allegedly used by the Teamsters Union. It would prevent a union from posting a picket outside a shop or theater for the sole purpose of asking customers not to patronize a nonunion establishment. The restraint cuts off the elementary right of one man to ask others to help him improve his

lot. It is a sharp interference with freedom of speech.

(5) In some circumstances the Landrum bill forbids even a union which represents a majority of an employer's employees to picket for the purpose of compelling the employer to perform his statutory duty.

This is the effect of subdivision (B) and (D). Under subdivision (B) a union which plainly represented a large majority of the employer's employees could not picket to secure recognition within 12 months after an election even though 100 percent of the employees had become members. Under subdivision (D) a union which plainly represented a majority of all the employer's employees could not picket for more than 30 days without filing a petition for an election. Since the Labor Board will not entertain a petition under many circumstances, this would mean that if the employer had plainly committed an unfair labor practice, by refusing to bargain with the majority representative, the union could not carry on a strike and picketing to secure recognition while unfair labor practice charges were pending.

The committee bill takes a moderate course between two extremes. It neither forbids all organizational picketing as the "union busters" would have us do nor does it permit all picketing as labor leaders demand. It deserves support as a reasonable accommodation of conflicting interests.

PICKETING OF CONSTRUCTION JOBS—SECTION 702(C)

Section 702(c) would amend the National Labor Relations Act in such a way as to permit a building-trades union to picket a construction project on which a contractor is working with whom the union has a labor dispute even though employees of other contractors working upon the same job refuse to cross the picket line. This would overrule *NLRB* v. *Denver Blg. & Constr. Trades Council* (341 U.S. 675). All true secondary boycotts in the construction industry would continue to be unlawful, such as the refusal to erect prefabricated houses or to work on nonunion goods.

The Landrum bill omits this provision. The justification for the change is as follows:

The Taft-Hartley Act did not expressly forbid the picketing of construction jobs under these circumstances. Section 8(b)(4)(A) forbids a union "to induce or encourage the employees of any employer to engage in a strike * * * where an object thereof is * * * forcing or requiirng any employer * * * to cease doing business with any other person." In the construction industry there are numerous contractors on a single job site doing different kinds of work—plumbing, masonry, painting, electrical work, etc. If the International Brotherhood of Electrical Workers pickets a construction job and other workers on the job site respect the picket lines, the union will inevitably induce the carpenters, bricklayers, and other trades to strike, with the consequence of preventing the contractors who employ them from doing business with the electrical contractor. Thus, the literal words of section 8(b)(4)(A) are violated by a picket line at a construction job which calls the job "unfair." The Supreme Court upheld the literal reading in the Denver case cited above.

This rule has been criticized from the beginning. President Eisenhower recommended its change in 1954. Amendments were also recommended by the administration in 1958 and again this year.

There are two reasons for making a change.

First, the amendment is necessary to extend to unions in the construction industry the rule which presently applies to employees in all other industries. Employees of a mine or millowner or in a factory may peacefully picket their place of employment in seeking higher wages, shorter hours, better conditions of employment, or other lawful objectives. So long as their placards are honest, the pickets do not have to choose their words with an eye to the legal consequences. They may ask other employees not to cross the picket line.

Construction workers are denied this basic freedom to picket the scene of a labor dispute, as explained above, because of the peculiar structure of the construction industry. If the union which represents the electricians in the electrical maintenance department of a factory engages in picketing and the employees in other departments honor the picket line, there is no secondary boycott. It should make no difference that the departments of a construction job are different contractors for they are working toward one common goal.

Second, none of the grounds for outlawing secondary boycotts apply to picketing of a construction site where the employer engaged in the primary labor dispute is actually working.

(a) When the picketing is confined to the construction site where the primary employer is working, there is no danger of the dispute spreading through the community in the manner of true secondary boycotts.

(b) Where all the men are employed on the same project, the division into different trades or crafts, each with its own employer, must not be allowed to obscure their common interests—they work side by side and the wages and working conditions of one trade affect all the others. This situation is utterly unlike the situation in true secondary boycotts, as where carpenters in Los Angeles refuse to work on nonunion doors made in Minnesota by men whose wages could not affect the wages of carpenters in Los Angeles. The illegality of such a boycott would not be affected by the amendment.

(c) The third reason for outlawing secondary boycotts is that they drag neutral employers into disputes in which they have no interest. Where all the employers affected are bound together in the common work of putting up a single building, none is truly neutral. The undertaking is so integral that each is affected by and can influence the conduct of the others.

PREHIRE CONTRACTS IN THE CONSTRUCTION INDUSTRY

Section 702 of the committee bill follows the Senate bill in authorizing prehire contracts in the building and construction industry. Section 702 of the Landrum bill would provide for certification of unions in the construction industry without an election, which could be followed by the negotion of a prehire contract, but only where there is history of a collective-bargaining relationship between the petitioning employer and labor organization.

Legislation authorizing prehire agreements in the construction industry is necessary because the industry cannot conform to the present law. The NLRA was written for mines, mills, factories, and similar establishments with a stable working force. The employees on the payroll may choose a bargaining representative which will thereafter negotiate with the employer an agreement fixing wages, hours, and other terms and conditions of employment. The act incorporates the principle of majority rule in choosing a representative. Therefore, no representative can be chosen and no contract can be negotiated until the employer has hired a sufficient number of employees. NLRB 16th Annual Report, page 149; *Bernhard-Altmann Texas Corp.*, 122 NLRB No. 148 (1959).

Collective-bargaining agreements must be negotiated in the construction industry before the employees are hired.

First, contractors need to know what the wage rates and conditions of employment will be before submitting their bids on construction jobs. Unions often permit contractors to finish up work already bid at the old wage rates.

Second, many projects involve work of such short duration that the work would be completed long before a collective bargaining agreement could be signed, if the recognition of an exclusive bargaining representative had to be postponed until the peak number of employees were at work on the project.

Third, it is manifestly inefficient to negotiate a separate contract for every project; therefore, the building trades unions and contractors follow the practice of working out a scale of wages and other terms of employment which will be applicable to all projects within a specified geographical area for a substantial period of time. This practice has been encouraged by the Atomic Energy Commission and other Government agencies.

The result is that employers and unions in the construction industry have been in continuous violation of the NLRA ever since 1947. The legal validity of their collective bargaining agreements will remain questionable until Congress acts.

The committee bill adopts a remedy which has previously won widespread agreement on all sides.

(1) Essentially the same solution was supported by Senator Taft and embodied in a bill passed by the Senate during the 2d session of the 82d Congress (S. 1973).

(2) In 1954, President Eisenhower recommended the same solution found in the Elliott bill.

(3) The Senate Labor Relations Committee reported a bill substantially like this bill under Republican leadership. (S. 2650, 83d Cong. 2d sess.)

The Landrum solution is objectionable for five reasons.

(1) The Landrum bill permits certification and prehire contracts only where the employer and unions have a history of bargaining together. This is a cynical attempt by certain employer associations to discriminate against new businesses and contractors seeking to expand into new areas. The Landrum bill tends toward restraints of trade and monopoly.

This point can be illustrated by two examples.

Suppose that a veteran trained in electrical work during his military service started a small business as an electrical contractor in Lexington, Ky., and that he desired to hire skilled electricians who belonged to the local union of the International Brotherhood of Electrical Workers. The Landrum bill would not permit the veteran to enter into a contract with the union because there was no prior history of collective bargaining between them. Without the contract the veteran could not hope to employ union electricians. Without union electricians he could not start up a new business. This unfair discrimination tends to restrain competition and create monopoly. Under the committee bill, he would have the same privilege to enter into prehire contracts as other contractors.

Suppose that a Chicago electrical contractor wished to bid on a job in Dayton, Ohio. If he had never done business in Dayton, there would be no history of collective bargaining between him and the local building trades unions in Dayton. Under the Landrum bill, the Chicago contractor could not contract for the employment of mechanics and laborers in Dayton. Once again we have a case of highly unfair discrimination.

There is one way in which the Kentucky veteran and the Chicago contractor might

solve their problems. They might apply for membership in a local association of contractors which had a history of collective bargaining with the local building trades unions. I am sure that those who sponsored this amendment did not intend any such unscrupulous gimmick as would force contractors to join an existing trade association in order to set up a new business or carry on existing business into new localities. It would be the first time in history that the Congress of the United States had forced men to join a trade association in order to carry on normal and legitimate business.

(2) The Landrum bill would unreasonably interfere with the freedom of employees to choose their own bargaining representatives.

The Landrum bill provides that the NLRB may certify a labor union as the representative of employees in the construction industry whenever the employer and the union file a petition stating that they have signed a contract fixing terms and conditions of employment. Under the usual Board rules, this certification would bar the employees from any election to choose their own representative for at least a year. The committee bill authorizes the pre-hire contracts but preserves freedom of choice in situations where elections can be held by a proviso which expressly states that the pre-hire agreement shall not be a bar to a petition for an election. Obviously this is a fairer, more democratic solution.

(3) There is no need for the amendment.

Section 702 of the committee bill does not open the door to sweetheart contracts or dealings with paper locals dominated by racketeers. Prehire contracts are negotiated only with unions which can supply the skilled mechanics and laborers required for construction work. The disclosures before the McClellan committee related to employees already on the payroll who were forced into racketeering unions not of their own choosing.

(4) The Landrum bill would weaken, if not destroy, voluntary machinery for the settlement of jurisdictional disputes which has operated successfully for 10 years with the support of both employers and unions.

In 1948, employers and labor organizations in the construction industry joined in establishing the National Joint Board for the Settlement of Jurisdictional Disputes. The joint board settles thousands of jurisdictional disputes which would otherwise result in disruptive strikes and picketing. The NLRB will be swamped by the jurisdictional disputes if we weaken this voluntary machinery.

The tendency of the Landrum bill to weaken the joint board is best illustrated by a typical example. Both the Plumbers Union and the Riggers Union claim that their members should unload heating and air conditioning machinery from trucks and set it in place in new buildings. Suppose that the joint board decided a number of these disputes in favor of riggers. The Plumbers Union and the plumbing contractors would naturally begin looking for ways to secure the work without a joint board decision.

Under the Landrum bill the Plumbers Union and the plumbing contractors could go to the NLRB with a petition that the Plumbers Union be certified as the bargaining representative of the contractor's employees engaged in all kinds of plumbing and piping, including the work disputed with the Riggers. Today this is not a very feasible step because it is too impractical to hold elections in the construction industry. The Landrum bill abolishes the requirement of elections. It would invite the Plumbers Union to run to the NLRB seeking a certification staking out jurisdictional claims against the Riggers Union and many others.

One of two consequences would follow: If the Riggers Union heard about the petition they might intervene in the NLRB case. Other unions would act likewise. The NLRB would be turned into a Government tribunal for resolving jurisdictional disputes instead of the voluntary machinery set up by the industry 10 years ago to solve its own problems.

It is possible that the Riggers' Union and other labor unions would never hear of the petition filed by the Plumbers' Union and the plumbing contractors. In that event a certification would issue covering a bargaining unit which included unloading and setting in place the heating and air conditioning machinery. Once this happened it would not be an unfair labor practice for the Plumbers' Union to strike to get the work even through the strike violated the joint board agreement. It might be an unfair labor practice for the Riggers to strike to get the work even though the Riggers' Union had a favorable joint board decision which was being violated by the contractors and Plumbers' Union.

If these things happened on a widespread scale the joint board would be forced out of business. For 10 years it has prevented thousands of jurisdictional strikes in the construction industry. There would be widespread losses if the joint board were seriously weakened. The resulting caseload would swamp the NLRB.

It may be said that both the building trades unions and contractors formerly supported a change in the Taft-Hartley Act along the lines of the Landrum bill. The Building Trades Department of the AFL-CIO immediately withdrew its support as soon as a witness before the Senate Labor Committee pointed out how the proposal for certifications would undermine the joint board and stir up jurisdictional controversies.

(5) The Landrum bill is technically defective.

One defect is that the provision for certification requires the employer and labor organization to show that the union "is being currently recognized by such employer" and that "such employer and labor organization have entered into a collective bargaining agreement." The very troubles which we are trying to correct are (1) that it is an unfair labor practice for an employer to recognize a labor organization before there is a representative number of men on the job (2) that it is an unfair labor practice to negotiate a contract in advance of hiring a complement of workers. The draftsmen of the bill attempted to solve this problem by empowering the NLRB to issue certifications but only after the employer and contractor had signed an unlawful agreement. If this bill were approved, the law would say this: "You can't lawfully make the contract without the NLRB certification, but you can't have the certification until you have made the contract."

NLRB JURISDICTION—THE "NO MAN'S LAND" PROBLEM

In the NLRA, Congress asserted Federal jurisdiction under the commerce clause over all unfair labor practices and questions of representation affecting interstate commerce. This enactment excludes State courts and administrative agencies. *Guss* v. *Utah Labor Relations Board* (351 U.S. 1), *Amalgamated Meat Cutters* v. *Fairlawn Meats, Inc.* (353 U.S. 20). At present, the NLRB refuses to hear some cases falling within its jurisdiction with the result that the problems are not resolved by any tribunal.

The Elliott bill corrects this injustice by requiring the Board to hear and decide these cases. The Landrum bill turns all these cases over to the States. It also authorizes the National Labor Relations Board to decline to hear any other cases and to turn them over to the States. The Landrum bill places no limitation whatsoever upon the Board's power to deny employees and employers the protection of the National Labor Relations Act.

Both bills eliminate the "no man's land." The only question is which is the better solution.

The Elliott bill is preferable for five reasons.

1. The States do not have the machinery for handling unfair labor practices and questions of representation.

No more than a dozen States have created labor relations boards or enacted modern labor laws. In about 35 States, therefore, there is no agency for dealing with unfair labor practices or for conducting elections in which employees can decide whether to be represented by a bargaining agent. Unless these problems are handled by the NLRB, they will go unresolved and will result in the very conditions which the NLRA was intended to eliminate.

2. Ceding jurisdiction to the States would subvert the national labor policy.

Where there is no State labor relations law, ceding jurisdiction opens the door to State court injunctions issued under the old common law doctrine that a combination of workers is an unlawful conspiracy. It might also permit the application of union-busting laws such as the municipal ordinances which levy a tax of $2,000 on every union organizer with an additional tax of $500 for every employee who signs up as a member. In reality, the plea for ceding jurisdiction to the States is a concealed but direct attack upon union organization and collective bargaining.

3. The national labor policy must be kept uniform in order to prevent unfair competition.

Goods produced at wages below union standards compete with goods produced by union labor; they therefore tend to undermine union standards and to weaken unions everywhere. States begin competing with one another to attract industry by showing that their laws discourage the growth of labor unions. No State can be blamed for such a policy if it is subjected to this kind of competition. Gradually each is forced either to drop its standards or lose industry. The only preventive is the use of the Federal power to regulate interstate commerce under a single uniform rule.

4. The Landrum bill gives too much power to an administrative agency.

Surely there are few questions more important to both businessmen and labor unions than whether they are to be governed by the NLRA or by the very different provisions of State law. The Landrum bill provides that an administrative agency shall decide as it pleases without meaningful standards, whether whole industries shall be governed by the National Labor Relations Act or turned over to the States. It is for Congress to decide how far to regulate interstate commerce.

The hotel industry will do for an example. By declining to exercise jurisdiction, the Board would destroy the rights to organize and bargain collectively and deprive employers of protection against jurisdictional strikes and secondary boycotts, both kinds of protection would be granted if the Board exercised jurisdiction. Similarly the amendment gives the Board power to create or destroy these important rights in other industries—department stores, public utilities, transit systems, chainstore systems, and countless others. Never before has it been suggested that an administrative agency should decide whether thousands of employees shall have or lose the right to bargain collectively—and whether thousands of employers shall have or lose the right to protection against unfair practices by the labor

unions—whether elections shall be held or shall not be held in large sectors of industry.

5. There is little basis for the argument that the NLRB cannot handle all these cases.

Recent studies point to numerous ways of speeding up the Board's work. The exercise of its full jurisdiction would not add an appreciable number of cases to the workload.

Mr. HOLT. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. HIESTAND].

Mr. HIESTAND. Mr. Chairman, as a member of the subcommittee who sat through practically all of the hearings both here in Washington and in California, I can attest to this committee that every part of the substitute bill was covered by testimony and that it received careful consideration by the committee even though the bill itself was put together, as the gentleman who preceded me said, after the committee bill was voted out. It was voted out, but it was completely unsatisfactory to quite obviously a majority of the committee. That is why we put together a substitute bill.

Mr. Chairman, no law is effective unless enforced. No bill should be enacted by this Congress unless it has not only proper enforcement provisions, but proper appeal protections. That is fundamental.

A major reason for the present tremendous problem this Nation faces—I might almost say tragic problem—is lack of enforcement and lack of protection by appeal of that enforcement to millions of American citizens who, under the Constitution, are entitled to their day in court.

Much has been said about the so-called gap in jurisdiction in enforcement of our present labor laws.

Many State and local enforcement officers have declined to act and many State and local courts have declined jurisdiction because of the basic exemption of all labor unions from the fundamental antimonopoly laws.

Many State and local officers decline to act, possibly from purely political considerations, because of that excuse.

The National Labor Relations Board presently charged with enforcement of the Taft-Hartley law and the preceding Wagner Act, has, for budgetary and other reasons, declined to act in many thousands of cases.

Naturally the Board chose to act in the most important cases, the clearly interstate cases and those cases affecting a large number of people or businesses. Small unions, small businesses and smaller numbers of people simply could not and cannot get a hearing and were and are without their right to a day in court.

Added to this, the Supreme Court, in the case of Guss against Utah Trade Union Board, ruled that State courts and agencies were without jurisdiction in labor matters, since the Federal Government had preempted that field.

The Small Business Administrator reports that of the 4 million small businesses of the Nation over 3 million of them have been denied their day in court because they were too small or had negligible effect on commerce.

Mr. Chairman, these are the American citizens, the small businessman and his employees, who need help the most of all. They are subject, as testimony has shown, to all sorts of rackets, shakedowns, coercion, blackmail, conspiracy, and so forth, both through blackmail picketing tactics and secondary boycotting, and they have no place to go. Their employees lose their jobs if they are forced to close, and testimony has indicated that this has happened in many thousands of cases.

The so-called committee bill, H.R. 8342, would even make this gap wider, because it would clearly exempt all unions under 200 and all unions doing less than $20,000 a year business from the reporting provisions of the act, clearly leaving the gate wide open for the Johnny Dio type of rackets. The paper locals, the jukebox rackets, are only a few cases in point. In the smaller unions the racketeers abound. Manhattan Island is loaded with them. Such exemption would, in effect, clearly exempt nearly 70 percent of total unions, and that 70 percent needs their day in court more than all the others. As has been shown, the racketeers and goons brazenly brush this off with the remark, "You have no rights."

Now, Mr. Chairman, the so-called committee bill attempts to close that gap simply by restating the present provision of the law that the National Labor Relations Board, now having full jurisdiction over all unions and all labor matters, shall assert this jurisdiction. At the close of the year the NLRB had a backlog of 6,700 cases, which has been increasing rapidly recently, and is now in the neighborhood of 8,000 cases. And there is a 2 years' time lag between the appeal and a hearing and decision. In hundreds of cases the decision becomes moot because the individual may have been forced out of business and the people have lost their jobs.

The so-called committee bill would enlarge the Board to seven and delegate a number of the cases to regional counsel. That would take care of a large number of cases having to do, for instance, with simple elections.

But, Mr. Chairman, all appeals from those elections would have to go to the Board. The elections themselves take almost no time of the Board, anyway, but the appeals, which take nine-tenths of the time in election cases, would still be on the docket of the Board. Enlarging to seven simply would not do the job.

You would have to set up a whole set of 12 regional tribunals with vast machinery. The so-called committee bill is impractical. It simply would not work. The committee bill is worse than no bill. It takes away some of the rights the worker now has.

H.R. 8400, the bipartisan bill, however, adequately takes care of the case, clearly specifying the authority of NLRB to decline jurisdiction where there is "insufficient effect on commerce." Furthermore, it clearly states that there is nothing in the act "to prevent or bar any agency or the courts of any State from assuming and asserting jurisdiction over labor disputes," over which the Board declines. In other words, it should completely close the gap, the very tragic present gap. Why not utilize all of the vast State and local enforcement agencies, the thousands of State and local courts, as well as the Federal circuit courts?

It has been said that the dockets of some courts are almost as heavily loaded as the NLRB. That may be true in some cases, but the vast majority of State and local courts can get fast action in case of the need of an injunction or other urgent measure.

I submit, Mr. Chairman, that closing this no man's land gap is the most important part of the bill. Without it the bill is completely worthless and worse than no bill at all. All of the rules and regulations go for naught unless they are enforced, and we need legislation at this session that will be effective, rather than ineffective, that will be strong, but fair—fair to all concerned.

The substitute bill is a minimum bill. It is a compromise bill. It is the only bill that will do the job.

Mr. KEARNS. Mr. Chairman, I yield 10 minutes to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES of Arizona. Mr. Chairman, in my opinion the real test of whether or not the House is sincere in its purported desire to enact labor reform legislation depends upon whether the bill that is passed here contains effective curbs against union action to compel employers to disregard the National Labor Relations Act by entering into contracts with labor organizations not of the choosing of their own employees.

One of the most cherished principles in our national labor policy is the principle of freedom of choice on the part of the workers of this country. Section 7 of the National Labor Relations Act declares that employees shall be free from interference or restraint in the selection of bargaining representatives and their right to engage in or refrain from concerted activity.

One of the most lasting impressions I obtained from my 6 years' experience on the Committee on Education and Labor was the extent to which the widespread use of the secondary boycott had made a mockery of this basic guarantee. In essence the secondary boycott is simply a device which enables powerful union officials to intervene in the affairs of employees they do not represent and to flout the majority rule principle and the safeguards of the secret ballot in Labor Board elections. In other words, it is a method of forcing neutral employers to put pressure on other employers to capitulate to the union despite the wishes of their own workmen.

Hearings before our committee and the McClellan committee are studded with examples of how the secondary boycott is employed by unscrupulous unions to destroy small unions and small businesses. One illustrative case was that of the barbershop in the Waldorf-Astoria Hotel—a barbershop run by a man who operated 12 other barbershops. This employer had a collective bargaining agreement with a union his

employees had helped to form and which provided for wages and working conditions as high as any in the New York metropolitan area. When a national union sought to get the employees to leave this organization and come in with the national, the 300 employee members of the union voted against it. The union organizer then went directly to the employer and urged him to sign up with the national. The employer protested that under the Taft-Hartley Act he could not force his employees to give up their union without violating the law. The national union then placed picket lines outside the hotel and induced the New York Teamster locals, who had no dispute with either the proprietor of the barber shop or the hotel, to refuse to deliver food, linen and other merchandise without which the hotel could not operate.

The management of the hotel under this pressure notified the owner of the barbershop that unless he surrendered to the demands of the national union the hotel would be compelled to terminate his lease. The proprietor explained to his employees that if this happened they would all be without jobs. Thus the employees had no choice but to give up their union and join one they had already rejected.

If the menacing power of the Teamsters Union is analyzed it becomes apparent that it rests largely upon the ability of its officials to resort with immunity to secondary boycotts—the deadly weapon of the Teamsters to cut off supplies from a firm which it or some other union is trying to organize. In the trucking industry the Teamsters in many areas have been able to blacklist transportation companies whose employees have voted against the union by warning the unionized companies not to interline freight with these carriers. When the unionized companies bow to such an ultimatum the companies whose men have voted against the Teamster Union have no recourse under the law.

The Federal act forbids only direct instigation of neutral employees but not pressure upon the neutral employer himself. State courts are unable to give any relief as the U.S. Supreme Court has held that State tribunals have no jurisdiction to grant injunctions because of the Federal preemption doctrine.

A few years ago the Teamsters were rebuffed in an attempt to organize the fruit canning industry on the west coast. Despite their failure to win a Labor Board election they put the heat on the canners to sign union shop agreements. If a canner refused, members of the Teamsters Union were notified not to deliver the fruit harvest to these canners. Some canners yielded to this pressure and had to pay heavy penalties in a subsequent Labor Board proceedings. Others resisted with the result that tons of harvested fruit was left to perish, the farmers being unable to market their crops.

In the examples I have given the secondary boycott has been used as a bludgeon for organizing employees by putting pressure on their employers. Recent hearings have shown that the existence of this weapon has made the business of running unions a tempting field for gangsters. By obtaining union charters or infiltrating themselves into positions of leadership in union locals in metropolitan areas, underworld characters use the secondary boycott as a method of enforcing racket monopolies. Thus in the recent investigation of the jukebox business it was revealed that in many cities union racketeers have gone into the business of selling and leasing jukeboxes. If the tavern owner obtains a jukebox from a nonracketeering source his place will be picketed by a paper local or some repairman's union which in turn induces the Teamsters to refuse to deliver food and bottled goods to the offending tavern.

The same tactics have been used to choke off supplies from small clothing manufacturers, jewelry and novelty manufacturers, who refuse to sign up with racketeering unions.

When Congress passed the Taft-Hartley Act in 1947 the debates in both Houses make it clear that the managers of the bill intended to prohibit every type of secondary boycott. Unfortunately, the language used in section 8(b)(4) of the act did not accomplish this purpose. Ingenious union counsel have uncovered so many loopholes that the act in practice failed to accomplish its objective.

The majority of the Committee on Education and Labor this year recognized that the present statute is defective in this respect but the amendments the committee bill proposes do little or nothing to improve a situation which clamors for correction. The bill, it is true, does recognize that hot-cargo contracts with common carriers have facilitated secondary boycotts by enabling the Teamsters to notify signatories to these contracts not to carry merchandise which the union terms unfair. Thus the bill in section 705 makes it an unfair labor practice for carriers which are regulated by the Interstate Commerce Act to enter into such contracts with labor unions and also makes it an unfair labor practice for unions to enter into such agreements with carriers.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. RHODES of Arizona. I yield.

Mr. DIXON. I commend the gentlemen from Arizona on what he has said about secondary boycotts, and remind the Members of Congress that we have in our State a dairy cooperative that is one of the finest institutions in the West that has suffered from this secondary boycott, and its entire existence was threatened through secondary boycotts. I have a petition from their 1,500 members pleading with us to wipe out this secondary boycott.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks following those of the gentleman from Arizona [Mr. RHODES].

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. RHODES of Arizona. I thank the gentleman for his fine contribution.

This was one of the provisions inserted in the Kennedy bill by a floor amendment in the Senate. Our committee, however, virtually nullified the objective this amendment sought to achieve by validating collective bargaining agreements permitting employees of carriers to honor picket lines. Thus the effect of the committee bill's much advertised ban on hot cargo contracts would open the door to the formulation of a new kind of hot cargo contract. Moreover, it is difficult to understand why, if hot cargo contracts are deemed against public policy in the trucking industry, the same policy should not require the prohibition of hot cargo contracts generally.

It should also be observed that instead of closing the more notorious loopholes under which certain kinds of secondary boycotts have obtained immunity under the Taft-Hartley Act, the Elliott bill creates a new loophole by authorizing secondary boycotts on the site of building and construction projects. Thus the Elliott bill proposes to legalize in one of our major industries secondary boycott activity which the Supreme Court in the Denver Building Trades case held to be illegal under the Taft-Hartley Act.

I submit that if we are going to prevent the secondary boycott from being used as a tool to force unions upon employees who have rejected them or as a device to enforce racket monopolies, the only bill which provides any hope of attaining this objective is the Landrum-Griffin substitute. Section 705 of this bill which deals with the secondary boycott and its handmaiden, recognition picketing, is drawn to deal with these abuses in an effective manner. Subsection (a) of section 705 contemplates a sweeping revision of section 8(b)(4) of the present Labor Relations Act. It closes the loopholes which have enabled labor organizations to engage in some types of boycotts with complete immunity.

As the statute is now worded it is unlawful for a union to induce or encourage "employees of any employer" to engage in a strike or "concerted refusal" to do their work for one of the forbidden objects listed in section 8(b)(4), such as to force their employer to cease doing business with a "primary" employer. Since farm laborers, railway labor, and supervisors are not "employees" within the meaning of the act, unions may now without penalty induce them to engage in secondary boycotts. The Landrum-Griffin bill corrects this by changing the word "employees" in the phrase quoted above to "any individual employed by any person." This change appears in clause 4(i).

As the present act forbids inducing "employees" to engage in a strike or "concerted refusal" to do their work, the courts have held that unions may induce employees one at a time to engage in secondary boycotts. By changing "employees" to "any individual" and omitting the word "concerted," the proposed revision of clause 4(i) closes this loophole.

As I have pointed out, while a union may not induce employees of a secondary employer to strike for one of the forbidden objects, they may threaten the secondary employer himself with a strike or other economic retaliation in order to force him to cease doing business with

a primary employer with whom the union has a dispute. If it is a union with a hiring hall system, it may also coerce a secondary employer into ceasing to use products of some other company by denying him access to the craftsmen on the hiring hall list. This substitute makes such direct coercion of an employer unlawful by the insertion of a clause 4(ii) forbidding threats or coercion of "any person engaged in commerce or an industry affecting commerce."

Another important change in the language of section 8(b)(4)(A) of the present act is the insertion of the words "to agree." Under existing law strikes to force or require secondary employers to cease handling or transporting certain products or to cease doing business with some other person are forbidden. The law, however, does not prohibit resort to the same kind of activity to force such employers to sign contracts or agreements not to handle or transport goods coming from a source characterized by the union as "unfair." Although the Supreme Court in its famous hot cargo decision held that such contracts were not a defense to the actual incitement of employees, it refused to hold that causing employers to sign such contracts was illegal.

The addition of the words "to agree" in this paragraph, as the substitute proposes, would make it illegal for unions to insist upon hot cargo clauses being inserted into collective bargaining agreements. This would accomplish a much needed reform. At the present time not only do most Teamster contracts contain such clauses but various building and printing trade unions have insisted on contracts under which employees are excused from handling certain prefabricated products, products which do not bear the label of a particular union, or products manufactured by a company dealing with some other union. Were it not for the immunity granted labor organizations from the antitrust laws the courts would undoubtedly have invalidated such contracts as being flagrant restraints of trade.

The Landrum-Griffin substitute recognizes one criticism which labor organizations have made to the language of the present Act which seems to have some justification. As I have said, the secondary boycott is primarily a method of using a secondary employer to thwart the sentiments of a majority of the employees of a primary employer. It is used not only as a means of bolstering unsuccessful recognition strikes by a minority union but also to support unpopular strikes over economic issues, for obviously if a strike is successful in closing down the plant of a primary employer there would be no occasion to resort to a secondary boycott.

Union officials have argued, however, that the prohibition against secondary boycotts in the present law makes it possible for a strike bound employer to place unfilled orders in the plant of another employer and to prevent a union from picketing such a plant on the ground that such activity is secondary. While it has not been demonstrated that the Board has placed such a broad construction on these provisions, the Landrum-Griffin substitute makes it plain that where a secondary employer is filling orders for the account of a strike bound primary employer, that plant is not immune from picketing. Section 705(a) contains a proviso which relates to what is popularly referred to as "farmed-out" work. This proviso makes the secondary boycott prohibitions inapplicable to a lawful strike against a secondary employer performing work for the account of a primary employer who cannot do the work himself because his own employees ordinarily assigned to such tasks are on strike. This exemption applies, however, only where the strike is lawful, not in breach of a collective bargaining agreement, and called or ratified by the union the primary employer is required by law to recognize.

Subsection (b) of section 705 also concerns the hot cargo problem. As a matter of principle there is no reason why this prohibition on hot cargo contracts in the Elliott bill should apply only to the transportation business because, as previously pointed out, such restrictive contracts which also encourage secondary boycott exist in various branches of the construction and manufacturing industries. Consequently subsection (b) of this bill goes further than the corresponding draft of the Senate and committee bills not only by making it an unfair labor practice for any employers or unions to negotiate such contracts, but also by making such contracts void and unenforceable.

Mr. Chairman, this analysis of the provisions of the Landrum-Griffin substitute dealing with the secondary boycott problem demonstrates that there is nothing in the language of section 702 which infringes in any way upon legitimate concerted activity of labor unions. The whole tenor of this section of the bill is to insure freedom of choice on the part of employees and to prevent their wishes from being frustrated by the pressure applied to their own employer by secondary employers who are under the control of unions.

The bill represents the very minimal reforms necessary to stop unions from bludgeoning employers into disregarding the basic provisions of the Labor Relations Act and to promote racketeering monopolies in certain small enterprises. There is nothing in these provisions which justifies the argument that they are antilabor or punitive. It is therefore somewhat of a paradox to find that some of the very forces which are urging Federal safeguards for the right to vote in public elections, opposing this mild attempt to make the right of workers to vote in Labor Board elections meaningful.

Mr. DIXON. Mr. Chairman, during my 16 years as president of Weber College in Ogden, Utah, a major railroad center, I made every effort to develop an outstanding vocational education program to train unemployed people for jobs and to up-grade the jobs of people who were already working.

We set up union advisory committees for each field of technical education, and arranged graduation ceremonies for the workers who completed the program. As far as I know, we were unique among American colleges in giving this unusual recognition to labor unions and to the workers taking vocational courses.

Here on the House floor I have often championed Federal aid for school construction and other programs which would promote the American dream of equal opportunity for every citizen to improve his life.

Consequently, I do not approach the question of labor reform with any spirit of animosity or without sympathy for union members' problems. I do approach this, however, with a deep seated desire for justice, or as Teddy Roosevelt described it, for a "square deal" for each citizen and every segment of society.

There can be no justification for the continuation of special privileges of racketeers, or even legitimate union leaders, which clearly give them unfair leverage over individual union members, nonunion workers, small businessmen, and farmers. I believe that most of the union employees agree with this proposition, and certainly the rest of society does.

Let us, then, examine some of the key controversial elements of the Griffin-Landrum bill with an eye to the question: What is a fair solution to the problems involved?

Secondary boycotts: One of the wires I received came from the Cache Valley Dairy Association, Smithfield, Utah. It declared:

> On behalf of 1,500 dairymen, we appeal to you to * * * plug loopholes on secondary boycotts.

Why are the northern Utah farmers so aroused against secondary boycotts? Because they suffered one and realized from personal experience that it could have virtually bankrupted them.

These dairy farmers operate what we believe is the largest swiss-cheese factory in the world. Their major purchaser is Dorman Co. in New York City, which at the time of the case was purchasing more than $1.5 million worth of Cache Valley swiss cheese annually. In 1955 the cooperative had a labor dispute with Teamsters' Local 976. Members of the local picketed the plant, which was a legitimate bargaining weapon. Not content with this, however, they sent three union officials back to New York City to picket trucks loaded with perishable swiss cheese at the Dorman Co. and otherwise attempted to induce Dorman's employees not to unload the trucks.

Fortunately, the NLRB issued a cease-and-desist order which stopped this unfair picketing at the site of an innocent company located 2,300 miles away from the labor dispute. The reason that the NLRB was able to stop this unfair secondary boycott was because the Labor-Management Relations Act of 1947 outlawed the secondary boycott. Regrettably, however, this provision only prohibits efforts to cause the employees of a secondary company to strike or otherwise refuse to handle certain goods used by the secondary company.

Clearly, in fairness, we need to reinforce the law against secondary boycotts to include a prohibition of coercive acts against the management of innocent companies which are not involved in the

labor dispute. This the Griffin-Landrum bill will accomplish.

Thirty to 50 years ago, workingmen were clearly at a disadvantage in dealing with management. We all remember the "yellow dog" contract, for example, which required that an employee promise not to join a union as a condition of employment. But laws were passed which corrected these abuses and aided the unions. Now the wheel has turned full cycle and we must deal effectively with unjust practices by unions, such as secondary boycotts. The public demands this action as is shown by the fact that I have received four (usually thoughtful) letters for the Landrum-Griffin bill for every one against it.

BLACKMAIL PICKETING

The Griffin-Landrum bill insures further protection for workers and employers as well by striking a decisive blow at blackmail picketing which is aimed at forcing a firm to recognize a union as its employees' bargaining agent even if the workers have rejected the union in a democratic election.

It is blackmail picketing that has been such an effective weapon in the hands of corrupt Johnny Dio types to force workers to join unions they oppose.

Blackmail picketing works like this: A union official goes into the office of a small businessman and lays a proposed labor contract on his desk. The employees of this business may not wish to join this particular union, but if they reject it the union may nevertheless picket the plant and perhaps destroy the business and wipe out their jobs.

The Griffin-Landrum measure would prohibit picketing when, first, another union has been recognized; second, where a valid election has been held during the preceding 12 months; third, where the picketing union cannot demonstrate that it has a sufficient showing of interest among the employees to support an NLRB petition for an election; and fourth, where picketing has been engaged in for a reasonable time—not exceeding 30 days—and no petition for an election has been filed. Who can honestly argue against the justice of the prohibition of picketing in these cases? The present practices are the unjust ones.

NO MAN'S LAND

Since a leading Supreme Court case (*Gus* v. *Utah Labor Board;* 352 U.S. 817, 353 U.S. 20), which created a vast "no man's land" of labor jurisdiction originated in Utah, I am especially interested in explaining why we must restore to the States their customary jurisdiction in labor disputes having negligible effect upon interstate commerce.

The facts of this case, decided March 25, 1957, were as follows:

A Salt Lake City company was manufacturing specialized photographic equipment for the Air Force. The company purchased materials from outside Utah amounting to less than $50,000. The United Steelworkers were the bargaining agents for the employees of this company since the steelworkers had won an NLRB election. Shortly after the steelworkers were properly certified, the union filed unfair labor practice charges against the company with the NLRB. However, the NLRB dismissed the case because the company was "predominantly local."

The NLRB is running up to 18 months behind in their complaint cases, so they have regularly declined jurisdiction with small local companies.

Consequently, the union filed the same charges with the Utah Labor Relations Board pursuant to the Utah labor relations act. The State board assumed jurisdiction and found merit to the union charges of unfair labor relations. The company appealed the case to the Utah Supreme Court which affirmed the Utah Labor Relations Board.

However, the company then appealed the case to the U.S. Supreme Court here in Washington. The Supreme Court overturned previous practices and concluded that a State was prohibited from acting even though the NLRB would not act, because the Court believed that under existing law the jurisdiction of the NLRB was exclusive. Apparently the union was in the right but it had no place to go to enforce its rights because the State's law has been thrown out the window.

How would the Shelly and Elliott bills deal with this problem? They would require the NLRB to take over complete jurisdiction of all cases which in any way affect interstate commerce.

In order to help the NLRB accomplish this they would expand the Board from five to seven members and would allow them to delegate to their regional officers minor cases with the right of appeal to the parent NLRB.

I submit that this proposal would perpetuate the present injustice because the addition of two new Board members would not begin to equip the NLRB to assume jurisdiction for almost 200,000 additional business establishments. The NLRB is already 6,000 cases behind.

The respected Chairman of the NLRB, Judge Boyd Leedom, has called for a restoration of State authority in minor cases. He testified to this effect as recently as June before the Joint Subcommittee of the House Committee on Education and Labor.

After explaining that their revised standards were bringing a heavy increase in their caseload, he declared:

> But there is still a large vacuum, and we are still hoping for legislation to eliminate the no man's land. On this problem I favor a simple provision of the law which would empower the States to act where the Board declines to exercise jurisdiction. (Hearings, pt. 5, p. 2292.)

Significantly, this morning's Washington Post called for a restoration of jurisdiction to the States over minor cases even if the NLRB was expanded by two members. The Post recognized that this would still be more cases than the NLRB could handle, and the editorial concluded by saying: "Even a little no man's land is repugnant to the American sense of order and justice."

