As of yesterday, the President has presided at 296 out of 326 meetings of the National Security Council, the Nation's topmost policy forum. And he also has daily contact with others with high responsibility in America's safety.

But military competence and command is not the President's only dedication to national security. The greatest war deterrent on earth is the spirit embodied by this sincere man.

He circles the globe—reinforcing the bonds of unity and power of the free world's unnumbered millions—convincing even those behind the Iron Curtain that America always will go "the second mile" for peace with freedom and justice.

Under President Eisenhower's inspiring leadership and without lowering our guard, all-powerful America is using disarmament conferences, summit meetings, and other promising steps in a never-ending effort to replace mankind's dread of nuclear disaster with a strong, fresh hope of universal good will and lasting peace.

SENATE

FRIDAY, APRIL 1, 1960

The Senate met at 10 o'clock a.m., and was called to order by Senator GALE W. MCGEE, of Wyoming.

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

Our Father God, in the midst of the distracting problems of today, with all our unhappy divisions, grant us a vision of our dear land fair as she might be—a land of justice, where none shall prey on others; a land of plenty for all, where vice shall cease to fester and where slums will have disappeared; a land of true brotherhood, where success shall be based on service, and where honor shall be given to worth alone. Hear Thou, O Lord, the silent prayer of our hearts for these servants of the state, as they give their strength and dedication to hastening the arrival of the day of our America's coming beauty and righteousness. We ask it in the dear Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 1, 1960.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. GALE W. MCGEE, a Senator from the State of Wyoming, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. McGEE 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 Thursday, March 31, 1960, 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 bill (S. 2778) to amend the act relating to the Commission of Fine Arts, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H.R. 4874. An act to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty;

H.R. 8343. An act relating to the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain; and

H.R. 9444. An act for the relief of Hsiao-li Lindsay (nee Li-Hsiao-li).

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

H.R. 6329. An act to set aside permanently certain land in McKinley County, N. Mex., for use of the Navajo Tribe of Indians; and

H.R. 7456. An act to extend for 3 years the suspension of duty on imports of casein.

LEAVE OF ABSENCE

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the Senator from Nebraska [Mr. HRUSKA] may be absent from the session of the Senate today.

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

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

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Justice for "Support of U.S. Prisoners," for the fiscal year 1960, had been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT OF U.S. ADVISORY COMMISSION ON INFORMATION

A letter from the Chairman, U.S. Advisory Commission on Information, Washington, D.C., transmitting, pursuant to law, a report of that Commission, dated March 1960 (with an accompanying report); to the Committee on Foreign Relations.

AUDIT REPORTS ON GOVERNMENT SERVICES, INC. AND EMPLOYEE RETIREMENT AND BENEFIT TRUST FUND AND PENSION PLAN

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on audits of Government Services, Inc., and of Government Services, Inc.'s employee retirement and benefit trust fund and supplemental pension plan, for the year ended December 31, 1959 (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORT ON PANAMA CANAL COMPANY AND CANAL ZONE GOVERNMENT

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the audit of the Panama Canal Company and Canal Zone Government, fiscal year 1959 (with an accompanying report); to the Committee on Government Operations.

REPORT ON CONTRACTS FOR EXPERIMENTAL, DEVELOPMENTAL, OR RESEARCH WORK

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report on contracts negotiated for experimental, developmental, or research work, during the 6-month period ended December 31, 1959 (with an accompanying report); to the Committee on Government Operations.

REPORT ON PROVISION OF AVIATION WAR RISK INSURANCE

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the provision of aviation war risk insurance, as of December 31, 1959 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

AMENDMENT OF ACT RELATING TO ADJUSTMENT OF CERTAIN CLAIMS OF POSTMASTERS

A letter from the Acting Postmaster General, transmitting a draft of proposed legislation to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

NDUE F. ZEFI

A letter from the Secretary of the Army, transmitting a draft of proposed legislation for the relief of Ndue F. Zefi (with an accompanying paper); to the Committee on the Judiciary.