Furthermore, it is ludicrous to require a national agency to deal with cases which are local in character. Should we steal every last vestige of life from our State agencies? If so, it will mean the destruction of our constitutional organization which has been such a force for the protection of individual freedom.

It was only as recently as 1937 that the Supreme Court began to revolutionize the meaning of the commerce clause to include Federal control over the production of goods which ultimately moved in interstate commerce. However, the continued process of transferring local functions to the Federal level of government must cease.

The Griffin-Landrum bill is a step, if a very small one, in the right direction by restoring to the States jurisdiction in labor relations cases only where the NLRB declines jurisdiction. This is a modest offering to the States, but let us at least go that far.

CRIMINAL PENALTIES

The Shelley and Elliott bills fall far short of allowing adequate remedy for the use of physical violence against union members. I believe it so absolutely unconscionable to allow a goon to hit an independent-minded union member over the head with a lead pipe and not provide Federal criminal penalties. Since these goons are often sent to another State after completing a "job," the local governments are normally incapable of catching the culprit. I believe that more than 90 percent of the American citizens would favor criminal penalties for such cases.

CONCLUSION

In all honesty and fairness, the essential features of the Griffin-Landrum bill are designed to protect legitimate union people. This is an antiracketeer bill, and violators are the only people who have anything to fear.

I urge the House to consider the Griffin-Landrum measure on its merits and substitute it for the Elliott bill. If further reinforcements are necessary, they can be added by amendment. But let us at least start by considering an effective bill.

Mr. BARDEN. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. BOLLING].

Mr. BOLLING. Mr. Chairman, I am not here to make a speech on my own in reference to this piece of legislation. I am not a member of the committee. I am here more to make a report on a good friend of all of us, the gentleman who introduced the committee bill, the Honorable CARL ELLIOTT, of Alabama.

I spent a few minutes visiting with him this morning. Some of you may not be aware of the fact that he had a very serious operation on Sunday. The doctors are very pleased with his progress and I was happy to see how well he looked.

When I was talking with him he expressed his profound regret that he could not be here in support of the bill which he introduced, the committee bill.

CARL, as you know, is one of the most conscientious, hard-working, and sincere of our colleagues. Before he became so ill that he could not actually continue his work he had written a speech which was basically the rough draft of the speech he hoped to give when he opened debate on the floor of the House today. It is, as he said, a speech he had not had the opportunity

to perfect. He used a good deal of it, and those of you who read it in the RECORD will see this is so, in his appearance before the Rules Committee last week.

I would like to read the first few paragraphs, then under permission already obtained in the House, I shall insert the rest of the speech in the RECORD:

A Member said to me a day or two ago that he thought it was unfortunate that matters of labor-management relations legislation had to come up while the feeling in the country was so high and while the extremists on the other side had their propaganda guns shooting with both barrels. I agree with that, and want to assure the Members that have spoken to me about it that it is not to my liking to have stood in the crossfire of the extremists on either side of this proposition. I have tried to remain as objective as possible through this matter because I really feel that the need for remedial legislation should be answered by the Congress at this time.

The committee bill is not a perfect instrument. In addition, it has had an unfortunate baptism of fire by people who have tried to tie a revetment block around its neck and push it out into midstream. Its story has not been told. I wish I were more capable of telling it.

Mr. Chairman, that is all I propose to read at this time. Mr. ELLIOTT proceeds to go through a detailed explanation of the bill that he introduced. He would give anything that he has to be able to be here supporting it.

The balance follows:

I wish now more than ever before in my life that I was thoroughly conversant with all the labor statutes, and rules, and practices. Fortunately, we have on this committee and in the House here a fairly large number of people who understand the intricacies of labor law and who have worked with it for years. My experience with labor law primarily is confined to my service on the House Committee on Education and Labor where I have through the years, of course, had the benefit of hearing many witnesses testify about labor matters, and where I have likewise been charged with the duty of giving them more than passing attention. However that may be, I wish I were a really full-fledged expert in the field, someone who really knows the details like the gentleman from New York [Mr. TELLER]; or who has had the practical experience in labor law that the gentleman from Arizona [Mr. UDALL] has had, or who has come fresh from the practice of labor law like the gentleman from Michigan [Mr. O'HARA]. In a field so fraught with emotion that extremism nearly become the order of the day, it is difficult to keep ourselves and to keep this problem in perspective.

Many of us have been disconcerted by the findings of the select committee of the Senate. Indeed our committee bill before you recites:

"The Congress further finds, from recent investigations * * * that there have been a number of instances of breach of trust, corruption, disregard of the rights of individual employees, and other failures to observe high standards of responsibility and ethical conduct which require further and supplementary legislation that will afford necessary protection of the rights and interests of employees and the public generally."

Too, we must keep the problem in perspective. For instance, it is estimated that the 200 national unions in America today, including their local unions and branches, collect from dues, initiation fees, and special assessments, and other charges nearly $1 billion per year. The best figure I have been able to find on the misuse of union funds indicates that such misuse may total as much as $10 million in a year. Now, of course, $10 million is a lot of money in my book, but to keep our problem in perspective I think we must recognize that $10 million is only 1 percent of $1 billion.

Then we were constantly faced with the fact that we were entering a field that the Federal Government had not heretofore entered, and when such is the case it is my judgment that we should proceed with great care.

For instance, there are those, of course, who argue that union democracy may best be preserved without writing laws to guarantee it. The answer is, I think, that in our country we have not been willing to trust even governmental self-restraint when dealing with the basic liberties of the individual. We rely, instead, on written constitutions, enforced and interpreted by an independent judiciary. A private organization certainly has no greater claim to unregulated power than does a government of a State of the United States. All of us are convinced, I think, that the unregulated internal powers of unions have sometimes led to great abuses.

Labor unions hold the position they occupy today largely because of Federal law. I refer, of course, to the National Labor Relations Act and related statutes. A union which acts as the bargaining representative has power, in conjunction with the employer to fix a member's wages, hours and other conditions of employment. The member is bound by the union contract. As a matter of practice the union also controls the grievance procedure through which a member's contract rights are enforced. The government which gives unions this power has the obligation at the same time to provide safeguards against its abuse. The majority of the committee felt that the most effective safeguard would be the legal assurance that all unions would be responsive to the desires of the men and women whom they represent.

I do no mean to imply that there were no opposing considerations. I think every member of the committee felt we were entering into a field where caution and restraint and good judgment were demanded. Most of us realized that our industrial community would not gain from legislation which diminished the effectiveness of labor unions or impaired their fundamental independence of government.

So, Mr. Chairman, we wrote into this law some basic and definite rights of members of labor organizations most often referred to as a bill of rights.

RIGHTS OF MEMBERS OF LABOR ORGANIZATIONS (P. 10)

1. Every member of a union shall be accorded, subject to reasonable qualifications unformly imposed, all the rights and privileges pertaining to membership under the constitution and bylaws of the union. These rights shall include:

(a) The right to participate in determining the policies of the union;

(b) The right to attend all membership meetings of the union; and

(c) The right to vote in any election or referendum conducted by the union.

2. Every member of a union shall have:

(a) The right to meet with the other members;

(b) The right to express his views, arguments, and opinions;

(c) The right especially to express his views upon any candidate in any election conducted by such labor organizations; and

(d) The right to express his views in the union meeting upon any other business properly before the meeting.

3. A member of a union shall be secure in the knowledge that his dues and initiation fees will not be increased and no general or special assessment will be levied upon him except by majority vote by secret ballot of the members of the union in a regular meeting, after reasonable notice has been given all members of the intention to vote upon the specific question.

4. Every union member shall have the right to sue his union, or any officer thereof in any court of competent jurisdiction, Federal, or State, or to bring any proceeding before any administrative agency of the United States or any State.

5. Every union member shall have the right to appear as a witness in any judicial, administrative, or legislative proceeding against his union or any officer thereof, and shall have the right to petition any legislative body in the land, or any legislator, whether or not his supplication is in line with the policy of his union, announced, or unannounced, or any officer thereof.

(5) Any member of a unon who is fined, suspended, expelled, or otherwise disciplined by his union, or any officer thereof, shall be afforded a fair hearing on written charges, and with other procedural safeguards as provided in the constitution and bylaws of such labor organization.

6. A local union must furnish each member who requests it a copy of each collective bargaining agreement made by such local union with an employer, where the rights of such union member are directly affected by such collective bargaining agreement.

7. A national or international union must place a copy of any such collective bargaining agreement made by it and any employer or group of employers in each constituent local union which has members directly affected by such agreement, and the agreement itself shall be available for ispection by any member whose rights are affected by the agreement.

For the enforcement of this right the Secretary of Labor may sue for appropriate relief to compel compliance, and the suit may be brought in the U.S. district court where the violation occurred, or at the option of the parties in the U.S. District Court for the District of Columbia.

8. Finally, when this bill becomes law, every labor union has the legal duty and responsibility to inform its members of all the provisions of the act.

At this point, Mr. Chairman, may I call your attention to the fact that the committee was most serious in writing these provisions which I have just read into the law. They were written against a background of considerable study and deliberation. At this point we provided that "any provision of the constitution and bylaws of any union which is inconsistent with the provisions just read should be without force or effect.

So, Mr. Chairman, we did move cautiously into this new field of union democracy. While we said that every union member shall have the right to sue his union, or any officer of the union, for any legal grievance that the member might have against either, yet we said that any member of the union "shall be required to exhaust the reasonable remedies available under the constitution and bylaws" of the union (p. 12), or "* * * to diligently pursue such available remedies without obtaining a final decision within 6 calendar months after their being invoked." Then if any person feels that his rights, as I have heretofore enumerated them have been violated, he "may bring a civil action in any district court of the United States having jurisdiction * * * to prevent and restrain such violation (p. 14) * * * and the court shall have power to grant such other and further relief as may be appropriate."

Thus a suit to prevent and restrain a violation of the so-called bill of rights might terminate in an injunction, but also in an order setting aside discipline imposed by a labor organization, and restoring the plaintiff to membership if appropriate, and awarding

monetary damages if suffered. The court's jurisdiction "* * * to grant such other and further relief as may be appropriate" gives it a wide latitude to grant relief according to the necessities of the case.

That's not all, Mr. Chairman. Section 103, page 15, specifically says that nothing contained in the list of rights of union members, which I have already enumerated, shall limit or take away any of the rights or remedies which a union member already has under any State or Federal law, or before any court of the land, or under the constitution and bylaws of the labor union, itself.

Yes, Mr. Chairman, our committee entered this field with great care and deliberation. Again we provided in section 603 of the bill (p. 57) in title VI that * * * "nothing in this act shall take away any right or bar any remedy to which members of a labor organization are entitled under * * * Federal law or law of any State."

Title II of the bill requires that annual reports be filed with the Secretary of Labor by every union; by every officer of a labor union; by every employee of a labor union; and by every employer.

REPORTS BY LABOR UNIONS

Every labor union shall file a copy of its constitution and bylaws, and if it doesn't have one, the law requires that it adopt one together with a report giving:

(1) name and mailing address of the union;

(2) name and title of each of its officers;

(3) initiation fee required from a new, or transferred member, and fees for work permits;

(4) regular dues or fees required to continue as a member of said union;

(5) detailed statements showing: (a) qualifications for or restrictions on membership; (b) levying of assessments; (c) participation in insurance or other benefit plans; (d) authority for disbursement of funds; (e) audit of financial transactions; (f) how regular and special meetings are called; (g) how officers and stewards, and representatives to other bodies of labor organizations are chosen; (h) provision for removal of officers or agents for breaches of their trust; (i) how fines, suspensions, and expulsions are imposed, including grounds for such action and including "any provision made for notice, hearing, judgment on the evidence, and appeal procedures"; (j) authorization for bargaining demands; (k) how contract terms are ratified; (l) how strikes are authorized; (m) how work permits are issued.

Here it should be pointed out that this information must be reported and disclosed by every labor organization whether or not it is exempt from other reporting requirements of this title.

Every labor organization shall file annually with the Secretary a financial report containing the following information, in such detail as may be necessary accurately to disclose its financial condition and operations for the preceding fiscal year:

(1) Assets and liabilities at the beginning and end of the fiscal year;

(2) Receipts of any kind and resources thereof;

(3) Salary allowances and other disbursements, direct or indirect (including reimbursed expenses), to each officer and to each employee who during the fiscal year received a total of more than $10,000 from such labor organization, and its affiliates;

(4) Direct or indirect loans made to any officer, employee, or member of such labor organization which aggregated more than $250 during the fiscal year, together with a statement of the purpose, security, and arrangements made for repayment;

(5) Direct or indirect loans to any business enterprise together with a statement of the purpose, security, and arrangements for repayment; and

(6) Other disbursements made by it including the purposes thereof.

Every labor union required to submit the foregoing report shall make available the same information to all its members and shall be under a duty enforceable at the suit of any member of such organization in any court of competent jurisdiction, Federal or State, to permit such members to examine the books, records, and accounts necessary to verify the information contained in such report. Here Uncle Sam was perhaps reaching his hand rather heavily into the internal affairs of unions, but the committee felt that this section provided a chance for union members to do a considerable job of policing their own unions, where necessary, and the committee further provided that in the event suit was brought that the plaintiff, upon judgment awarded him, would be allowed a reasonable attorney's fee to be paid by the defendant and his costs of the suit as well.

Subsection (d) of section 201 provides that a labor organization shall be exempt from the above listed requirements with respect to requirements of financial reporting and disclosure if the union had less than 200 members, or gross receipts of less than $20,000. However, the section gives the Secretary of Labor the power to withdraw the exemption, either permanently or conditionally, if it is shown that the membership of that labor organization has been denied the substantial equivalent of the information required to be filed by all other unions.

REPORTS OF OFFICERS AND EMPLOYEES OF LABOR ORGANIZATIONS

Every officer, and every employee of a union shall file with the Secretary a signed report listing and describing for the preceding fiscal year any stock, bond, or interest held in, and what it brought him by way of monetary rate from an employer whose employees such labor union represents or is actively seeking to represent (except, of course, wages paid the employee).

Union officials must report to the Secretary of Labor any activities which might involve a conflict of interest between their obligations as representatives of unions and their engagement in transactions which might be a source of personal gain contrary to the interest of the union members whom they represent. The bill lists specific actions which might constitute conflicts of interest such as:

(1) Ownership in an employer's business;

(2) Loans from an employer whose employees the union involved represents or actively seeks to represent;

(3) The union officer's ownership in any business, a substantial part of which consists of buying from, selling or leasing to, or otherwise dealing with, the business of an employer whose employees such labor union represents or is actively seeking to represent;

(4) Any ownership in a business, any part of which consists of buying from or selling or leasing directly or indirectly to or otherwise dealing with such labor organization;

(5) Any direct or indirect business transaction or arrangement between him and any employer whose employees an organization represents or is actively seeking to represent;

(6) Any money or other thing of value which he received directly or indirectly from any employer or from a labor relations consultant to an employer.

The statute does not require a negative reporting. It only requires a formal report if the officer or employee of the labor organization is, or their spouse or minor child, has held an interest or has received income or any other benefit with monetary value or a loan or has engaged in the transactions described above.

REPORTS OF EMPLOYERS

Every employer shall file with the Secretary a report showing in detail:

(1) Any payment or loan, direct or indirect, to any labor organization or officer, agent, shop steward, or employee of a labor organization;

(2) Any payment to any of his employees for the purpose of causing them to interfere with, coerce, or restrain any employee of such employer in the exercise of rights guaranteed to such employees by the National Labor Relations Act as amended or the Railway Labor Act as amended;

(3) Any payment to a labor relations consultant for the compensation of employees for interfering with, coercing, or restraining any other employees of such employer in the exercise of rights guaranteed to such employees by the National Labor Relations Act as amended or for procuring confidential information from other employees of such employer concerning the exercise of rights guaranteed to them by the National Labor Relations Act as amended;

(4) Any payment to any person for the services of strike breakers.

Every labor relations consultant who in any year receives a payment from an employer, which the employer must report, shall, himself, file a report with the Secretary showing in detail the date and amount of each such payment so received by him and the name and address of the employer concerned and how said payment to him was expended, if spent in violation of this act.

Attorneys do not have to report information which is confidential between them and their clients in the course of a legitimate attorney-client relationship and within the scope of the legitimate practice of law.

The facts reported by labor organizations, by officers and employees of labor organizations, and by employers shall be public information and the Secretary shall make reasonable provision for the inspection and examination of such on the request of any person.

Every person required to file a report under this title shall maintain records on the matters on which he reported which will be sufficient to verify, explain, or clarify said reports. These records shall be kept for at least 5 years.

Section 208 provides that the Secretary shall have authority to prescribe the forms on which the reports are made.

CRIMINAL PROVISIONS

Section 209 provides:

(1) That any person who willfully violates this reporting title shall be fined not more than $10,000 or imprisoned not more than 1 year, or both;

(2) Any person who makes a false statement of material fact, knowing it to be false, shall be fined up to $10,000 or imprisoned up to 1 year, or both;

(3) Any person who conceals or destroys any books or records that this title requires that he keep shall be fined up to $10,000 or imprisoned up to 1 year, or both.

CIVIL ENFORCEMENT

Section 210 provides whenever it appears "that any person has violated or is about to violate any of the provisions of this title the Secretary may bring an action for such relief as may be appropriate, including injunctions, to restrain any such violation and to compel compliance with this title.

TITLE III—TRUSTEESHIPS

Every labor organization which assumes trusteeship of any subordinate labor organization shall file with the Secretary of Labor "a detailed statement of the reason or reasons for establishing * * * the trusteeship" together with a full and complete account of the financial condition of such

subordinate organization at the time trusteeship was assumed over it and any person who violates this section shall be fined not more than $10,000 or imprisoned for not more than 1 year.

Trusteeships shall be established only in accordance with the constitution and bylaws of the union assuming the trusteeship and only for the purpose of correcting:

(1) Corruption; or

(2) Financial malpractice; or

(3) Assuring the performance of collective bargaining agreements; or

(4) Restoring democratic procedures; or

(5) Otherwise carrying out the legitimate objects of labor organization.

Section 303 provides that during the period when a subordinate body of a labor organization is in trusteeship, it shall be unlawful:

(1) To count the vote of delegates of such trusteed union in any convention of the labor organization unless the delegates have been chosen by secret ballot in an election in which all the members in good standing of such subordinate body were eligible to participate; or

(2) To transfer to such organization any current receipts or other funds of the subordinate body except the normal per capita tax and assessments payable by subordinate bodies not in trusteeship.

Section 304 provides that upon the written complaint of any member or subordinate body of a labor organization alleging that such organization has violated section 302 and 303 of this title, the Secretary, if he believes that such violation has occurred shall bring a civil action in any U.S. district court having jurisdiction of the labor organization to prevent and restrain such violation and for such other relief as may be appropriate. In addition, any member or subordinate body of a labor organization affected may bring a civil action in any district court of the United States having jurisdiction of the labor organization to prevent and restrain any violation of section 302 and 303 of this title.

A trusteeship established in conformity of the procedural requirements of the union's constitution and bylaws and authorized after a fair hearing shall be presumed valid for a period of 18 months. After the expiration of 18 months the trusteeship shall be presumed invalid unless the labor organization shall show by clear and convicing proof that the continuation of the trusteeship is necessary for the purpose allowable under section 302.

TITLE IV—ELECTIONS

1. Every national (most often called international) union shall elect its officers at least once every 5 years by secret ballot of the members, or at a convention of delegates chosen by secret ballot (sec. 401(a)).

2. Every local union shall elect its officers at least once every 3 years by secret ballot of the members (sec. 401(b)).

3. Every candidate for a union office shall have the right to inspect, and copy, a list containing the names and last known addresses of all members of the labor organization who are subject to a collective bargaining agreement requiring membership therein as a condition of employment. Such lists shall be maintained and kept at the principal office of such labor organization by a designated official of the union (sec. 401 (b)).

4. The local union shall provide "adequate safeguards to insure a fair election" (sec. 401(b)).

5. Each candidate for a local union office shall have the right "to have an observer at the polls and at the counting of the ballots" (sec. 401(b)).

6. In every election, "a reasonable opportunity shall be given for the nomination of candidates," and every member of the union shall be eligible to be a candidate, and to hold office in the union if elected (sec. 401 (d)). (See sec. 504.)

7. "Every member of the union shall have the right to vote for or otherwise support the candidate or candidates of his choice, without being subject to penalty, discipline, or improper interference or reprisal of any kind" (sec. 401(d)).

8. Notice of the time and manner of making nominations and of the place and date of election shall be given to all members of the union who are eligible to vote (sec. 401 (d)).

9. Each member of the union in good standing shall be entitled to vote (sec. 401 (d)).

10. The votes cast by members of each local union shall be counted and the results published. The members designated by the constitution and bylaws of the union to hold the election, or the secretary of the union, shall preserve for 1 year the ballots or other records pertaining to the election. The election shall be conducted in accordance with the constitution and bylaws of such organization insofar as they are not inconsistent with the provisions of this title. If they are inconsistent then this title controls. The same is true with respect to the procedure for choosing officers by a convention of delegates of the national union (sec. 401(d)).

11. When officers of a union are chosen by a convention of delegates (elected by secret ballot) the convention shall be conducted in accordance with the constitution and bylaws of the union insofar as they are not inconsistent with the provisions of this title (sec. 401(e)).

12. A union shall not dip into the till of the dues, and assessments of its members to promote the candidacy of any person for union office. However, the labor organization may use its funds to send out notices and to pay other necessary expenses for the holding of the election (sec. 401(f)).

13. The constitution and bylaws of a union should provide an adequate procedure for the removal of an elected officer guilty of serious misconduct, but if it does not, upon petition of a member of the union a district court of the United States may audit an election conducted by the officers of such union among the members, voting in secret ballot for the purpose of determining whether such officer shall be removed from office. In such case the court may allow a reasonable attorney's fee to be paid by the defendant union to the petitioner's attorney (sec. 401(g)).

A member of a labor union who is aggrieved by any violation of section 401 dealing with the terms of office of union officials and the election procedures within the union and who has exhausted the remedies available under the constitution and bylaws of such organization; or who has diligently pursued such available remedies without receiving a final decision within 6 calendar months after their being invoked may bring a civil action against such labor organization in a U.S. district court "to prevent and restrain such violation and for such other relief as may be appropriate, including the holding of a new election under the supervision of the Secretary and in accordance with the provisions of this title." The court in such action may in its discretion allow a reasonable attorney's fee to be paid by the defendant and cost of the suit. The court may order the holding of a new election under supervision of the Secretary of Labor.

TITLE V—SAFEGUARDS FOR LABOR ORGANIZATION

Fiduciary responsibility of officers of labor organizations

Our Committee on Education and Labor made, I think, a major contribution by adding the language now found in section 501(a) which language was not in the Senate bill. We wrote a comprehensive statement of the fiduciary duties of union officers. The assets of a labor union belong to the members. Union office is a position of trust to be used for the benefit of the members. In collective bargaining, and in conducting other business, union officers must put their fiduciary obligations ahead of their personal interest.

The failure to recognize this familiar principle lies at the bottom of most of the wrongdoing uncovered by the Senate select committee. A man cannot faithfully serve two masters. Therefore, the principle of fiduciary responsibility is violated whenever a union officer acquires an interest in a business concern with which he engages in collective bargaining as the employees' representative. The principle has been violated when a relatively few union officers have placed their union's insurance policies with agencies which paid them money as individuals in return for the favor.

Yes, Mr. Chairman, the House Labor Committee wrote into the Senate bill a simple, direct statement condemning all such transactions.

Section 501(a) enacts that "union officers occupy positions of trust in relation to such organization and its members as a group." It goes on to declare the duty of each officer "* * * to hold its money and property solely for the benefit of the organization and its members and to manage, invest, and expend the same in accordance with its constitution and bylaws * * * to refrain from dealing with such organization as an adverse party, or in behalf of an adverse party, in any matter connected with his duties, and from holding or acquiring any pecuniary or personal interest which conflicts with the interests of such organization, and to account to the organization for any profit received by him in whatever capacity in connection with transactions conducted by him or under his direction on behalf of the organization."

Then, we provided that a general exculpatory provision in the constitution and bylaws of such a labor organization, or even a general exculpatory resolution of a governing body purported to relieve any such persons of their liability for breach of the fiduciary duties declared by this section shall be void as against public policy.

The committee is rather proud of this section and feels that writing it into Federal labor legislation will serve to bring it home, both to the union officers who must conform to the principles and to the union members who will benefit from its firm application.

The committee bill also provides an effective remedy by which individual union members may recover any money or property which a union officer has misappropriated or any secret profits which he has acquired through any abuse of his fiduciary position.

Section 501(b) provides that if the union fails to bring suit upon the request of the member, the member may apply to any State or Federal court for leave to bring an action on behalf of the organization similar to a minority stockholder's suit against a corporation. Furthermore, since the lack of funds is often a deterrent to individual members who might otherwise sue a labor union, the bill provides for allocation of an appropriate part of the recovery for counsel fees and for expenses.

Then, we wrote into this section as new law the following:

"(c) Any person who embezzles, steals, or unlawfully and wilfully * * * converts to his own use, or the use of another, any of the moneys, funds, securities, property, or other assets of a labor organization of which he is an officer, or by which he is employed, directly or indirectly, shall be fined not more

than $10,000 or imprisoned for not more than 5 years, or both."

Section 502(a) provides that every officer or agent of a labor organization whose property and annual financial receipts exceed $5,000 in value shall be bonded for the faithful discharge of his duties with a corporate surety company as surety on his bond.

Section 503(a) provides that no labor organization shall make directly or indirectly any loan to any officer or employee of such union which results in a total indebtedness to the labor organization in excess of $2,500.

Section 503(b) provides that no labor organization or employer shall pay the fine of any officer or employee convicted of any willful violation of this act.

Section 504(a) provides that no person who is or has been a member of the Communist Party, or has been convicted of or served any part of a prison term resulting from his conviction of robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or who has been convicted of violating the reporting provisions of title II of this act, or the trusteeship provisions of title III of this act, or conspires to commit any such crimes, shall serve as a union officer, business agent, organizer, or in any similar job, or as a labor relations consultant to an industry or to any group or association of employers, dealing with labor organizations. "During or for 5 years after the termination of his membership in the Communist Party or for 5 years after such conviction, or after the end of such imprisonment unless prior to the end of such 5-year period the convicted person's citizenship rights have been fully restored or the Board of Parole of the U.S. Department of Justice determines that such person's service in such capacity as an officer, etc., of a union or as a labor relations consultant, etc., would not be contrary to the purposes of this act."

Section 505 amends section 302 of the Labor-Management Relations Act of 1947, so as to add a labor relations expert or consultant to an employer as parties who are proscribed from paying or lending anything of value to any union representative of any of his employees.

This section, 505, adds to the existing proscription of section 302(a) the prohibition that the employer or his labor relations expert or consultant not pay or lend, or agree to pay or lend anything of value "to any labor organization or any officer or employee thereof" which represents, seeks to represent, or would admit to membership any of employees of such employer; or "* * * to any employee of such employer * * * in excess of their normal compensation, for the purpose of causing such employee to influence any other employees in the exercise of the right to organize and bargain collectively through representatives of their own choosing" or "* * * to any officer or employee of a labor organization * * * with intent to influence him in respect to any of his actions * * * as a representative of employees, or as such officer or employee of such labor organization."

Section 505(b)(2) declares it to be unlawful for any labor organization, or any person acting for it "* * * to demand or accept from the operator of any motor vehicle as defined in part II of the Interstate Commerce Act (employed in the transportation of property in commerce, or the employer of any such operator) any money or other thing of value * * * as a fee or charge for the unloading or in connection with unloading of the cargo of such vehicle."

TITLE VI—MISCELLANEOUS PROVISIONS

Title VI is entitled "Miscellaneous provisions" of the act, but it contains some of the most important provisions to be found in the act.

First, with respect to the power of the Secretary of Labor to make investigations, section 601(a) gives the Secretary power, and directs that he shall make an investigation "when he has probable cause to believe that any person has violated any of the provisions of this act" (other than the provisions of title I which has to do with the rights of members of labor organizations). In other words, if the Secretary believes that any person has violated the requirements that reports be filed under title II, either by labor organizations or by officers or employees of labor organizations or by employers, or if he believes "Title III—Trusteeships," or that "Title IV—Elections," or that "Title V—Safeguards for Labor Organizations" has been violated then he shall make the investigation "and in connection therewith he may inspect such records and accounts as may be necessary to enable him to determine the facts relative" to a violation.

EXTORTIONATE PICKETING

Section 602(a) provides that "it shall be unlawful to carry on picketing on or about the premises of any employer for the extortionate purpose of, or as a part of an extortionate plan or conspiracy for * * * taking or obtaining any money or other thing of value from any employer."

Section 602(b) provides a very stiff penalty for those who violate this section, saying that they "shall be fined not more than $10,000 or imprisoned not more than 20 years, or both."

RETENTION OF RIGHTS UNDER OTHER FEDERAL AND STATE LAWS

Section 603(a) says "* * * nothing in this act shall reduce or limit the responsibilities of any labor organizations (or any officer, etc., thereof) or any trust in which a labor organization is interested, under any other Federal law, or under the laws of any State, and except as explicitly provided to the contrary, nothing in this act shall take away any right or bar any remedy to which members of a labor organization are entitled under such other Federal law or law of any State."

Section 604 provides that "nothing in this act shall be construed to impair or diminish the authority of any State to enact and enforce general criminal laws with respect to robbery, bribery extortion, embezzlement, grand larcency, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, or assault with intent to inflict grievous bodily injury or conspiracy to commit any of such crimes."

These are the crimes listed in section 504(a) of the act, a conviction of which debars a person from holding union office for a period of 5 years.

Section 608 provides that punishments for criminal contempt committed outside the presence of the court "in connection with any civil action prosecuted by the Secretary or any other person in any district court of the United States under the provisions of this act" shall not be levied and imposed unless and until "the facts constituting such criminal contempt are established by the verdict of the jury in a proceeding in the district court of the United States." Such jury to "be chosen and impaneled in the manner prescribed by the law governing trial juries in criminal prosecutions in the District courts of the United States."

TITLE VII: AMENDMENTS TO THE LABOR-MANAGEMENT RELATIONS ACT, 1947, AS AMENDED

Section 701 of title VII deals with the National Labor Relations Board and requires: "(c) The Board shall exert jurisdiction over all labor disputes arising under this act."

Section 701(c) provides "the National Labor Relations Board * * * is hereby continued as an agency of the United States, except that the Board shall consist of seven instead of five members, appointed by the President."

Section 701(d) provides that "the Board is authorized to delegate to any group of three or more members any or all of the powers which it may itself exercise. The Board is also authorized to delegate to its regional directors its powers under section 9 to determine the unit appropriate for the purpose of collective bargaining, to investigate and provide for hearings, and determine whether a question of representation exists, and to direct an election or take a secret ballot under subsection (c) or (e) and certify the results thereof, except that upon the filing of a request therefor with the Board by any interested person, the Board may review any action of a regional director delegated to him under this paragraph, but such a review shall not, unless specifically ordered by the Board, operate as a stay of any action taken by the regional director.

These improvements, I believe, came primarily from the second Kearns bill. As is always true in this field, these are matters of some considerable controversy, and it is hard to say just what is right and what is wrong about them. This amendment, which I think was an improvement of the bill represents the best thinking of the committee at the time.

This section 701(a) requires the National Labor Relations Board to exercise jurisdiction over all unfair labor practices and questions of representation affecting interstate commerce.

ARGUMENTS IN FAVOR

1. The committee bill attempts to correct a disgraceful condition. In the National Labor Relations Act, Congress asserted Federal jurisdiction over all unfair labor practices, and questions of representation affecting interstate commerce. This enactment excludes State courts and State administrative agencies, and the Supreme Court of the United States has so decided in at least two cases. At present the National Labor Relations Board refuses to hear some cases falling within its jurisdiction with the results that the problems are not resolved by any tribunal. The bill corrects this injustice by requiring the Board to hear and decide these cases.

2. In this case, it is not a good solution to give the States jurisdiction over the cases which the National Labor Relations Board declines to hear. Only a dozen States have labor relations boards. Therefore, there is no agency for dealing with unfair labor practices, or for conducting elections in which employees can decide whether to be represented by a bargaining agent. Unless these problems are handled by the National Labor Relations Board, they will go unresolved and will result in the very conditions which the National Labor Relations Board was intended to correct.

3. Ceding jurisdiction to the States under these circumstances would subvert the National Labor Relations policy. Where there is no State labor relations law—and this is true in about 35 States—ceding jurisdiction would simply open the door to the State court injunctions which would be issued, I believe, in at least some instances, under the old common law doctrine that any combination of workers is an unlawful conspiracy. It might also permit the application of union-busting laws, such as the municipal ordinances which sometime level a tax on license of $2,000 on every union organizer, with an additional tax of from $100 to $500 for every employee who signs up as a member of the union. In reality, the plea of ceding jurisdiction to the States is a backhanded way of trying to restore antilabor injunctions and should be rejected.

4. Although the argument in this case is over comparatively small businesses, cumulatively the cases would affect the national economy. Their effect is not small when all the cases are added together.

5. Remember that under the present law the National Labor Relations Board has discretion to determine how much of its jurisdiction it will exercise. Today, there are comparatively few cases that the NLRB refuses to hear, but if we authorize the States to handle all cases which the NLRB declines to hear, there is nothing to prevent the NLRB from defining its jurisdiction still more narrowly so as to turn more cases over to the States. The National Labor Relations Board tried to do this in 1954. No mere administrative agency should be given power to deny thousands of employers and hundreds of thousands of employees protection against unfair labor practices, or to cut them off from machinery for resolving questions of representation by elections.

6. There is little basis for the argument that the NLRB cannot handle all these cases. Recent studies point to numerous ways of speeding up the Board's work. The exercise of its full jurisdiction would not add an appreciable number of cases to the workload.

Section 702 (a) of title VII provides that section 8 of the National Labor Relations Act (the one that describes and lists "unfair labor practices") is amended by adding at the end thereof the following new subsection:

"(e) It shall not be an unfair labor practice [for either the employer or the union] for an employer engaged primarily in the building and construction industry to make an agreement covering employees engaged (or who upon their employment will be engaged) in the building and construction industry with a labor organization of which building and construction employees are members * * * because (1) the majority status of such labor organization has not been established under the provisions of section 9 (determining collective bargaining representatives by elections) of this act prior to the making of such agreement, or (2) such agreement requires as a condition of employment membership in such labor organization after the seventh day following the beginning of such employment or the effective date of the agreement whichever is later. (3) Such agreement requires the employer to notify such labor organization of opportunities for employment with such employer, or gives such labor organization an opportunity to refer 'qualified applicants for such employment', or (4) such agreement specifies minimum training or experience qualifications for employment, or provides for priority in opportunities for employment based upon length of service with such employer in the industry or in the particular geographic area: *Provided,* [That no employer shall discriminate against an employee for nonmembership in the union involved, if he has reasonable grounds for believing that membership in said union was not available to the employee on the same terms and conditions generally applicable to other members].

"[The above provisions of section (a) shall not be construed as authorizing the execution of an agreement requiring membership in a labor organization as a condition of employment in any State that has a right-to-work law.]"

The above provision was in the Kennedy bill, S. 1555, as passed by the Senate.

The Landrum-Griffin bill would amend section 9(c)(1)(B) by adding the word "or" after the semicolon at the end of clause (B) and adding the following new clause, so as now to make it read as follows:

"Whenever a petition shall have been filed, in accordance with such regulations as may be prescribed by the National Labor Relations Board (C) by an employer primarily engaged in the building and construction industry and a labor organization acting in behalf of employees engaged (or who upon their employment will be engaged) in the building and construction industry, asserting that such employer recognizes such labor organization as the representative defined in section 9(a) (which says a union selected by a majority of the employees in a unit shall be the exclusive representative of the employees in such unit for the purpose of collective bargaining with respect to pay, wages, hours of employment, or other conditions of employment), and has entered into a collective bargaining agreement with such labor organization."

The Landrum-Griffin amendment further would amend section 9(c)(1) by adding thereafter:

"*Provided,* That the Board may, without prior thereto having conducted an election by secret ballot, certify a labor organization referred to in clause (C) (quoted above in parentheses) as the exclusive representative of all the employees of an employer referred to in said clause (C) in such unit as the Board may find is normally represented by the labor organization in the building and construction industry for the purpose of collective bargaining with respect to pay, wages, hours of employment, and other conditions of employment: *Provided further,* That the preceding proviso shall not apply where there is no history of a collective bargaining relationship between the petition employer and the labor organization prior to the current agreement, or an employee or group of employees, or any individual or labor organization acting in their behalf alleges, and the Board finds, that a substantial number of employees presently employed by the employer in the bargaining unit assert that the labor organization is not a representative as defined in section 9(a)." The quoted section from the Landrum-Griffin bill is intended as a substitute for the entire section 702 of the committee bill. In explanation Mr. Landrum says: "It would permit the National Labor Relations Board to certify a union as the representative of employees in the construction industry without first conducting an election—if the union and the employer petition, such certification, and if there is a history of collective bargaining between the union and the employer. A substantial number of affected employees may challenge the majority status of the union and cause an election to be conducted."

Then, LANDRUM'S explanation says that subsection B of section 702 adopts verbatim the language of the corresponding subsection in the Senate and committee bills.

Section 702(c) appears to be controversial. It would amend section 8(b)(4)(A) of the NLRA to read as follows:

"It shall be an unfair labor practice for a labor organization '(4) to engage in, or to induce, or encourage the employees of any employer to engage in, a strike or concerted refusal in the course of their employment to use, manufacture, process, transport, and otherwise handle, or work on any goods, articles, materials, or commodities, or to perform any services whereof is (A) forcing or requiring any employer or self-employed person to join any labor or employer organization, or any employer or other person (herein called secondary employer) to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person (herein called primary employer) unless such second employer is engaged as a joint venturer, prime contractor, subcontractor, or cocontractor, together with the primary employer involved in a labor dispute in a construction project or similar undertaking at the site of such concerted activity.'"

Section 8(b)(4)(B) is also amended to read:

"It shall be an unfair labor practice for a labor organization to engage in or to induce, or encourage the employees of any employer to engage in a strike or a concerted refusal in the course of their employment, to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities, or to perform any services where an object thereof is.

"(B) Forcing or requiring any other employer to recognize or bargain with a labor organization as the representative of his employees, unless such employers are engaged together as joint venturers, prime contractor, and subcontractor, or cocontractor in a construction project or similar undertaking at the site of such concerted activity, or unless such labor organization has been certified as the representative of such employees under the provisions of section 9."

Section 702(d) was added to the committee bill in the House and it amends paragraphs (1) and (2) of section 303(a) of the Labor Relations Management Act of 1947, known as the boycotts and other unlawful combinations section, by making them, as I see it, conform to section 702(c).

Section 702(c) would amend the National Labor Relations Act in such a way as to permit a building trades union to picket a construction project on which a contractor is working with whom the union has a labor dispute, even though employees of other contractors working upon the same job refuse to cross the picket line. All other secondary boycotts in the construction industry, such as the refusal to work on nonunion goods would be unlawful. The committee felt that this change in the law was justified.