CLARIFICATION OF STATUS OF CERTAIN CIRCUIT AND DISTRICT JUDGES

A letter from the Director, Administrative Office of the United States Courts, Washington, D.C., transmitting a draft of proposed legislation to clarify the status of circuit and district judges retired from regular active service (with an accompanying paper); to the Committee on the Judiciary.

FEDERAL EMPLOYEES' COMPENSATION ACT AMENDMENTS OF 1960

A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend the Federal Employees' Compensation Act, as amended, to make benefits more realistic in terms of present wage rates, and

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

RECOMMENDATIONS ADOPTED BY INTERNATIONAL LABOR ORGANIZATION

A letter from the Assistant Secretary of State, transmitting, pursuant to law, recommendations adopted by the International Labor Conference, at Geneva, June 19, 1959 (with accompanying papers); to the Committee on Labor and Public Welfare.

REPORT ON SURVEY OF ECONOMIC EFFECTS OF THIRD-CLASS BULK MAIL RATE INCREASE

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on a survey of economic effects of third-class bulk mail rate increase, dated March 1960 (with an accompanying report); to the Committee on Post Office and Civil Service.

PAY PERIOD FOR DEPARTMENT OF THE NAVY UNGRADED EMPLOYEES

A letter from the Assistant Secretary of the Navy (Personnel and Reserve Forces), Washington, D.C., reporting it has been determined that the Department of the Navy will continue to pay its ungraded employees on a weekly basis; to the Committee on Post Office and Civil Service.

DISPOSITION OF EXECUTIVE PAPERS

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

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

PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Alaska; to the Committee on Interstate and Foreign Commerce:

"HOUSE JOINT MEMORIAL 51

"To the Honorable Dwight D. Eisenhower, the President of the United States; the President of the Senate and Speaker of the House of Representatives; and to the Senate and House of Representatives of the United States, in Congress assembled:

"Your memorialist, the Legislature of the State of Alaska, in first legislature, second session assembled, respectfully submits that:

"Whereas in the newly created State of Alaska, the future development of the State will depend upon the orderly development of transportation facilities to, from and within the State of Alaska; and

"Whereas the Senate Interstate and Foreign Commerce Committee has held hearings in Alaska concerning the problems of transportation; and

"Whereas in 1957 at the request of the Senate of the United States, the Interstate Commerce Commission made a comprehensive survey and analysis of the regulatory problems affecting transportation to, from and within Alaska; and

"Whereas certain of the transportation facilities are now operating under the Federal statutes regulating transportation and subject to the jurisdiction of the Interstate Commerce Commission; and

"Whereas the Interstate Commerce Commission in its report to the Senate of the United States has recommended that the Alaska Railroad, a Government corporation, should be subject to the rate and service regulations of the Commission; and

"Whereas other transportation facilities in Alaska are not now subject to the same or similar regulatory procedures and control; and

"Whereas this lack of uniformity of regulation has permitted inequitable and discriminatory rate practices to the detriment of the shippers and receivers of freight in Alaska and such inequities and lack of uniformity will continue to exist until proper amendments to the Interstate Commerce Act have been promulgated by Congress: Now, therefore, be it

"Resolved, That we, the Senate and House of Representatives of the State of Alaska, do hereby respectfully present to the Congress of the United States and particularly to the Senate and House Committees on Foreign and Interstate Commerce that they give due and immediate consideration to the questions involved with relation to the proper amendments to laws governing interstate commerce affecting the broad problems of transportation to, from, and within the newly created State of Alaska; and be it further

"Resolved, That copies of this memorial be transmitted to the President of the United States, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, the Honorable E. L. BARTLETT and the Honorable ERNEST GRUENING, Senators from Alaska and the Honorable RALPH J. RIVERS, Representative from Alaska, each Senator and Representative in Congress from the State of Washington, and to each Member of the Senate and House Committees on Foreign and Interstate Commerce. Passed by the house February 25, 1960.

"WARREN A. TAYLOR,
"Speaker of the House.

"Attest:

"ESTHER REED,
"Chief Clerk of the House.

"Passed by the senate March 1, 1960.

"WILLIAM E. BELTZ,
"President of the Senate.

"Attest:

"KATHERINE T. ALEXANDER,
"Secretary of the Senate."

A joint resolution of the Legislature of the State of Maryland; to the Committee on Public Works:

"JOINT RESOLUTION 11

"Resolution to urge the Congress of the United States and the U.S. Army Engineers to participate in the creation of an inland waterway between the Delaware Bay and the Chesapeake Bay

"Whereas constant competition between the many ports of the United States for foreign trade of the Nation has resulted in certain extensive waterway projects throughout the Nation; and

"Whereas shipping trade and commerce in this area would be greatly aided by an inland waterway between the Delaware Bay and the Chesapeake Bay with an alternate route by way of the Pocomoke River; and

"Whereas planning and construction of such a project will require the efforts of the State involved plus necessary aid from the Federal Government: Now, therefore, be it

"Resolved, That the General Assembly of Maryland urges and requests the Congress of the United States and the U.S. Army Engineers to participate in the planning and construction of an inland waterway between the Delaware Bay and the Chesapeake Bay with an alternate route by way of the Pocomoke River; and be it further

"Resolved, That copies of this joint resolution be sent to the President of the U.S. Senate; the Speaker of the House of Representatives; to each of the members of the Maryland delegation to the U.S. Congress, and to Congressmen THOMAS N. DOWNING, of Virginia, and HARRIS B. MCDOWELL, of Delaware; and to the commanding officer, U.S. Army Engineers; all under the great seal of the State of Maryland."

A resolution of the General Assembly of the State of Rhode Island; to the Committee on Finance:

"H. 1389

"Resolution memorializing Congress with repect to raising the allowable income for persons receiving less than the maximum amount under the Social Security Act

"Whereas the allowable income under the present provisions of the Social Security Act is the same for all persons receiving the maximum amount or an amount less than the maximum under the said act; and

"Whereas it would be more equitable and just to give such person receiving less than the maximum amount under the Social Security Act an allowable income which aggregates an amount equal to the total if such person was receiving the maximum amount under the said act: Now, therefore, be it

"Resolved, That the Members of the Congress of the United States be and they are hereby respectfully requested to consider the feasibility of increasing the allowable income for persons receiving less than the maximum amount under the social security act so that the aggregate amount would equal the total if such person was receiving the maximum amount under said act; and be it further

"Resolved, That the secretary of state be and he is hereby authorized and directed to transmit duly certified copies of this resolution to the Senators and Representatives from Rhode Island in the Congress of the United States and to the respective Presiding Officers in both branches of said Congress."

A resolution adopted by the San Joaquin Valley Supervisors Association, at Bakersfield, Calif., favoring the enactment of House bill 7155, authorizing the construction of the Federal share of the San Luis unit of the Central Valley project; to the Committee on Interior and Insular Affairs.

PENSIONS FOR VETERANS OF WORLD WAR I—RESOLUTIONS

Mr. CARLSON. Mr. President, the Emporia, Kans., chapter of the Kansas State Association of the American War Dads and the American War Dads Auxiliary of Emporia, at their regular meeting on March 11, adopted resolutions urging that the veterans of World War I be granted a pension of $100 per month as stated in H.R. 9336.

The Kansas State Association of the American War Dads and the auxiliary are excellent organizations composed of veterans who have rendered service, or whose sons or daughters have been a part of our defense organization.

I ask unanimous consent that these resolutions be printed in the RECORD and referred to the Senate Finance Committee.