The justification for this change is as follows:

The Taft-Hartley Act did not expressly forbid the picketing of construction jobs under these circumstances. Section 8(b)(4)(A) forbids a union "to induce or encourage the employees of any employer to engage in a strike * * * where an object thereof is * * * forcing or requiring any employer * * * to cease doing business with any other person." In the construction industry there are numerous contractors on a single jobsite doing different kinds of work, plumbing, masonry, painting, electrical work, and so forth. If the International Brotherhood of Electrical Workers pickets a construction job and other workers on the jobsite respect the picket lines, the union will inevitably induce the carpenters, bricklayers, and other trades to strike with the consequence of preventing the contractors who employ them from doing business with the electrical contractor. Thus, the literal words of section 8(b)(4)(A) are violated by a picket line at a construction job which calls the job "unfair."

There are two reasons for making a change.

First, the amendment is necessary to extend to unions in the construction industry the rule which presently applies to employees in all other industries. Employees of a mine, or a mill factory may peacefully picket their place of employment in seeking higher wages, shorter hours, better conditions of employment, or other lawful objectives. They may ask other employees not to cross the picket line.

Construction workers are denied this basic freedom to picket the scene of a labor dispute, as explained above, because of the peculiar structure of the construction industry.

Second, none of the grounds for outlawing secondary boycotts apply to picketing of a construction site where the employer engaged in the primary labor dispute is actually working.

(a) When the picketing is confined to the construction site where the primary employer is working, there is no danger of the dispute's spreading through the community in the manner of true secondary boycotts.

(b) Where all the men are employed on the same project, the division into different trades or crafts, each with its own employer, must not be allowed to obscure this common interest—they work side by side and the wages and working conditions of one trade affect all the others. This situation is utterly unlike the situation in true secondary boycotts, as where carpenters in Los Angeles refuse to work on nonunion doors made in Minnesota by men whose wages could not affect the wages of carpenters in Los Angeles. The illegality of such a boycott would not be affected by this amendment.

The rule against picketing a construction project on a building site where there is a labor dispute has been criticized almost from the time the Taft-Hartley law was passed. In 1954, President Eisenhower recommended that it be changed to substantially embrace the amendment contained in the committee bill. Again amendments were recommended by the administration in 1958 and again this year.

Section 704 seeks to amend section 9(c)(4) of the National Labor Relations Act. Present law appears to allow the parties in a representation matter before the National Labor Relations Board to waive hearings by stipulation so that a consent election can be had forthwith.

The amendment says that the Board "through its designated representative (if there is reasonable cause to believe that a question of representation affecting commerce exists) may call an informal conference of the parties. * * * If at such conference no agreement is reached for a consent election, and if the appropriate bargaining unit is not in dispute, and there are no substantial issues of fact or law it should be resolved by a preelection hearing, the Board * * * may conduct an election * * * but not before the expiration of 30 days following * * * the filing of the petition."

Apparently, section 9(c)(4) as it now stands does not prohibit the parties from agreeing to "a consent election" to determine the question of representation involved. The amendment apparently would allow the Board to go ahead and hold an election even though the parties do not consent thereto, without a hearing. Apparently, under existing law the hearing is necessary when a petition is filed except that the parties might waive the hearing by stipulation for the purpose of a consent election to be held by the Board. This amendment gives the Board the power to call an informal conference of the parties and even though no agreement is reached for a consent election at the conference, the Board may proceed to conduct an election, after the expiration of 30 days, without a hearing.

Section 705(a)(1) would amend section 8(a) of the National Labor Relations Act by adding a new category of unfair labor practices by the employer, so that the new law would read:

"Section 8(a) It shall be an unfair labor practice for an employer—

"(6) who is a common carrier * * * to enter into any contract or agreement, expressed or implied, with a labor organization whereby such employer ceases or refrains or agrees to cease or refrain from handling, using, or transporting any of the products of any other employer, or to cease doing business with the same."

Then, section 705(a)(2) follows by making it an unfair labor practice for a union—

"(7) To enter into any contract or agreement, expressed or implied with any employer who is a common carrier, whereby such employer ceases or refrains or agrees to cease or refrain from handling, using, or transporting any of the products, or to cease doing business with same: *Provided,* That nothing in this paragraph shall be construed (a) to require any employee to enter upon the premises of an employer (other than his own employer) where such employer is engaged in a primary labor dispute, or (b) to invalidate a collective bargaining agreement which provides that such refusal shall not be cause for the discharge of such employee."

These are the famous hot-cargo clauses. A hot-cargo clause in a collective-bargaining agreement normally provides that employees will not be required to handle material from, or designated to plants where a union is conducting a strike. The state of the law with respect to these hot-cargo clauses in contracts is a bit indefinite. In 1949 the Board held that the hot-cargo clause does not constitute a variation of the ban against secondary boycotts contained in section 8(b)(4)(a) and that consequently action which would otherwise be in violation of this section is made legal by placing the hot-cargo clause in a contract. Later, in 1957, the National Labor Relations Board declared that hot-cargo clauses cannot be used by a union as a defense which would otherwise be a violation of 8(b)(4)(a). Later, the Supreme Court held that the Taft-Hartley Act does not prevent an employer and a union from entering into a hot-cargo agreement. The Court held that the union may not persuade employees to abide by the agreement, though the employer may choose voluntarily to instruct its employees not to handle struck goods.

Section 705(a) of H.R. 8342 bans hot-cargo agreements between a common carrier and a union. The House bill provision goes further and adds that the hot-cargo provision does not deny an employee the right to refuse to cross the picket line where an employer is engaged in a primary labor dispute. That provision was already contained in the Taft-Hartley Act.

Section 705(a)(2) makes it an unfair labor practice for a labor organization:

"(8) To picket * * * any employer with the object of forcing * * * said employer to recognize or bargain with a labor union as the representative of his employees, or forcing * * * the employees of said employer to accept * * * such labor organization as their collective bargaining representative—

"(A) Where the employer has recognized another labor organization, and a question concerning its representation of the employees may not appropriately be raised under section 9(c) of the National Labor Relations Act, or;

"(B) Where within the preceding 9 months a valid election under 9(c) of the National Labor Relations Act has been conducted unless such labor organization has been certified as the representative of employees of such employer pursuant to such election or unless such labor organization has been designated or selected as a representative for the purpose of collective bargaining by the majority of the employees in a unit appropriate for such purposes."

Mr. KEARNS. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. LAFORE].

Mr. LAFORE. Mr. Chairman, I rise in strong support of the Landrum-Griffin bill, believing that in the field of labor reform legislation it best represents a means to eradicate those practices uncovered during the investigations of the past 2½ years, particularly in its effective banning of those two vicious tools of the corrupt labor leader—the secondary boycott and the organizational picket line.

Our concern is not whether necessary legislation is prounion, antiunion, probusiness or antibusiness.

We legislate in this area because of authority granted to the Congress in our Federal Constitution "to regulate commerce." The beneficiary in that regard is basically the American public—consumers of the products of the efforts of both labor and management.

It does no good to deal with the problems by the use of labels. Although I am too young to remember it, I dare say that the business community felt that any effort to regulate its monopolistic practices in 1890 was "antibusiness." Yet, the Congress at that time enacted the Sherman Act and later in 1914 approved the Clayton Act.

Our history is full of situations wherein the Congress was called upon to enact legislation to meet a then existing problem. The test of such legislation has always been whether or not it provides an adequate solution for the problem at hand. That is our responsibility.

Mr. Chairman, this is the struggle that dates back to the forest primeval—the struggle between moral and righteous men and those who are corrupt and corruptible. Without adequate laws to protect them, the righteous men will disappear.

What is the basic problem? What is it that attracts gangsters and racketeers to unions? Why is it that autocratic men thrive in segments of our labor union movement? Let us be reasonable. When a man sees the rewards available to him through the medium of the unregulated labor field, and particularly through the use of such tools as blackmail picketing and the vicious secondary boycott, he cannot resist the temptation.

Consider these situations: Back in March I stated to this body that there was a meatpacking company in Pittsburgh that was the victim of a secondary boycott, and that it would not be able to withstand this pressure beyond March 30 unless legislation prohibited the practices used against it. Mr. Chairman, the Fried & Reineman Packing Co., that employed 400 persons on November 3 last year, is now out of business, thanks to local 249 of the Teamsters Union.

Less than 3 weeks ago, July 23, Horace F. Green was here in Washington and visited with a number of us. Those of you who saw him will recall that the entire upper left side of his body, including his face, was terribly seared by raw sulfuric acid. And he was but the latest victim of the tactics of hoodlums in the Tampa area of Florida. Yet, in a way, even more vicious than this attack has been the secondary boycott activity of the Teamsters against a nonunion trucking company. Agents of the Teamsters followed the trucks of the Redwing Carriers, Inc., to the premises of one of its customers. The particular customer that I refer to in this instance was the U.S. Air Force Petroleum Storage Depot at MacDill Air Force Base. MacDill is one of the largest strategic airbases in the country. The presence of the Teamsters pickets stopped the flow of supplies, material, food, and so forth, from moving into the base, and it also stopped construction work then being done on a hospital at the base.

Mr. Chairman, these examples demonstrate the basic problems in our labor-management scene today. The weapons of the racketeers, of the autocrats, are

the secondary boycott and the blackmail picket line.

Several months ago, in Chicago, a local Teamsters Union in that city sent a letter to all trucking companies in Chicago. That letter stated that the Teamsters were going to organize the office workers of those trucking companies. The method—the method to be employed was the organizational picket line. Inside of 3 weeks the office workers of 400 truckers were forced to join the Teamsters Union by their employers—the truckers—because the very existence of their jobs depended upon the continued operation of their employers' businesses. Believe me, when I say the very existence of these businesses was put in jeopardy. The appearance of a single picket in front of any one of these trucking companies would have cut off completely the movement of trucks in and out of that company's premises.

An identical letter to the one I referred to has now been sent to all truckers in the Wichita, Kans., area. This is the blackmail picketing to which we refer when we discuss needed labor reform. This is the blackjack placed in the hands of the corrupt.

These problems will not be solved by simply making these union men file financial reports with the Secretary of Labor. These practices will only be eliminated when we decide that corrupt labor leaders cannot be trusted with such unparalleled power. I believe the provisions of the Landrum-Griffin bill will go a long way toward eliminating these practices, and I urge its adoption.

Mr. KEARNS. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. SCHERER].

Mr. SCHERER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SCHERER. Mr. Chairman, basic attitudes toward the labor union movement will determine the type of legislation needed to cope with the corruption and abuse of power which everyone now must admit exists.

People are divided into three groups. The first of these is composed of those who are so closely tied to the labor bosses that they will follow their mandate for no legislation or for a window-dressing bill which will have so little effect on curing the evils that to pass it will be a fraud on the employers, the man in the shop, and the general public.

The second group is comprised of those who want to take advantage of the public revulsion against the corruption and abuse of power of certain labor bosses to mortally wound or destroy the labor movement as such.

The third group is comprised of those reasonable and well-meaning substantial citizens of this country who are determined to put an end to the unbridled and cynical abuse of economic and political power and at the same time preserve an effective union movement. I think my public record, both at the local and national level, places me in this latter group.

Mr. Chairman, I am not going to discuss the numerous provisions of the various bills that are before the House today. That has been and will be done over and over again by members of the Committee on Education and Labor who have lived with this problem for many months and who can be considered experts on the ramifications and legal effect of the innumerable provisions of the various bills.

I want to discuss briefly the general problem and some basic philosophy which should act as a guide or barometer to our final action on the legislation before us. I commence this discussion on the assumption that our basic and primary objective is to rid certain labor unions of corruption and abuse of economic and political power without hurting a legitimately and properly run labor union.

The AFL–CIO thought it could get rid of corruption by expulsion of the corrupt and Communist-dominated unions. As I have said on a number of occasions, the AFL–CIO is to be commended for its efforts. I think we can agree that expulsion has not been the answer. As an example, since its expulsion the Teamsters, the largest union in the world, has been more corrupt and certainly more powerful and arrogant. Hoffa has taunted and thumbed his nose not only at his own monitors but also at the AFL–CIO leadership.

As we all know, the CIO expelled a number of unions because of Communist domination. The Committee on Un-American Activities finds beyond the peradventure of a doubt that the Communist domination and control of these unions have been intensified rather than lessened since expulsion. In spite of expulsion, in spite of the best efforts of some union leaders to clean house, little or nothing has been accomplished with the corrupt and Communist-dominated unions.

Law-enforcement agencies for one reason or another have failed miserably to stop some of the most flagrant abuses. Two years of hearings and revelations by the McClellan committee and the sickening, sordid mess still remains. What is the answer? None that I can think of except sound, effective legislation.

Unless such legislation is enacted so that we will be able to get, as the union leaders say, the crooks out of the unions, the revulsion on the part of the public eventually will be such that we will really get penalizing and antiunion legislation that will seriously hurt the union movement. I do not want this to happen.

I know that most labor leaders will jump up and down when I say that we need some form of antitrust and antimonopoly legislation applied to labor unions. However, much of the legislation before us would not be necessary if we made unions which are now big business amenable to reasonable antitrust legislation.

How, except through some form of antitrust and antimonopoly legislation, can you deal with the coming Hoffa-Bridges alliance? A short time ago Harry Bridges, head of the Longshoremen's Union, which was expelled by the CIO because of its Communist domination, testified before the Committee on Un-American Activities. I know his testimony would have turned your stomach, as it did mine.

Bridges had just returned from a trip around the world, during which he negotiated with the top Communist labor leaders in the transportation field. Agreements were reached so that, when the time comes, Bridges and his Kremlin-directed colleagues can set up worldwide economic boycotts and strikes. Bridges, who in his testimony, called Chiang Kai-shek a bum, frankly stated that he would tie up shipping on the west coast even though there was no labor-management dispute, if it involved sending war material to be used against Red China. He went so far as to say that he would do this even though the President of the United States had decided that the safety and security of this Nation required such shipments.

It has been established that Bridges is now in the process of working out an alliance with Hoffa's Teamsters. Everyone knows that Hoffa, in his Texas speech, whistled the same tune as Bridges when he threatened a nationwide strike.

To date these two men have successfully defied the AFL–CIO and the Government of the United States on more than one occasion. They hold both in contempt. I ask: How, except through antitrust and antimonopoly legislation, can we head off the Bridgeses and the Hoffas and a number of lesser Caesars like them from eventually strangling both the economic and the political structure of this country?

Yet today the good union leadership in the United States opposes adequate and effective legislation which is the only tool left that can be used to correct the evils and abuses of which all of us are aware. Why? Simply because responsible union leadership is afraid that such legislation will in some way hamper or interfere with the operation of the legitimately and properly run unions. It is a fear similar to that expressed a little over a decade ago when Taft-Hartley was dubbed a "slave labor law." However, since Taft-Hartley, unions have grown in numbers and influence and power as never before.

This reaction by labor leaders is not without parallel and precedent in the management field. Big business at the turn of the century faced a somewhat analogous situation and felt and reacted the same way as big labor is doing today. We know that certain corporations became too strong and corrupt. There was too much concentration of wealth and economic and political power in the hands of certain industrialists who abused their position and power. We are all aware of the exploitation at that time of the man in the shop and the resulting harm to our economy and political integrity.

Mr. Chairman, not all business and industry in those days abused its power or was corrupt, no more than today are all labor unions corrupt. In fact, then

as now, the wrongdoers were by comparison only a few. Yet it became imperative for President Theodore Roosevelt to urge the passage and enforcement of the necessary antitrust and antimonopoly legislation.

This was the big stick which he needed to clobber into line those who became drunk with power. Roosevelt's position was sound. He said:

> These jacks in Wall Street I suppose never will understand that I am not against wealth because I make wealth obey the law * * * but they have had to take their medicine and any labor man who goes wrong will have to take his medicine too. * * * We can no more afford to tolerate tyranny from the labor unions than we can from a trust.

During and after T. R.'s day there was enacted a long series of laws to regulate corporations and big businesses in order to prevent the abuses that had arisen. In addition to the antitrust and other laws, numerous Federal and State regulatory agencies and commissions have been set up to prevent and eliminate abuses. I need only enumerate a few, namely, the Federal Trade Commission, Securities and Exchange Commission, the Federal Power Commission, and the Interstate Commerce Commission.

I need not point out that many segments of business and industry opposed the enactment of most of this legislation. They used arguments similar to those that union leadership is now using, namely, that the legislation was too restrictive; that it was going to interfere with, hamper, and destroy the business and industrial community. I know that our labor leaders would be the first to say that this regulatory legislation was necessary and that it has not harmed or destroyed those businesses which have been willing to play by the rules of the game.

By way of further illustration of the point I am trying to make, it could be pointed out that only a handful of the people of this country are embezzlers, robbers, or murderers. Yet it is necessary that we have hundreds of criminal laws to deal with these individuals so that crime may be kept at a minimum, and the rest of us can live in a somewhat decent society. No one will contend that this body of strong and restrictive criminal law interferes one iota with the daily life and well-being of the decent, law-abiding citizen.

I believe that we need unions—strong, virile, and effective unions. I believe that unionism has rendered a great service to the man in the shop and also to the welfare of this country. No one with a grain of sense would try to destroy the right of men to bargain collectively through unions for their mutual interest. But I oppose those in the labor movement who want more rights, more privileges, more immunities, and more power than the law gives to other persons in this country.

Mr. KEARNS. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, so much could be said, and indeed will be said that it is not easy to know where to begin. As my small contribution to this historic debate I should like to make a few observations, and try to answer some questions.

At the outset, I feel it important to stress again what others have already said. This legislation is important. It is complex and controversial. It is most difficult to formulate, and the ultimate effect of all the various provisions is impossible to predict with complete confidence. However, the difficulty of the task, the delicacy of the matter under discussion, should not divert us from the importance of moving ahead. In these efforts we must not lose sight of our main goal, since there is virtual unanimity that legislation in this field is urgently needed.

It is for that reason that we should all remember that undue partisanship has no valid role to play in our deliberations.

I recognize that a certain difference of opinion is healthy and cannot be avoided. All the same I believe we should seek to avoid drawing the lines of partisanship too strictly. Perhaps Congress should avoid being a rubber stamp for the executive branch but surely it need not ignore the specific and well-considered views of President Eisenhower simply because he is a Republican. If we develop a battle among the parties there is a real danger that our common fight to produce constructive legislation will be jeopardized.

SHOULD BE ABOVE PARTISAN POLITICS—RAYBURN

Personally I feel it a good omen that my two able friends, the gentleman from Georgia [Mr. LANDRUM] and the gentleman from Michigan [Mr. GRIFFIN] should form a common front. In seeking a reasonable compromise we all cannot be satisfied. Indeed perhaps no one will be entirely satisfied. Nonetheless if we can minimize party differences and reach a reasonable goal the achievement will be a real one.

Now, Mr. Chairman, I should like to take up two topics. I shall approach these topics by asking some questions.

First. Do any of the major bills now under discussion deserve to be called antilabor? Are the restrictions proposed, and the methods of enforcing the rights which are to be protected, unfair to organized labor as a whole? Will the labor movement, as some have charged, be set back 25 years? Will labor be unnecessarily hamstrung and hobbled as an effective force?

Second. Is there an overriding public interest in the prompt enactment of labor reform legislation? Is this the significance of the unusual, perhaps unprecedented, amount of mail which all of us have been receiving regarding labor reform legislation?

I recently conducted a poll among my constituents. I asked the question: Do you believe legislation is needed to curb abuses by certain labor unions? Of 7,060 who responded 6,685 or 94.7 percent replied "yes," while only 153 or 2.2 percent said "no." On the question "Should provisions be included to restrict secondary boycotts and 'blackmail' picketing?" 6,240 or 88.4 percent replied "yes" and 317 or 4.5 percent responded "no." This surely indicates that the average citizen recognizes that racketeering and corruption, and the misuse of power by certain union officials, represents what President Eisenhower has called "a national disgrace."

Perhaps labor leaders are honestly apprehensive as to the effect of laws which Congress may enact. Nonetheless this feeling should not result in Congress simply enacting no legislation. The public's demand for action, as some have charged, is definitely not the result of propaganda and hysteria. On the contrary, it reveals general recognition by our citizens of serious weaknesses in the machinery now available to combat corruption.

If most of us agree on the necessity of enacting some kind of legislation, a "powder puff" approach, which fails to grapple with the basic problems, would be worse than no law at all. We must face up to our responsibilities. We must grapple as best we can with the difficult question of how far should we go if we seek truly effective legislation. We must hope also that we can proceed so as to avoid labeling effective legislation as "punitive" and "reactionary."

Taking up next this antilabor charge, let me say, in all candor, that I believe none of these bills is in any sense antilabor. Labor unions over the years have rendered great public service, and they continue to deserve our full support. In my opinion, furthermore, there is in Congress no more than a handful who might like simply to punish labor. Surely the time is past when Congress can be accused with any real justification of desiring to crucify labor.

Yet Mr. George Meany has had little good to say about any of the major proposals now under consideration. It is not only Mr. LANDRUM's bill which he criticizes. The Senate-passed bill, he feels, will be detrimental to the future of American labor. The so-called committee bill, he declares, is unacceptable to the AFL–CIO; it places unfair burdens on legitimate unions, and will do them grievous harm. The Landrum-Griffith bill he describes as a blunderbuss that would inflict grievous harm on all unions.

If I may reverse an old expression, Mr. Meany seems to praise all these bills with faint damns. Perhaps his attitude is to be expected. As spokesman for organized labor, Mr. Meany has every right to defend his area of special interest. That his damns are so faint, however, indicates that his objections need not be overriding. Many of the same sort of arguments, often less temperately phrased than Mr. Meany's with respect to these proposals, were raised prior to passage of the Taft-Hartley Act. Contrary to dire predictions then, organized labor has thrived since passage of that act. So too now passage of effective labor legislation can be of substantial assistance in helping labor clean its own house. In this way all Americans, including millions of union members, can benefit greatly.

Mr. Meany complains of the burdensome reports which small unions would have to file under the Landrum-Griffin bill. He objects also to any restrictions on blackmail picketing or secondary boycotts. He, and unfortunately other

labor leaders as well, cry "foul" if any attempt, no matter how cautious, is made to change existing practices. He even suggests that the trade union movement might be completely paralyzed if any legislation of the type under consideration should be enacted.

Perhaps we should examine Mr. Meany's line of reasoning. He describes as "punitive" and "antilabor" any measure which would "destroy legitimate union activities." Yet no one seeks to destroy legitimate activities, and if we are objective it seems incredible that legislation of the type we are considering could conceivably result in any such "destruction." True, in all three of the major approaches which we are considering, there are provisions limiting to some degree what are now "legitimate" activities, specifically in the field of "hot cargo," blackmail picketing and secondary boycotts. For this reason, among others, Mr. Meany condemns all three versions.

The fact of the matter is that we have overwhelming evidence regarding the serious abuses of which these so-called "legitimate" activities are capable. It is to control these abuses, and very definitely not to hurt trade unionism, that changes in the law are now being proposed. It is unfortunate that Mr. Meany cannot realize that everyone who advocates restrictions is not automatically working against the best interests of the labor movement. By maintaining his position Mr. Meany is repudiating many who feel, as do I, that we are seeking to protect, and certainly not to restrict, the welfare of working men and women. By his vigorous repudiation of the Senate-passed bill, the Elliott bill and the Landrum-Griffin bill, he is not only challenging the judgment of virtually all the members of the Education and Labor Committee, but of virtually the entire membership of the other body.

Actually what is being sought is the protection of the rights of the individual union member. These rights, Senator McCLELLAN's investigations have shown, need protection against abuses of power, including the misuse of funds, by unscrupulous union officials. What is sought are limitations on the exercise of certain practices which give such leaders a stranglehold on entire segments of our economy. These restrictions are being proposed solely to correct an unhealthy situation. If corrected, organized labor can be expected to thrive, and not be hampered. On the other hand if these abuses are not corrected, and if no legislation is enacted, the health of the labor movement could be endangered. This cancer, as the gentleman from Michigan [Mr. GRIFFIN] has described it, must be eradicated, even if the patient denies that a real danger exists.

Let us suppose for a moment—and this is a reasonable supposition—that Congress decides that certain restrictions must be written into law. Only by reform legislation, we feel, can we control flagrant racketeering and corruption in labor unions. If such a course is taken some protests are inevitable. These protests should not, however, deflect us from a necessary task. Nor should threats that we may not be reelected be decisive. Nor should we Members of Congress be diverted by unsubstantiated and unjustifiable charges that we are hobbling or wrecking labor.

Turning now to the question of whether the public interest is involved. The truth is, as President Eisenhower has said, that the Nation needs a law. We must meet these problems of racketeering, corruption and abuses of power. It is for that reason that we are discussing this problem today. We are concerned not only with the narrow question of how much uncontrolled power labor leaders should be able to exercise. We need to develop a law which will protect the rank-and-file member and also the small businessman. We are recognizing that Congress has a duty to protect the public interest.

Congress, it seems to me, has a responsibility in these matters which we cannot escape. The public interest demands that these problems be faced realistically. Lipservice to labor reform will not do. We must develop an effective answer to these problems. In my opinion this can be accomplished most easily by accepting the Landrum-Griffin bill.

Mr. BARDEN. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. GIAIMO].

Mr. GIAIMO. Mr. Chairman, at the outset let me state that I favor H.R. 8342, the committee bill.

My decision to support the committee bill was made after many weeks of study and evaluation of this whole problem of labor legislation, both in committee and as a Member of this House firmly dedicated to the belief that any decision as to labor legislation must be in the best interest of all our people and not just labor's or management's interests.

Our committee has worked hard and long these past months in attempting to bring to the floor of this House a proper and worthwhile piece of legislation. As a new member of the committee, I was very much impressed with the understanding and industry of all my colleagues on the committee.

The differences in approach to this problem were many; the differences in philosophy and concepts of what rights a labor organization should have were keen; but always there was the desire on the part of all members to work together in the best interests of all, as each, of course, with the highest of motives, interpreted the best interests to be.

I should particularly like to mention the fine contribution of our chairman, the distinguished and able gentleman from North Carolina, for the creditable task he performed in guiding the committee during its deliberations, always keeping it on course, always maintaining a sense of fairness, and always assuring each member of full and complete opportunity to express his views.

I compliment our chairman for a job well done in such a particularly difficult area of legislation.

We have before us in this House the question of adopting fair and equitable legislation in the field of labor-management relations designed primarily to correct certain abuses and corrupt practices which exist in some areas of organized labor, and, secondly to correct some of the inequities which exist in the National Labor Relations Act of 1947, as amended.

Unfortunately, however, we today find ourselves working on this proposed legislation not in an atmosphere of detachment and objectiveness but rather we find ourselves in the center of mass emotionalism and anger on the part of many people outside the halls of this House.

We find ourselves being asked to legislate not only in those areas which deal with union abuses, union corruption and racketeering in labor unions; nor merely with changes in the Taft-Hartley law necessary to correct certain defects and inequities which exist—such as the no-man's-land controversy or the problems peculiar to the building trade and construction unions.

We are now being asked by some, under the guise of correcting abuses and eliminating crime in a minority of unions, to strike at the very heart of organized labor and to so weaken and regulate it as to practically destroy the effectiveness of the free labor movement.

We must remember that we are writing law for 17 million American working men and women plus their families. Their future is at stake; their destiny is being debated here.

We are not writing a simple criminal law to deal with certain crooks and hoodlums and racketeers.

We are dealing with many millions of men and women who work for a living and whose welfare and economic well-being has been the paramount concern of their labor organizations since at least the beginning of this century.

What we decide here will affect them, and we must be careful that we do not destroy their great labor organizations in our honest efforts to rid the labor movement of its crooks and racketeers.

When we infringe upon the right of American working people to picket, we are touching upon a basic right of Americans and we must use a scalpel, not an ax. We must prohibit extortion and blackmail picketing and still leave the workingman and his union the rights of picketing which they have long possessed and which are so necessary.

When we speak of secondary boycotts we must realize that it is a subject which can easily be presented as an unfair labor practice, in actuality it often is but basically it is the important right of one involved in a dispute with his employer to seek economic assistance from those secondary employers favorable to his cause and concerned with his welfare. This has been a basic and honest weapon of the American workingman in his desire for protection through collective bargaining.

We must assure all union members of basic rights through an adequate bill of rights, but we must also remember that a labor organization is a militant economic organization concerned with collective bargaining and not a social or debating society.

In assuring the rights and privileges of union members we must not so weaken the structure of the organization and involve it in so much litigation

that it cannot act as an effective and unified bargaining unit.

Above all, we must not allow those who are determined to destroy labor to influence Congress—as they will always be ready to do—because they feel that the political climate is appropriate or that now is the opportune time.

A careful study of the history of this century should warn us of the perils inherent in destroying the free labor movement.

The bill that is best designed to correct the abuses at hand and yet safeguard organized labor is H.R. 8342.

I oppose H.R. 8400 and H.R. 8401 because, in my opinion, they go too far and would seriously harm the labor movement. I have great regard for the authors of H.R. 8400 and H.R. 8401 and I have enjoyed working with them in committee. I have the highest respect for their motives and beliefs, but in this instance I must disagree with their proposed legislation.

I should like to comment on title II of the committee bill briefly since it is the vital part of the act designed to correct abuses and corruption by disclosure of financial activities.

I emphasize that title II of the committee bill dealing with reporting by labor organizations, officers and employees of labor organizations, and employers, is the same as title II in Landrum-Griffin with one important exception—that of exemption of small unions from reporting.

Section 201 of title II in all three bills provides for the adoption of a constitution and bylaws and original report and the filing thereof with the Secretary of Labor by every labor organization as defined.

It provides for annual financial reports to be filed with the Secretary; it provides for the making available of the information contained in the reports to all its members; and for civil action in the U.S. courts to enforce the disclosure of such reports and of the records upon which they are based.

Subsections (f) and (g) of section 9 of the National Labor Relations Act as amended are repealed since they are duplications of the reports demanded by title II of these bills.

Subsection H of section 9 of the National Labor Relations Act as amended is repealed since it calls for affidavits by an officer of a labor organization stating that he is not a member of the Communist Party and as such does not advocate the overthrow of the Government by illegal means. Since the committee bill provides for the exclusion of Communists from union office, or employ in any official capacity, the section is no longer necessary.

Section 202 of title II provides for reporting by officers and employees of a labor organization concerning stock, bond, and security and other interests which he or his family held, or received from an employer which his union represents or whom it is trying to represent; or from such an employer with whom he does business, or from a labor relations consultant to such an employer.

Section 203 of title II deals with reporting by an employer. He must report any payments to labor organizations, its officers, and employees. An employer must also report any payments to his employees for the purpose of causing such employees to interfere with, coerce, or restrain other employees in the exercise of rights guaranteed under section 7 of the National Labor Relations Act as amended, or the Railway Labor Act as amended.

An employer must also report payment to a labor relations consultant or any other person in a business established for purposes of paying employees to interfere with, coerce, or restrain other employees in the exercise of their rights as aforesaid. The section also provides for reporting by a labor relations consultant.

Insofar as an attorney at law is concerned, the attorney-client privilege is safeguarded in any report he or the client may have to file.

The title provides that the reports filed with the Secretary shall be public information and available; provides for the retention for 5 years of basic records upon which the reports are predicated; and establishes the effective date of filing of the reports.

Subsection 208 provides that the Secretary of Labor may make regulations prescribing the form and publication of reports, and further, that the Secretary may prescribe simplified forms for small unions.

Willful violation of this title by any person, false statements and entries, failure to disclose or the concealing of material facts provide for criminal penalties imposing a $10,000 fine or 1 year imprisonment or both.

In addition to the criminal provisions of the title the Secretary of Labor can seek and obtain relief in the U.S. District Court when a person has violated or is about to violate any provision of this title. The relief available to the Secretary includes injunctive relief.

Section 201D of the committee bill provides for the exemption of small unions. Those having less than 200 members or less than $20,000 gross receipts are excluded from reporting unless the Secretary, after notice and hearing, determines that the exemption should be withdrawn because the members were denied the equivalent of the information required by the reports for labor organizations.

H.R. 8400 and H.R. 8401 provide for no exemptions to the reporting provisions of this title. There has been a hue and cry raised asserting that through this exemption we are excusing 70 percent of unions from the act or the title.

First, let me emphasize that all labor organizations, as defined, are subject to the act. This section excuses the small unions from reporting only, and then only for such time as they disclose to their membership and do not violate the substance of the title. Upon their failure to do so, the Secretary of Labor can compel them to report.

Secondly, when we are told that 70 percent of the unions are exempt from reporting we should also be told that the 70 percent of the unions excluded embraces but 10 to 15 percent of all members in organized labor.

Clearly then the great majority of members are in unions which are compelled to report.

Many small unions have very little money, if any, and nonsalaried officers who keep the books of the union at home. Without professsional assistance these unions offer very slim pickings for crooks and racketeers and should be excused from reporting as long as they live up to the spirit of the title.

I believe in all fairness that this provision is salutary and will not be helpful to the crooks and racketeers in the labor movement. I believe that title II as written and reported by the committee will go a long way to curb the crime and corruption which exists in some unions because of the bribes, payoffs and theft on the part of some union officers, employers, and labor relations consultants.

I urge your consideration of the committee bill as a fair piece of legislation; one which is neither antiunion nor antimanagement, and one designed to correct the existing defects. I respectfully urge adoption of H.R. 8342.

Mr. BARDEN. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Chairman, I had the privilege of sitting on the joint subcommittee that heard the testimony for pretty close to 3 months. And, as I have listened to the debate today, I cannot help but think, perhaps, we should have sat a little bit longer and got a little more testimony so that we could, perhaps, have straightened out some of the misconceptions which have arisen in the discussions today. I remember back in the year 1935 coming into this Chamber to listen to appeals for the enactment of the Wagner Act. Some of you will remember that in those days the balance of power across the bargaining table was considered to be so heavily on the side of management that we needed something to balance the scales, and we got it in the Wagner Act. Then, sometime later on, about 10 years from then or perhaps a little bit more, many people thought the balance of power had gone the other way, and we got the Taft-Hartley Act. Again, we seem to be going into a period where under the smokescreen of revelations by a great committee of the other body concerning less than 1 percent, and that is a figure admitted by everybody on all sides, less than 1 percent of labor union leaders having been shown to be corrupt or to have mismanaged union funds, we now see before us an attempt under that smokescreen to do what I believe to be a punitive act to the 99 percent of honest, useful, and forward-looking labor union leaders in our country. I think, too, we had an example a few minutes ago of what we can expect in the future.

The gentleman from Texas, I believe, said something about applying the antitrust laws to labor unions. The other day in my discussion with Senator GOLDWATER over the air, he stated flatly that this body at this time was not going at all at the disease itself but that it was

just going around the periphery and he was looking forward to the day when he could have really strong antiunion laws that would get at the disease itself. So, I think none of us should be fooled, and I hope we are not fooled, when the President of the United States speaks to us on behalf of a specific bill.

Mr. ZELENKO. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and fifty-six Members are present, a quorum.

The gentleman from California will continue.

Mr. ROOSEVELT. Mr. Chairman, as I was saying before the point of order was raised, I cannot help but believe that we should not be fooled for a moment as to what is actually trying to be done here in an effort to get at organized labor and to give more power to management and its side of the bargaining table.

In what way is the Landrum-Griffin bill different from the committee bill?

As has been indicated it practically eliminates both reporting requirements and penalties for employers. It imposes penalties on labor crooks, but in the matter of bribes we must remember there must be a bribe taker as well as a bribe giver. That has not been brought out sufficiently in any of this discussion.

It imposes criminal penalties for actions which might not be worse than errors in judgment against union officials and so injects the Government into day-to-day union affairs that it is doubtful if the Department of Labor would have men enough or time for prosecuting the crooks.

The Landrum-Griffin bill would keep union officers in court on an almost daily basis not for legitimate reasons but for the purpose of hamstringing union activities. Basically the bill means that decisions by every union officer at every level of every meeting must almost satisfy every union member every time.

I say that this provision is complete nonsense. This provision I think is purely and simply a device for harassment of legitimate unions by their enemies, some company spies, the Communists, and the crooks.

The Landrum-Griffin bill has many other provisions that are equally unfair and untenable.

The question has been asked as to why the Shelly bill eliminates much of title 7 which has to do with hot cargo contracts and with organizational picketing. I think a sufficient answer to that is to call attention to the statement made by Senator McCLELLAN at the time he appeared before our subcommittee. This is what he said, and let us not forget it:

> Except for section 707 I think that title 7 might well be stricken from the bill and the subject matters therein developed be considered along with general revisions of Taft-Hartley.

Now why is Chairman McCLELLAN so right? Because it has been shown that in these bills, let us take the Landrum-Griffin bill, in the guise of trying to get at some admitted evils, they would actually bring about the disorganization of every decent union movement in this country. Let me be specific about it. The proposed ban, for instance, on hot cargo is not limited to the trucking activities of common carriers. Any union dealing with an employer which happens to have a common motor carrier would be affected. In order to assist their fellow workers throughout the industry, the machinists secured an agreement with the employer that he will not purchase non-union-made automotive parts to be used in repair work. Under the present interpretation of the Taft-Hartley Act such an agreement is wholly valid in itself and is proven necessary, but under the Landrum-Griffin bill this would not be a reasonable or a possible thing for a legitimate union to do.

Under the proposed Landrum-Griffin bill such an agreement, which is made for the purpose of maintaining fair standards in an industry and which is in accord with the basic principles of honorable trade union philosophy, would become in itself an unfair labor practice. The same thing would be true with an agreement providing that a company not buy non-union-made uniforms for their drivers or not use non-union-made material in the construction or repair of their terminals.

These are some of the things that grant everything my good friend from Michigan has said; nevertheless, in curing them he would deprive the union organization of its rightful manner to protect their union rights.

To go on for a moment into organizational picketing. Why, we have known for years this is a tradition amongst labor unions. It has always been honorable. Now all of a sudden it is termed as something which would be a crime.

Let me give you an example of this. It would preclude any situation where union A, attempting to organize an unorganized employer by means of peaceful solicitation of employees, was suddenly confronted with the fact that the employer had executed a predated contract with a company-assisted union or committee. This so-called union, as the recognized bargaining representative of the employees, in any Board proceeding, could allege its contract as a bar to any further organizational picketing by the union. True, of course, the union could file an unfair practice complaint, but the Board's processes are slow and only after maybe a year could the union begin picketing, and obviously the cause would already be lost.

I could go on to many other instances, but I will give you just a few.

Again the Landrum-Griffin bill would prevent peaceful organizational picketing in the following factual circumstances which occurred in *Machinery Overhaul* (121 NLRB No. 153) and which the Board found to be an unfair labor practice. The Machinists, a certified union, but with whom no contract has been executed, was compelled to engage in an economic strike because of an impasse after prolonged bargaining. During the strike the scabs, or, to use a more polite term, economic replacements were hired, and because it was near the end of the certification year an RM petition was filed by the employer. Subsequently, an election was held and obviously, because anyone who works under such circumstances would vote against a union, the union lost the election. Despite this circumstance, however, in pursuit of prior economic demands, as well as in an organizational effort, the union continued to maintain pickets at the plant. The Board found this to be an unfair practice because one of the objects of our original demands was a union shop contract. However, under the language of this section, because a so-called valid election under section 9(c) had been conducted, the picketing activity, even without the union shop demand, would be termed an unfair labor practice. While this case is presently in the courts on appeal because of the belief that the picketing was justified and lawful, this amendment would proscribe this protest by means of peaceful picketing.