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

RESOLUTION OF KANSAS STATE ASSOCIATION OF THE AMERICAN WAR DADS

Whereas the American War Dads are a nonprofit organization, dedicated to work for the relief and rehabilitation of veterans whether it be in the hospital or in the home, and to work for a just and lasting peace and a more understanding world; and

Whereas the veterans of World War I seek a just and honorable pension of $100 a

month under conditions granted to veterans of former wars, as stated in H.R. 9336:

It was resolved in our regular meeting March 11, that Emporia Chapter 87, American War Dads, working with all the veterans organizations in Emporia, urge the support of this legislation, and that a copy be sent to our Senators and Fourth District Congressman in Washington.

BURRILL RODEE,
President.
F. JAY SOUTH,
Secretary.

RESOLUTION OF AMERICAN WAR DADS AUXILIARY

Whereas the American War Dads Auxiliary is a nonprofit organization dedicated to work for the relief and rehabilitation of the veteran whether it be in the hospital or the home, and to work for a just and lasting peace and a more understanding world; and

Whereas the veterans of World War I seek a just and honorable pension of $100 per month under conditions granted to veterans of former wars, as stated in H.R. 9336:

It was resolved in our regular meeting, March 11, 1960, that Emporia chapter, American War Dads Auxiliary, working with all of the veterans organizations in Emporia, urge support of this legislation and copies be sent to our Senators and Fourth District Congressman in Washington.

IRENE B. MILLARD,
President.
HAZEL KNOEPPEL,
Secretary.

RESOLUTION OF CITY COUNCIL OF SCHENECTADY, N.Y.

Mr. JAVITS. Mr. President, I present, for appropriate reference, a resolution adopted by the City Council of the City of Schenectady, N.Y., favoring the enactment of the bill (S. 105) relating to the provision of scholarships and fellowships for certain children. I ask unanimous consent that the resolution be printed in the RECORD.

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

RESOLUTION 6919

Whereas U.S. Senate bill 105, known as the Veterans' Children Scholarship Act, has been referred to the Senate Education and Scholarship Committee by Senator SMATHERS, of Florida, at the request of the National American Legion and has gained the support of the Schenectady Board of Education, the Rotterdam Town Council, and the board of supervisors; and

Whereas U.S. Senate bill 105 is set up "to provide scientific scholarships and fellowships for children of veterans and other individuals from interest resulting from the investment of certain funds obtained under the provisions of the Trading With the Enemy Act, and to provide for the repayment from such funds of certain American war claims against Germany and Japan"; and

Whereas U.S. Senate bill 105 provides that scholarships would be granted under the direction of the National Science Foundation and would benefit approximately 2,000 students each year studying toward careers in science, technology, and engineering, and toward teaching careers in those fields; and

Whereas passage of the bill would not represent any cost to the taxpayers, since the Federal Government now holds $600 million surrendered by Germany and Japan after World War II in lieu of war reparations: Now, therefore, be it

Resolved, That the Council of the City of Schenectady interested in education of not only citizens of the city of Schenectady but of our populace throughout the Nation joins with the American Legion, Schenectady Board of Education, Rotterdam Town Council, and the board of supervisors in requesting the passage of U.S. Senate bill 105; and be it further

Resolved, That copies of this resolution be sent forthwith by the clerk of the city of Schenectady to Congressman SAMUEL S. STRATTON and Senators KENNETH B. KEATING and JACOB K. JAVITS.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 1268. A bill to provide for notice to States owning surface of lands in which minerals are reserved to Federal Government of proposals to lease such minerals (Rept. No. 1210);

S. 2576. A bill to authorize the addition of certain donated lands to the Everglades National Park (Rept. No. 1211);

H.R. 725. An act to provide for the establishment of the Wilson's Creek Battlefield National Park, in the State of Missouri (Rept. No. 1213);

H.R. 1805. An act to provide for the protection and preservation of the Antietam Battlefield in the State of Maryland (Rept. No. 1214);

H.R. 9543. An act to revise the boundaries and change the name of the Stones River National Military Park, Tenn., and for other purposes (Rept. No. 1215); and

S.J. Res. 9. Joint resolution to provide for the removal of a reservation of timber rights from a patent issued to Ivan H. McCormack (Rept. No. 1212).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1066. A bill to revise the boundaries and change the name of Fort Donelson National Military Park, and for other purposes (Rept. No. 1216);

S. 2128. A bill for the relief of the West Virginia Pulp & Paper Co. (Rept. No. 1217);

S. 2174. A bill to permit M. Margaretta Van Horne to file application for a patent to certain land in Florida (Rept. No. 1218); and

S. 2674. A bill to authorize the acquisition of certain lands for addition to Harpers Ferry National Monument, and for other purposes (Rept. No. 1219).

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

H.R. 7359. An act to direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the Colorado River Commission of Nevada acting for the State of Nevada (Rept. No. 1220).

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

S. 939. A bill to authorize the establishment of the Fort Bowie National Historic Site, in the State of Arizona, and for other purposes (Rept. No. 1221).

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

S. 1411. A bill to amend the act of August 1, 1956 (70 Stat. 898) (Rept. No. 1222).

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

H.R. 3676. An act to direct the Secretary of the Interior to convey certain lands to the city of Tillamook, Oreg. (Rept. No. 1223).

By Mr. ALLOTT, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1833. A bill authorizing the establishment of a national historic site at Bent's Old Fort, near La Junta, Colo. (Rept. No. 1224).

By Mr. FREAR, from the Committee on the District of Columbia, without amendment:

H.R. 9451. An act to amend the act of July 19, 1954, to exempt from taxation certain additional property of the Veterans of Foreign Wars of the United States in the District of Columbia, and to provide that the tax exemption granted the property of the Veterans of Foreign Wars of the United States in the District of Columbia shall be effective with respect to taxable years beginning on and after July 1, 1959 (Rept. No. 1225).

By Mr. FREAR, from the Committee on the District of Columbia, with an amendment:

S. 2671. A bill to exempt from taxation certain property of the American War Mothers, Inc. (Rept. No. 1226).

By Mr. FREAR, from the Committee on the District of Columbia, with amendments:

S. 2306. A bill to exempt from taxation certain property of the National Woman's Party, Inc., in the District of Columbia (Rept. No. 1227).

By Mr. HARTKE, from the Committee on the District of Columbia, without amendment:

H.R. 10683. An act to provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes (Rept. No. 1229).

By Mr. HARTKE, from the Committee on the District of Columbia, with amendments:

S. 2446. A bill to amend the act entitled "An act to authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes," approved August 11, 1950 (Rept. No. 1228).

By Mr. BEALL, from the Committee on the District of Columbia, without amendment:

H.R. 9737. An act to amend the act of March 3, 1901, to eliminate the requirement that certain District of Columbia corporations be managed by trustees the majority of whom are citizens of the District of Columbia (Rept. No. 1230).

By Mr. BEALL, from the Committee on the District of Columbia, with amendments:

S. 2131. A bill to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954, as amended (Rept. No. 1231).

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

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal employment and pay for the month of February 1960. In accordance with the practice of several years' standing, I ask unanimous consent to have the report printed in the RECORD, together with a statement by me.

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

FEDERAL PERSONNEL IN EXECUTIVE BRANCH, FEBRUARY 1960 AND JANUARY 1960, AND PAY, JANUARY 1960 AND DECEMBER 1959

PERSONNEL AND PAY SUMMARY

(See table I)

Information in monthly personnel reports for February 1960 submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures is summarized.