The Landrum-Griffin bill would also outlaw peaceful picketing where the picketing labor organization cannot establish that it has a "sufficient interest on the part of the employees" in having it represent them. This appears to be a double-barreled catchall in the event prior sections could not reach the activity. First, it is vague. And, second, it is wholly unfair and unreasonable. For example, union A again in peaceful solicitation of members in an organizational campaign is suddenly confronted with the fact that, despite the fact it does not have a sufficient interest or a majority of the employees in the plant so as to make a demand for recognition, its members in the plant have been discharged or cunningly replaced. In protest, as well as in an organizational effort, the union commences picketing. True, this section outlaws it. And, of course, again unfair labor practices may be filed, but again under the Board's present procedures and its method of handling these matters, too long a period elapses and too many intervening circumstances occur which can effectively preclude any subsequent organizational efforts. And in the meanwhile, however, peaceful picketing, despite the equities is proscribed by this proposed statute.

Again this section, like its predecessor, is vague and unfair; it places a premium on what is a "reasonable period of time" for purposes of organizing an unorganized employer. There are too many imponderable and too many intervening circumstances which can occur during an organizational campaign to set such a vague standard as a "reasonable period of time" to such activity. For example, under present Board standards, an employer may lawfully "free speech" his employees under captive audience conditions, which the union may not do. This adds to organizing time. There are many other like circumstances. The realities of the situation, however, are the following:

Organizing campaigns cost money; and prolonged ones can break a union. As unions can neither afford it nor do they want to waste money on such activity, as an economic issue, if for no

other reason, such picketing is not extended beyond "a reasonable period of time." I think it the wiser course under such circumstances to balance employer "free speech," with the counterbalance of organizational picketing. In this economic battle, the test of "reasonableness" is best left to the economic disputants and not to Government intervention in legitimate objectives of employees and unions.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. KEARNS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. ROOSEVELT. The Shelley bill also gets over the problem of no man's land, and let us not be at all fooled in any way, if we do not adopt the Shelley provision we will be laying down rules and regulations for one group which will be different from another group. One set of people side by side will have the decision of a State court, another group will have a decision from a Federal court. They will be working mainly under the same conditions. They will get different rules applied to them.

I can say to you in all honesty I am for the Shelley bill because I know that Mr. SHELLEY is an expert in labor-management relationships over the years, I know he is honest, and I know that he has written a bill which will get at the crooks, but he has written it carefully enough, and I believe it to be the only bill written carefully enough, so that honest labor practices will be protected and we will not have honest laboring men imperiled in any way. I do not think our country wants that.

So, even though I am the little Dutch boy with my finger in the dike, I would rather be in that position, believing as I do that experience has shown that the labor unions must be strong and remain strong. I would rather go down to defeat fighting for the 99 percent of honest laboring people in this country than have any part in weakening them so that we would again have the conditions that existed prior to the Wagner Act of 1935.

What America wants is reform, genuine, hard hitting, workable reform. That the Shelley bill provides.

Mr. KEARNS. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. QUIE].

Mr. QUIE. Mr. Chairman, I would like to direct my remarks to just one part of the controversy in these bills. It was stated earlier that the only difference between title II of the committee bill and the Landrum-Griffin substitute is the exemption from financial disclosures of unions who have less than 200 members or have annual receipts of less than $20,000.

One of the primary purposes of the current labor-management relations legislation is to provide for the reporting and disclosure of certain financial transactions and administrative practices of labor organizations with respect to the handling of union funds and property. In view of this basic purpose, it would appear that the broadest reporting and disclosure coverage would be desirable in order to ensure to the maximum number of union members that adequate information with respect to the management of their funds would be made available to them.

In spite of the inescapable logic of this analysis, the reporting and disclosure provisions of both the Senate-passed bill and the committee bill, that is the Elliott bill, contain a provision which could exempt a majority of local labor organizations from reporting. In this provision in the Senate-passed bill, however, there was one difference. It provided that the Secretary of Labor could exempt labor organizations that have fewer than 200 members and less than $20,000 per year in gross receipts from financial reporting, but in the House version it grants an automatic exemption if the labor organization has either fewer than 200 members at the end of its fiscal year or less than $20,000 in receipts during the year. The exemption is subject to revocation if the organization denies its members substantial equivalent information to that contained in the financial reports required of other unions. However, such revocation would have to be on due notice after opportunity to be heard.

Now, it has been said many times that this would exempt 70 percent of the unions. Then it is said also that this means only 10 percent of the members; however, 10 percent, if that figure were accurate, is not insignificant. In talking with the Department of Labor, they inform me that this means, by the 200-member exemption, about 3 million people. That is a substantial number of employees in this country. But, adding to that the $20,000 annual gross receipts, this would exempt an additional 1 million or 2 million members. So this exemption means something like 4.5 million employees exempted or somewhere between 17 and 25 percent of the union employees of this country.

Now, there is an additional factor that has been brought out before that I want to specify particularly—that is that a large percentage of these locals are reporting their financial transactions under 9(f) and 9(g) of the Taft-Hartley Act. The Department of Labor in fiscal year 1959 issued 26,411 compliance cards, indicating compliance with sections 9(f) and 9(g) of the Taft-Hartley Act; in other words, these 26,411 labor unions reported under the reporting requirements of Taft-Hartley during this period. Forty-three thousand four hundred labor organizations had at least filed one or more reports under 9(f) and 9(g). Of these there is a constant hard core of 80 or 90 percent which filed every year. Others only file when they feel they may need the use of the Board. So, it shows that a large number, probably 90 percent of those who are presently reporting under the Taft-Hartley Act would be exempt under the Elliott bill. And, why they should be exempt I do not know. All the bills provide that the contents of the reports and documents filed with the Secretary pursuant to sections 201, 202, and 203 shall be made public information. This means that even though the union would be required to let their members know the financial transactions in these small unions, there would be no way for the press to find out about those financial transactions when they are exempted. It is only if the press has access to this information that the public can be informed, and it has been said many times that this goldfish bowl attitude toward labor organizations will enable the members, the press, and the public to cause the organizations to keep straight and on a legitimate basis.

Another provision in all of the bills provides that the Secretary of Labor can prescribe simplified forms, so none need be exempted. In this way it will not be burdensome to the small unions. It has been said by some that reporting will be a burden to the small unions, but by prescribing a simplified form this would in no way be any more a burden than small unions are doing presently under Taft-Hartley. Also, if the small unions have to let their members know about financial transactions, there is no reason why they cannot put a carbon under it and send a copy to the Secretary of Labor and make it available to him and the public.

The last argument that should be brought out is that this exemption actually will be an important loophole through which the Johnny Dio paper locals could escape reporting financial transactions and that there is no correlation between the size of an organization and honesty in financial administration.

An exemption based on the size of a local will no doubt stimulate unscrupulous union officials to divide labor organizations in order to circumvent any disclosure of their financial transactions. Although the paper local situation in the New York Teamsters was examined primarily with respect to the impact on the election of officers, it would take little imagination to adapt this technique for the avoidance of financial responsibility.

Here are some examples of what I am talking about:

EXAMPLE NO. 1

Testimony before the Select Committee on Improper Activities in the Labor or Management Field—part 47, 85th Congress, 2d session, and 86th Congress, 1st session, pages 170056 and 170057—presents an example of the type of situation which would be readily adapted in order to circumvent financial reporting requirements by taking advantage of the exemption. It was revealed that of the 20,000-member local 134 of the IBEW, 200 men were in the so-called coin machine division, and something like $15,800 per year in dues went to the coin machine division. This division was headed by notorious "Jukebox" Smithy, a protege of "Umbrella" Mike Boyle and reputed to have a direct tie-in with underworld elements in the city of Chicago. "Jukebox" Smithy respectfully declined to answer all of the committee's questions when called to testify—part 47, 85th Congress, 2d session, and 86th Congress, 1st session, page 17163. It was revealed in the committee that the jukebox unit is an "autonomous unit" about which the parent organization—local 134—had no information. In all probability, small units such as the one operated by "Jukebox" Smithy would be-

come autonomous units in form, as well as in fact, in order to avoid revealing the details of their financial transactions.

EXAMPLE NO. 2

The hearings before the McClellan committee also made clear the type of local that will be completely free of any reporting requirements, should the exemption be retained. Take the case of local 228, UAW-AFL, the history of which was explained to the committee on August 5, 1957. The local was originally started by racketeer Johnny Dio in November 1953. In 1955 it "supplied officers" to man the "paper locals" set up to fix an election for John J. O'Rourke as president of Teamster Joint Council 16 in New York City.

Subsequently, the charter to this local was given to one Sam Getlan to house his independent local which had 100 members. It was a local composed of cigarette coin machine operators and employees. The dues were $5 a month and the members who owned machines were assessed 50 cents per machine. There were 4,000 machines, so Mr. Getlan's take was $2,500 a month or $30,000 a year. Salaries were paid to Getlan, a couple of other men to service the membership, and to a girl in the office. When asked how much per capita he sent to the international, Mr. Getlan said, "There wasn't anything for them after everything was taken out." Certainly this local is not the most likely candidate for exemption from financial reporting requirements, but it would be exempted by this bill.

EXAMPLE NO. 3

Another type of organization that would be benefited by these exemption provisions was revealed in testimony before the McClellan committee in connection with the imposition of a trusteeship over certain local unions in the New York City area by the International Union of Retail Clerks. When the international representative of the union went to the office of local 433 he found no one of authority in the office, found no books or records in the office. There was only a petty cash box. It took several weeks to find out who and where the membership was. In another local of the same union, local 413 which had jurisdiction over the amusement and concessionary employees and had less than 100 members, the representative found no books, or records, no membership list, in fact no indication of the existence of a union at all. They found two items, a gun and a billy.

EXAMPLE NO. 4

The minutes of a meeting of Teamster Local 266 operating in the New York area which were put into the record of the McClellan committee hearings, revealed another prime example of the type of union which will benefit by these exemption provisions. The local had jurisdiction over jukeboxes and game machines. At the meeting an increase in per unit assessment was voted to finance the union, the salaries of the secretary and president were raised from $150 to $250 per week, the president and secretary were empowered to sign checks up to $10,000 in amount, and allowed expenses of $100 per week. Each officer was allowed a car not to exceed $5,000. All these items were passed unanimously. The book in which the meeting was recorded was purchased 6 months after the meeting was allegedly held. This union was made up of less than 100 members.

I think these arguments conclusively prove that no unions should be exempt from reporting financial transactions.

Mr. KEARNS. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. ROBISON].

Mr. ROBISON. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROBISON. Mr. Chairman, after more than 2 years of congressional investigations and exposures, the peril of corrupt and excessive labor union power still hangs over the head of America. We have seen countless examples of lawlessness, violence, arson, bribery, extortion, and the misuse of union funds by certain labor bosses, particularly in the Teamsters Union. We have watched while thugs, hoodlums, and ex-convicts in the labor movement stood behind the fifth amendment in replying to committee questions because they said an honest answer might incriminate them.

We have witnessed the growing power of international unions to tie up not just one employer but whole segments of our economy, and have listened, with growing concern, to the schemes of men of the Hoffa-Bridges ilk to coordinate those powers into a position from which they could call a general transportation strike that would truly cripple America.

We have uncovered a significant lack of democratic processes in certain unions, and have found that one-man dictatorships have thrived—in some instances for 20 to 30 years—and that through intimidation and fear, the rank and file union member has, to a large degree, been deprived of a voice in his own union affairs.

The responsibility for all this rests, in great measure on the shoulders of the Congress which, with the adoption of the Wagner Act in 1935, undertook to encourage and protect the union movement. Now, in like manner, but in behalf of labor's rank and file who need protection against force and fraud in their leadership, and in behalf of society as a whole, the Congress must assume responsibility for what has developed under its wing.

At long last, it appears that corrective action is about to be taken. In arriving at a proper course of action, it will be necessary for the Congress, in the face of enormous pressures and mounting emotionalism, to attempt to steer a safe course between those extreme measures demanded by labor's admitted enemies and the entrenched labor bosses who will only be satisfied with no legislation at all. This will be no easy task; however, there can no longer be any question wherein the congressional duty lies.

Once before, in 1947, when it was becoming apparent that, with Government protection, the unions were achieving unwarranted and intolerable economic power, the Congress enacted the Taft-Hartley law in an effort to redress the balance. That law was bitterly opposed and attacked by organized labor as a slave-labor law, but it has not proved to be such.

Now, in choosing one of the numerous legislative proposals which have been suggested to meet today's problems, the chief issue seems to be whether a limited approach designed to eradicate the various types of exposed corruption in the internal affairs of certain unions is sufficient or whether, in addition, the closing of certain loopholes that have developed in the application of the Taft-Hartley law and some dulling of certain labor weapons is required. I favor such broader approach.

Earlier this year the Senate passed the so-called Kennedy-Ervin labor reform bill. In my judgment, that bill contained much that was good in principle, but that needed extensive clarification in order that it could be applied and enforced without the need for continuous judicial interpretation. In my further judgment, that bill was defective, because it did not deal, either effectively or at all, with the most obvious Taft-Hartley loophole—outlawing of secondary boycotts—nor with the problem of misuse of organizational and recognition picketing and the existing no man's land between Federal and State jurisdiction over labor disputes.

The House Labor Committee, after extensive deliberations, adopted over 100 corrective amendments to the Kennedy-Ervin bill and reported its result to the House, where it is now under consideration. Again, however, the product of the House Labor Committee, now known as the Elliott bill, fails to come to grips with the three acute problems I have mentioned above.

Since this committee action, certain other Members of the House have banded together to introduce the so-called Shelley bill, which appears to be acceptable to most labor leaders, including the redoubtable Jimmy Hoffa.

As a further alternative, in a bipartisan fashion, Representative LANDRUM, a Democrat, from Georgia, and Representative GRIFFIN, a Republican, from Michigan, and both members of the House Labor Committee, have introduced a substitute measure which, for all practical purposes, is the Elliott bill except for the fact that it replaces civil redress by the restraining threat of criminal penalties against labor leaders who willfully violate a union member's rights by force or violence, and eliminates the reporting exemption contained in the Elliott bill for nearly 70 percent of the unions of the country including many of those smaller unions that have particularly been infiltrated by racketeers.

Then, and even more importantly, the substitute goes on to effectively close the Taft-Hartley secondary boycott loophole, under which innocent third parties to a labor dispute have so often been hurt, and provides for the elimination

of organizational picketing of the blackmail type, which has forced thousands of unwilling employees into unions they have not wished to join.

Finally, the substitute bill wisely discards the Elliott bill proposal to expand the National Labor Relations Board, already overloaded with cases, in order that it should take on all labor disputes, in favor of permitting State courts and labor boards to handle and settle, without undue delay and cost, the local disputes involving only a handful of employees, the parties to which have, in recent years, had no place to which to turn for help.

I have approached this overall problem with the sole thought in mind of giving paramount consideration to the interests of the individual union member and of the public. I firmly believe the Landrum-Griffin substitute bill will best serve those interests and yet, despite the protestations of certain labor bosses, is neither punitive nor extreme, and will not restrict or impair the legitimate purposes and powers of organized labor. To the contrary, by helping to restore the control of union affairs to union members, and by giving the labor movement the necessary tools with which to clean its own house, enactment of the substitute bill will do much to enable the hundreds of good unions, with their thousands of honest and dedicated officers and members, to come safely and proudly through their present ordeal.

The Landrum-Griffin substitute bill has the approval and endorsement of President Eisenhower who called it a "tremendous improvement" over the Senate and committee bills. It has the approval and endorsement of Senator McClellan, chairman of the Senate Rackets Investigating Committee, who has stated that "the bill passed in the Senate and the one the House committee approved do not go far enough to cure or correct all the evils."

On the other hand, the Kennedy-Ervin bill, the Elliott bill, and the Landrum-Griffin bill have all been rejected by George Meany, AFL-CIO president, which fact I sincerely regret, as well as by Jimmy Hoffa, which fact only adds to my determination to support the Landrum-Griffin bill.

Frankly, I cannot understand the attitude of those responsible labor leaders, like George Meany and others, who are denouncing even the Elliott bill as being "punitive, vindictive, unreasonable, burdensome, and harassing legislation." I believe that, by such statements, they are doing a great disservice to their membership as well as to the future of the labor movement. None of the three proposals I have just mentioned can, by any stretch of the imagination, be accurately described as "union busting" measures. None of them touch in any way upon the keystones on which, today, labor's great power rests—industry-wide collective bargaining, legitimate and peaceful picketing, immunity from antitrust laws and the right to at least indirect use of union dues for purposes of political education.

None of them include any provisions relative to certain other suggestions that have been made to interfere with union powers or freedoms, such as loss of exemption from taxation on income, administrative sanctions that would make the Secretary of Labor a czar, or even such milder reforms as requiring a secret membership vote prior to going on strike. It seems to me, aroused public opinion being what it is, that the George Meany's might better graciously submit to the moderate restrictions and controls now proposed than to run the risk, after the inevitable failure of ineffective legislation to do the job that needs to be done, of having their whole house fall down upon them at the hands of a tougher-minded Congress than this one appears to be.

My most recent copy of Labor, the weekly newspaper published by 17 railroad labor organizations, in referring to the Landrum-Griffin bill, carries the following lead headline: "Killer Labor Bill Pressed by Tories." Even the public press has taken to referring to the Landrum-Griffin bill as being stringent or tough, while its sponsors say it is moderate and reasonable, and the very minimum legislation required to correct the corruption and abuses that have been brought to light.

This battle of tags and labels, and charges and countercharges, reminds me for all the world of the old lady who used to bake several top-crusted kinds of pies at once, marking them all with her knife "TM"—for "'tis mince"—and "TM"—for "'tain't mince." Only by eating could anyone discover the real difference and in the same way, here, only by the testing of time can the effectiveness of whatever measure we now adopt be determined.

My labor friends are appealing to me to vote only for legislation that will get the crooks out of organized labor. They wish me to stop there. Probably any one of the three major House bills would be of some help here but, as an attorney, I favor the Landrum-Griffin substitute because it carefully and concisely spells out the union members' rights we seek to guarantee, while the other two bills treat those rights in generalized language that would require constant judicial interpretation. There may, however, be room for compromise here, since we are dealing with the delicate task of trying to force democratic procedures upon free, voluntary associations and must act only with extreme caution.

I suppose that if we adopt a bill of rights that does serve to chase some corrupt elements out of the labor movement, we will have passed effective legislation. But is there anyone in this body who could then go home without the guilty feeling that this Congress had approached the problem of labor reform with blinders on? Inevitably, the passage of time would prove the halfway nature of our product.

My labor friends also argue that secondary boycotts are, when not abused, legitimate economic weapons. The key phrase is "when not abused." Here, as always with the adoption of restrictive legislation, the just may be affected along with the unjust. Nevertheless, it is the duty of Congress, in the interest of society, to force upon the unions acceptance of the responsibility that goes with the powers they wield. By adoption of the Landrum-Griffin bill we would outlaw practically all secondary boycotts—a result Congress thought it had accomplished years ago when it passed the Taft-Hartley Act. The Elliott and Shelley bills, on the other hand, would relax present judicial restrictions on secondary boycotts in the construction field, but otherwise leave this loophole unplugged.

The right to picket was not specifically covered by Taft-Hartley. Our courts have protected picketing as a form of freedom of speech. Perhaps it is, but again the proviso, only "when not abused." The Shelley bill would not restrict organizational picketing at all, and the Elliott bill would restrict it only where the picketed company has recognized another union legally, or the picketing union has lost a representation election within the preceding 9 months. Thus, under the Elliott bill, abusive economic pressure could still be brought to force employees to join unions against their will. The Landrum-Griffin substitute, however, would in effect permit such picketing only where there is a reasonable interest on the part of the picketed company's employees in becoming organized. What, in the name of democracy, can be wrong with that?

The challenge to this Congress to take corrective action in these areas comes from the American society as a whole. It comes particularly from the some 27 million people in the "small business community," owners and unorganized employees, who have been the principal victims of the deficiencies in our existing laws. As a member of the House Small Business Committee, I am acutely aware, too, of the frustration experienced by small business employers and employees as a result of the existing jurisdictional "no man's land." We cannot turn our backs on these people by the adoption of halfway measures.

In the Landrum-Griffin substitute, we have the bricks and mortar needed to build a good and lasting product. If, as a result, some of labor's present powers are diminished, it will be only another example of the working of a natural law.

The bread and butter days of unionism are over. It has come of age. And, as an infant is not legally responsible for its actions while an adult is, so labor must now accept its full share of responsibility for America's future, and, at the same time, just as big business and the financial world did before it, accept reasonable restrictions that will help bring its power back into that state of balance on which that future rests.

I have just finished reading a paper entitled "Labor Unions and the Concept of Public Service," by the highly respected Roscoe Pound, former dean and professor emeritus of the Harvard Law School. I believe he has unintentionally but concisely therein set forth the motives and intentions of those of us who are joining in the support of the Landrum-Griffin substitute bill, when he says:

> Nothing could be more untrue than that in seeking to adjust the situations in labor

today to rational principles there is a purpose of destroying or impairing the efficiency of the unions. Unions are an institution needed in the life of today. They are to be preserved and fostered as useful, even if we cannot treat them as peculiar favorites of government at the expense of the general public interest. What is sought is not to destroy or impair them, but to fit them into the legal, social, and economic system of the era on which we have definitely entered.

I firmly believe the Landrum-Griffin bill is the vehicle which will come the closest to accomplishing such a result.

Mr. KEARNS. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I should like to thank the gentleman from Pennsylvania [Mr. KEARNS] for giving me this additional time. I had hoped I would have the opportunity to read a few excerpts from some letters which I have received from constituents in connection with the need for labor reform. I say excerpts only because one of these letters, as is easy to see, from one of my constituents, is some 8½ feet long of single-spaced typewritten advice to me. I read briefly from it:

I am much disturbed about the way Congress is handling these labor unions and their bandit leaders, asking for things and money that is not due them in any way. They want the impossible. * * * The McClellan committee and its members should make a powerful law to stop this type racketeering in labor by outlaw labor leaders, like Hoffa and the rest of them. They are not representing the public.

In another letter, a wife of a Teamster Union member writes to me:

As a wife of a Teamsters Union man, I have been much more enlightened to the situation of the graft and corruption in the Union under Mr. Hoffa and his goons, by the brave exposure by Robert Kennedy, the counselor for the Senate Rackets Committee in his plain and outspoken talk; he has told the truth to the little people on the Jack Paar Show. Please do not let the Senate's work go for nothing; you hold the cards, play them right. Therefore as a citizen, worried wife, and mother, I implore you to pass the law to control the unions before my husband and many decent union members are fired, hurt, or much worse is done to them and our great country. They as a majority do not want Hoffa or his controlled element in office, because they have no say at meetings, they have no choice, but to appeal to you. They wish you to pass the law for the little man and his family who has cast his vote to put you in office.

P.S.—My husband forbids me to write to you. He's scared. I'm disgusted.

In another letter from a constituent who runs a garage in one of the towns in my district he says:

My place of business was picketed by the Union during a telephone strike because the telephone company happens to store some of their trucks here. * * *

Bill H.R. 8400 tends to protect the small businessman like myself, as well as his employees from coercive picketing, takes care of the dangerous and annoying secondary boycott, and authorizes the State to handle disputes that are of a local character, which we need badly.

In still another letter a teacher of American history writes:

As a teacher of American history I am finding it increasingly difficult to explain democratic proceedings when every newspaper, magazine and television commentator is pointing out the injustices performed every day in the name of labor unions.

In still another letter the writer, who is the owner of a small plant employing about 30 people, says:

Within recent months it has been our sad lot to have the following experiences:

1. Payoff of a union business agent by our building contractor to "expedite" completion of our plant.

2. Threats to picket our plant if we did not stop doing business with a nonunion trucker—a secondary boycott.

3. Threats to picket the plants of our customers if we did not cease doing business with this same trucker.

4. Wrecking the trucks of this man in "accidents."

5. Threats of a picket line at the plant of my previous employer because the members of the "wrong" union were employed to move machinery into the plant. Trouble was avoided by a payoff of the union business agent in order to keep a picket line away.

6. Offers of a "sweetheart" contract if we would compel our employees to join two unions who were attempting to organize our plant.

Accordingly, I ask that you support our President in backing the Landrum-Griffin bill as a start toward correction of these abuses.

Mr. Chairman, examples of letters like these, correspondence of one sort or another could be multiplied by the thousands.

I think it demonstrates again there is a very real and understandable interest on the part of our average citizen in the need for legislation in this field.

Mr. BARDEN. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. PUCINSKI].

Mr. PUCINSKI. Mr. Chairman, we have heard a great deal about the abuses in the labor-management field during today's discussion. No one can deny that in a Republic such as ours, we must continue to perfect the ground rules under which we, as a free people, operate. Certainly, no one needs to convince me that we need labor-management reform legislation in this session of the Congress.

I spent last weekend in my district. We have been buffeted around here on all sides by those representing the various interested groups telling us what sort of labor-management reform bill we ought to vote for. But, this weekend I went home and talked to about 2,000 people on the street corners of my district. I wanted to know firsthand what the people back home want.

I found above all that my people want legislation in this session of the Congress. But, I also found that the people in my district understand the dynamics of our Republic a great deal more than some of the proponents and opponents who have spoken here today in this House on legislation pending before us. I found that the average American wants to get the crooks but not the unions.

We have heard of abuses during debate here today. We have heard of corruption. The gentleman from Michigan even went back to the year 1922 to remind us of the strike in Herrin. But, have we heard very much of what the legitimate American labor movement has done for America? Is there any nation in the world where the working man enjoys the dignity that the American working man enjoys? And the standard of living, too?

You would gather from some of the speeches that have been made here today that everything is evil and corrupt in organized labor. Under the guise of labor reform, we have seen proponents of one measure trying to put the whole labor movement into a virtual straitjacket. My friends, let me tell you as a member of this Committee on Education and Labor who has made an exhaustive study of this subject, and I think my colleagues on the committee will admit that I have worked, and worked very hard, day in and day out for the last five months on this very complicated subject, let me tell you, I am firmly convinced, if we put the honest working men and women of this country into a straitjacket, as is proposed in the Landrum-Griffin bill, they are someday going to be marching in the same cadence that the peoples of the enslaved countries of the world are marching in today. Read the Landrum-Griffin bill. Under its very restrictive provisions, this devastating legislation would deny to the American working men and women the right to participate in legitimate union activities through which they would hope to raise their standard of living. The very dynamics of a free enterprise system such as we have in this country under capitalism; a system that we want to preserve at all costs and a system for which countless thousands of Americans, including myself, have fought in two devastating wars to preserve; the working men and women of this country, through their legitimate unions, are able to wage a constant struggle with their employers for a better remuneration.

We Americans today enjoy the highest standard of living in the history of this country and it is therefore no surprise that many of us have forgotten that we have reached this high point only because our fathers and grandfathers, and their fathers and mothers, had the courage to fight for what was rightfully theirs.

Too many people today think it is evil for the working men, on the one hand, with the help of honest union officials, to engage in a struggle with the employer, on the other hand, who properly, is trying to preserve the highest return of profits on his investment. It is out of this struggle that we have carved for our people, and yes, for our American industry, this high standard of both wages and profits.

It is significant to me, Mr. Chairman, that throughout the rest of the world, wherever people have not been able to engage in this struggle within reasonable bounds between the worker and the employer, that we find the highest degree of poverty and exploitation of the working people.

As I stand here today, before man and God, it is my firm conviction that if we take away from organized labor the legitimate tools which it needs to carry on the process of collective bargaining, we may well be paving the way for some other ideology and yes, we may even plunge our Nation back to the

Dark Ages, when class strife and violent rebellions were the order of the day.

There is no question in my mind that many unions have abused their privileges and that, in too many instances, corrupt elements have infiltrated these unions and are now using them for their own personal wealth and power. We, as Members of Congress, are charged with the responsibility of writing legislation which will indeed eliminate the crooks and racketeers, but will not destroy the legitimate tools of trade unionism in the wake of this legislation.

I have said, "Read the Landrum-Griffin bill," because I am convinced that you will see the myriad of boobytraps written into this devastating proposal under the guise of labor reform.

Let me just cite one quick example:

Section 705, of the Landrum-Griffin bill would amend the present Taft-Hartley Act provision dealing with secondary boycott. The existing law provides that no union or its agent may engage in any activity to induce or encourage the employees of any employer to engage in a strike or a concerted refusal against their own employer who is doing business with another firm, which is out on strike.

Senator Taft, when he proposed this provision dealing with secondary boycotts, recognized that the secondary boycott used by honest unions is the backbone of the labor movement and that is why, quite properly, he limited its use only against a group of employees acting in concert. But Senator Taft recognized that it is the inalienable right of an American citizen to refuse to handle struck work so long as such a decision is made by the worker himself and he acts as an individual.

The Landrum-Griffin bill completely changes this concept and now says that even the individual cannot be advised that the work which he is handling comes from a struck plant. Under the Landrum-Griffin proposal, a union would be barred from informing an individual that the goods he is handling comes from a struck plant, under severe penalty of law.

The Landrum-Griffin bill is full of similar such prohibitive restrictions against the individual American worker.

I have studied the McClellan hearings thoroughly in the past 5 months and I have found that you can break the abuses down into three categories: First, internal union corruption; second, scandalous deals between crooked employers and union officials who have no business in the labor-management field; and third, a shocking breakdown of the machinery to enforce the present Taft-Hartley Act.

First of all, I would like to call your attention to the fact that all three bills pending before this Congress deal very effectively with the internal corruption of unions exposed by the McClellan committee—every one of them. And I fully support these provisions. The legislation I am supporting would give the worker a greater voice in his union and would provide jail sentences for any official who falsifies the financial statement of his union.

Regarding my second point, time does not permit me to read you the entire statement made by the chief counsel of the Rackets Committee, Bob Kennedy, on the "Jack Parr Show," when he was asked if management was guilty, too. He said:

> There is not any question management, some of the big companies and corporations in the United States, set Dave Beck up in his various financial deals. We have exposed at least 50 big companies and corporations since the beginning of this committee—some of the biggest ones in the United States—who have been involved in various deals.

Mr. Kennedy continued:

> You had some of the biggest restaurants in the Chicago area which were set up—hired gangsters and hoodlums—for a period of some 20 years to handle their labor-management relations. You have dozens of small corporations and companies which made "sweetheart" deals with gangster-run unions in New York City which result in starvation wages for tens of thousands of workers.

You all saw the middlemen representing big business take the fifth amendment before the Senate Rackets Committee when asked to disclose their union-busting activities in behalf of their employers.

But, Mr. Chairman, we have yet to hear a single supporter of the Landrum-Griffin bill, or any Republican come here before this body and say, "Give us a bill that is going to make the corrupt employer report to the same degree that you are asking the unions to report." On the contrary, both the Landrum-Griffin bill and the committee bill completely exclude the employer from reporting. It is my firm belief that only the Shelley bill meets this problem adequately.

Regarding point 3, we would think, to listen to some of these gentlemen, that there is no legislation in existence now to deal with some of the abuses. The reasons you have abuses in the secondary boycott and the reason you have abuses in organizational picketing and the "hot cargo" provision is because you have had a scandalous situation before the National Labor Relations Board, which has been picking and choosing the cases it will hear and has left thousands of American small businessmen and industrialists, on the one hand, and other thousands of honest unions, on the other hand, in a virtual no man's land regarding labor-management disputes.

You have heard some of those urging severe changes in the Taft-Hartley Act say that these changes are necessary because the unions have found loopholes in the present law. Nothing could be further from the truth and such statements merely act to shield the real intentions of big business which is to completely destroy legitimate labor unions' activities as part of our national labor policy.

The Supreme Court has sustained the National Labor Relations Board in the celebrated San Door and Plywood Company decision in which the Board held:

> Inducements of employees that are prohibited under section 8(b)(4)(A) of the Taft-Hartley Act, in the absence of a hot cargo provision, are likewise prohibited when there is such provision. The Board has concluded that a union may not, on the assumption that the employer will respect his contractual obligation, order its members to cease handling goods, and that any direct appeal to the employees to engage in a strike or concerted refusal to handle goods is prescribed.
>
> There is no occasion to consider the invalidity of hot cargo provisions as such. The sole concern of the Board in the present cases was whether the contractual provision could be used by the unions as a defense to a charge of inducing employees to strike or refuse to handle goods for the objectives proscribed by sections 8(b)(4)(A).

The only loophole in the law here is that the NLRB has refused to handle more of these cases because in most instances the Board claims that the employers are too small.

On the question of secondary boycotts, the National Labor Relations Board has been upheld in barring such boycotts wherever it was shown that either force or coercion were used against a secondary employer. The language of the Taft-Hartley Act is crystal clear and I hope that Members of this Congress will not be hoodwinked into believing it is too soft. On the contrary, the language in the Taft-Hartley Act is indeed extremely severe and has hindered the normal growth of legitimate trade unionism.

Since 1958, the NLRB had issued decisions in 235 contested secondary boycott cases, and in 230 uncontested cases. Here, too, the only loophole in the law is that the NLRB has refused to take jurisdiction which would help the small business man. Passing new legislation, I can assure you, to impose greater restrictions against legitimate labor unions will hinder rather than help the execution of laws now on the books which have been tested and upheld by the courts until now.

And finally, we come to the question of organizational picketing. In the celebrated Curtis case, the NLRB held that a union which picketed for recognition after the employees had rejected it in a Board election, was no longer availing itself of the constitutional freedoms guaranteeing free speech, but rather, the union was engaging in an activity which constituted economic coercion. This effort by the NLRB to curb the use of organizational picketing was promptly denounced and reversed by the U.S. Court of Appeals for the District of Columbia. The entire question of whether organizational picketing, when peaceful, is an expression of free speech or whether it is economic coercion, is now being reviewed by the U.S. Supreme Court. I think we all know that on previous occasions the High Court has held peaceful picketing to be an expression of free speech.

I have heard none of the proponents urging restrictions on organizational picketing suggest that we ought to rewrite the Constitution of the United States.

The committee bill at least attempts to bar the use of organizational picketing wherever another union already is being recognized or where the workers have rejected the union by a secret elec-

tion, the picketing would be barred for 9 months.

Mr. Chairman, if we can perfect the committee provision to make sure that the employer does not recognize either company unions or racketeering unions which sign a sweetheart contract with him to bar picketing by legitimate unions, I feel that I could support in good conscience this particular provision of the committee bill.

I cited these three examples merely to point out that we now have legislation dealing with the three most controversial provisions before this House today. During the past 5 months, I have made a thorough study of the National Labor Relations Board, and my investigation has been bolstered by a devastating report about the Board made by McKinsey & Co., Inc., a management consultant firm, which in great detail described the shocking inefficiency which now prevails at the NLRB.

I have pleaded with this Congress that we clean up the NLRB and then compel it to take jurisdiction over all labor disputes so that we will eliminate the no man's land. It is my firm and sincere belief that if the thousands of small businessmen and industrialists, on the one hand, and the honest unions on the other hand, had some effective agency to speedily handle their disputes, the racketeers would be driven out of business.

It is axiomatic that a racketeer can succeed only so long as he knows that his intended victim, in this case, the small businessman and industrialist, has no place to turn for help. Let us give these businessmen speedy relief at the NLRB and the crooks will stay away from them the way flies stay away from Flit.

Mr. Chairman, we are today dealing with legislation which is of such grave importance that it could affect the entire economic future and development of our Nation. Unfortunately, we are faced with the problem of debating this labor-management reform legislation in an atmosphere of disclosures before the Senate Rackets Committee affecting only a segment of the entire American labor movement.

I should like to stress just as earnestly as I know how that long after those who have been disclosed before the McClellan committee for violating their privileges as union officials are gone, the legislation which we adopt here today will remain to restrict the legitimate operations of honest unions.

Too few of us present here today realize that there are more than 75,000 local unions in America and that whatever legislation we adopt here is going to directly or indirectly affect all of them, regardless of whether they have a history of exemplary conduct in the field of labor relations or whether they have been among those few cited by the Senate Rackets Committee.

I am convinced that my constituents want effective legislation to give the individual union member greater democracy in his union; a right to a secret vote for his union officials; a complete accounting of all the union funds which the individual union member has contributed to; provisions in the law which will bar Communists and felons from holding office in a union; and, Mr. Chairman, after spending the weekend in Chicago polling my constituents, I am convinced that they want legislation to compel corrupt employers to make full disclosures of any secret deals that they may have made with union officers to the detriment of the rank and file membership.

I hope, Mr. Chairman, that reasonable men in this Congress are going to permit reason to prevail. Certainly we all want legislation which will stamp out abuses disclosed by the McClellan committee, but we do not want to destroy the rights of legitimate unions with it.

I want to join with the gentleman from Georgia, Congressman MILLER, who said over the weekend that one sure way not to get labor reform legislation in this session is to adopt the Landrum-Griffin bill because it will not be acceptable to the Senate.

If you want real reform legislation in this session, and I do, then go along with those of us who are trying to write a good, workable bill. Defeat of the Landrum-Griffin bill is our best assurance to pass a decent bill in this Congress and give the Nation, as well as those who represent the legitimate aims of organized labor the relief they so earnestly have sought from this Congress.

Thank you.

Mr. BARDEN. Mr. Chairman, I yield such time as he may require to the gentleman from Maryland [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I am placing in the RECORD an analysis I have made of the first six titles of the Griffin-Landrum bill and the Elliott bill. I do not have the time available to cover the analysis in detail, but it will be in the RECORD and you can study it tomorrow.

This analysis has led to one conclusion only, that the Griffin-Landrum bill limits the rights of a member of the union which purportedly are to be protected; and, secondly, makes it very difficult for this union member for whom this legislation is designed, makes it more difficult for this union member to seek that protection for these restricted limited rights. I am placing in the RECORD this analysis, and if I may borrow the phrase which our distinguished chairman of the Rules Committee used, I challenge any member of the committee to contradict and controvert the results of this analysis:

TITLE I, SECTION 101(A)(1)—RIGHTS OF MEMBERS—EQUAL RIGHTS

In section 101(a)(1), page 10, lines 13–21, H.R. 8342 provides that every member of a union shall be accorded "all the rights and privileges" pertaining to membership under the union's constitution and bylaws. In section 101(a)(1), page 10, lines 14–21, H.R. 8400 provides that every member of a union has "equal rights and privileges" to: "(1) nominate candidates; (2) vote in elections or referendums of the labor organization; (3) attend membership meetings; and (4) participate in the deliberations and voting upon the business of such meetings." The foregoing rights and privileges are subject to reasonable rules and regulations of the union's constitution and bylaws.

In H.R. 8342, after referring to all the rights and privileges, the bill continues and says "including the (1) right to participate in determining the policies of such labor organization, (2) to attend membership meetings, and (3) to vote in any election or referendum conducted by the union."

The differences between the two bills are these: The Elliott bill protects all the rights and privileges that a union's constitution and bylaws provides for a member. It indicates certain of these rights which are not made exclusive, but by the use of the word "including" clearly indicates that other rights are protected in addition to those set forth in the section. However, in the Griffin bill, there is no all-inclusive protection of every right of membership that the constitution and bylaws of the union provides for a member. Rather by designating and listing particular rights, the effect of H.R. 8400 is to limit to a union member protection only for these designated rights. Thus, since the Elliott bill grants broad protection to all the rights of membership, the individual member of the union has greater protection under that bill than he would have under the Griffin bill.

TITLE I, SECTION 101(4)—PROTECTION OF THE RIGHT TO SUE

The Elliott bill, page 12, lines 12–18, provides that any aggrieved member of a union has the right to sue, in any court or before any administrative agency, his union or any officer of his union. In the Griffin bill, page 12, lines 18–23, a union member is protected in his right to sue in any court or before any administrative agency "irrespective of whether or not the labor organization or its officers are named as defendants or respondents in such action or proceeding." The Griffin bill provides that the member can sue anyone. This is surplusage for the most part. There has never been any question about the right of a member to sue anyone not connected with the union. Insofar as I know, no constitution or bylaw of any union precludes the right to sue anyone not a member of the union. Thus, the Griffin bill does not grant an additional protection which a union member does not now have.