Total and major categories	Civilian personnel in executive branch			Payroll (in thousands) in executive branch		
	In February numbered—	In January numbered—	Increase (+) or decrease (−)	In January was—	In December was—	Increase (+) or decrease (−)
Total [1]	2,331,883	2,329,442	+2,441	$1,026,721	$1,148,434	−$121,713
Agencies exclusive of Department of Defense	1,284,723	1,281,142	+3,581	566,695	648,306	−81,611
Department of Defense	1,047,160	1,048,300	−1,140	460,026	500,128	−40,102
Inside the United States	2,172,136	2,170,430	+1,706			
Outside the United States	159,747	159,012	+735			
Industrial employment	557,175	556,645	+530			
Foreign nationals	179,419	179,298	+121	21,629	23,494	−1,865

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

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

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

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

Table IV breaks down the above employment figures to show the number of Federal employees inside and outside the United States in industrial-type activities by agencies.

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

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during February 1960, and comparison with January 1960, and pay for January 1960, and comparison with December 1959*

Department or agency	Personnel				Pay (in thousands)			
	February	January	Increase	Decrease	January	December	Increase	Decrease
Executive departments (except Department of Defense):								
Agriculture	83,733	84,321		588	$35,342	$39,141		$3,799
Commerce [1] [2]	34,334	35,464		1,130	15,128	[3] 19,139		4,011
Health, Education, and Welfare	59,853	59,930		77	26,512	[3] 28,659		2,147
Interior	49,832	49,608	224		23,835	26,554		2,719
Justice	30,313	30,106	207		16,482	18,014		1,532
Labor	6,571	6,304	267		3,164	3,430		266
Post Office	555,811	556,347		536	243,631	294,341		50,710
State [4]	36,478	36,280	198		15,956	17,287		1,331
Treasury	78,554	75,421	3,133		36,782	39,629		2,847
Executive Office of the President:								
White House Office	415	412	3		237	263		26
Bureau of the Budget	425	429		4	328	346		18
Council of Economic Advisers	32	33		1	31	29	$2	
Executive Mansion and Grounds	71	72		1	27	31		4
National Security Council	63	64		1	44	47		3
Office of Civil and Defense Mobilization	1,790	1,776	14		1,093	1,186		93
President's Advisory Committee on Government Organization	3	3			2	3		1
President's Committee on Fund Raising Within the Federal Service	5	4	1		3	3		
Independent agencies:								
Alaska International Rail and Highway Commission	2	2			2	2		
American Battle Monuments Commission	478	484		6	82	85		3
Atomic Energy Commission	6,749	6,723	26		4,079	4,425		346
Board of Governors of the Federal Reserve System	591	584	7		342	364		22
Boston National Historic Sites Commission	3	2	1		1	1		
Civil Aeronautics Board	732	730	2		450	493		43
Civil Service Commission	3,564	3,573		9	1,796	1,989		193
Civil War Centennial Commission	6	6			4	4		
Commission of Fine Arts	4	4			2	3		1
Commission on Civil Rights	70	73		3	38	40		2
Commission on International Rules of Judicial Procedure						[3] 7		7
Development Loan Fund	99	98	1		68	70		2
Export-Import Bank of Washington	227	226	1		146	153		7
Farm Credit Administration	249	251		2	165	338		173
Federal Aviation Agency	35,049	34,593	456		19,584	20,570		986
Federal Coal Mine Safety Board of Review	7	7			4	4		
Federal Communications Commission	1,291	1,268	23		734	805		71
Federal Deposit Insurance Corporation	1,237	1,238		1	670	736		66
Federal Home Loan Bank Board	975	967	8		530	573		43
Federal Mediation and Conciliation Service	335	335			251	273		22
Federal Power Commission	822	827		5	488	531		43
Federal Trade Commission	748	743	5		467	510		43
Foreign Claims Settlement Commission	46	48		2	33	34		1
General Accounting Office	4,996	5,000		5	2,633	2,865		232
General Services Administration [5]	27,620	27,516	104		11,322	12,322		1,000
Government Contract Committee	36	34	2		18	18		
Government Printing Office	6,514	6,518		4	3,287	3,439		152
Housing and Home Finance Agency	10,900	10,946		46	5,716	6,256		540
Hudson-Champlain Celebration Commission	3	3			2	2		
Indian Claims Commission	16	16			16	11	5	
Interstate Commerce Commission	2,333	2,306	27		1,302	1,407		105
Lincoln Sesquicentennial Commission	5	6		1	4	4		
National Aeronautics and Space Administration	9,670	9,604	66		5,643	6,013		460
National Capital Housing Authority	329	324	5		132	143		11
National Capital Planning Commission	44	43	1		27	29		2
National Gallery of Art	319	316	3		117	127		10
National Labor Relations Board	1,647	1,663		16	941	1,001		60
National Mediation Board	119	117	2		81	84		3
National Science Foundation	652	555	97		302	326		24
Outdoor Recreation Resources Review Commission	37	38		1	22	21	1	
Panama Canal	13,854	13,786	68		4,142	4,210		68
Railroad Retirement Board	2,237	2,257		20	1,023	1,130		107
Renegotiation Board	286	287		1	202	219		17
St. Lawrence Seaway Development Corporation	163	164		1	89	92		3
Securities and Exchange Commission	958	959		1	555	598		43
Selective Service System	6,260	6,251	9		1,675	1,826		151
Small Business Administration	2,155	2,137	18		1,160	1,242		82
Smithsonian Institution	1,122	1,103	19		457	515		58
Soldiers' Home	1,020	1,022		2	292	326		34
South Carolina, Georgia, Alabama, and Florida Water Study Commission	41	40	1		24	24		