The Elliott bill, page 12, line 22, requires that a member "shall" exhaust the internal remedies provided by the union's constitution and bylaws, both of the local and international organization. The Griffin bill, page 13, lines 2 to 6, is discretionary since it does not require the exhaustion of internal remedies before suit is instituted against his union or any officer of his union. The courts have uniformly held, except in rare cases, that such exhaustion of remedies must be made before resort is made to the courts. Under this rule, a member is not precluded from instituting suit in any court. But his action is not ripe for judicial decision under existing and controlling law, until his grievance has been considered by the appellate tribunals within the labor union establishment.

This requirement of exhaustion, under the Elliott bill, is mandatory. Under the Griffin bill, page 13, line 2, the member "may be" required to exhaust internal remedies, "but not to exceed a 4-month lapse of time" before filing suit against a union or any officer of the union. What a "four month lapse of time" means is not clear. Moreover, since exhaustion is not mandatory, but discretionary, the Griffin bill creates confusion as to the obligation of a member in connection with exhausting internal remedies. The Griffin bill does not indicate who will decide if and when a member is required to exhaust the internal remedies. Can the member decide? Can the union decide? Must a court decide? Must the Secretary of Labor decide? By making the exhaustion of remedies discretionary and without indicating who has the power to exercise the discretion, the Griffin bill creates confusion and does not define and protect any right of a union member.

Under the Elliott bill, in the second proviso, page 13, line 5–7, appears, "No employer" shall "directly or indirectly interfere or attempt to interfere with the internal affairs of any labor organization." This is a prohibition applying to every employer. However, in the Griffin bill, in the second proviso, page 13, lines 7–10, the prohibition applies only to an "interested employer or employer association." The Griffin bill omits the prohibition against interfering or attempting to interfere with the internal affairs of any labor organization. The prohibition applies only to an "interested" employer or employer association. And the prohibition is limited in that such interested person shall not directly or indirectly finance, encourage, or participate in "except as a party" any individual acton instituted by a member against his union or an officer of his union. By contrast, under the Elliott bill every employer is precluded from financing, encouraging, participating in, or supporting any action instituted against any labor organization under the act, except as a party to such action. The Elliott prohibition applies to any and every suit instituted by any member against his union or any other union for violations under the act. But the Griffin bill does not prohibit every employer, only an interested employer, and the inhibited action involved is the particular action of a union member against his union or an officer. The prohibition is not against participating in every action involving a union under the act. Thus, an employer, not a party to an action, under the Griffin bill, and one not interested in any particular lawsuit between the member and his union or an officer could finance and encourage that action. Moreover, such employer could finance and encourage any action under the act involving a union member. There is no definition of the word "interested employer or employer association" anywhere in the Griffin bill.

Thus, a union member could be approached, under the Griffin bill, by an employer, not his own—not directly involved in any proceeding, and persuaded and supported by such employer in his effort against a union or an officer of a union. The Griffin proviso, then, does not protect an individual member, but makes him a possible object for preying by an employer, to institute action against a union or an officer of a union. The Griffin bill, thus, provides an opening for the disruption of union operation. And this is made clear by contrast with the Elliott bill's blanket prohibition against every employer encouraging a lawsuit against any union under the act. Moreover the Elliott prohibition against every employer "interfering or attempting to interfere with the internal affairs of any labor union" and the absence of such prohibition in the Griffin bill is a clear indication, and in fact a positive invitation, for an employer to interfere with the internal affairs of a union.

The Labor-Management Relations Act, title 29, United States Code, section 158(a)(2) makes it unfair labor practice for an employer to dominate or interfere with the formation or administration of any labor organization. The Elliott bill clearly reflects this national policy. The Griffin bill would raise a genuine question as to whether or not this national policy has been changed.

The provisos in both bills are designed to discourage employer conception of lawsuits by individual members against unions. In this sense, both provisos are designed to protect individual members from approaches by employers for the purpose of instituting such action. The individual member gets greater protection under the Elliott bill from such approaches for every employer is prohibited from participating, financing, encouraging, and supporting every type of suit against any union under the act. There is less protection from harassment afforded to the member by the Griffin bill for the prohibition applies only to an interested employer or employer association, and is applicable only in a particular action by the member against his union or an officer of his union. The protection insured to the member by the Elliott bill is much greater, clearer in definition, comports fully with existing national policy, and must be preferred to the Griffin bill.

TITLE I, SECTION 101(5)—SAFEGUARDS AGAINST IMPROPER DISCIPLINARY ACTION

The Elliott bill, page 13, lines 12–15, provides that a union member disciplined by a labor organization "shall be afford a fair hearing on written charges." This is mandatory language guaranteeing to the individual member a fair hearing before the trial board of his union. The Griffin bill, page 13, lines 12–15, provides that no member "may be" disciplined "unless" certain procedures are followed. This raises a question as to whether or not discretion in the matter lodges with someone, either officers or the executive board of the union, concerning the disciplinary procedure. The mandatory language of the Elliott bill must be strongly preferred to protect and safeguard the rights of a member when subject to a trial by a union trial board.

Under the Griffin bill, page 13, lines 15–17, disciplinary action against a member cannot be taken "unless such member has been (A) served with written specific charges; (B) given a reasonable time to prepare his defense; (C) afforded a full and fair hearing." The Griffin bill, thus, spells out and limits specifically the only rights that a union member has in connection with disciplinary action against him. By contrast, the Elliott bill, page 13, lines 15–17, not only makes it mandatory that there be a fair hearing, but also protects the individual member on a mandatory basis in "other procedural safeguards" provided by the union constitution and bylaws. Thus, everything the constitution and bylaws provide from the standpoint of additional procedural rights in participating and being represented at the trial as well as appellate rights within the organization itself to the international general executive board and finally to the convention, are protected by the Elliott bill. None of these other vitally important procedural rights are guaranteed and protected to a member by the Griffin bill. Thus, the individual member has mandatory protection in all the procedural rights provided by a union's constitution and by-laws by the Elliott bill, and this protection must be preferred to the next to nothing provisions of the Griffin bill.

TITLE I, SECTION 102—ENFORCEMENT

Section 102(a) of the Elliott bill, page 14, lines 13–24, provides that a member may institute a civil action in a Federal district court when a right protected by section 101 has allegedly been violated. However, before the member can go to court, he must exhaust the internal remedies prescribed by the constitution and bylaws. No suit can be brought unless the member has diligently pursued the available internal union remedies and a final decision obtained within 6 calendar months.

Section 102 of the Griffin bill, page 13, lines 22–25, merely states that a person whose rights under title I has been violated may institute an action in a Federal district court for appropriate relief. It should be pointed out that the member is not required to exhaust the internal union remedies before instituting suit. The Elliott bill requires such exhaustion of remedies, as previously indicated. It is a genuine mystery why the Griffin bill in section 102 omits this requirement of exhaustion. This omission destroys effectively and renders meaningless a member's civil enforcement rights. For section 102 of the Griffin bill conflicts with its own section 101(4). This latter section, under the heading, "Protection of the Right to Sue," page 13, lines 2–6, provides that a member before suing anyone in a court or before an administrative agency may be required to exhaust reasonable hearing procedures within the organization, but not to exceed a 4-month lapse of time.

This provision clearly indicates that the authors of the Griffin bill do not authorize, prescribe, or condemn the exhaustion of internal union remedies. By omitting this exhaustion provision from section 102, however, the Griffin bill creates obvious conflict between the two provisions both presumably designed to protect a member. The conflict results in logical doubt as to when and how a member may resort to a Federal court for enforcement protection. Such doubt renders protection to the member a nullity.

But this conflict, though harmful, is not the only, and in fact is not the major, conflict the Griffin bill contains pertaining to civil enforcement. Though section 102 and section 101(4) conflict one with the other, both conflict with section 402(a) and (b), page 39, lines 12–24, and page 40, lines 1–18. This provision of the Griffin bill makes mandatory exhaustion of internal union remedies, diligent pursuit of these remedies, and no final decison within 6 calendar months after the internal remedies are invoked. By comparing the language of section 402(a)(2), page 39, lines 15–21, of the Griffin bill with section 102(a)(2), page 14, lines 16–22, of the Elliott bill it will be found that these two provisions are identical.

Thus, the Griffin bill uses the mandatory exhaustion procedures of the Elliott bill in one section, omits it in another relevant section, and finally renders it discretionary in an ambiguous manner for a shorter period of time in still a third relevant section. The sum total of these three conflicting civil enforcement provisions is all-pervading doubt and confusion as to a member's right to resort to court. This is not protecting a member. It is prevention of protection.

Section 102(b), page 15, lines 5–9, of the Elliott bill provides that the Federal court after a "trial upon the merits" and upon a preponderance of the evidence may restrain the violation and grant such other and further relief as the court may find appropriate. The provision that the court shall conduct a "trial upon the merits" mandatorily imposed upon the court the duty to explore and consider every aspect of the case involving the member and the alleged violation of his rights under section 101.

This provides the greatest civil protection for the individual member. Today, under existing law, the courts normally do not provide a trial de novo on the merits for internal union disputes. The courts merely determine the narrow union constitution and bylaw procedure point presented to them. If this procedural basis for the case is defective, the member loses, even though his case is just on the merits. The Elliott bill cures this defect. It gives Federal trial judges authority to consider the total merits of a member's case. This is a truly just basis for a civil trial for the rights of the adverse party are equally determined. Thus, this "trial upon the merits" provision insures that resort to the court for protection by a member has genuine substance that cannot be prevented by purely internal union procedural defects. Therefore, the Elliott bill provides a major advance in insuring evenhanded justice for all parties in dispute over internal union affairs governed by section 101.

Section 102 of the Griffin bill, page 13, lines 22–25, and page 14, lines 1–4, does not provide for a trial upon the merits by the Federal court in matters arising under section 101. This is a major defect. It alone justifies defeat of the bill. Clearly the mem-

ber cannot receive full protection from the court unless there can be a trial upon the merits.

That this is true is demonstrated by the Griffin bill itself. Section 402(c), page 40, lines 19–20, provides for a trial upon the merits in a Federal court in all disputed election cases. The member's rights under section 101 are certainly as valuable as his rights under section 401. There is no rational basis to provide a trial upon the merits in one case to a member but to deny him such a trial in another case. Such differentiation not only is arbitrary, it is ridiculous.

The Elliott bill provides a Federal court trial upon the merits in all cases. This maximum civil enforcement protection must be preferred to the conflicting, confusing, discriminatory provisions of the Griffin bill.

These deficiencies in titles I–VI of the Griffin bill, the internal union administration provisions, are apparent on the face of the bill itself. It was a rush order job. It represents a scissors and paste effort. As a result of this hurried effort, we have presented to us proposals creating confusion, conflict, and constriction of union membership rights.

Comparing the first six titles of the Griffin bill with the Elliott bill reveals the following: The definitions in both bills are the same. Titles III, titles IV, and title V are identical in every part in both bills. Title II is identical in both bills except that in section 201, there is no exemption provision in the Griffin bill. Title VI of both bills are identical except that in the Griffin bill, section 609 and 610 have been added. Title I, sections 103, 104, and 105, and section 101(a)(3), are identical in both bills.

That the Griffin bill is a scissors and paste job, done in haste on the Elliott bill, can be highlighted graphically. In the first six titles 1,236 lines are identical in both bills word for word, with the Griffin bill changing 43, adding 19, and deleting 20 lines. The 43 lines changed by the Griffin bill result in the following:

(1) Section 101(a)(1) limits the rights of a member protected by the act while the Elliott bill protects all the rights and privileges of membership provided by a union's constitution and bylaws.

(2) Section 101(4), protection of the right to sue, creates confusion as to the discretionary exhaustion of internal union remedies by failing to indicate who has the power to exercise this discretion. Furthermore, the Griffin bill limits the protection of an employee from harassment by an employer seeking to persuade, induce, or finance an action against a union or an officer. By contrast the Elliott bill prohibits all employers from inducing, persuading, financing, or supporting any action against any labor organization or officer of same. The Elliott bill reflects the national policy stated in the Labor-Management Relations Act making it an unfair labor practice for an employer to dominate or interfere with the formation or administration of any labor organization.

(3) Section 101(5) safeguards against improper disciplinary action, limits the rights of a member subject to union disciplinary action to only three procedural elements. The Elliott bill protects the member in all procedural rights provided by the union constitution and bylaws.

(4) Section 102, civil enforcement, maximizes confusion as to the rights of a member to seek civil-court protection. It establishes three, separate, distinct, conflicting requirements. One provides for discretionary exhaustion of internal union remedies with a 4-month interval before resort to court. Another permits the member immediately to resort to court in the same case where he would have to wait 4 months before going to court. Finally, the third provision makes mandatory the exhaustion of internal remedies with a 6-month interval before resort to court. Furthermore, section 102 of the Griffin bill does not provide for a "trial upon the merits" in a Federal court. Yet, in section 402(c) of that same bill such a "trial upon the merits" is insured to a member. Thus the total effect makes uncertain the right of a member to seek civil enforcement protection on the act. The important protection of a "trial upon the merits" is available in one limited type of case, but is not available in the multitude of cases where it would be of greatest protection to the greatest number of members. The Elliott bill provides a "trial upon the merits" in all cases. Moreover, there is no conflict over exhaustion of internal union remedies prior to resort to court protection.

The major defects of the Griffin bill involve basic, elemental, and essential elements of protection for a union member. The Griffin bill does not provide and in fact dilutes this protection. For these reasons I urge the Members of the House to vote against the Griffin bill.

Mr. BARDEN. Mr. Chairman, I have no further requests for time at the moment.

Mr. KEARNS. Mr. Chairman, if the gentleman would consider it I would suggest that he move that the Committee rise.

Mr. BARDEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8342) to provide for the reporting and disclosure of certain financial transactions and administrative practices of labor organizations and employers, to prevent abuses in the administration of trusteeships by labor organizations, to provide standards with respect to the election of officers of labor organizations, and for other purposes, had come to no resolution thereon.

PRESIDENT GEORGE MEANY OF THE AFL–CIO SELECTED BY THE VETERANS OF FOREIGN WARS OF THE UNITED STATES TO RECEIVE FIRST AMERICANISM GOLD MEDAL AWARD

Mr. SHELLEY. Mr. Speaker, under leave to extend my remarks in the RECORD, and in view of the debate today and the attacks that have been made on the American labor movement, I call to the attention of my colleagues that the VFW will present to George Meany, president of the AFL–CIO, the first VFW Americanism Gold Medal Award at the 60th Annual VFW Convention in Los Angeles, Calif., on August 31. In the announcement from John W. Mahan, national commander of the Veterans of Foreign Wars, Mr. Mahan points out that Mr. Meany has not "only championed the cause of American workers but has championed the rights of free people, and free trade unionists throughout the world." I am proud to extend my personal congratulations to George Meany on his receiving this award and I know that many of my colleagues join me in this expression. The text of the release follows:

WASHINGTON, D.C.—George Meany, president of the AFL–CIO, has been selected to receive the first VFW Americanism Gold Medal Award, John W. Mahan, national commander of the Veterans of Foreign Wars, announced today.

It will be presented at the 60th Annual VFW Convention in Los Angeles, August 31.

Mahan, in making the announcement said, "This annual award is presented to an individual who through his acts during the past year has distinguished himself in the cause of American ideals. President Meany," Mahan continued, "has vigorously fought communism and has consistently refused to honor or acknowledge Communist leaders, or so-called workers unions, when such individuals and groups have visited this country.

"George Meany has not only championed the cause of Amercan workers but has championed the rights of free people, and free trade unionists throughout the world. For this long and valiant fight to keep America secure and free, the Veterans of Foreign Wars has seen fit to present him the first Americanism Gold Medal Award."

HONORS FOR LAST SURVIVING VETERAN OF WAR BETWEEN THE STATES

Mr. FORRESTER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution (S.J. Res. 118) authorizing and requesting the President of the United States to issue a proclamation calling for the flag of the United States to be flown at half-staff on the occasion of the death of the last surviving veteran of the War Between the States.

The Clerk read the resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue, on the occasion of the death of the last surviving veteran of the War Between the States, a proclamation calling for the flag of the United States to be flown at half-staff, for such period of time as the President deems appropriate, in commemoration of the death of all veterans of the War Between the States.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The resolution 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.

KHRUSHCHEV'S VISIT

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, the right hand of the administration knows not what its left hand is doing. While the right hand was writing, "We shall not give up an inch on Berlin," the left hand was penning an abject invitation for Khrushchev to honor(?) us with his presence.

The House Committee on Un-American Activities and the Federal Bureau of Investigation suffered in silence before this contradiction in national policy. These two groups, so ably led by Representative FRANCIS E. WALTER, of Pennsylvania, and by J. Edgar Hoover, have protected the United States from espionage and subversion for many years.

Now the administration, anxious to placate and please the leader of communism, has in effect declared that their efficiency in ferreting out the dupes, the fellow travelers, the spies, and the traitors is no longer necessary. Good fellowship and coexistence will mellow Khrushchev and his conspirators. Unbelievable?

The White House has just put on its brandnew pair of rose-colored glasses. And lo, the whole world is seen in a different light. And a halo appears over the head of Nikita Khrushchev, the prophet of world unity, who knows how to nail down the peace, if we will only obey his orders. You must not be so skeptical. "K" and his American pals resent such doubts. You must try to understand this sensitive man, they advise. Other people in the past have upset him. They asked questions. They wanted proof as to his real intentions. They got it through a process known as liquidation that eased all tensions and solved all problems.

"So be polite at all costs," says the White House.

We are thinking of the costs which are far higher than any budget, and a greater threat to our security. The cost to our national self-respect. The cost in relaxed vigilance, and weakened morale. The cost to the captive peoples whose faith in this administration has been shattered by its eagerness to fraternize with their oppressors. The cost to our allies who fear a cynical two-power deal. The cost in moral principles so lightly brushed aside.

Did the administration pay any attention to the serious consequences that will be the inevitable harvest of its comradeship with the leaders of communism? We recognize that Ambassadors and Secretaries of State must maintain contacts with officials of other governments regarding international travel and trade, and to engage in special conferences on international problems. But we do not believe that any President has the right to invite a dictator who is determined to subjugate us by one means or another, to be an official guest here in our country.

By what authority does the President invite the sworn enemy of our independence and our freedoms to visit the United States, and ask the American people to honor this betrayer? It never happened before. Why now?

This raises questions, not only concerning the President's judgment in this matter, but the larger question of his powers, actual or implied. And it raises serious doubts whether he and his advisers understand the menace that is communism, and whether they are able to cope with it. The House Committee on Un-American Activities and the FBI must be discreet on this startling development, but it is safe to assume from their knowledge of the subtle methods by which communism infiltrates a country, that they must deplore the President's reckless invitation to Khrushchev.

How can we erase the demoralizing impression that will be conveyed to free people everywhere by the hospitality extended to Khrushchev by the President? We can protest. It is our right and our duty to protest, in the hope that this unfortunate visit will be canceled.

We have 1 month left in which to undo the damage. But if that should fail, there will be headlines, and pictures of administration officials arm in arm with Khrushchev. We shall keep these pictures. They will be interesting exhibits in the future.

But there must be other pictures to counteract this dismaying effect upon the free world. Pictures of Americans protesting, pictures of Americans in mourning, so that the rest of the world will know that we shall never shake hands with the Devil or make a marriage of convenience with communism.

VENEZUELA'S PROPOSAL AND TRUJILLO'S DISPOSAL

The SPEAKER. Under previous order of the House, the gentleman from Oregon [Mr. PORTER] is recognized.

Mr. PORTER. Mr. Speaker, Venezuela, a firm democracy, has a historic proposal today before the fifth meeting of consultation of the hemisphere's foreign ministers, a proposal that is in large part prompted by the existence of Trujillo's so-called Dominican Republic, an infirm tyranny.

The agenda for this meeing at Santiago de Chile, where Secretary of State Herter represents the United States, was adopted by the Council of the Organization of American States on July 30, 1959. It is as follows:

I. For the purpose of maintaining peace in the Americas, consideration of the situation of internaitonal tension in the Caribbean area in its general and several aspects, in the light of the principles and standards that govern the inter-American system, and of means to assure the observance by States of the principles of nonintervention and nonaggression.

II. Effective exercise of representative democracy and respect for human rights, including:

(a) Doctrinal study taking into account the strict maintenance of the principle of nonintervention, of the possible juridical relation between the effective respect for human rights and the exercise of representative democracy, and the right to set in motion the machinery provided by American positive international law;

(b) Procedure that will make it possible to measure compliance with two fundamental principles of American international law: the effective exercise of representative democracy and respect for human rights; and measures that should be taken in cases of noncompliance with those principles.

Mr. Speaker, all these items are important at this time, but let me call special attention to subsection "b" of part II. This was proposed by Venezuela. It calls for procedures to appraise a nation's right to call itself a democratic republic and to associate with its neighbors in the OAS as a nation worthy of respect.

"Effective exercise of representative democracy" is a phrase from the OAS Charter, a phrase which has been much neglected in favor of a strained interpretation of "nonintervention."

"Free elections" is another way of saying it, just as "respect for human rights" is another way to say "individual liberty."

These are usable yardsticks. Does a government hold free elections as the basis for its selection of officials? Are civil liberties allowed its citizens?

NONMILITARY INTERVENTION

What measures should be taken to cope with noncompliance? Certainly some should be taken if in fact we do believe in these yardsticks as being solidly based in our Christian ethics. We do not believe in governments based on terror and tribute. We want to discourage them. We can discourage them by means other than military intervention.

This is what the Foreign Ministers are discussing in Santiago de Chile.

Collective action against Stroessner of Paraguay, Somoza of Nicaragua, and Trujillo need not violate valid principles of nonintervention. The application of these above-mentioned "fundamental principles of American international law" would itself go a long way toward encouraging internal forces in oppressed countries to bring about desirable reforms.

For example, although I continue to believe in Fidel Castro's good faith as an adherent of democracy, the application of these standards to Cuba at this time would find Castro's government lacking on the first count; namely, the matter of free elections. No date for elections has been set. It should be.

Publicly of collective findings as to noncompliance would of course be in order. Castro needs an organized, legitimate opposition. Until he sets a date for elections, no later than 1960, no such opposition can have any base on which to organize, grow and operate as is necessary in any democracy.

Cuba's lapse, of course, is defensible because her people have just overthrown a tyrant and this is a time of transition. Furthermore, Cuba measures up very well against the second yardstick. It is not being run as a police state. Critics are not thrown in jail, tortured or killed.

THE ARCHCRIMINAL, TRUJILLO

The criminal of the hemisphere is, as everybody knows, Rafael Trujillo Molina, the self-styled benefactor. His abuse of democratic forms mocks the moral basis of the OAS compact. His hired murderers pay no attention to national boundaries.

Venezuela, by proposing this item on the agenda, has said to its sister states, "Do you really believe in free elections and individual rights? If you do, then let us set up a procedure to ascertain compliance and let us agree on measures to deal with noncompliance."

This is strong medicine for some foreign ministers who are used to treating tyrants like Trujillo as though they were respectable. But I suggest that

strong medicine is exactly what the doctor prescribes for the OAS at this time.

Let us consider a few of the facts OAS investigators could easily uncover about the declining Trujillo.

On July 21, Tad Szulc, correspondent for the New York Times, got ousted from the Dominican Republic for dispatching some adverse comments about Trujillo's regime. Mr. Szulc was lucky. Other critics, who could not count on the powerful facilities of the New York Times, have not fared so well.

On February 27, 1959, Vision, the sober Spanish language news magazine with headquarters in New York, printed a chilling story of the fate of one of their correspondents. In translation it reads:

ONE HAS TO DIE FROM SOMETHING

What you are about to read is not a tale. In fact, the main character of this story was called Teofilo Guerrero del Rosari. In its January 23, 1959, edition, the Dominican newspaper, El Caribe, announced without details that Teofilo had been found in a jeep, strangled.

Since the notice did not even suggest possible motives for the crime, everything leads one to suppose that it was published to inform his relatives and friends. In a country as methodical as the Dominican Republic, this news could also have been published that way for the sole purpose of keeping statistics up to date. But, whatever the reason, it is not important now. Teofilo, our correspondent in Ciudad Trujillo, has died.

This information is based on correspondence maintained between our correspondent, our central office, and in conversations held in Ciudad Trujillo between Teofilo and one of the directors of the magazine. It begins like this:

On September 14, 1956, Vinson received a cable dated in Ciudad Trujillo. Verbatim, it read:

"Secretary without portfolio (name deleted by the editors) called me Monday National Palace and accused sending Vision information prejudical Government. Asked who reported that, he answered that you had during visit. Not having transmitted such reports I am surprised at this slander and would be grateful for cabled explanation and send Generalissimo Trujillo informing him situation which can cause me serious difficulties, according to (name deleted by editors). Keep alert. Thanks.

"TEOFILO GUERRERO."

Days before, Vision had published a story about the case of Prof. Jesus de Galindez. Teofilo had not participated in that story, nor had even received the copy that contained it which had been stopped by the censor. As soon as we received his cable, we explained the situation. This was an unconscious error on our part which we will explain later.

A few days later we received two more cables:

"SEPTEMBER 20.

"I have article Chief Security Service stating Vision is in service international communism. Tell me if you want it cabled.

"TEOFILO GUERRERO."

"SEPTEMBER 26.

"Called to National Intelligence Service. Please take notice in case I do not cable this afternoon or tomorrow. Regards.

"TEOFILO GUERRERO."

Later we learned that Teofilo had been imprisoned and accused of being a Communist. The magazine made overtures through the Dominican Embassy in Washington; they let us know that Teofilo was a Dominican citizen and that they had proved his Communist activities.

The continuation of this story was announced in the edition of El Caribe of November 1, 1956. The newspaper said that Teofilo Guerrero had been condemned to 2 years in prison for being involved in organizing Communist cells. But before completing sentence, the same El Caribe announced on April 12 the appearance in Ciudad Trujillo of a weekly called La Semana directed by Teofilo Guerrero.

Since his post had not been covered during his absence, after he was free Teofilo continued to send us reports every time something happened in the Dominican Republic. Thus, he sent us, among others, reports to do with the arrival of Perez Jimenez, Peron, Batista, etc.

In the interim one of the editors of Vision spent a week in Ciudad Trujillo and had the opportunity of knowing Teofilo. This happened in August 1958.

We met Guerrero one very hot afternoon in the Hotel Embajador. He was a rather short man although erect, with very white teeth, his hair very short and gray. He spoke freely, a fact that we now remembered on hearing of his death. Nevertheless, he had been able to live his 33 years in the Dominican Republic. That day a homage to Trujillo was being held, a thing that nobody could forget because from 6 in the morning the radio, television, and hundreds of loudspeakers installed throughout the city did not stop announcing the celebration until 9 o'clock at night. In the bar at the Hotel Embajador Teofilo asked for a Cuba Libre.

"Can you imagine that all my life that is the only music I have heard," he began by way of introduction.

At his side there was a man who watched us attentively. We asked him if he knew him.

"No," he replied laconically. "It's possible that he is a spy."

"Aren't you afraid to speak like that?"

"Of course I am, but I have to die from something," he added.

"Why did they imprison you?"

"When ——— (name deleted by the editors) first called me he tried to make lies from the truth and to scare me. When he found out that I had sent you the first cable he understood that he had been put in an awkward situation. Unfortunately, I didn't know that until later."

"How did you get free?"

"They suggested that I write a letter to the generalissimo and also a pamphlet about him * * * you know, the formula. I said everything he wanted * * * now I am free and they pay me $200 a month so that I won't do anything.

"What are you thinking of doing?"

"Nothing, they will never give me a passport. If I don't talk, I will go on living."

It is possible that Teofilo kept on talking, it is possible that someone accused him of talking and * * * also, it is possible that Teofilo had to die from something.

I have had my own personal experiences with Trujillo's methods—from eerie after midnight calls to official Dominican intervention in my campaign for reelection.

The latest episode is a cable sent to me recently by La Voz Dominicana, Trujillo's radio station. In translation it reads:

Please inform us brand of whisky you use so we can send a good quantity to your head full of rotten apples.

Trujillo's henchmen first tried to scare me. Then they tried to bribe me. Now they are trying to insult me. Someone has his sequence reversed. It looks as if Trujillo and his boys are getting addled.

They have good reason to be worried sick. Their day of reckoning for 30 years of plunder, torture, and murder is on the horizon. Even the most vicious police state methods, backed by millions of dollars for propaganda and hush money, cannot hold back the mounting pressures on the regime.

THE TIDE TURNS

Tad Szulc, before he got kicked out of Trujilloland, reported on the growing opposition within the once formidable dictatorship.

"Perhaps for the first time since General Trujillo took power here almost 30 years ago," reports Mr. Szulc, "Dominicans are talking among themselves of the possibility of a change."

Mr. Szulc further points out:

Another factor that appears to be developing here is an indication that some of the Roman Catholic clergy in the Dominican Republic are joing the ranks of General Trujillo's opponents * * * A number of priests in the Dominican Republic have been refusing lately to include in their sermons laudatory references to the regime.

News that Trujillo's private "Murder Incorporated" is stepping up action against dissidents is seeping through tight censorship. We learn that Maj. Delio Gomez, leader in the recent unsuccessful invasion attempt to oust the little Caesar of the Caribbean, died of a "heart attack" while in prison awaiting trial. We learn that the Minister of Labor, Ramon Marrero Aristy, who apparently was plugging for a liberalization of the regime, died in his flaming car after an "accident."

Even the knowledge that Trujillo's "Murder Incorporated" does not respect frontiers has not deterred defections from the regime. Last month, Dr. Emilio Cordero Michel, First Secretary of the Dominican Delegation to the United Nations, resigned, as he himself put it, "because of the repulsive and constant violation by the Trujillo government of all fundamental principles of the universal human rights."

TRUJILLO'S AMBASSADOR DEFECTS

Later in the month, Dr. Homero Hernandez Almanzar, Dominican Ambassador to Ecuador, followed suit. I have received a letter from Dr. Hernandez that spells out the reasons which impelled him to take such a dire step. A translation of the letter follows:

QUITO, ECUADOR, *July 21, 1959.*

DEAR MR. PORTER: I have the honor to address you, prompted by the great respect and sympathy enjoyed by you in my country as well as in other countries of the American Continent, because of the courageous and responsible democratic stand adopted by you against those with governments-by-force such as the government of Rafael L. Trujillo which is a disgrace and an insult.

I want to tell you that all of the Dominican people are very grateful to you for and appreciative of the commendable campaign of denunciation and action undertaken by you against the multiple outrages and assassinations which have been committed by the most abominable of [all] tyrants in the world, the bloodthirsty despot Trujillo. That is the reason why you are not only a leader in your own country, but also in the other American nations which love freedom but which are, nevertheless, oppressed. Your vibrant voice of encouragement and stimulus is heard everywhere throughout this continent.

We Dominicans who have [perpetrated] no crimes and whose records are unblemished, admire you for your upright behavior and firmness of spirit. The Dominicans have voiced repeated comments such as: "PORTER has been an unassailable wall against Trujillo's millions."

We also know of the various controversies which you have had with our false diplomatic representatives, especially when the famous case of Jesus de Galindez was being aired in the United States.

I submitted my resignation in consequence of the latest events which occurred in my country after the 14th and 19th of June, when three courageous groups of fellow countrymen experienced in warfare, in open rebellion against the tyrant, set foot on Dominican soil to challenge and fight from our lofty mountains the wrath of the cocky and bloodthirsty satrap.

That incredible stunt provoked and irritated the old despot to such an extent as to make him lose the little control and serenity that were his, and, crazed as he was, he ordered mass massacres of the best families, people, and rural folk of the Dominican Republic, availing himself of that new development to undertake cruel political purges such as that of 1930, when by force and treachery he assailed the government then in the hands of Horacio Vazquez, who had always protected and helped him.

After that insolent exploit he dissolved all political parties, thus wresting sure victory from the national coalition, composed of the "binomial" (two-party ticket of?) Velasquez and Morales, the former represented by its leader, Lic. Federico Velasquez Hernandez, and the latter also by its leader Lic. Angel Morales, prominent and respected citizens of the (Dominican) Republic.

That lying and farcical government oppressing my country today is doomed to disappear, and when it least expects it, because the breezes of freedom are already drifting down from our virgin mountains. The patrician and honorable blood which is now being spilled in the grounds of the ancestral manor of America will not be spilled uselessly; it is our payment for future freedom.

Furthermore, the regime which is keeping my country under its yoke will be put on the stand and adjudicated in Santiago, Chile, at the Meeting of Ministers, upon careful examination of all of the principles which govern the inter-American system, inasmuch as everybody knows that the real troublemaker in America is Trujillo, with his enormous propaganda ranging from leaflets and books, distributed through the intermediary of his diplomatic representatives, to the shipment of arms manufactured in my country and purchased for other countries to stir up revolutions designed to upset the democratic governments of America, thus denying and violating all principles consecrated in the Charter of the Organization of American States.

The dictators have forgotten that the America of today has a well trained mind, and that the outdated pastoral times, propitious for dictatorship, have completely disappeared. That is the reason why all countries of this continent know what is happening in Santo Domingo, behind its Iron Curtain.

Let us look forward therefore anxiously to the decision of the Meeting of Ministers.

I take the liberty of informing you that the comments of the Ecuadorian press on my resignation have been very good and laudatory and supporting the stand taken by me. That noble and democratic country has offered me all kinds of guarantees, in spite of the fact that the cruel regime of the Trujillos knows no limits, nor frontiers, in committing its bloodthirsty crimes such as the well known case of Jesus de Galindez, Andres Requena, and Sergio Bencosme, in the United States; of the brothers Baez and Pipi Hernandez, in Cuba; the attack against the former diplomat Tancredo Martinez, in Mexico; and many others.

I assure you that this is the first time that in our country freedom breezes have been felt drifting from our mountains.

I sincerely believe that this is the beginning of the Dominican liberation, which will have strong national and international repercussions and will be sealed with the precious blood and the victory valiant and war-experienced rebels of the mountains, with the aid of the people.

With best regards,

Dr. HOMERO HERNANDEZ ALAMANZAR.

It is true that Trujillo managed to crush the rebel invasions last month. But the fires the rebels lit still burn. For the first time in almost 30 years Trujillo was challenged. The myth that all is stable, peaceful and progressive on Trujillo's plantation has exploded.

Meanwhile, the Organization of American States drove another nail in Trujillo's coffin. Many of the American Republics seated in the OAS Council have vivid memories of their own recent experiences with tyrannical governments. They remember, too, that Trujillo gave loving cooperation to his fellow despots. When Trujillo charged Venezuela and Cuba with fomenting the invasions, the OAS showed a commendable disinclination to prop up his regime.

Trujillo finds himself isolated, in disrepute in the international scene and sitting on a pressure cooker at home.

Venezuela has proposed, and the foreign ministers today start to discuss, how to measure this disrepute of Trujillo and his kind in terms of well-settled principles, then to take appropriate action to encourage the effective exercise of representative democracy.

CONGRATULATIONS TO VENEZUELA

I congratulate Venezuela and I earnestly hope that the hemisphere's foreign ministers in Santiago de Chile will meet this great challenge to put a moral backbone into the Organization of American States. There are many ways for collective action to promote these ideals without using force and violating well-settled doctrines of nonintervention.

The end of the era of Trujillo is at hand whatever the OAS may do in Santiago de Chile, but here is a marvelous opportunity for the OAS, thanks to Venezuelan initiative, faith, and foresight. Here is an opportunity to hasten Trujillo's collapse and to see rising out of his ashes, Phoenix-like, a dynamic hemispheric partnership for democracy, complete with individual liberties and better living conditions for millions of people.

HIGHWAY CONSTRUCTION

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania [Mr. CLARK] is recognized for 45 minutes.

Mr. CLARK. Mr. Speaker, I have introduced H.R. 8512, which would enable the highway program to continue on an even keel for fiscal years 1961, 1962, 1963, and 1964. The present status of the highway program is a precarious one and since millions of dollars have been invested in this program by State highway people, private contractors and their associates, I believe every effort should be made to continue this program. Within the last 2 weeks some 25 States have had to shut down their highway programs completely. This is an intolerable situation. A large segment of the economy of the country will be affected if there is a slowdown in the program.

Further, a firm commitment I believe was made to the States when Congress passed the 1956 Highway Act setting up a long range construction program. I believe there is a moral obligation on the part of the Congress to see that the program is continued. My bill, H.R. 8512, would allocate 5 percent of the Korean excise tax to the highway trust fund for fiscal years 1961, 1962, 1963, and 1964 and, in addition would continue for the same fiscal period the 8-percent tax on parts and accessories and allocate these funds to the highway trust fund for the same period. This allocation would take care of the existing deficit anticipated for fiscal years 1961, 1962, 1963, and 1964. The bill will solve the emergency situation now existing in the highway program and allow the program to continue until the Congress could have the benefit of two tremendously important reports to be received from the Bureau of Public Roads in January 1961. These are the new estimates of cost for completing the system and the cost allocation study. Both of these reports will be before the Congress in January 1961.

I believe that the highway construction program can proceed substantially on schedule without undue delay by raising needed revenues from sources other than an increased tax burden on highway users. Also Congress must keep in mind the fact that substantial amounts of matching funds must be raised by the States through special highway user taxes. The States must match the regular Federal-aid program on a 50–50 basis and provide 10 percent of the funds for the interstate program. We should not encroach on the only source of revenue left to the States to meet their obligations. A bill which I have introduced, H.R. 8512, which is now before the Ways and Means Committee takes care of this situation in the most practical manner possible. It leaves the use of gasoline tax for revenue to the States and earmarks instead additional excise taxes (which have been imposed on "highway users") to the trust fund.

The proposal of the administration that either the highway users be saddled with additional taxes or the highway program be cut back or possibly suspended is unfair. It overlooks completely the history of the Federal-aid highway legislation and the fact that the highway users are still paying more than $1½ billion per year into the general fund from levies on new automobiles, trucks, buses, and trailers, parts and accessories, and lubricating oil, over and above the special taxes earmarked for the highway trust fund.

At the time that the Federal-Aid Highway Act of 1956 was adopted the Federal Government was collecting from highway users, through taxes on gasoline, diesel, and other special fuels, new vehicles, tires, tubes, lubricating oil, and

parts and accessories, almost $3 billion per year, and was spending on highways less than $1 billion per year, thus the highway users were paying into the general fund approximately $2 billion per year more than was being authorized for highways.

Despite these facts and, in response to the administration's arguments that it could not afford to spend any more on highways than was already being devoted to highways from taxes then in effect, the Congress increased the taxes on fuel, tires and tubes and new trucks, buses and trailers. In addition, it levied new taxes on tread rubber (used in recapping tires) and on trucks weighing more than 26,000 pounds. A highway trust fund was created for which these new taxes and part of the automotive taxes already in effect were earmarked. This action still left revenues from taxes on highway users amounting to more than $1½ billion per year flowing into the general fund.

Even this was not enough, however. Under the Federal-aid program there is a time lag between the authorization of funds for highways and the appropriation of money to pay for expenditures made in connection with the authorizations. Thus at the time of adoption of the 1956 act there was outstanding $1,958 billion in Federal highway funds authorized by the 1954 and prior Federal-aid highway acts, for which funds had not been appropriated. These authorizations were made liabilities of the highway trust fund thus relieving the general fund of obligations for them and saddling them upon the trust fund. While this transfer of the liability for highway expenditures already authorized from the general fund to the trust fund would not have made a great deal of difference over the life of the program under the construction and financing provisions of the House bills. This action made quite a difference over the short term especially in view of the Byrd amendment.