See footnotes at end of table.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during February 1960, and comparison with January 1960, and pay for January 1960, and comparison with December 1959*—Continued

Department or agency	Personnel				Pay (in thousands)			
	February	January	Increase	Decrease	January	December	Increase	Decrease
Independent agencies—Continued								
Subversive Activities Control Board	27	28		1	$21	$22		$1
Tariff Commission	235	237		2	148	175		27
Tax Court of the United States	149	149			100	107		7
Tennessee Valley Authority	14,175	13,980	195		7,390	7,718		328
Texas Water Study Commission	36	35	1		21	22		1
U.S. Information Agency	10,876	10,820	56		3,644	3,953		309
Veterans' Administration	173,297	173,025	272		65,565	71,767		6,202
Virgin Islands Corporation	1,025	500	525		89	90		1
Total, excluding Department of Defense	1,284,723	1,281,142	6,048	2,467	566,695	648,306	$8	81,619
Net change, excluding Department of Defense			3,581				81,611	
Department of Defense:								
Office of the Secretary of Defense	1,818	1,806	12		1,176	1,292		116
Department of the Army	385,745	[3] 385,227	518		162,696	176,222		13,526
Department of the Navy	345,064	346,123		1,059	159,513	174,051		14,538
Department of the Air Force	314,533	315,144		611	136,641	148,563		11,922
Total, Department of Defense	1,047,160	1,048,300	530	1,670	460,026	500,128		40,102
Net decrease, Department of Defense			1,140				40,102	
Grand total, including Department of Defense [6]	2,331,883	2,329,442	6,578	4,137	1,026,721	1,148,434	8	121,721
Net change, including Department of Defense			2,441				121,713	

[1] February figure includes 190 seamen on the rolls of the Maritime Administration, and their pay.
[2] February figure includes 261 enumerators for the census of agriculture as compared with 2,232 in January, and their pay.
[3] Revised on basis of later information.
[4] February figure includes 13,394 employees of the International Cooperation Administration as compared with 13,287 in January, and their pay. These ICA figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The February figure includes 3,184 of these trust fund employees, and the January figure includes 3,135.
[5] Includes 3 employees of the Federal Facilities Corporation.
[6] Exclusive of personnel and pay of the Central Intelligence Agency and the National Security Agency.