The trust fund as originally conceived contemplated a balanced program over a stated number of years with trust fund surpluses in the early years to be made up in the middle years by advances from the general fund. The pay-as-you-go principle adopted in the final legislation changed this to a one way concept with trust fund surpluses available for loan to the general fund but with the trust fund unable to borrow from the general fund.

Because the new and increased taxes brought revenues into the highway trust fund at a faster rate than expenditures, and because the previously authorized funds were made obligations of the trust fund, the Federal budget, and debt situation were eased during the fiscal years 1957, 1958, and 1959. In fiscal 1957, for example, the highway trust fund had revenues of $1.482 billion and expenditures of $966 million. The general fund, of course, had no expenditures for the Federal-aid highways. Thus, the general fund was able to borrow from the trust fund making it unnecessary to go to the public for this amount in needed funds. In fiscal 1958 trust fund income rose to $2.1 billion and expenditures also rose to $1.6 million. The trust fund balance at the close of fiscal 1958 was $1.048 billion, which was loaned to the general fund. In fiscal 1959, ended June 30, 1959, trust fund income was $2.185 billion while expenditures increased to $2.709. This cut into the surplus accumulated in the first 2 years and left the fund with a balance of only $524 million which was loaned to the general fund.

It is now anticipated that expenditures in fiscal 1960, the current year, will exceed income by about $1 billion wiping out the balance and creating a deficit of about $500 million by the close of fiscal 1960. Thus, after about 3½ years of surpluses, which were loaned to the general fund, the trust fund will need additional money.

The administration proposes to raise this money by increasing taxes on highway users who are already paying the entire cost of the highway program and in addition are contributing substantial sums to the general fund through special Federal taxes, or to reduce expenditures by cutting back on the construction program. It contends that the transfer of even part of the revenues from special taxes now paid by the users which go into the general fund—10 percent tax on new automobiles, 5 percent of the tax on new trucks, buses, and trailers, the 8-percent tax on parts and accessories and the 6-cents-per-gallon tax on lubricating oil—to the trust fund where it properly belongs, will throw the Federal budget out of balance.

Some arguments have been advanced that these nondedicated taxes are not really user taxes. The fact that these taxes do not go into the highway trust fund does not mean that they are not highway user taxes. If they are general taxes, to be used for general Federal Government expenditures, then it seems reasonable to expect that similar taxes should exist on other forms of transportation. For example, while highway transportation is paying special taxes on vehicles, parts, and accessories there are no similar taxes on other forms of transport. The obvious answer to this, of course, is that these are not general taxes, they are special taxes on highway users.

This means that the administration is looking to the Nation's highway users to pay the entire cost of the highway program through special taxes and through the same taxes to keep the Federal budget in balance. The inequity of this hardly needs discussion.

The transfer to the highway trust fund of one-half of the present 10-percent tax on automobiles, together with the 8-percent tax on parts and accessories would solve the current financing problem and would also permit the highway program to proceed as originally scheduled. Thus the urgent need to keep the highway program so essential to the Nation's welfare progressing without serious interruption would be met without additional taxes. All that need be done is to follow the principles of simple justice and equity and give the highway user a better return on his tax dollar than he is getting at the present time.

Mr. Speaker, I wish to include the following table as a part of my remarks:

Estimated revenue that would be available under H.R. 8512 (Congressman Clark) earmarking the following taxes for trust fund

[In millions]

Fiscal year	5 percent automobile excise tax (1)	8 percent parts and accessories tax (2)	Estimated total revenue (3)	Anticipated deficit in trust fund (4)
1960	----------	----------	----------	[1] $490
1961	$670	$175	$845	715
1962	690	180	890	717
1963	715	185	900	779
1964	735	190	925	744
Total	2,810	730	3,540	3,445

[1] Can be taken care of by supplemental appropriation from general fund.

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

Mr. CLARK. I yield to the gentleman from Michigan.

Mr. KNOX. I am very much aware of the gentleman's concern relative to the highway program. The financing aspects of the highway program is under consideration by the Committee on Ways and Means. I would inform the gentleman from Pennsylvania that I introduced legislation last January providing for the earmarking of additional highway user funds for the Highway Trust Fund. I submitted my proposal as an alternative to the proposed gas tax increase for study and consideration. Since introducing this measure I have voted for economy measures more than sufficient to offset any revenue loss to the general funds that would result from the additional earmarking. However, because economy has not prevailed existing circumstances will preclude the Treasury from loss of the $600 million, that would have to come out of the general fund to be transferred to the trust fund. Is that not true?

Mr. CLARK. Under the bill I am talking about, 8512?

Mr. KNOX. That is correct.

Mr. CLARK. No, that is not correct. The anticipated deficit for the 1961 program under 8512 would be $715 million.

Mr. KNOX. Yes, I understand the gentleman in that regard; however, it would cause a transfer of some $600 million out of the general fund of the Treasury to the highway trust fund, which would leave a deficit in the general fund of the Treasury.

Mr. CLARK. The deficit, of course, would not occur in the total revenue under my bill if it were enacted.

Mr. KNOX. Is the gentleman speaking in regard to the deficit in the trust fund?

Mr. CLARK. Yes, I am speaking with reference to the trust fund.

Mr. KNOX. I understand that would be true because you have to transfer $600 million from the general fund to the trust fund, which, of course, then would tend to improve the solvency of the trust fund and it would produce about $1,500 million to $1,800 million a year for reallocation to the States. That is about the amount that would come under the provisions of the gentleman's

bill. However, I do think that the Congress should be aware of the fact that it would take some $600 million from the general funds if your legislation should be enacted into law. This would cause a deficit in the general fund of the Treasury of about $600 million—and I would point out that it is the general fund that is the source of financing for national security, many of our farm programs, and other necessary programs.

Mr. CLARK. I agree with the gentleman that some of this tax money that my bill proposes is actually going into the general fund at this time. I agree with the gentleman on that.

Mr. KNOX. That is correct. Of course, I introduced this legislation also to have an alternative that we could have under consideration by the committee when the problem came up. We had the contents of the gentleman's bill before the committee this morning.

Of course, there was no favorable report. However, that is not to say that something will not be worked out, because I believe there will be. I believe it is essential that the highway trust fund should be reimbursed through some new tax or transfers of funds in order that the highway program can proceed as it was intended by the Congress within the framework of a fiscally responsible solution.

As an example of such a solution that I supported I would cite a motion made by my distinguished colleague and ranking Republican member of the Committee on Ways and Means, Mr. SIMPSON, of Pennsylvania. Mr. SIMPSON issued a statement covering his motion and in view of my support of that motion I would include his statement as a part of my remarks. Before doing so, however, I would point out that I have voted for every feasible proposal that contained any promise of keeping the program going on a realistic basis.

The text of Mr. SIMPSON's statement follows:

Mr. Chairman, I have asked to be recognized so that I could place a motion before the committee and make a brief statement with respect to that motion.

I move that the Federal excise tax on motor fuels be increased by 1½ cents per gallon effective September 1, 1959, for the balance of fiscal year 1960 (10 months); and that, effective July 1, 1960, through June 30, 1964, the increase be reduced to 1 cent per gallon. I include as a part of my motion the amendment offered yesterday pertaining to the provisions of H.R. 5751 redefining "producers" of gasoline to include wholesale distributors.

My motion includes fiscal year 1964 to preserve the integrity of the so-called Byrd amendment and still permit apportionments to be made in 1963. We all realize that the Congress will in 1961 reexamine highway financing in the light of the cost allocation study that is due from the Bureau of Public Roads by January 1961 with the result that we can adjust the tax increase if it is feasible to do so.

The effect of the rate increases proposed in my amendment would make the total Federal tax 4½ cents per gallon for the balance of fiscal year 1960, and for fiscal years 1961, 1962, 1963, and 1964, it would be 4 cents per gallon.

The additional revenue from these rate increases would be a cumulative total of $3 billion in annually increasing amounts ranging from $574 million in fiscal year 1960 to $630 million in fiscal year 1964. This would make apportionments possible as follows: In fiscal year 1960, $1.8 billion, and in fiscal year 1961 through fiscal year 1963, $2 billion in each of those years for the Interstate System.

Mr. Chairman, I think the committee membership is aware of my personal convictions in regard to this subject. I do not want to see additional taxes imposed on the American motorist; similarly I refuse to vote for deficit financing or for any expedient that involves deficit financing either directly or indirectly. I would personally prefer that the authorization side of this highway program, which is not within the jurisdiction of this committee but is within the jurisdiction of the Public Works Committee, be recast so as to place less emphasis on Federal participation and greater emphasis on State participation. From the standpoint of road construction in Pennsylvania I am convinced my constituents would be better off paying for their own roads without having their highway taxes diverted to the Federal Government and then allocated, in part, back to the State.

I am very greatly concerned that what started out to be a $25 billion interstate program in 1956 and is now, in 1959, a $36 billion program without any commensurate increase in highway mileage, may by 1964 be a $45 or $50 billion program. If the Committee on Ways and Means is called on to recommend more taxes to pay for this program, then surely the Public Works Committee and the Bureau of Public Roads are called on to make sure that the highway program is soundly conceived and is administered to provide maximum highway mileage for the minimum tax dollar.

As I have participated in the public hearings and in the executive sessions held by our committee on this subject, I have come to the conclusion that the Congress will decide to continue the highway construction program without any substantial curtailment. Under such circumstances it is essential that we have the necessary tax revenues.

In large measure our present short-term difficulties can be attributed to the speedup in construction that was voted last year. Of the present sitting membership of the Committee on Ways and Means—87 percent of the Democratic members voted in favor of the speedup and not one Democratic member voted against it; only 40 percent of the Republican membership voted in favor of the speedup. I voted against the speedup because of my concern over the effect it would have on the program. I could with consistency as an individual Member oppose added financing at the present time. However, we must deal with the facts as they are. The facts are that the Congress voted to speed up the program and as a result the highway trust fund is in difficulty.

If we refuse to provide additional funds in some responsible way, a moratorium in Federal participaton in highway development will occur, but there will be no moratorium in the highway user taxes we have already enacted. The people will currently be taxed for highways that are not currently being built.

No satisfactory alternative proposal has been developed during our committee's long deliberations on this subject. The proposal to authorize the issuance of highway bonds bearing a 5 percent rate of interest is inconsistent with the Congress' previous decision to pay as we build; it is inconsistent with the committee's refusal to date to authorize an increase in the 3.26 percent yield on savings bonds. The highway bond proposal is objectionable on several other grounds. These bonds would compete with other obligations of the Federal Government and would have the effect of making public debt management both more difficult and more costly. The interest cost of the bonds would absorb funds that should be available for the construction of highways. Expenditures under a bond scheme would have the same inflationary effect as deficit financing. The bonds would compete for the savings that now supply the funds to finance home building, State and local government expenditures, and corporate expenditures for new plant and equipment. The bond plan would add further pressures in the already congested short-term bond market. The plan would establish a dangerous precedent. I would simply ask my colleagues on the committee—will we also resort to bond issues to make up the $11 or $12 billion deficit inherent in the program to its completion date in the 1970's? Our country stands as the richest nation in the world and yet we would impose a tax tomorrow for highways we propose to build today.

A second proposal to meet this financing problem calling for a diversion of general fund revenues to the highway trust fund is not acceptable unless the committee stands willing to make up the resulting budgetary deficit by raising revenues from some other source. If by reducing the revenues available for the general purposes of Government we were committing ourselves to reduce the general level of expenditures, I believe we could all support such a proposal. Regrettably, the prospects for demands on the general funds are in the opposite direction—the pressures are for expenditure increases. Built-in expenditure increases to carry out commitments already made and pressures for expansion in these and other programs do not bode well for a reduction in spending in the years ahead. An expansion in the earmarking principle creates problems for sound fiscal policy over the years. Highways are admittedly important, but there is no sound reason for giving them a prior claim on future general fund revenues in preference to defense, natural resources, medical research, and similar other activities of the Government. Instead of additional earmarking, we should preserve for future decision the allocation of general fund revenues on the basis of the priorities determined at that time by the Congress for all Government programs.

The proposal for additional earmarking presumes that the Treasury will be able to forgo the earmarked receipts in meeting the demands placed on the general funds. The committee will recall the statement the Director of the Budget made before the committee as to the growing revenue needs of the Federal Government. More than $7 billion will be required after fiscal year 1960 to complete Federal civilian public works projects that have already been started; commitments will be outstanding at the end of fiscal year 1960 for more than $3 billion of loan and grant assistance to communities for capital improvements, the annual cost of military retirement benefits, at present benefit rates, will be $1.3 billion higher by 1970 than currently; expenditures for veterans' pensions in 10 years will exceed current amounts by $600 million. We have in the years ahead of us the prospect of increasing revenue demands for space exploration, civilian airways, and national security as defense weapons become more complex.

I do not mean to lecture my committee colleagues on fiscal responsibility. During the period I have been privileged to serve on this committee under the chairmanship of Mr. Doughton, Mr. Knutson, Mr. Reed, Mr. Cooper, and our present distinguished chairman, Mr. MILLS, I have consistently been proud of my committee colleagues in the way in which they have responsibly met the issues of the day. We have in my judgment shown our House colleagues the way; they have not always followed us, but I believe in the long run, subsequent events have proved the wisdom of what we advocated.

And so it is today in dealing with this highway program. If it is the decision of the Congress to maintain the program at anything resembling its present construction rate, we have a responsibility to our colleagues in the House and to the American people to responsibly show the way to proper financing.

I have not in the past supported the proposals that have been made for augmented financing because they involved a resort to deficit financing, a suspension of the Byrd amendment, or the issuance of bonds. I am convinced that these expedients do not represent realistic solutions. And so today I have presented to the committee for the first time a motion that contemplates fiscal responsibility, that avoids, even impliedly, the suspension of the Byrd amendment, and that requires only a very modest decrease in the rate of highway construction. I would even suggest that within the revenue limits that my proposal would contemplate the Public Works Committee by appropriate adjustments in the ABC program could provide for the Interstate program to be developed without curtailment.

I do not like increased taxes, but even more, I do not like deficit financing. If we are going to have highways and pay for those highways as they are being built, my proposal is a possible technique for getting the job done.

Mr. CLARK. I thank the gentleman very much.

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

Mr. CLARK. I yield to the gentleman from Iowa.

Mr. WOLF. I want to congratulate the gentleman for his discussion of this subject which is so vital to America. Certainly it is a major consideration to many people in my district and many districts of the country. I have several factories at Cedar Rapids today that have major unemployment as the result of this slowdown in the highway program. I was interested the other day in that I had a member of the Bureau of Public Roads come to my office, and in the discussion it came out that the administration had asked for $25 billion in 1956, now we are told the road program will cost $36 billion. That was an election year. If the administration had suggested $36 billion they would also have had to recommend a tax increase which is never a popular thing, especially in an election year. I was also interested in the discussion with the Bureau of Public Roads that we were raising from excise and gas taxes about $3.6 billion a year, from vehicles and parts of vehicles and so on, and that actually only about $2.4 billion of this is going into the road-building program. It appears that this would be a good place to begin looking for funds for this program, and I congratulate the gentleman for his thinking on this particular subject.

Mr. CLARK. I thank the gentleman very much for his remarks.

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

Mr. CLARK. I yield.

Mr. KNOX. I am rather amazed at the remarks of my colleague who just spoke. Every consideration, as far as making funds available are concerned, had bipartisan support in the committee. Of course, if you want to make this a political issue, then, of course, I think we better put the monkey where he belongs, because as far as the minority, the Republicans, are concerned, they do not have sufficient votes to pass legislation through this Congress without some help from the majority party. And, I regret very much that the gentleman wants to make it a political issue. It is not a political issue so far as I am concerned I am interested in the construction of highways. I am interested also in financing the highways on a pay-as-you-go basis. If you are going to take funds from the general fund of the Treasury, then you are not paying as you go and you are going to increase the national debt by that amount. Now, if you want to increase the national debt, then you have the votes to do it. I am of the opinion that we better live up to our responsibility and have the moral and political courage to levy the necessary taxes for any extended program or any new programs and not continue to saddle our children and our grandchildren with debts that we have created up to date.

Mr. WOLF. Mr. Speaker, if the gentleman will yield further, I would like to say that the point I was making was that in 1956, which is only 3 years ago, the administration asked for $25 billion and said this would take care of the program. Three years later they are coming back and saying it will take $36 billion. I am saying it was shortsighted, and I am wondering how they can explain this discrepancy. I am worrying about my kids, too, for I have some of my own, and what they will be paying on the national debt. I also hope that we will have roads to travel on.

Mr. KNOX. Of course, that is the responsibility of the Congress. Congress enacted the speedup last year that created the present difficulty. If the Congress does not act in the field of highway legislation, of course, then we will not build any highways. If we are going to have deficit financing, let us face up to it and inform the people of this Nation that we are increasing the national debt and say that we do not have the moral courage to raise the necessary taxes to meet the obligations which the Congress created when we had the speedup of the highway program. If we had not had the speedup, we would not be in this condition. In speaking of the $25 billion program previously announced, that is true, but the estimated cost today is $36 billion in order to complete it. That may go up to $50 billion before the highway program is actually completed.

Mr. WOLF. I would like to ask either of the gentlemen who have been involved in this colloquy here if it is possible that a 40-percent error was made in judgment only.

Mr. KNOX. I was not on the Committee on Ways and Means at the time. I have no knowledge of how it was arrived at. But I do have confidence in the membership of the Committee on Ways and Means, which was under the control of your party at that time. They believed that they were doing a job in the best interests of the Nation and that they had sufficient funds, according to the information they had, to do a responsible job. There were many uncertainties connected with the original estimates and they were recognized at that time. I might point out to the gentleman that last year when Congress enacted the speedup, the Congress was informed then of the financial plight of the trust fund and what the acceleration would do to add to the problems.

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

Mr. CLARK. I yield.

Mr. WOLF. I would also like to ask, Is it not true that the Bureau of Roads is doing a study and analysis right now, and will bring in legislative recommendations within the next year and a half?

Mr. KNOX. That is true. A cost allocation study is being made that is due in January 1961.

Mr. WOLF. And would it not be possible to have a short-term money program here to keep the road program rolling at full speed until we find out what their recommendations will be?

Mr. KNOX. Let me say to the gentleman that is true. That is what the Committee on Ways and Means is attempting to do at the present time. We are seeking to find some method on which the committee can agree, to recommend to the Congress to take us over this period between allocations of 1961 and 1962. That is where we are in trouble. We are not in trouble immediately, as far as 1959 and 1960 are concerned because those allocations have been made. But in order to keep the program going it is necessary now, in 1959, that they allocate for 1961; and in 1960 the calendar year they would allocate for 1962.

Mr. WOLF. I think we are in trouble right now. I just got a telegram today that 800 people in one factory in my district were laid off. I think we are worried about it right now. They were laid off because nobody is buying the road machinery that they make. If this is true in the road machinery industry, I am sure it is true across the board in the road building industry. I am not one of those who advocates an increase in the gas tax, and I hope others feel this way. These short-term programs of tax increases in the gas tax suddenly become regular things and I have seen very few of these taxes eliminated once they are imposed. I am glad to see other alternatives being proposed.

Mr. KNOX. May I say to the gentleman that I am just as allergic to taxes as he is.

Mr. CLARK. I thank both the gentlemen for adding to this discussion.

Mr. GREEN of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. CLARK. I yield.

Mr. GREEN of Pennsylvania. I take this opportunity to compliment my distinguished colleague from Pennsylvania on the excellent address he has made.

I feel very strongly that Congress this year should certainly do something to continue the highway construction program that is so badly needed not only by the States but in the interest of the national defense of the country.

Mr. CLARK. I thank the gentleman so much. I took this opportunity to address the House this evening because the need is very urgent that something be done and done immediately to take

care of our highway construction program that was started in 1956.

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

Mr. CLARK. I yield to the gentleman.

Mr. WOLF. I am glad the gentleman took the floor and I am glad to have the gentleman bring to the attention of the House the Interstate Road crisis. He is speaking in behalf of many worried people who have lost their incomes. We should continue this study in the interest of the national defense system, and until we are happily back to full speed on our very vital road program.

Mr. CLARK. I thank the gentleman from Iowa.

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

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

Mr. LIBONATI. Mr. Speaker, I am very proud of the gentleman for having brought this issue to the floor at this time because it is a situation that is very vital to the States, for they have expanded their road programs. It is vital also to small contractors who have expanded their business and purchased equipment. They are now facing bankruptcy because of the forced retirement of funds from State matching with the Government abandoning its matching funds.

This has caused quite a controversy in Illinois. A delegation of State officials came here yesterday, including the speaker of the house and the whip of the House of the Illinois Legislature, to ask that something be done. The question of the employment of thousands is involved in this suspension of the road program. The problem is acute and the results to the State systems which have acted in compliance with legislation passed by the Congress lead the States to plan a large program on top of the present State program. So under the circumstances something must be worked out by this Congress in the near future; otherwise, the repercussions will be very serious in the various States, particularly those States which have advanced their programs in accordance with the stimulation that was given those States by the passage of legislation by this Congress. Again I congratulate the gentleman for his development of the subject.

Mr. CLARK. I thank the gentleman.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. CLARK. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Mr. Speaker, I join in congratulating the gentleman upon his effort to find some solution for the problem which is nationwide, and especially concerns our people of Michigan.

We have many highways under construction, many contracts which have just been let, but one difficulty up there is that every time a contract is let almost immediately there is a strike on for an increase of wages and the companies that supply the materials to build the highway boost their prices, so you get fewer miles for the same amount of money almost every month you go along with it.

I do not know whether when we let a contract it would be possible to write into the contract a clause limiting wages and the cost of materials.

Then, my mail is loaded down with protests against any tax on gasoline or any other tax. If the gentleman can find a way to build highways that will not cost the Government anything it would be a great relief to all of us, but I do not think that is possible and I know the gentleman is not going to undertake a solution or try to find an answer along that line.

Mr. CLARK. I thank the gentleman from Michigan. I will say that there is more than meets the eye as far as the labor issue is concerned and rising material costs. Those are but two of the many problems that arise when it comes to highway construction on the billion-dollar level that we have going on all over the United States.

But I want to be and to go on record against any gasoline tax at the Federal level. For one reason, every State in the union will have to meet matching money from the Federal level and the only way the States can do it will be by getting an increase in the State gasoline tax. So at this time I want to go on record as saying I am certainly hopeful something can come out of the Ways and Means Committee in the next few days that will give us a program, whether it is my bill, H.R. 8512, or a bill introduced by some other Member. I do not care about that, but I want them to know that a gas tax at the Federal level is not the answer. We certainly need that gas tax in the different States so that they can raise tax money with which to match the funds from the Federal Government.

Mr. GREEN of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. CLARK. I yield to the gentleman from Pennsylvania.

Mr. GREEN of Pennsylvania. As a member of the Committee on Ways and Means, I want to say to my colleague from Pennsylvania that the committee has been working hard and long to come up with a solution to this problem. We have had a great number of suggestions made. The committee reported about a week ago a solution it felt was effective for the problem, but it did not meet with the approval of the administration or the Treasury Department. We will continue to see if we can do our part to solve this problem. I want to say to the gentleman my own position in the committee has been against any increase in the gasoline tax and I hope that I can continue to support my own position in the committee on that.

Mr. CLARK. I thank the gentleman.

Mr. WOLF. Mr. Speaker, will the gentleman yield for me to ask a question of the gentleman from Pennsylvania [Mr. GREEN]?

Mr. CLARK. I yield to the gentleman from Iowa.

Mr. WOLF. I am curious to know if the gentleman could enlighten us on some of the suggestions that were made in committee and some that might have public consumption at this time?

Mr. GREEN of Pennsylvania. With the committee in executive session I do not know that I could tell the gentleman exactly what has happened. Since I am a new member of the committee I do not want to violate any rules. However, a week or 10 days ago the committee agreed on a solution that would not affect the national debt but would raise a billion dollars on a bond issue and take part of the funds that are collected in the form on excise taxes on automobile parts and apply them to highway construction. The Public Works Committee met and I am not familiar with what happened there except I know that it did not meet with the approval of either the administration or the Treasury Department. We have had many votes in the committee, most of which have contained a tax on gasoline. We have not come up with a solution yet.

Mr. WOLF. I am happy to have the statement and I hope you will keep going until you have a solution to this problem.

THE DECLINING HOG MARKET

Mr. ANDERSEN of Minnesota. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes, to revise and extend my remarks, and include copy of a bill which I have today introduced.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ANDERSEN of Minnesota. Mr. Speaker, I have so often criticized the present Secretary of Agriculture for his evident lack of enthusiasm for programs to support farm commodity prices that it seems appropriate for me to commend him on those occasions in which he gives some indication of an understanding of our farm problems in the Midwest.

On August 3 the Secretary had a press conference and the Department handed out a release on the subject of the declining hog market. Some of our colleagues from the cities may be surprised to know that we do have a severe slump in hog prices because, as brought out in that press conference, the retail and even the wholesale markets have not reflected that down-turn. Once more, the statistics of our farm and food economy show that the farmer-producer is taking the beating and the consumer is not enjoying any of the benefits.

One of the outstanding newspaper correspondents from the Midwest, Mr. Charles Bailey, who has an unusual understanding of these complex factors, brought up some very pertinent questions at that press conference. After reading the Department's release about the steps that had been taken and additional moves under consideration, Mr. Bailey asked the Secretary the question that I and my farmers have been asking for years. He wanted to know why pork marketing margins had gone up almost double in the last year while hog prices dropped one-third.

Mr. Bailey quotes the Secretary as criticizing processors, wholesalers, and other middlemen for increasing their marketing margins in the face of falling hog prices. In response to Mr. Bailey's question, the Secretary said he believed "there is little justification" in this trend during a period of heavier supplies. I

commend the Secretary for coming this far, but I would suggest to him that there is absolutely no justification for increased marketing margins on pork while our farmers suffer the economic pinch of falling hog prices.

Although I maintain that there is no moral or economic reason why our Midwest farmers should have to sell their hogs at these depressed prices, I still say that if we in rural America must make the sacrifice we should see to it that the consuming public at least finds some of the trend reflected in retailed prices. Like Mr. Bailey, I find it difficult to understand how men with conscience can pay farmers one-third less for their hogs and at the same time increase the spread between the live hog prices and the wholesale price almost 100 percent between July 26, 1958, and July 25, 1959. One dollar pork chops in Washington grocery stores have very little price relationship to $14 hogs in St. Paul and it is high time the public knew that.

On August 3 the Secretary of Agriculture announced an export program on lard, and that may be a practical move. As any hog producer knows, the price and supply of lard have a major effect on hog prices and I commend the Secretary for his recognition of that factor. However, I must point out that this action alone may not be of direct benefit to producers and if it encourages the marketing of overweight hogs it could have a long-range adverse effect.

The Secretary also called upon hog producers to help maintain an orderly marketing of hogs and urged farmers to bring their hogs to market as soon as they reach a profitable weight rather than fattening animals to heavier weights. This, Mr. Speaker, is a critical problem in our hog marketing process. As I said earlier, the price and supply of lard largely control the whole hog market. In addition, an oversupply of cheap feed such as we have today under the Benson program of lower price supports encourages farmers to feed hogs beyond their best market weights in an effort to get something out of their cheap corn. This, as I said, is a critical problem that has been with us for many years and we should do something about it. Everybody from the producer to the consumer suffers when too many overweight hogs are brought to market.

Something can be done about this, Mr. Speaker. In the 85th Congress I introduced a bill, H.R. 10420, to authorize incentive payments for the marketing of lightweight hogs. I am again introducing my bill to provide the means for accomplishing this desirable objective.

To our colleagues from the cities who are interested in high-quality pork at reasonable prices for their consumers I say that here is a means of bringing that about. To our colleagues from the hog-producing areas of our Nation I say that here is a way to prevent the bottom falling out of the hog market. To our colleagues from the range areas I say that here is an opportunity to halt the decline in hog prices which will surely lead to a similar decline in cattle prices if unchecked. And to the Secretary of Agriculture who properly said that lightweight hogs must be brought to market I say that here, Mr. Secretary, is the authority for a program that will help do the job. I hope that the Congress and the administration will see the wisdom of some such action as I here propose. If so, I urgently recommend consideration of appropriate legislation before we adjourn.

One final word, Mr. Speaker. I note from Mr. Bailey's timely story that the Secretary is ready to step into the market and buy pork for the school lunch program in the event such action is necessary to strengthen the hog market. As Mr. Bailey has so aptly said, there is serious cause for question and concern when the middlemen increase their margins at the same time farmers are receiving less and less for their hogs. I hope the Secretary does more than look into this question, as he has publicly promised. I hope that he brings to the attention of the American people the whole story and then takes the steps he legally can to meet the challenge. If it becomes necessary for him to launch a pork buying program as it very likely will, I believe we are within our rights to insist that the benefits of such purchases out of agricultural funds go to producers and not to the processors. The only justification for a pork purchase program on the part of the U.S. Department of Agriculture would be to help farmers get a better price for their hogs, and the purchase program should be designed to serve that purpose.

Properly administered, I know a purchase program can be helpful to producers.

However, the timing of action by the Department of Agriculture is equally as important as the action itself. Experience has shown that it is both costly and difficult to raise a market by Government intervention once it has hit the bottom. We know that almost without exception the entrance of the Government into a depressed market is, at best, a holding action and it takes a lot of time and a lot of money to move the market back up. That is why the timing is of such vital importance and if the Secretary is going to get into the market at all he should do so before it reaches the disaster level.

With a current market of less than $14 for top hogs, the price has fallen dangerously near to 60 percent of parity. Only seven commodities in the entire price index maintained by the U.S. Department of Agriculture are in that category and I do not believe that the Secretary, armed as he is with the powers and funds to act, should stand by and permit a major commodity such as hogs to fall to that disaster level. A hog market collapse can and must be prevented.

Because I personally believe the time has come for action, I have today called upon Under Secretary True Morse to initiate a pork purchase program in behalf of the school-lunch program. I have pointed out to him how much this depressed market is costing our farmers, and I have also reminded him how costly it would be to the Government to go into a hog market below 60 percent of parity and try to restore it to a decent level. The Department is aware of the urgent need in our school-lunch program for meat for our children's lunches at the opening of school terms in the next few weeks, and it would be to the advantage of everyone concerned to move into the market before it falls any lower.

In accordance with the clearly expressed intent of the Congress and in fairness to farm people all over the Nation, pork purchases should be initiated now. I trust the Secretary will not wait until the market has hit the bottom before he steps in with his vast powers, and when he does go into the market I expect him to vigorously and aggressively move to restore the hog market to a fair level. Fortunately, we have already provided him the authority and the funds to do the job.

Under leave to extend my remarks, Mr. Speaker, I am including in the RECORD at this point the provisions of the bill I have just introduced to provide for incentive payments for the marketing of lightweight hogs.

A BILL TO PROVIDE FOR INCENTIVE PAYMENTS FOR THE MARKETING OF LIGHTWEIGHT HOGS

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to assure the orderly marketing of an adequate national supply of hogs and pork products, to encourage the increased domestic consumption of pork and pork products, to maintain the productive capacity of our hog-farming industry, and to avoid the feeding of hogs to less desirable weights, the Secretary of Agriculture is authorized and directed, whenever he finds (1) that the annual pig crop for any year will exceed the average pig crop for the ten preceding years; or (2) that the national average price received by farmers for hogs is less than ninety per centum of the parity price therefor, to make incentive payments to hog producers to encourage the marketing of hogs for slaughter at live weights of two hundred pounds or less.

SEC. 2. The amounts of incentive payments under this Act shall be established by the Secretary at such level, not less than one dollar or more than three dollars per hundredweight, as he determines is necessary to carry out the purposes of this Act except that (1) whenever the national average price received by farmers for hogs in any month is less than eighty-five per centum of the parity price for hogs, the incentive payment for such month shall not be less than two dollars per hundredweight, and (2) whenever such average price for any month is less than eighty per centum of such parity price, the incentive payment for such month shall be three dollars per hundredweight. The Secretary of Agriculture is authorized and directed to establish grades of live hogs and to deny payments for live hogs of inferior quality. No producer shall be eligible to receive incentive payments under this Act totaling in excess of one thousand dollars in any calendar year.

SEC. 3. The Secretary is authorized to use any funds of the Commodity Credit Corporation, and any funds appropriated by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774; 7 U.S.C. 612c), as amended, in making payments provided by this Act: *Provided, however,* That no payment under this section shall be made in excess of ninety per centum of parity.

SEC. 4. Every purchaser of hogs for slaughter shall supply to the producer of such hogs a ticket, in such form as may be prescribed by the Secretary, showing the number of hogs sold in weight classes of two hundred pounds or less and the total weight of the hogs so sold. Such producer shall make application for the payment of incentive benefits under this Act by filing the

ticket received by him from the buyer with the county committee for his county appointed under section 8(b) of the Soil Conservation and Domestic Allotment Act.

SEC. 5. Payments shall not be made under this Act after December 31, 1965.

U.S. FOREIGN SERVICE

Mr. LAFORE. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. BENTLEY] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. BENTLEY. Mr. Speaker, in view of the recent and continued interest expressed by Members of the House regarding the sources and geographical locations from which officers of the U.S. Foreign Service are drawn, I felt it would be helpful from this point to read into the RECORD a copy of a letter dated August 5, 1959, and sent to me by Mr. Loy W. Henderson, Deputy Under Secretary of State for Administration. I believe that Mr. Henderson's remarks in this connection will prove of interest to those many Members of Congress and to people who, like myself, are deeply interested in the quality of our official diplomatic service and anxious to see it as broadly representative of the American people as possible.

Mr. Henderson's letter is as follows:

WASHINGTON, *August 5, 1959.*

The Honorable ALVIN M. BENTLEY,
House of Representatives.

DEAR MR. BENTLEY: As I wrote you on July 28, I inaugurated a study of statistics concerning the State origins and educational backgrounds of the 3,427 officers in the Foreign Service of the United States. I am pleased to report that this study has revealed that each of our 50 States as well as Puerto Rico and the Canal Zone is represented by native sons who are Foreign Service officers. Those among them who have college degrees come from 417 colleges and universities across the Nation. Only 649 received their bachelor degrees from the so-called Ivy League institutions.

The bulk of our officers do not come from wealthy families. Many of them had to earn at least a part of their own way through college. Our records show that they have come to the Service from many different occupations: Cowhands, merchant seamen, cashiers, salesmen, day laborers, waiters, typists, deckhands, and lumberjacks.

These officers have been commissioned on a basis of equality of opportunity. Their ancestors came to this country from Asia and Africa as well as from Europe. We do not know how many are drawn from particular national groups, for our records do not indicate race or religion. I know, however, for example, that there are Negroes in the Foreign Service Officer Corps and I also know that they are not confined—as has been suggested—to one or two showcase examples.

Another point of misapprehension has arisen, I think, from statistics which the Department of State itself made available to the Congress and the public. They were statistics covering colleges attended by 670 persons appointed to the Foreign Service Officer Corps between January 1, 1946, and September 20, 1952. A newsman quite correctly calculated, from these statistics, that 47 percent of these appointees came from 10 large colleges and universities. Those 10 schools, however, included not only several Ivy League schools but also California, Stanford, Chicago, Wisconsin, Georgetown, and George Washington, which are not. Since the period cited above, incidentally, we have made a number of changes designed further to encourage applicants to the Foreign Service from all the parts of the United States. Since mid-1955 the number of centers at which our written examination is given was increased from 16 to 65. The oral examination is being conducted in 23 cities so applicants from every corner of the United States may conveniently and inexpensively take it.

I am pleased to be able to provide you with these facts because the Department of State strongly shares the point of view expressed in the debate on the floor of the House of Representatives on July 21 that the Foreign Service of the United States should be broadly representative. I know you will agree, however, that it is also essential that the Foreign Service Officer Corps be composed of officers of the highest abilities and qualifications. The experience of nearly 200 years of participation by the United States in the field of international relations has made it clear that our diplomatic and consular representatives should be men of intelligence, with sound training for public service, and possessing a good education obtained from educational institutions or otherwise. The Foreign Service is a profession of a most demanding character. I am confident that you and your colleagues will agree that it would be unthinkable to admit a physician or a lawyer to their respective professions unless their educations met exacting standards. This is also true for the Foreign Service. It is, of course, important to have in the Foreign Service officers whose backgrounds reflect many varied experiences in all sections of our country. Character and intellectual attainment must, however, be controlling considerations in the selection of our officers.

I am deeply appreciative of your interest and of the interest shown by many other Members of the Congress in the effectiveness of the Foreign Service.

Sincerely,

LOY W. HENDERSON,
Deputy Under Secretary of State for Administration.

FORTIETH ANNIVERSARY OF THE ADOPTION OF THE GERMAN CONSTITUTION BY THE CONSTITUTIONAL ASSEMBLY IN WEIMAR

Mr. LAFORE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BOSCH] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. BOSCH. Mr. Speaker, today marks the 40th anniversary of the adoption of the German Constitution by the constitutional assembly in Weimar. It is admitted that the Weimar constitution was based, in its fundamental concepts, on our own Constitution. One of the fundamental concepts was that of self-preservation which is so vital to the lifespan of any document. It is unfortunate that the emergency provisions of the Weimar constitution should have been so flagrantly abused rather than sparingly used. While the Hitler regime wholly disregarded the fundamental concepts of the Weimar constitution, history records that it has not been totally abolished. It is also true that today, while the West German Federal Republic practices a basic law, there is without doubt a firm conviction and belief that, while now dormant, if and when justice and equity prevail and there is a reunification of Germany, the Weimar constitution will in all probability be the revitalization of constitutional life in that country.

I trust that in the not too distant future this historic document which so closely resembles our own shall again be the beacon of truth and representative government in a reunited Germany dedicated to peace.

The Steuben Society of America, a national organization which I had the honor and privilege to serve as national chairman prior to my election to Congress, at its recent national council meeting in Chicago, Ill., adopted the following resolution which I respectfully commend to my colleagues:

Whereas August 11, 1959, marks the 40th anniversary of the adoption of the German Constitution by the Constitutional Assembly in Weimar;

Whereas the Weimar Constitution, in spirit as well as in language, is patterned after the U.S. Constitution and therefore is truly a child of our own basic law;

Whereas the Weimar Constitution, like our own, in its preamble states the immovable and immutable truth that "all power originates from the people," thereby sounding anew the rallying cry that has moved the hearts and the minds of human beings yearning for freedom, throughout the ages;

Whereas it behooves all of us, in the face of the many political and economic stresses filling the world of today, to be forever vigilant in the defense of our basic law and to learn from the decline and demise of other nations such as the Weimar Republic where the noblest sentiments and the highest ideals pronounced in the Weimar Constitution could not prevail against the powerful pressures from without and from within, finally bringing dictatorship and ruin to a great people; Therefore be it

Resolved, That the national council of the Steuben Society of America, a nationwide organization of American citizens of Germanic extraction, assembled for its annual meeting in the city of Chicago, do urge its own members as well as all other citizens of our Nation, to pay tribute in proper ceremonies to the men and women who gave form and content to the Constitution of the German Republic, four decades ago; and be it also

Resolved, That the Steuben Society of America do memorialize the United States Congress to do likewise on this, the 40th anniversary date of the Weimar Constitution, so that all of us may be alerted anew to guard against usurpations and encroachments upon constitutional government, which were to bring such total disaster to the German Republic and to many other once free nations now living in darkness.

Mr. LAFORE. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. REECE] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. REECE of Tennessee. Mr. Speaker, I want to commend the gentleman from New York [Mr. BOSCH] for his able remarks and want to associate myself wholeheartedly with the sentiments he has just expressed.

I consider the Weimar Constitution of Germany to be actually a grandchild of our own supreme charter. The Constitution of the United States decisively influenced the text of the German Constitution which was adopted in 1848 by the Frankfurt National Convention, though it was ratified only by a minority of German States and was never put into force. However, when the representatives of the German people in 1919 met in national convention at Weimar, our U.S. Constitution directly and through the Frankfurt document of 1848 found some of its principal ideas reflected in the deliberations of that body assembled in Weimar.

Mr. Speaker, on Monday, May 4, of this year this House commemorated the 168th anniversary of the Polish Constitution of May 3, 1791. The gentleman from Illinois [Mr. PUCINSKI] found eloquent words of praise and pointed out that the freedom-loving people of Poland will not yield in their determined resistance to oppression until this constitution of May 3, 1791, again becomes a living document in Poland.

"Again a living document," Mr. Speaker, is a term well worth to underline for the benefit of our friends in Poland as well as in Germany.

In the words of one of our greatest legal minds, Chief Justice John Marshall, as propounded in the decision of Cohen against Virginia—1821:

> A constitution is framed for ages to come and is designed to approach immortality as nearly as human institutions can approach it. Its course cannot always be tranquil. It is exposed to storms and tempests, and its framers must be unwise statesmen indeed if they have not provided it, so far as nature will permit, with the means of self-preservation from the perils it may be destined to encounter.

Mr. Speaker, the Weimar Constitution of Germany certainly was endowed with those "means of self-preservation" which Chief Justice Marshall in his opinion in Cohen against Virginia considered so necessary. The Weimar charter may have been wholly disregarded, but was not abolished during Hitler's regime. In fact, in the years from 1933 to 1945 German courts frequently based decisions on clauses of the Weimar Constitution.

Nor was the Weimar Constitution abolished with the advent of the West German Federal Republic. The founders of the West German Republic wisely and with full intent did not adopt a new constitution which could have led to the erroneous belief that the Weimar Constitution is dead. Instead, they adopted a so-called basic law which expressly serves for the people of West Germany a provisional purpose until such time when a reunited Germany shall revitalize its constitutional life.

In the meantime, Mr. Speaker, what is the status of the Weimar charter?

The Weimar Constitution continues to live. After World War II, the decision in various cases that came up in the courts of Germany, as well as of Great Britain, Switzerland, and other countries have been based on clauses of the Weimar document.

The most that can be said is that the Weimar Constitution today is dormant. The legal interpretation of dormant is "in abeyance"; but surely it is not dead.

The second book of Coke's Institutes contains a sentence very pertinent to this situation: "Dormiunt aliquando leges, numquam moriuntur—The laws sometimes sleep, never die."

Let me point out that the Weimar Constitution, dormant, if you will, is yet one of the most important constitutional rivets that hold the German people—East and West—legally together as one nation. The political implications of this fact may not yet have been fully explored and developed.

Mr. Speaker, I am of course aware of various weak points in the clauses of the Weimar Constitution. The way to eliminate them will be by amendment. It may be appropriate, at this point to recall the debate in our own Constitutional Convention on September 17, 1787, when the engrossed text was read and numerous delegates hesitated to vote in favor of it. It was Benjamin Franklin who, while admitting his own disagreement with parts of it, pleaded for its adoption and it was Gouverneur Morris who posed the question: "Shall there be a National Government, or not?" and answered that he would "take the present plan," that is, the Federal Constitution, "with all its faults."

In his opinion in Cohen against Virginia, Chief Justice Marshall stated, with reference to the United States and its Constitution:

> That the United States form, for many and for most important purposes, a single Nation, has not yet been denied. In war we are one people. In making peace we are one people.

This, I believe, can also be properly applied to the German people and its Weimar Constitution, which on some future day will again be "a living document" throughout Germany.

NEW ENGLAND OIL MYSTERY

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, last March the President issued an order imposing mandatory controls on the importation of foreign oil which will result in costly fuel bills to New England home owners and industries.

OIL PRICE INCREASES WILL COST NEW ENGLAND ESTIMATED $100 MILLION ANNUALLY

I immediately asked the President to exempt New England from these import quotas, which, it is estimated, will result in increased oil costs of approximately $100 million annually to New England consumers. In his reply for the President, Mr. Gerald D. Morgan, the Deputy Assistant to the President said the President, after careful consideration, had decided that he had "no alternative but to put into effect a system of mandatory controls, being convinced that the present level of imports was threatening to impair the national security."

In view of the White House reply to me on last March 20 concerning the national security aspect of the decision to impose mandatory oil import quotas, I think that the following editorial from the Boston Herald of yesterday should be of extreme interest to the New England delegation in Congress:

> NEW ENGLAND OIL MYSTERY
>
> The Government's restrictions on residual oil imports is becoming more and more mystifying.
>
> Residual oil is a heavy petroleum product left after other products are removed. It is well suited for electric power and industrial use and for hotels and apartment houses. New England especially welcomes it, because it comes cheaply from Venezuela. Yet we are now denied full access to it because of Government import restrictions placed on it in the name of defense.
>
> Our national security makes it necessary, President Eisenhower said, "that we reserve to the greatest extent possible a vigorous healthy petroleum industry in the United States."
>
> But the petroleum industry can be very healthy without the market for residual oil. Its production is falling off rapidly as more of the crude oil is turned into more valuable products. New England could have its residual oil imports without loss of security. In case of war residual oil could be brought from Venezuela by tanker more quickly than from domestic gulf sources.
>
> But here's the curious feature of the thing. The other day we got a letter, which we published, from the National Coal Policy Conference saying that "the Office of Civil and Defense Mobilization and the President felt, after a thorough inquiry, that imports of petroleum, including residual oil, were threatening national security by weakening the domestic coal and petroleum industries."
>
> Note here the reference to the domestic coal industry.
>
> The inquiry into other petroleum imports was no doubt thorough, but the restrictions on residual oil were very hastily drawn, without consultation with anyone in the marketing end of the residual business. And there was no study whatever of coal in connection with the restrictions, and, indeed, no mention of coal anywhere in the stated objectives of the mandatory import program.
>
> What we would like to know is how the coal people are so sure that the residual curbs were invoked to save the coal industry. Is it possible that the coal interests worked behind the scenes on this matter to put over a coup on their rival for the New England fuel market, residual oil? And then, when success crowned their efforts, assumed that coal must have been included in the national security findings?
>
> What concerns New England is whether we are being cut off from our full supply of residual oil through some casual response to a plea from the coal industry, so casual, in

fact, that no mention was made of coal in the proclamation of the President.

The residual oil restrictions ought to be lifted at once, and a full study made of the security issue, taking into account the importance of this oil in the New England economy.

We can be patriotic, but only when it makes some sense.

BOLAND WILL ASK PRESIDENT EISENHOWER TO TAKE SECOND LOOK AT OIL IMPORT QUOTA ORDER

Mr. Speaker, New Englanders are already digging down into their pockets to pay for higher oil prices as a result of this "national security" quota imports on oil. Before they have to pay higher fuel bills next winter, I am going to ask President Eisenhower to take a second look at his oil quota import order of last March.

The mandatory order issued by the President limits the importation of residual fuel oil to 400,000 barrels a day for the entire eastern half of the Nation. This mandatory quota leads to price increases in domestic residual fuel oil and New England industries, colleges, electric powerplants, State and municipal institutions are paying the higher fuel bills. This has been a continuing problem with New Englanders over the years, and one that I have vigorously protested every time that talk of oil quotas has been heard in these Halls. New England depends upon a free flow of imported oil if it is to remain competitive with other burgeoning sections of the United States.

NEW ENGLANDERS CAN BE PATRIOTIC WHEN IT MAKES SENSE

Mr. Speaker, I agree with the editorial comment of the Boston Herald that New Englanders "can be patriotic, but only when it makes sense." The oil import quotas order in the name of "national security" does not seem to make that much sense.

TRIBUTE TO HADLEY ON OCCASION OF TERCENTENARY

Mr. BOLAND. Mr. Speaker, the town of Hadley in my congressional district is observing its tercentenary this year. Under leave to extend my remarks, I include an editorial in tribute to Hadley that appeared in the Daily Hampshire Gazette, published in the neighboring city of Northampton, on August 5, 1959:

HATS OFF TO HADLEY

Our friendliest felicitations to the town of Hadley, our good neighbor and friend, just across the Connecticut River, upon its fine celebration of its 300th anniversary, Northampton knows how it feels to be that age, having marked its tercentenary only a short time ago, in 1954.

For some months past, and especially in recent weeks, the fine story of "Old Hadleigh's" history has been nicely presented in word and picture, and has been climaxed by a fine 3-day program featuring pagentry and other events and closing with the splendid procession held this past Sunday afternoon.

Happily, the weather was ideal, with clear skies and mild temperature. It was a presentation equal to that one might expect of a much larger community.

A fine feature, of course, included the extensive participation in the procession by neighboring cities and towns, as is generally the case in these celebrations in our beautiful Pioneer Valley. Hadley is located in the heart of this fine part of western Massachusetts, which is outstanding in New England. Hadley has many special achievements in agriculture, in education, in its church and social life, and in community cooperation.

Hadley has a population of fine people who are carrying on in the best traditions of the town. May its past and present be followed by a still finer future. Knowing the Hadley spirit, one can fully expect that it will be.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. ROGERS of Massachusetts, for 10 minutes, today.

Mrs. ROGERS of Massachusetts (at the request of Mr. LAFORE), for 10 minutes, on tomorrow.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. BOLLING, to revise and extend his remarks made in Committee on H.R. 8342 and to include extraneous matter.

Mrs. KEE in three instances and to include extraneous matter.

Mr. BERRY and to include extraneous matter.

Mr. EVINS in two instances and to include extraneous matter.

Mr. MOORHEAD.

Mr. THOMPSON of New Jersey, to revise and extend the remarks he made in the Committee of the Whole and include extraneous matter.

Mr. SHELLEY, to insert in the body of the RECORD immediately following the debate on the labor bill his remarks and include a related editorial.

Mr. ALGER (at the request of Mr. LAFORE) and to include a bill H.R. 8003 in remarks he made during debate in Committee of the Whole on H.R. 8342.

Mr. MINSHALL and to include extraneous matter.

(At the request of Mr. LAFORE, and to include extraneous matter, the following:)

Mr. ALGER.

(At the request of Mr. WOLF, and to include extraneous matter, the following:)

Mr. COFFIN.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 137. An act to allow a deduction, for Federal estate tax purposes, in the case of certain transfers to charities which are subjected to foreign death taxes;

H.R. 451. An act to amend the Longshoremen's and Harbor Workers' Compensation Act, with respect to the payment of compensation in cases where third persons are liable;

H.R. 3682. An act to permit the processing of certain applications under the Small Tracts Act for lands included in the Caribou and Targhee National Forests by the act of August 14, 1958;

H.R. 5138. An act to extend the grounds of the Custis-Lee Mansion in Arlington National Cemetery; and

H.R. 7508. An act to amend title 10, United States Code, to establish a Bureau of Naval Weapons in the Department of the Navy and to abolish the Bureau of Aeronautics and Ordnance.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 137. An act to allow a deduction, for Federal estate tax purposes, in the case of certain transfers to charities which are subjected to foreign death taxes;

H.R. 451. An act to amend the Longshoremen's and Harbor Workers' Compensation Act, with respect to the payment of compensation in cases where third persons are held liable;

H.R. 3682. An act to permit the processing of certain applications under the Small Tracts Act for lands included in the Caribou and Targhee National Forests by the act of August 14, 1958;

H.R. 4243. An act for the relief of Peter Sergeevich Deryabin, also known as Theodore Stanley Orel;

H.R. 4644. An act to credit to postal revenues certain amounts in connection with postal activities, and for other purposes;

H.R. 5138. An act to extend the grounds of the Custis-Lee Mansion in Arlington National Cemetery;

H.R. 5849. An act to amend the act of July 7, 1958, providing for the admission of the State of Alaska into the Union, relating to selection by the State of Alaska of certain lands made subject to lease, permit, license, or contract;

H.R. 7508. An act to amend title 10, United States Code, to establish a Bureau of Naval Weapons in the Department of the Navy and to abolish the Bureaus of Aeronautics and Ordnance; and

H.R. 8283. An act making appropriations for the Atomic Energy Commission for the fiscal year ending June 30, 1960, and for other purposes.

ADJOURNMENT

Mr. WOLF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 29 minutes p.m.) the House adjourned until tomorrow, Wednesday, August 12, 1959, 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:

1300. A letter from the Attorney General, transmitting the report of the Attorney General, pursuant to section 708(e) of the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

1301. A letter from the Director, Central Intelligence Agency, transmitting a report of claims paid by the Central Intelligence Agency for fiscal year 1959, pursuant to the Federal Tort Claims Act of 1946, Public Law 79-601; to the Committee on the Judiciary.

1302. A letter from the Deputy Secretary of Defense, transmitting a semiannual report relating to the authority to establish or develop installations and facilities required for advanced research projects, pursuant to section 403 of Public Law 85-685; to the Committee on Armed Services.

1303. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation entitled "A bill to improve the work of Federal employees through evaluation of work performance and to amend the Performance Rating Act of 1950"; to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FORRESTER: Committee on the Judiciary. Senate Joint Resolution 118. Joint resolution authorizing and requesting the President of the United States to issue a proclamation calling for the flag of the United States to be flown at half-staff on the occasion of the death of the last surviving veteran of the War Between the States; without amendment (Rept. No. 827). Referred to the House Calendar.

Mr. O'BRIEN of New York: Committee on Interior and Insular Affairs. S. 822. An act to authorize the conveyance of certain property administered as a part of the San Juan National Historic Site to the municipality of San Juan, P.R., in exchange for its development by the municipality in a manner that will enhance the historic site, and for other purposes; without amendment (Rept. No. 828). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANE: Committee on the Judiciary. S. 1330. An act to amend the act entitled "An act for the relief of the city of Fort Myers, Fla., and Lee County, Fla.," approved July 22, 1958; without amendment (Rept. No. 829). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDSAY: Committee on the Judiciary. H.R. 7529. A bill to authorize the waiver of collection of certain erroneous payments made by the Federal Government to certain civilian and military personnel; with amendment (Rept. No. 830). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 8106. A bill to provide for the relief of certain members and former members of the Department of the Navy for the expenses of temporary storage of household effects; without amendment (Rept. No. 831). Referred to the Committee of the Whole House on the State of the Union.

Mr. FOLEY: Committee on Post Office and Civil Service. H.R. 8241. A bill to amend certain provisions of the Civil Service Retirement Act relating to the reemployment of former Members of Congress; with amendment (Rept. No. 832). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANE: Committee on the Judiciary. H.R. 2725. A bill to amend chapter 3 of title 18, United States Code, so as to prohibit the use of aircraft or motor vehicles to hunt certain wild horses or burros on land belonging to the United States, and for other purposes; without amendment (Rept. No. 833). Referred to the House Calendar.

Mr. MILLS: Committee on Ways and Means. H.R. 3151. A bill relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees; without amendment (Rept. No. 872). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 4857. A bill to amend the Internal Revenue Code of 1954 to provide that the exemption from the admissions tax for athletic games benefiting crippled or retarded children shall apply where the participants are recent graduates of designated schools or colleges as well as where they are currently students therein; with amendment (Rept. No. 873). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALTER: Committee on the Judiciary. S. 355. An act to amend title 18 of the United States Code so as to prohibit the misuse by collecting agencies or private detective agencies of names, emblems, and insignia to indicate Federal agency; with amendment (Rept. No. 874). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committee were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. PFOST: Committee on Interior and Insular Affairs. S. 220. An act to direct the Secretary of the Interior to convey certain lands in Navajo County, Ariz.; without amendment (Rept. No. 834). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1945. An act for the relief of Josef Jan Loukotka; with amendment (Rept. No. 835). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 1455. A bill conferring U.S. citizenship posthumously upon Gerardo A. Dobarganes; with amendment (Rept. No. 836). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H.R. 1499. A bill for the relief of Gordon Langlands Johnston; without amendment (Rept. No. 837). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 1517. A bill for the relief of Oerlikon Machine Tool Works Buehrle & Co.; without amendment (Rept. No. 838). Referred to the Committee of the Whole House.

Mr. SMITH of California: Committee on the Judiciary. H.R. 1520. A bill for the relief of Eva Gurman; without amendment (Rept. No. 839). Referred to the Committee of the Whole House.

Mr. TOLL: Committee on the Judiciary. H.R. 1593. A bill for the relief of Melvin H. Baker and Frances V. Baker; without amendment (Rept. No. 840). Referred to the Committee of the Whole House.

Mr. TOLL: Committee on the Judiciary. H.R. 2077. A bill for the relief of Bernard Barrett; with amendment (Rept. No. 841). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 2090. A bill for the relief of Suor Candida Ferrante Giuseppa; with amendment (Rept. No. 842). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 3932. A bill for the relief of Rabbi Chaim B. Fink; without amendment (Rept. No. 843). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 6273. A bill for the relief of Maksym Hrycyk; without amendment (Rept. No. 844). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 7744. A bill for the relief of John I. Strong; without amendment (Rept. No. 845). Referred to the Committee of the Whole House.

Mr. HENDERSON: Committee on the Judiciary. H.R. 2582. A bill for the relief of the Worthington Oil Refiners, Inc.; with amendment (Rept. No. 846). Referred to the Committee of the Whole House.

Mr. KASEM: Committee on the Judiciary. H.R. 2631. A bill for the relief of the estate of Nathaniel H. Woods, deceased; with amendment (Rept. No. 847). Referred to the Committee of the Whole House.

Mr. HENDERSON: Committee on the Judiciary. H.R. 2301. A bill for the relief of Mrs. Gladys M. Ellison; without amendment (Rept. No. 848). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 2707. A bill for the relief of Gustav K. Broecker; without amendment (Rept. No. 849). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 4825. A bill for the relief of Jean K. Simmons; with amendment (Rept. No. 850). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 7225. A bill for the relief of Sylvester L. Gardner; without amendment (Rept. No. 851). Referred to the Committee of the Whole House.

Mr. TOLL: Committee on the Judiciary. H.R. 7263. A bill for the relief of Edward Ketchum; without amendment (Rept. No. 852). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 7447. A bill for the relief of Paul Levitt; without amendment (Rept. No. 853). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 7452. A bill for the relief of William B. Jackson; with amendment (Rept. No. 854). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 7857. A bill for the relief of Richard C. Long; with amendment (Rept. No. 855). Referred to the Committee of the Whole House.

Mr. ASHMORE: Committee on the Judiciary. H.R. 8196. A bill for the relief of Everet Bumgardner; with amendment (Rept. No. 856). Referred to the Committee of the Whole House.

Mr. ASHMORE: Committee on the Judiciary. H.R. 8197. A bill for the relief of Lawrence M. Furtado; without amendment (Rept. No. 857). Referred to the Committee of the Whole House.

Mr. ASHMORE: Committee on the Judiciary. H.R. 8198. A bill for the relief of Martin Ackerman; without amendment (Rept. No. 858). Referred to the Committee of the Whole House.

Mr. ASHMORE: Committee on the Judiciary. H.R. 8199. A bill for the relief of James J. Manning; without amendment (Rept. No. 859). Referred to the Committee of the Whole House.

Mr. KASEM: Committee on the Judiciary. H.R. 8310. A bill for the relief of Joseph H. Cornell; with amendment (Rept. No. 860). Referred to the Committee of the Whole House.

Mr. LANE: Committee on the Judiciary. H.R. 8277. A bill for the relief of Harold

William Abbott and others; with amendment (Rept. No. 861). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. House Joint Resolution 479. Joint resolution relating to the entry of certain aliens; with amendment (Rept. No. 862). Referred to the Committee of the Whole House.

Mr. CAHILL: Committee on the Judiciary. S. 196. An act for the relief of Grover J. Cole; without amendment (Rept. No. 863). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H.R. 2302. A bill for the relief of Agnes Lorraine Pank; with amendment (Rept. No. 864). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H.R. 4839. A bill for the relief of Peter F. de Ullmann; with amendment (Rept. No. 865). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H.R. 5910. A bill for the relief of Zelda Glick; without amendment (Rept. No. 866). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 6405. A bill for the relief of Vukasin Krtolica; with amendment (Rept. No. 867). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H.R. 6884. A bill for the relief of Mrs. Barbara May Boswell; without amendment (Rept. No. 868). Referred to the Committee of the Whole House.

Mr. SMITH of California: Committee on the Judiciary. H.R. 7256. A bill for the relief of Miss Remedious Villanueva; with amendments (Rept. No. 869). Referred to the Committee of the Whole House.

Mr. MOORE: Committee on the Judiciary. H.R. 7518. A bill for the relief of Rudolph Rozman; without amendment (Rept. No. 870). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H.R. 7550. A bill for the relief of Vartanouche Kalfayan; with amendment (Rept. No. 871). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COOLEY:

H.R. 8609. A bill to amend the Agricultural Trade Development and Assistance Act of 1954, as amended, by extending the authorities of titles I and II, strengthening the program of disposals through barter, and for other purposes; to the Committee on Agriculture.

By Mr. ANFUSO:

H.R. 8610. A bill to amend the National Aeronautics and Space Act of 1958 to provide payments to the survivors of astronauts who die while performing space flight; to the Committee on Science and Astronautics.

By Mr. BONNER:

H.R. 8611. A bill to remove geographical limitations on activities of the Coast and Geodetic Survey and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 8612. A bill to provide flexibility in the performance of certain functions of the Coast and Geodetic Survey and of the Weather Bureau; to the Committee on Merchant Marine and Fisheries.

H.R. 8613. A bill to continue the application of the Merchant Marine Act of 1936, as amended, to certain functions relating to fishing vessels transferred to the Secretary of the Interior, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BRADEMAS:

H.R. 8614. A bill to authorize the Secretary of the Army to lease a portion of the Kingsbury Ordnance Plant at Kingsford Heights, Ind., to Union Township of La Porte County, Ind.; to the Committee on Armed Services.

H.R. 8615. A bill to authorize the Housing and Home Finance Administrator to consent to the modification of the terms of any contracts or other agreements relating to the Southmore Mutual Housing Corp., project of South Bend, Ind.; to the Committee on Banking and Currency.

By Mr. BROOKS of Louisiana:

H.R. 8616. A bill to amend sections 4083 and 4082 of the Internal Revenue Code of 1954 to exempt certain sales of gasoline for nonfuel purposes from tax; to the Committee on Ways and Means.

By Mr. FLOOD:

H.R. 8617. A bill to amend the Internal Revenue Code of 1954 to increase the depletion allowance for coal and lignite; to the Committee on Ways and Means.

H.R. 8618. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct expenses paid during the taxable year for the repair (including painting and papering) of his home to the extent that such expenses do not exceed $500; to the Committee on Ways and Means.

H.R. 8619. A bill to provide for the increase, modernization, and stockpiling of railroad equipment in order to meet the needs of the commerce of the United States, of the postal service, and of the national defense; to create and establish a public agency with powers to carry out the provisions of this act; and for other purposes; to the Committee on Ways and Means.

H.R. 8620. A bill to provide voluntary coverage under the Federal old-age, survivors, and disability insurance system for self-employed physicians; to the Committee on Ways and Means.

H.R. 8621. A bill to provide that an individual who is not eligible upon reaching retirement age for old-age insurance benefits under title II of the Social Security Act may obtain a refund of the social security taxes which he has paid; to the Committee on Ways and Means.

H.R. 8622. A bill to amend section 112(n) of the Internal Revenue Code to provide that gain from the sale or exchange of the taxpayer's home will not be taxed whether or not he replaces it with another residence; to the Committee on Ways and Means.

By Mr. GLENN:

H.R. 8623. A bill to provide for stabilization and orderly marketing in the poultry industry; to the Committee on Agriculture.

By Mr. SIMPSON of Pennsylvania:

H.R. 8624. A bill relating to the income tax treatment of gain resulting from the involuntary conversion of property; to the Committee on Ways and Means.

By Mr. BREWSTER:

H.R. 8625. A bill to extend certain reduced third-class postage rates to volunteer organizations of firemen; to the Committee on Post Office and Civil Service.

By Mr. MORRISON:

H.R. 8626. A bill to amend chapter 37 of title 38, United States Code, to provide for the waiver of indebtedness to the United States arising out of a veteran's default in payment of a guaranteed home loan where the default occurred because of compelling reasons without fault on the part of the veteran; to the Committee on Veterans' Affairs.

By Mr. MULTER:

H.R. 8627. A bill to amend the Federal Reserve Act to provide for the retirement of Federal Reserve bank stock and the substitution of interest-bearing deposits in lieu thereof; to the Committee on Banking and Currency.

H.R. 8628. A bill to amend chapter 67 of title 10, United States Code, to provide retired pay for reservists who have 10 or more years of satisfactory Federal service and who performed active duty for 5 or more years in the aggregate during World War I, World War II, and the Korean conflict; to the Committee on Armed Services.

By Mr. QUIGLEY:

H.R. 8629. A bill to provide for the recognition of the Society of the Twenty-eighth Division, A.E.F., by the Administrator of Veterans' Affairs and the military departments; to the Committee on Veterans' Affairs.

By Mr. ANDERSEN of Minnesota:

H.R. 8630. A bill to provide for incentive payments for the marketing of lightweight hogs; to the Committee on Agriculture.

By Mr. METCALF:

H.R. 8631. A bill to provide for the establishment of cooperative outdoor recreation research and education centers; to the Committee on Interior and Insular Affairs.

By Mr. ELLIOTT:

H.J. Res. 494. Joint resolution to help make available to those children in our country who are handicapped by deafness the specially trained teachers of the deaf needed to develop their abilities and to help make available to individuals suffering speech and hearing impairments those specially trained speech pathologists and audiologists needed to help them overcome their handicap; to the Committee on Education and Labor.

By Mr. THOMPSON of New Jersey:

H. Con. Res. 378. Concurrent resolution authorizing the printing of the 16th Report of the Commission of Fine Arts as a House document; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALGER:

H.R. 8632. A bill for the relief of Walter W. Cook; to the Committee on the Judiciary.

By Mr. AYRES:

H.R. 8633. A bill for the relief of Maria A. Margaritis; to the Committee on the Judiciary.

By Mr. BARRETT:

H.R. 8634. A bill for the relief of Franco Citrigno; to the Committee on the Judiciary.

By Mr. TOLL:

H.R. 8635. A bill for the relief of Patrick Anthony Linnane; to the Committee on the Judiciary.

By Mr. YATES (by request):

H.R. 8636. A bill for the relief of Meher K. Kanga and Kersasp H. Kanga; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

253. By the SPEAKER: Petition of the mayor, Sallisaw, Okla., relative to instituting appropriate action for the construction of the Markham Ferry Dam and Reservoir project on Grand River in Oklahoma; to the Committee on Public Works.

254. Also, petition of C. F. Diefenbach clerk of Council of the City of Toledo, Toledo, Ohio, relative to preventing any delay in the program of the construction of the new Interstate Highway System, and declaring an emergency; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

Public Works Appropriations Bill of 1960 Rejects "No New Starts" Policy

EXTENSION OF REMARKS

OF

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1959

Mr. EVINS. Mr. Speaker, we have passed and sent to the President the public works appropriation bill for the fiscal year 1960. In view of the continuing interest of Members of the House and others in the results of our action, I believe it is appropriate to point out further that in enacting this bill the Appropriations Committees of both Houses, and the Congress itself, did not accept the "no new starts" policy which was expressed in the budget presented by the Budget Bureau and the President. The action of the Congress in approving this bill evidences a rejection of the "no new starts" policy and a firm approval of a reasonable program of continuing construction of worthwhile and needed projects and studies of other future projects by both the Corps of Engineers and the Bureau of Reclamation of the Department of Interior.

It will be recalled that in submitting the public works budget the President and the Budget Bureau favored a policy of continuing the construction of projects already begun but of not undertaking any new starts or even the planning of new projects. The Appropriations Committee of this body disagreed with this policy and expressed itself in favor of carrying on the program of water resource development in an orderly and uninterrupted manner. The Subcommittee on Public Works Appropriations approved and recommended funds for 37 new construction starts and for the planning of 11 other projects. The House approved this recommendation in passing the bill.

The Senate added 30 additional starts and 33 new planning studies of other projects. The conferees compromised on 52 new starts and 30 planning studies. This decision by the conferees was accepted by both bodies in the passage of the public works appropriation bill for 1960.

It should be noted that the additional new starts and studies involve an added cost of less than $25 million over the budget as submitted to the Congress. So that, although the funds appropriated are close to the recommendation of the President, the policy underlying the use of the funds is quite different.

Apparently it is the philosophy of the Budget Bureau and the administration that the principal function of the public works program is to provide employment in poor times and that in good times we should stop or delay the development of the Nation's water resources.

In passing this appropriation bill, the Congress has refused to take such a narrow and limited view, and has, instead, looked upon our water resource development program as a positive program to develop the capabilities of our Nation for the continued growth and prosperity of the entire country. These programs are more than expenditures—they are investments in America. Our Nation must have a well-planned and continuing program of both construction and planning; in the long run this is more economical, practical, and represents sound policy.

Granting that in times of economic stress we can also use this program as an economic stimulant, it would nevertheless be foolish to restrict the surveying and planning of any new projects. Only with intelligent and deliberate planning can we make sure that we have on the shelf, as it were, well-thought-out projects that the Nation will need if an economic emergency should develop.

Therefore, in repudiating the no-new-starts policy, the Congress in my view acted wisely and with a forward-looking perspective, to provide for an orderly development of our resources at this time in step with the growth of our Nation.

Keenotes

EXTENSION OF REMARKS

OF

HON. ELIZABETH KEE

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1959

Mrs. KEE. Mr. Speaker, under leave to extend my remarks in the CONGRESSIONAL RECORD, I include a copy of my newsletter released yesterday:

KEENOTES

(By Representative ELIZABETH KEE)

The big news in Washington is the proposed exchange of visits planned by President Eisenhower and Premier Khrushchev.

Some people have expressed strong opposition to the forthcoming visit of Mr. Khrushchev. They believe we will in effect be rewarding Mr. Khrushchev to calm down the Berlin crisis—a crisis which he himself manufactured.

Mr. Khrushchev's attitude toward the West presents one of the most serious threats to peace. Ignorance of just what we want in the world is a big factor in this attitude. Also involved are fear and envy.

It seems to me that giving Mr. Khrushchev an opportunity to visit this country might help to overcome his present attitude. I am sure his misconceptions about "capitalist slavery" will be corrected.

The exchange of visits will not solve the world's problems. Certainly we have no intention of dividing up the world into two spheres of influence.

The great hope of the visits is that Mr. Khrushchev will discover that many of his fears about the United States are groundless and that Russians can live in peace without any fear of attack by us. Equally important, he may learn that his sabre rattling is not scaring anyone and that through a miscalculation he can touch off a war.

HOUSING BILL TRIMMED DOWN

The Senate Housing Subcommittee is working on a new housing bill. It is hoped that a bill acceptable to the President can be passed by Congress.

One thing is certain—Congress cannot adjourn without passing a housing bill. If it should, then the Federal housing mortgage guarantee program will come to an end. This would mean a virtual halt of home construction.

It was not many years ago that FHA was considered a dangerous invasion into private enterprise. Yet the years have demonstrated that this Federal program under which repayment of a major part of a home mortgage is guaranteed by FHA has proved to be a big boon to the housing industry.

The mortgage guarantee program is self-supporting. A fraction of 1 percent is added to the interest charges. This money goes into an insurance fund from which any losses are paid.

The bill which the Senate committee plans to bring out will not give the President everything he wants but it should be acceptable.

Minshall Traveling Office Set for Week of December 7

EXTENSION OF REMARKS

OF

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1959

Mr. MINSHALL. Mr. Speaker, during the 5 years in which I have been privileged to serve the 23d District of Ohio, every effort has been made to maintain the needs and desires of the people. In an effort to make the title "Representative" truly meaningful, I have made it one of my first duties to be continuously well-informed of the views of the residents of this outstanding district. This is possible only through frequent personal meetings, regular newsletters, television and radio reports, and opinion polls.

Like the family doctor, a Representative should always be "on call." Accordingly, a year-round Congressional office is maintained in Room 525 of the Federal Building in downtown Cleveland. This gives me the opportunity of meeting with people during frequent trips back home as my official duties in Washington permit. While I am at work in the Nation's Capitol, a competent staff is in charge of the Cleveland office. The dual office system means that at all times I am prepared to help constituents with the least possible delay in their dealings with the Federal Government.

A further service to the people of the 23d District is my "Washington Report," which in newsletter form periodically presents a concise accounting of events and views on Capitol Hill. In return, the opinions of the voters of my district are solicited through my annual questionnaire on major legislative issues. This constant interchange of ideas between voter and Representative has

helped me keep my finger on the pulse of the district.

Because of my heavy workload as a member of the Defense Department Appropriations Subcommittee, it has not been possible for me to return to Cleveland as often as I should have liked. Therefore, as has been done for the last 4 years, a traveling office has been scheduled once again in the various suburban communities which comprise the 23d District.

This method of meeting with the public has proven tremendously popular, and gives me a wonderful opportunity to discuss and learn firsthand the views and the individual needs of the people.

In that this 1959 session has run late into the year, I accordingly have planned this year's traveling office for the week of December 7–11. Meetings are scheduled so that every resident of the district may conveniently meet with me. The following schedule is a guide only—choose the time and place most convenient for you.

I wish to emphasize that these are not group meetings—they will be individual office conferences open to every person who has a problem involving the Federal Government, who wishes to express his views on national issues, or who just wants to chat and get better acquainted. No appointments are necessary. Individuals are urged to meet with me on the date and at the place most convenient.

The knowledge obtained through my traveling office has gone far in helping me give effective representation of the 23d District in the Congress of the United States.

I am most appreciative of the splendid cooperation given by the many officials who are making meeting places available for the traveling office.

Following is a schedule for the forthcoming office conferences:

Community	Location	Date	Time
Bedford, Bedford Heights, Valley View, Cuyahoga Heights, Walton Hills, Oakwood, Maple Heights, Glenwillow.	Bedford Police Station, 683 Broadway	Monday, Dec. 7	2 to 4:30 p.m.
Shaker Heights, University Heights, Beachwood	Shaker Heights City Hall, 3400 Lee Rd	do	6:30 to 9 p.m.
Chagrin Falls, Pepper Pike, Hunting Valley, Moreland Hills, Solon, Bentleyville, Chagrin Falls Township.	Chagrin Falls Library, 100 East Orange St	Tuesday, Dec. 8	2 to 4:30 p.m.
Warrensville Heights, Warrensville Township, North Randall, Woodmere, Orange.	Warrensville Heights Town Hall, Mayor's Office, 4700 Warrensville Center Rd.	do	6:30 to 9 p.m.
Berea, Olmsted Falls, Brookpark, Parma Heights, Westview, Strongsville, Middleburg Heights.	Berea City Hall, 47 East Bridge St	Wednesday, Dec. 9	2 to 4:30 p.m.
Fairview Park, Parkview, Linndale, North Olmsted	Fairview Park City Hall, 20785 Lorain Rd	do	6:30 to 9 p.m.
Rocky River	Rocky River City Hall, 21012 Hilliard Blvd	Thursday, Dec. 10	2 to 4:30 p.m.
Brecksville, North Royalton, Seven Hills, Broadview Heights, Brooklyn Heights, Independence.	Brecksville Town Hall, 49 Public Sq	do	6:30 to 9 p.m.
Bay Village, Westlake	Bay Village Town Hall, 350 Dover Center Rd	Friday, Dec. 11	2 to 4:30 p.m.
Lakewood	Lakewood City Hall, 12650 Detroit Ave	do	6:30 to 9 p.m.

Speaker Rayburn's Talk on Labor Reform

EXTENSION OF REMARKS

OF

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1959

Mr. MOORHEAD. Mr. Speaker, all of the legislative wisdom gained in his more than 46 years in the House of Representatives he so dearly loves was summed up last night in a most important address the Honorable SAM RAYBURN delivered to the American people.

The gentleman from Texas spoke on the eve of what is likely to be the most important debate of this session.

His plea was for justice and reason rather than passion and emotionalism in enactment of legislation for labor-management reform.

As the gentleman so aptly put it, "to cut out the cancer of corruption we use a surgeon's scalpel instead of a butcher's cleaver."

Unfortunately, however, there are all too many forces now at work using this serious debate on the subject of reform to mount a shortsighted attack on the entire collective bargaining structure.

They are using the broad cleaver recklessly. Instead of curing one cancer they would create many more throughout the entire fabric of labor-management relations which has served this country so well.

If ours is to be a responsible legislative purpose in this debate, we must confine ourselves to efforts to cure corruption without harm to those honorable devices which decent working men and women have been using for years to improve their livelihoods.

In the hope that it will keep us on the path of responsible legislative purpose, I commend its reading to every Member of this House.

(For Mr. RAYBURN's speech, see remarks of Mr. THOMPSON of New Jersey, pp. 15538–15539 of House proceedings for today.)

Interest Rates

EXTENSION OF REMARKS

OF

HON. ELIZABETH KEE

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1959

Mrs. KEE. Mr. Speaker, the question of interest rates is one in which the entire country has a vital stake. If interest rates continue to increase, just about every family in the Nation will be adversely affected.

For this reason, I trust that the House will not give its consent to a request by the administration for permission to remove the present ceiling of 4½ percent on the interest rate which the Government can pay.

If the ceiling is removed, the interest rate on Government bonds will go up immediately. And that will mean a significant increase in the interest rates which people must pay on the purchase of homes, automobiles, and appliances of all kinds.

Mr. Speaker, many respected economists insist that the Treasury Department does not have to have an interest rate increase to permit it to refinance Government bonds. This can be done, these economists tell us, by staying within the present interest ceiling.

Should this Congress permit the interest rate ceiling to be removed, we would be adding materially to the cost of living for millions of people.

I for one am not willing to approve such a move and if the issue ever reaches the House floor, I will vote against it.

Steel Strike Example of Union Monopoly

EXTENSION OF REMARKS

OF

HON. BRUCE ALGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1959

Mr. ALGER. Mr. Speaker, as a further example of the need for unions being placed under antitrust law, related to my remarks during debate today, I would like to point out that the current steel strike emphasizes once again that organized labor has the ability, whenever it wishes, to force the national economy to its knees. In this instance the Steelworkers Union has shut down the steel industry, cutting off production of this vital commodity in a time of serious military tension and throwing hundreds of thousands of men out of work.

Never in our history has any group wielded such life or death control over our industrial economy. The industrial trusts of the last century were puny weaklings in comparison with the power of labor unions today. The alarming fact is that this tremendous power is concentrated in the hands of a small number of men who head the national labor unions and control the policies and actions of those unions. In the steel situation reliable public opinion polls show that the overwhelming majority of the members of the Steelworkers Union and their families do not want the strike and, in fact, feel that the wage increases demanded by the national union officials

would simply mean corresponding increases in their living costs. In spite of this the top officials of the union forced the strike on the steel industry and upon its rank-and-file members.

The question now facing us is whether the people of the United States are going to permit the continuation of this absolute power in the union officers. Shall we allow them to force continual inflation upon us, to price American products out of world markets, to cut off interstate commerce at will, and rip apart the structure of our economic existence? Many serious and thoughtful people are now convinced that unless labor unions are put under the kind of reasonable restraints that are imposed upon business organizations by the antitrust laws, we are in for drastic times ahead.

On June 29 of this year, I introduced a bill, H.R. 8003, to limit and prevent concerted activities by labor organizations which obstruct or interfere with free production of goods for commerce and the free flow of goods in commerce. This bill was carefully drafted with a view toward providing proper protection to the public interest without restricting unions in the pursuit of their lawful and legitimate objectives. Among other things, this bill would prevent the national union officers from imposing dictatorial control over the bargaining policies and activities of the local unions. It would restore bargaining power to the local unions where it properly belongs. In this way the rank and file union members would have a direct voice in decisions to strike and other matters which vitally affect their welfare.

Under this bill the current steel strike could be enjoined as an illegal interference with interstate commerce resulting from an unlawful combination or conspiracy brought into existence by the national union officers to enforce industrywide wage demands and other conditions which would substantially affect the production and cost of steel.

I urge that each Member of Congress give serious consideration to H.R. 8003 the need for protection against restrictive trade practices and restraint of trade herein provided, as an amendment of this long overdue labor bill.

New Directions for Textiles

EXTENSION OF REMARKS

OF

HON. FRANK M. COFFIN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1959

Mr. COFFIN. Mr. Speaker, this morning the Cotton Subcommittee of the Committee on Agriculture opened hearings on H.R. 4033. The subcommittee encouraged discussion not merely on the legislation before it, but also on all present and future problems facing the cotton textile industry.

I took advantage of the opportunity to take a long look ahead at this industry. With the thought that my remarks may help stimulate a new vigor and new directions in our efforts, I am inserting at this point the testimony which I gave to the Cotton Subcommittee this morning:

Mr. Chairman, I would like to dwell for a few moments on what I think is the true significance of these hearings on the cotton textile industry. It lies not in the specific provisions of the legislation being discussed today. Nor does it lie in the mere fact that the cotton textile industry is beset with grave problems, which can be clearly seen behind the current flurry of welcome activity in rebuilding inventories.

The deepest significance in these hearings, in my opinion, lies in the fact that in cotton textiles the United States faces its first postwar challenge to one of its traditional industries. I am not speaking of such temporary challenges as that which the influx of small cars has posed to the automobile industry. Nor am I speaking of potential threats posed by resurging European industry. I am referring to an existing, permanent capacity in cotton textiles, which will inevitably multiply itself in the next decade.

Not only do we face fierce competition from Japan, Hong Kong, England, Italy, and India, but we are on the verge of dramatic starts in this industry in scores of the countries taking their first steps toward industrialization. Moreover, the textile export potential of the six European countries forming the Common Market (European Economic Community) is estimated to undergo dramatic growth.

In short, we are feeling the first impact of world industrialization in cotton textiles. The real question lurking behind the statistics is: How should this challenge be met? The answer is critical today for cotton textiles, and it is vital for many other industries in the years ahead.

The time has come to shake off complacency, to be dissatisfied with temporary expedients, to take a long look ahead, to clarify feasible objectives, and to follow such policies, in business and in Government, as will help us achieve these objectives. This, I submit, should be the charter and the philosophy of the new Textile Advisory Committee.

These are the areas in which we should be doing basic factfinding, thinking, and policy formation:

INFORMATION: WORLD SUPPLY AND DEMAND

First, since our U.S. cotton textile industry does not operate in a vacuum, it is only the heart of common sense to get a clear and detailed picture of the state of cotton textile manufacturing throughout the world, including projected trends over the next 10 to 15 years. This would place in perspective our own industry and its prospects. In other words, what do we face? This kind of information is essential to sound business decisions and sound government policy. The obtaining, analysis, and diffusion of this information can only be done by the Federal Government.

Equally important is a picture of the present and prospective markets for cotton textiles throughout the world. This is vital in order to help us analyze the potential threat to us of increasing world capacity. It is also important for us to be on the alert for new markets overseas for our own products. This kind of information should not be gathered only once, but should be kept up to date, and placed at the service of our industry. We ought also to know more about the cotton production and manufacturing capacity of Red China. We should not be afraid to explore the effect of expanded trade in food and fiber between ourselves and our allies and Red China. The importance of greater diversion of Japanese and Hong Kong cotton textile products to the Asian mainland is obvious.

The Textile Advisory Committee should imaginatively seek legitimate ways in which our Government apparatus can help spark a new, systematic, and aggressive exploitation of new world markets. For example, through cooperation between the Departments of Commerce and State, it could, from time to time, bring together design and sales experts in the industry and economic attachés from our many diplomatic posts abroad to discuss market opportunities, style and design preferences, etc.

RESEARCH

Our second requirement—after we know more about present and probable world conditions of supply and demand—is to possess more knowledge about domestic supply and demand, and about the uses of textile products. The sixth recommendation of the Pastore report is pertinent and thought-provoking on this point:

"6. It is evident that the textile industry needs and wishes to have an expanded research program. The dilemma facing the industry has been how to finance the additional research that is needed in the face of dwindling earnings. We recommend that some proportion of customs duties collected on textile products entering the United States be used to finance research—especially basic research designed to find new end uses for textile products, and economic research which would aid the industry in planning its future production program. Some of this research could be conducted by existing Government agencies. But grants could also be made to universities and other research organizations capable of effectively assisting the textile industry. There is a need, for example, for sound projections of the future industrial and consumer demand for textile products; for a well-conceived and carefully executed program of market research and for an expanded program of basic research to develop new industrial and consumer uses for fibers and fabrics. The Textile Interagency Committee mentioned in our first recommendation could be assigned the responsibility of supervising the program of research activities suggested here."

Although basic textile research should be stepped up, there is also a need for utilizing the fruits of existing research. It seems to me worth some exploration to look into the extent to which there are useful but unused ideas which have been the subject of patent applications, both successful and unsuccessful. The Small Business Administration publishes a monthly bulletin of newly patented products in which small business firms might be interested. It would seem to me a wholly legitimate function for Government to help its "crisis industries" to the extent of improving the dissemination of useful ideas.

COSTS

The third major area of attention—and perhaps the most obvious—is that of costs of operation.

The cost of plant and equipment can be made less burdensome—in effect, can be reduced—by more realistic depreciation rates to reflect the customary three-shift operation. Again, I can do no better on this point than to quote the seventh recommendation of the Pastore report:

"7. Depreciation rates now contained in Bulletin F of the Internal Revenue Service are obsolete. These rates are based on the assumption that textile machinery is operated on an average of 2,000 hours per year. With three-shift operations, much textile equipment in this country is operated at 6,000 hours per year, and the useful life of such equipment is correspondingly shortened. The current, long-term depreciation rates are hampering investment in an industry which must step up its modernization program if it is to remain viable. We

recommend that at the earliest opportunity the Internal Revenue Service publish a revised schedule of depreciation rates, taking into account current industry practices which would permit a more rapid writeoff of new equipment for tax purposes."

The most glaring, and most indefensible, shackle on the cotton textile industry is the present two-piece system under which all oversea mills can purchase our cotton at a 34-percent discount, which is denied the domestic mills. The gap between prices of cotton to foreign and domestic mills has recently widened. I doubt that, in the long run, it is wise to give such a discount, merely to aid the movement of our cotton crop. Present legislation, passed last year, is intended, over a period of years, to remove the two-price system. In the meantime, so long as there is any differential, there is an acute injustice being committed every day to our cotton industry. Its very existence is justification for the kind of countervailing duty to compensate for the differential, as described in the 9th recommendation of the Pastore report, and for H.R. 4033 and S. 314.

The first order of business of the new Textile Committee should be to find ways and means to expedite termination of the two-price system, and interim methods of compensation to the industry.

Apart from plant, equipment, and materials, the third major item of cost is productivity. This, in the last analysis, depends greatly on the efficiency of equipment and method. Private and governmental research activities, of course, lead to this end, as well as more effective dissemination of existing knowledge. There will be, increasingly, another source of ideas and techniques tending to improve productivity. It is the techniques employed by other countries. Although much of textile production techniques may remain shielded by the cloak of trade secrets, much of it—as in this country—is commonly known and often published. Again, the Textile Committee would perform a valuable service if it could enlist the efforts of the State and Commerce Departments in the systematic collection and distribution of all relevant information.

TRADE POLICY

A sensitive administration of quotas by categories, fluctuating according to changing conditions, would seem to be increasingly necessary during the next 5 years, unless the industry's share of the domestic purchasing dollar greatly improves. Perhaps more useful than the quota itself is the certainty that it would be promptly applied to avoid a massive invasion of a category or drastic price disorder. That is, if a manufacturer in country X were to know that overemphasis by him in a particular line would predictably bring the imposition of a category quota, the possibility is that he would not make too heavy an investment in tooling up for a short-lived venture. Hence, it may be well for the Textile Committee to frame a statement of policy which, if adopted by the Executive, would serve notice on other countries that there would be no bonanzas for overconcentration on particular lines.

A modest but helpful achievement would be the faster processing of escape clause and peril point cases. There is some merit to certainty about such matters, whether a decision is favorable or not.

FOREIGN AID

The fourth recommendation of the Pastore report was restrained and reasonable. It did not call for purchase of all textile commodities in the United States. What it said was this:

"4. What we suggest is that careful study be made of the long-run consequences of further expansion of world textile capacity before additional grants be made to other countries to expand their own textile production for the international market. There need be no fear of a lack of other investment outlets. And while the textile industry is attractive to underdeveloped countries because of the large number of jobs created per dollar of investment, there are numerous alternative investment opportunities which would provide new job opportunities and rising income in those countries."

As the result of two amendments to the Mutual Security Act which I sponsored last year, no development loan can be made without a consideration of the impact of the loan on our domestic economy. Moreover, studies must be made of the impact of our entire mutual security program on our economy. There have been, in Sudan, and Ethiopia, loans approved for the establishment of textile mills. In accordance with the new loan criterion, the possible impact on our economy was carefully considered. However, what was not considered was (1) whether, in the foreseeable future, the country in question could be a customer of the United States or any of our competitors; and (2) how such a country fitted into the worldwide picture I have mentioned before. That is, if India could be expected to supply Sudan in the next decade, or if Sudan eventually could be a cash customer of ours, or of India, or of Japan, then it is not farsighted to assist such countries to enter the industry. Nor is it a favor to them.

It may therefore be appropriate for additional and very stringent criteria to be invoked whenever U.S. assistance for competition to our crisis industries is sought.

On the positive side, Public Law 480 should not be abandoned as a useful means of assisting the industry. Last year Congress added cotton textile products to the list of goods which could be sold overseas for local currency. In the case of textiles, local currency could be received as payment for only the raw material part of the cost. The remainder had to be paid in dollars. The Department of Agriculture, it is only fair to say, did not view this amendment with approval. It has never made serious efforts to make this provision helpful. It has not surveyed markets to see if a deal for part local currency, part dollars would appeal to a buyer.

It may well be that more careful and sympathetic exploration of the possibilities of Public Law 480 would be fruitful. For example, resort to Public Law 480 could be conditioned on a depresed condition in textiles. It could be viewed as a counter cyclical weapon.

STABILITY IN THE INDUSTRY

Recently the industry has experienced 2-year cycles of prosperity and depression. Let me quote from page 10 of the Pastore report:

"One factor contributing to the periodic variations in textile output is the poor state of knowledge in the industry about the inventory situations at a given time and its effects on future prices. This is due to the lack of reliable and timely statistical data on the general state of the market; i. e., the relationship between production and inventories or the flow of goods through the production and marketing pipelines. Some industry spokesmen testified that there is need for greater discipline within the industry, and suggested that improved statistical data would permit mill managements to gear production more closely to the current level of demand."

Not only could the Textile Committee initiate the collection and publication of this data, but it could itself, by virtue of its meetings and discussions, be a major stabilizing force, a source of discipline voluntarily acted upon by the industry. At least the effort seems well worth making. Naturally, all possible antitrust implications would have to be thoroughly studied.

Only in the context of a determination to take the long view and to help textiles survive and prosper in a new world of omnipresent competition does a bill such as H.R. 4033 or S. 314 make sense. Without attention to these other matters, the industry faces a future of the most vigorous competition, ill prepared to meet it. The export subsidy of H.R. 4033 would help slow down the rate at which the boat sinks.

Mr. Howard Troutman, vice president of the Bates Manufacturing Co., has described the current relationship between Uncle Sam and the textile industry as a fairweather partnership. I have attempted to describe a relationship between coach and player. There are certain things Uncle Sam can do to prepare the cotton textile industry for its toughest competition. It can help get and spread the facts of life today and tomorrow. It can help stimulate basic technical and economic research. It can dramatically lower costs of operation through realistic depreciation rates and abolition of the 34 percent discrimination against domestic plants in cotton pricing. It can more sensitively administer the safety valves of quotas, and escape clauses. It can help acquire and distribute information on foreign markets and foreign techniques. It can exercise restraint when asked to add to the world's textile capacity by loan or grant. It can, particularly in times of textile depression, distribute textile products under Public Law 480 to needy peoples. And it can aid the disciplining of the industry by the collection and analysis of production, sales, and inventories data.

No one of these things can be called a crutch. There are other industries and economic pursuits where much more in the nature of Government assistance is both asked and received.

Let these things be done, however, and watch our cotton textile industry enter the lists without despair. But, first, take the shackles off its feet.

State Income Taxes on Out-of-State Corporations

EXTENSION OF REMARKS

OF

HON. ELIZABETH KEE

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1959

Mrs. KEE. Mr. Speaker, recently I introduced legislation to prevent States from levying an income tax on a company that solicits business in the State but has no stock of goods there.

I am pleased to note that just last Thursday the Senate Finance Committee approved a bill similar to the legislation I proposed. I sincerely trust that the House Ways and Means Committee will also give prompt attention to this legislation.

A recent decision of the U.S. Supreme Court makes it imperative for the Congress to act. This decision sanctioned the application of a State income tax where no office is maintained in the State.

This decision, Mr. Speaker, threatens business and industry with a chaotic condition unless it is corrected. It means that the door has been opened for all the States to amend their tax laws to assess income taxes on out-of-State corporations even if the corporation's sole

activity consists of the solicitation of orders.

It is difficult to think of almost any type of business which could escape this new form of taxation.

The implications of the Supreme Court decision are far-reaching. It needs to be studied carefully. Senator BYRD has said he regards the bill reported out by his committee as stopgap legislation while Congress carefully reviews the problem and all of its ramifications.

I sincerely trust that the Congress will not adjourn without dealing with this serious yet little understood problem.

An Exceptional Statement on Free Enterprise

EXTENSION OF REMARKS

OF

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1959

Mr. BERRY. Mr. Speaker, a bill was introduced by our colleague, ROBERT W. HEMPHILL, of South Carolina, which provided termination of the Catawba Indian Reservation in that State.

During the hearing Mrs. Gladys Thomas gave such an outstanding unrehearsed statement that I have asked permission to insert a portion of her remarks in the RECORD as follows:

These are the reasons we feel this way:

A lot of our people are kicking for tax reasons. They say we will have to pay property tax, which is the only tax that we don't have to pay. I pay tax on my income where I work. We pay taxes when we buy a car license, and every other kind of tax. For the additional benefits I would get for paying taxes, I would rather pay taxes.

The roads that we have passing our house are fit only for Army vehicles to be tried out on to see if they can take it. That is about what it amounts to. They are washed out in gullies. Then when we ask them to fix the road, they say, "You are not a taxpayer." That doesn't help us.

Not only that, the schools are not adequate for the children. My children don't go down there because I live on the new reservation. They have only two teachers and two classrooms for the children, and they do need more.

I think when you pay for anything you get exactly what you pay for. We feel if you go uptown to a store and buy a dress or a hat and pay a good price for it, you get good merchandise. If you pay a cheap price, you get exactly what you pay for.

We are just like the people on the outside—we want to be sure that we are able to collect the things owed to us as well as they do.

Our children are growing up. They tell them, "You are not taxpayers. You cannot do certain things." We live out in the country and use old country roads. When I went to school we were not even permitted to ride the schoolbus. I had to quit school in the ninth grade because they didn't allow our people on the reservation to hold public jobs which amounted to anything more than cutting sorghum. My father was not able to pay somebody to haul me to take me back and forth to high school every day. He did for a year and a half. I had to get up at 5 o'clock in the morning and go to the Rock Hill Printing & Finishing Co. to work, and come back at 6 or 7 o'clock at night, because at that time people were working 12 hours a day. That is the way we had to get what little education we have. They refused to let us ride the buses because we did not pay taxes. "You are a group of people who are ignorant." We cannot be considered people who can do just anything, because we don't pay taxes.

We feel that we want to be self-supporting people. When you can pay your own way, you feel more self-supporting.

I am not here hunting something for nothing. I feel if we are going to hunt for something for nothing, we will never amount to very much, because you don't get anything that way. You have to work for what you get; and when you feel you are working for what you have, you are a whole lot better off than if somebody hauls off and gives it to you. I know the rest of you know just what we mean.

We have some down there on the reservation for whom it would not work out, but they would be very few families. I would be willing to say 97 percent of our people are a thriving people. At least 98 percent of our people have hospital insurance and do not have to be on charity when they go to the hospital. Very few of them are getting welfare checks. A few are, but not very many.

Never in history have you ever heard tell of a Catawba Indian dying in a county home. We have never turned our people loose to die in the county home. Somebody was always taking care of them.

I feel if they are given a chance to make something of themselves, they can do it. There are some few who holler about doctors' bills. We are no different than anybody else. Why can't we pay our doctors' bills? Plenty of white people in our section are in worse condition. Plenty of colored people are worse. You might say some of them just exist. Some of them are just existing, but others are also living. We pay our own doctors' bills.

Don't you think when a person knows he has a responsibility he is going to try to do better? He is going to try to better himself in order to meet these things. It is just like a young man when he gets married. When he is single he has no responsibilities. He can say, "I can spend my money any way I please, and throw it away if I want to." But let him get married, and he knows he has a wife and family to take care of, and 90 percent of the time he straightens up. You find some who don't.

As we have said, we can pay for our insurance. We can afford to go to the hospitals when we are sick. We may not want or be able to afford a fancy private room, but 98 percent can afford a normal hospital bill, I would say. Not always has the Government paid it.

Mr. HALEY. You think the Indians would be much better off to have their own property, so they could go ahead and make the improvements that they want and have something so when they went into a bank to borrow money they would be in a position to put up some collateral, in order to improve their own situation; is that correct?

Mrs. THOMAS. Our people are just like any other nationality of people. We have some who would not try, but they are very few, not many. The majority will try. I think you would see better homes on the reservation. Some of them do not have a fine education and all that, but they have knowledge and foresight enough to see the benefits. You can do just so much and can't do any more. Most of our people are textile employees. On the average, you just don't have the money to spend $2,000 or $3,000 at one time for improvements. If you don't have it, they won't do it. We can go uptown and get credit for lumber for a few hundred dollars, which we have done. Otherwise, you can't do it.

Mr. ASPINALL. Mr. Chairman, I want to join with you in commending the witnesses, especially Mrs. Thomas, for stating perhaps better than I could, this Monday morning at least, my own particular philosophy of an American citizen. Usually Monday is a dark day for me. This Monday will be a bright day because of the statement which has been made.

If I may repeat what you said, you thought people get about what they pay for. I think that is right. I think you have stated the situation just as it is.

The fact that you folks feel that you would like to get some roads and receive the treatment which is given to citizens who are without any handicap, and you are willing to pay for it, is just a little bit exceptional in this day and age. That paternalistic way of life does not apply to any particular race. It applies to all races.

Mr. BERRY. Certainly the remarks of Mrs. Thomas are the best speech on free enterprise that I have heard in a long time. I want to commend you.

My only question is this: Would you have any objection if I inserted part of your remarks in the CONGRESSIONAL RECORD?

Mrs. THOMAS. No; I would not.

Bakersfield Californian Outstanding Conservation Newspaper

EXTENSION OF REMARKS

OF

HON. CLAIR ENGLE

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Tuesday, August 11, 1959

Mr. ENGLE. Mr. President, I recently issued a statement commending the Forest Service for the steps it has taken to implement recommendations on fire control made last year by a special subcommittee of the House Interior Committee. The Bakersfield Californian then followed up with a fine editorial commending the work of this committee of the Congress. Now in turn I want my colleagues to share with me this gratifying reaction to the work and deeds of a committee of Congress as reflected by the editorial.

During my long service in the State legislature and in Congress, I have found the management and editorial staff of the Bakersfield Californian dedicated to the sensible cause of conservation. It has been a privilege to meet and know Mrs. Bernice Harrell Chipman, president of the corporation; Mr. Walter Kane, publisher; Mr. James Day, managing editor; and Mr. Ralph Kreiser, editorial writer. The cause of conservation is capably advanced by their efforts.

I ask unanimous consent to have my statement of May 18 and the Bakersfield Californian editorial of May 21 printed in the CONGRESSIONAL RECORD.

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

NEWS STATEMENT

Senator CLAIR ENGLE, Democrat, of California, announced today that the Forest Service has taken steps to implement recommendations on fire prevention and control made last year by the special subcommittee he headed as chairman of the House Interior Committee.

"The steps taken by the Forest Service are a real contribution to better fire protection in southern California," Senator ENGLE said. "Much remains to be done," ENGLE added, "but I am delighted to learn of the constructive measures the Forest Service has taken as a result of the committee's findings."

In October 1957, ENGLE took an eight-man subcommittee to southern California to see what could be done about preventing and controlling the disastrous forest and brush fires that have plagued that area. An 8-point program of prevention and control resulted from the committee's investigation and study, pointing up the need for—

1. More funds and year-long programs for southern California.
2. More advance measures preparatory to fire suppression, such as access roads, firebreaks, helicopter ports.
3. Improved employment conditions.
4. Better protection of forest and brush cover.
5. Newer and improved equipment and techniques.
6. Exclusion of heavy residential concentration from national forests.
7. More liberal authorization for postfire emergency treatments on denuded watersheds.
8. More active use of the Armed Forces trainees on national forests.

In a recent letter to Representative WAYNE ASPINALL, Senator ENGLE's successor as chairman of the House Interior Committee, the Forest Service stated that "several projects of the Forest Service recently undertaken are aimed at accomplishing some of the recommendations of the subcommittee," and that "overall, the committee's findings are particularly constructive, lending us helpful support in our efforts to cope with the many difficult problems involved."

EDITORIAL

PRAISE FOR FOREST SERVICE WORK

Prompt and energetic action on the part of the U.S. Forest Service to improve fire prevention and fire fighting techniques and strategy has brought warm praise from Senator CLAIR ENGLE, who conducted an investigation a few years ago as chairman of a special subcommittee of the House Committee on Interior Affairs, following a disastrous blaze that cost several lives in southern California.

The steps taken by the Forest Service, Senator ENGLE said this week, are a "real contribution to better fire protection in southern California." He declared he was delighted with the constructive measures taken by the service as the result of the findings of his subcommittee.

After interrogating witnesses, studying evidence and examining the situation from all angles, the committee came up with the following recommendations; more funds and the establishment of year-round programs for fire suppression, such as more access roads, firebreaks, helicopter ports and other means; better employment methods for firefighting crew recruitment and maintenance, better protection of forest and brush cover, newer and improved machinery and techniques and other equipment, the exclusion of heavy residential concentration from national forests, a more liberal authorization for postfire emergency treatments on denuded watersheds, and more active use of the Armed Forces trainees on national forests.

These recommendations embodied thoughts that had been expressed many times by experienced foresters who somehow had been unable to convince Congress of their desirability until Senator ENGLE, then chairman of the House Interior Committee, began to explore the subject. Many of these ideas had been included in reports by regional foresters as applicable to all forests having problems similar to those that are present in the southern California region.

Given the green light by the House committee and the encouragement of Senator ENGLE and others who are aware of the problems and needs of the Forest Service in its tremendous job of protecting the Nation's timber, grazing, watershed, and recreation areas from destruction, the Service has moved forward with skill and ability to accomplish as many of the objectives listed in the committee recommendations as possible. Forest Service leaders have expressed warm appreciation of the work of the committee, declaring that "overall, the committee's findings are particularly constructive, lending us helpful support in our efforts to cope with the many difficult problems involved."

It may be pointed out that local support could also be extended to the Forest Service along these lines in order to assist in its important work of protecting and developing the areas so important to the State's economy and progress.

Fraternal Order of Eagles Supports Youth Conservation Corps Bill

EXTENSION OF REMARKS

OF

HON. RICHARD L. NEUBERGER

OF OREGON

IN THE SENATE OF THE UNITED STATES

Tuesday, August 11, 1959

Mr. NEUBERGER. Mr. President, an excellent article explaining the proposed Youth Conservation Corps was published in the August-September 1959 issue of the Eagle magazine. Author of the article is the originator of the Youth Conservation Corps bill, the distinguished senior Senator from Minnesota [Mr. HUMPHREY]. As a cosponsor of Senator HUMPHREY's proposal, I heartily endorse the sentiments expressed in his article. When we consider the great gains for conservation made by the Civilian Conservation Corps under Franklin D. Roosevelt during the 1930's, we can realize that the Youth Conservation Corps in our own time faces a similar challenge and necessity.

It is appropriate that the periodical of the Fraternal Order of Eagles should publish this article by Senator HUMPHREY, because the Eagles have crusaded for many other causes such as social security and jobs after 40. Mr. President, I ask unanimous consent that the article by Senator HUBERT H. HUMPHREY, entitled "Why Not a Youth Conservation Corps?" be printed in the RECORD.

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

WHY NOT A YOUTH CONSERVATION CORPS?

(By Senator HUBERT H. HUMPHREY)

Senator, these boys just have nothing to do. They live in the street, they are bored with life, and about the only thing they have to look forward to is the next "rumble."

The man who said this to me knows what he is talking about. He is the pastor of a large church who has studied the mounting problem of juvenile delinquency and has devoted a good part of his life to helping underprivileged youngsters. He has not gained insight into juvenile delinquency by merely reading newspapers, reports, and studies. He has been educated in this field by spending long and heartbreaking hours beside the desk sergeants, the juvenile court judges, and the superintendents of reform schools. He has learned firsthand of the awful waste of young minds and bodies, and he is frightened.

"Too often we take the easy course of punishment and confinement, and so compound the tragedy rather than to strive for solutions which deal with the root of the problem. We must find them something to be proud of, some work so that at the end of the day they can have a feeling of accomplishment—a feeling they have contributed something worthwhile and that they are needed," my friend said.

He was right, of course, and from that moment on I have been seeking means to aid these youngsters who are doomed to useless lives unless they can be shown the correct path.

No one knows better than myself that I do not have all of the answers, but after a good deal of thought and consultation with authorities in the field I do have a plan I think would be of invaluable assistance to these boys and, at the same time, be of lasting benefit to our country. It is a plan which would aid in halting not only the erosion of the moral fiber of our young people, but also the forces which are constantly eroding and destroying our forests and plains.

My plan, which I have laid before the Senate as a bill, calls for the establishment of a pilot Youth Conservation Corps of approximately 150,000 young men. They would be enrolled in units of 50 boys and assigned to Federal conservation agencies. Recruitment, overall budgetary control, responsibility for the maintenance of minimum standards for working hours, and health and educational programs would be vested in a director under the Department of Health, Education, and Welfare. Essentially, these are the provisions of the bill:

1. Young men who have reached their 16th birthday would be permitted to enroll in the program. They would receive food, lodging, clothing, transportation, and be paid on a scale identical to that of any Army private.
2. They would be put into on-the-job training situations throughout the conservation field, receiving vigorous work under careful supervision.
3. In addition to the training they would receive from professional conservation people, 20 percent of their time would be devoted to other vocational and academic training.

Our objectives, as was mentioned previously, are two fold. First, we want to help these young men by giving them an opportunity to work on useful, constructive, and lasting projects. This, together with guidance and a chance to get some education which otherwise might not be available would be their therapy.

The Nation itself would benefit immeasurably, not only by regaining the usefulness of these young citizens, but we could do much to preserve our natural resources by taking steps to halt the destruction taking place in our vast public lands. Each year fires which could be prevented, floods that could be eradicated are laying waste to thousands upon thousands of acres of forest and fertile plains—all this at a time when the Forest Service predicts our future needs for lumber and wood products will be far greater than estimated yields.

No one who walks today through the green young forests—which in the early thirties were barren, burned-over tracts of waste—can fail to recognize the wonderful contribution made at that time by the boys who worked in the Civilian Conservation Corps. No one who visits our national parks can deny credit to the young men who, 25 years ago, did so much to beautify and pre-

serve these areas which are now enjoyed by millions of Americans each year. The relatively small investment we made in the CCC has returned handsome dividends even though we were not aware of the many advanced methods of conservation now available.

The Youth Conservation Corps could do much more by utilizing modern scientific methods in checking duststorms, floods, and forest fires. These young men could make vast contributions to future generations by adding to our ability to produce the food, fiber, shelter, water, and recreational areas our ever-expanding population will demand. I am convinced that, if given this chance, thousands of the boys who now roam the streets—unemployed and with nothing but time on their hands—would welcome the opportunity to spend a year or two in the great outdoors.

I am happy to say that this proposal has been received with enthusiasm from persons in all walks of life.

It has been most gratifying, and I am determined to press forward in my efforts to acquaint as many people as possible with what I believe is the vast potential of this proposal. If we can do this, I am sure that support for the program will be widespread.

The opportunity is here—not only to solve the "just nothing to do" statement of my pastor friend, but to strengthen the moral and mental fiber of our troubled youth and to enhance our Nation's natural resources as well.

Another Tirade Against TVA Answered

EXTENSION OF REMARKS

OF

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 11, 1959

Mr. EVINS. Mr. Speaker, we are all aware of the strong feeling of our colleague from Iowa [Mr. JENSEN] on the TVA. I am sure we all respect his right to hold and express his opinions on this and any other subject. But, Mr. Speaker, in his most recent expression under the heading "Khrushchev Would Feel at Home at TVA" appearing in the CONGRESSIONAL RECORD August 10 last, the gentleman from Iowa makes certain implications which as a Representative of the people of Tennessee, I cannot overlook and leave unanswered.

The people of Tennessee yield to no one in their devotion to the fundamental principles of our country and in their abhorrence of communism.

The people of Tennessee are patriots to the core. In fact, Tennessee has won the nickname of the "Volunteer State" because her sons have volunteered in such great numbers in all our wars to preserve our Nation and the principles for which it stands. Mr. Speaker, the people of Tennessee are notable for their rugged individualism and their devotion to liberty, freedom, democracy, and our great American way of life.

Tennessee is the Nation's most enchanting State. With TVA and our industries and agriculture we are building a sound economy and a high standard of living.

We are proud of our history, our traditions of the past—and we are proud of our present-day progress and our contributions to the future.

The implication in Mr. JENSEN's statement that the people of the TVA area are accepting and living with a Communist institution in our midst impugns both the patriotism and the intelligence of our people, not only of Tennessee, but also of the other States served by the TVA and even their Representatives in the Congress. Therefore, in answer I denounce the implications of the statement placed in the RECORD by the gentleman from Iowa on August 10, last.

The people of our country, through their Congress, established the TVA some 25 years ago. Recently the Congress has voted by decisive majorities to continue this great institution in the service of our Nation.

Two years ago the Senate voted 61 to 20 to continue the TVA by providing a means for self-financing its power operations.

This year the Senate voted again in favor of TVA by a vote of 73 to 17. During this session the House voted for the TVA on two occasions by margins of 245 to 170 and 242 to 167.

A few days ago the President signed into law the new self-financing bill approved by the Congress. Thus, the people of this Nation have repeatedly endorsed the TVA over the years and, on recent occasions, in spite of Mr. JENSEN's opposition.

This victory was won in spite of the opposition of the gentleman from Iowa [Mr. JENSEN]—and in fact his prediction that the bill would never become law. It is the law of the land today.

Mr. Speaker, I am sure that every one of those who voted in favor of the TVA bill and the President as well, in approving the measure, will resent strongly the implication that his vote and participation indicates any acceptance of any Communist ideas, as Mr. JENSEN would imply.

Mr. Speaker, I have my own reservations about Mr. Khrushchev's visit to our country. Personally, I do not think Mr. Khrushchev should have been invited to the United States. I see no reason why we should roll out the red carpet to those who have denounced our way of life and have dedicated themselves to the overthrow of democracy and our way of life. However, Mr. Khrushchev has been invited to become a guest of our country and should the President and the State Department include a visit to Tennessee in his itinerary, I will say to my colleague from Iowa that our people will proudly show the TVA to him—the world's greatest example of water resource development—where floods have been harnessed, navigation and commerce promoted and where great hydroelectric power dams produce low cost electricity for sale to the people and for the defense of our country. The TVA is one of the greatest showcases in America of democracy in action. Thousands of interested visitors annually come to visit and see this great system of rivers harnessed for the benefit of all the people of our Nation.

The TVA is not all that the people of Tennessee can show Mr. Khrushchev. We could proudly show him the great atomic energy plant where the atom was harnessed and where atomic energy was developed and the atomic bomb produced—the bomb that ended the war and saved the lives of millions of our own soldiers and those of our allies.

We could show him our great industries, farms, and factories.

We could proudly show him our great educational institutions—the University of Tennessee, Vanderbilt University, and a score of other great public and private colleges.

We could show him our great religious institutions—for ours is a State where religious freedom abounds to the fullest.

In Tennessee we could show him the homes and shrines of three great Presidents of the United States—Andrew Jackson, Andrew Johnson, and James K. Polk.

We could show him the mountains and hills and valleys from which the Volunteers marched forth to King's Mountain with Sevier to New Orleans with the immortal Andrew Jackson, and from which the sons of Tennessee have marched to every war for which our country has fought for freedom—freedom for ourselves and others.

In short, if Mr. Khrushchev comes to Tennessee we could show him at every turn a State where freedom is as natural and necessary to the lives of our people as the very air they breathe. We could show him a land of God fearing people, and churches and homes where Christianity abounds and communism is abhorred.

Thus, the implication in Mr. JENSEN's statement that if he visited the TVA area Mr. Khrushchev would find a little communistic island in our country is one which I highly resent, not only as an individual, but as the representative of the people of Tennessee.

I should point out that a few years ago a group of Soviet Russian agricultural experts, headed by the Soviet Minister of Agriculture, Vladimar Matskevich, visited the State of Iowa to inspect the great farms of that State—Mr. JENSEN's State. I recall that these officials, guests of our Nation, were accorded every proper courtesy while visiting in Iowa; and knowing the natural courtesy and hospitality of the fine people of Iowa, I am sure that these Soviet visitors were made to feel at home as much as possible under the circumstances.

Reports in the press at the time stated how much the visitors from Soviet Russia were impressed with the farms of Iowa. It would be ridiculous for anyone to imply that this common interest in farming evidenced any common interest on the part of the people from Iowa for collectivized farming or any other communistic ideas; but no more ridiculous than the aspersion about TVA which Mr. JENSEN makes in his statement.

The controversy about the TVA is old and has been bitter at times. I would be the first to defend any Member's right to express himself fully and completely on this subject—whether he is for the TVA or against the TVA. Mr. JENSEN is a known extremist on this subject and

we have respected his right to be extreme. But, Mr. Speaker, I submit that there are limits to intemperance on this or any other matter; and in this instance, the gentleman from Iowa, in my opinion, is exceeding those limits. In so doing he has not only impugned the good people of my State and the South, and the Members of this body, but has also done a disservice to the people of his own great State of Iowa—whose Governor recently publicly stated that the views of Mr. JENSEN did not represent the views of the people and citizens of Iowa. Tirades and extremism and attacks on our American institutions must be answered and stopped in the interest of preserving America.

SENATE

WEDNESDAY, AUGUST 12, 1959

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

O God, who in all the terror and tension of these convulsive days art sifting out the souls of men before Thy judgment seat, strip us, we pray, of our boastful illusions. Let the chastisements of Thy broken laws be our teachers. Open our eyes to the evils among us that we so readily condemn in others.

Let Thy enabling blessing rest upon all who here labor with true purpose of heart for the purification of public life, for the removal of all practices that betray and deny the democracy we profess, and whose zeal is the spread of the gospel of good will to which there are no frontiers.

May we be mastered by that love, akin to Thine, which seeketh not its own, which endureth all things, and never faileth.

So may the thoughts of our minds, the motives shaping our deeds, the words which pass our lips, and the meditations of our hearts, be this day, and always, acceptable in Thy sight, O Lord, our strength and our redeemer. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 12, 1959.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. FRANK CHURCH, a Senator from the State of Idaho, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. CHURCH thereupon took the Chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, August 11, 1959, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 554. An act for the relief of Argyrios G. Georgandopoulos; and

S. 967. An act for the relief of Lea Levi.

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

H.R. 1665. An act for the relief of Mrs. Vassiliki P. Theodorou;

H.R. 1695. An act for the relief of Lt. Col. Francis E. Resta;

H.R. 2946. An act for the relief of Cecil E. Finley;

H.R. 3801. An act for the relief of Harry and Lily Stopnitsky;

H.R. 5530. An act for the relief of Leila Bernstorff Grauert;

H.R. 5645. An act for the relief of Christopher J. Mulligan;

H.R. 6886. An act for the relief of Liliana Caprara; and

H.R. 6954. An act for the relief of Frol Martin Simonov.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 1665. An act for the relief of Mrs. Vassiliki P. Theodorou;

H.R. 2946. An act for the relief of Cecil E. Finley;

H.R. 3801. An act for the relief of Harry and Lily Stopnitsky;

H.R. 5530. An act for the relief of Leila Bernstorff Grauert;

H.R. 5645. An act for the relief of Christopher J. Mulligan;

H.R. 6886. An act for the relief of Liliana Caprara; and

H.R. 6954. An act for the relief of Frol Martin Simonov; to the Committee on the Judiciary.

H.R. 1695. An act for the relief of Lt. Col. Francis E. Resta; to the Committee on Armed Services.

COMMITTEE MEETINGS DURING SENATE SESSIONS

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Foreign Relations Committee; the Committee on Agriculture and Forestry; the Subcommittee on Antitrust and Monopoly, of the Committee on the Judiciary; and the Committee on the District of Columbia, were authorized to meet during the session of the Senate today.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour for the transaction of routine business; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

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

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

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

CHANGE OF REFERENCE OF NOMINATION

Mr. FULBRIGHT. Mr. President, on July 28, 1959, there was referred to the Committee on Banking and Currency the nomination of Frank A. Southard, Jr., of New York, to be U.S. Executive Director of the International Monetary Fund for a term of 2 years.

Earlier this year the Committee on Foreign Relations asserted its jurisdiction under the rule over legislation dealing with the International Monetary Fund.

It seems proper that that committee should also consider the nominations of U.S. officials of the Fund.

I, therefore, ask unanimous consent that the Committee on Banking and Currency be discharged from further consideration of this nomination and that it be referred to the Committee on Foreign Relations.

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

If there be no reports of committees, the nominations on the calendar will be stated.

ATOMIC ENERGY COMMISSION

The Chief Clerk read the nomination of John H. Williams, of Minnesota, to be a member of the Atomic Energy Commission for the remainder of the term expiring June 20, 1961.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

DEPARTMENT OF STATE

The Chief Clerk read the nomination of Robert D. Murphy, of Wisconsin, to be Under Secretary of State for Political Affairs.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Livingston T. Merchant, of the District of Columbia, to be Deputy Under Secretary of State.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

DIPLOMATIC SERVICE

The Chief Clerk read the nomination of Elbert G. Mathews, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Liberia.