TABLE II.—*Federal personnel inside the United States employed by the executive agencies during February 1960, and comparison with January 1960*

Department or agency	February	January	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	82,698	83,295		597
Commerce [1]	33,803	34,963		1,160
Health, Education, and Welfare	59,403	59,484		81
Interior	49,384	49,162	222	
Justice	30,013	29,813	200	
Labor	6,489	6,235	254	
Post Office	554,640	555,192		552
State [2]	8,915	8,834	81	
Treasury	78,013	74,877	3,136	
Executive Office of the President:				
White House Office	415	412	3	
Bureau of the Budget	425	429		4
Council of Economic Advisers	32	33		1
Executive Mansion and Grounds	71	72		1
National Security Council	63	64		1
Office of Civil and Defense Mobilization	1,790	1,776	14	
President's Advisory Committee on Government Organization	3	3		
President's Committee on Fund Raising Within the Federal Service	5	4	1	
Independent agencies:				
Alaska International Rail and Highway Commission	2	2		
American Battle Monuments Commission	14	13	1	
Atomic Energy Commission	6,707	6,681	26	
Board of Governors of the Federal Reserve System	591	584	7	
Boston National Historic Sites Commission	3	2	1	
Civil Aeronautics Board	732	730	2	
Civil Service Commission	3,561	3,570		9
Civil War Centennial Commission	6	6		
Commission of Fine Arts	4	4		
Commission on Civil Rights	70	73		3
Development Loan Fund	99	98	1	
Export-Import Bank of Washington	227	226	1	
Farm Credit Administration	249	251		2
Federal Aviation Agency	34,205	33,740	465	
Federal Coal Mine Safety Board of Review	7	7		
Federal Communications Commission	1,289	1,266	23	
Federal Deposit Insurance Corporation	1,235	1,236		1
Federal Home Loan Bank Board	975	967	8	
Federal Mediation and Conciliation Service	335	335		
Federal Power Commission	822	827		5
Federal Trade Commission	748	743	5	
Foreign Claims Settlement Commission	46	48		2
Feneral Accounting Office	4,925	4,929		4
General Services Administration [3]	27,615	27,511	104	
Government Contract Committee	36	34	2	
Government Printing Office	6,514	6,518		4
Independent agencies—Continued				
Housing and Home Finance Agency	10,765	10,807		42
Hudson-Champlain Celebration Commission	3	3		
Indian Claims Commission	16	16		
Interstate Commerce Commission	2,333	2,306	27	
Lincoln Sesquicentennial Commission	5	6		1
National Aeronautics and Space Administration	9,668	9,602	66	
National Capital Housing Authority	329	324	5	
National Capital Planning Commission	44	43	1	
National Gallery of Art	319	316	3	
National Labor Relations Board	1,623	1,639		16
National Mediation Board	119	117	2	
National Science Foundation	652	555	97	
Outdoor Recreation Resources Review Commission	37	38		1
Panama Canal	409	387	22	
Railroad Retirement Board	2,237	2,257		20
Renegotiation Board	286	287		1
St. Lawrence Seaway Development Corporation	163	164		1
Securities and Exchange Commission	958	959		1
Selective Service System	6,105	6,096	9	
Small Business Administration	2,135	2,118	17	
Smithsonian Institution	1,111	1,092	19	
Soldiers' Home	1,020	1,022		2
South Carolina, Georgia, Alabama, and Florida Water Study Commission	41	40	1	
Subversive Activities Control Board	27	28		1
Tariff Commission	235	237		2
Tax Court of the United States	149	149		
Tennessee Valley Authority	14,173	13,978	195	
Texas Water Study Commission	36	35	1	
U.S. Information Agency	2,733	2,739		6
Veterans' Administration	172,214	171,944	270	
Total, excluding Department of Defense	1,227,124	1,224,353	5,292	2,521
Net increase, excluding Department of Defense			2,771	
Department of Defense:				
Office of the Secretary of Defense	1,774	1,762	12	
Department of the Army	335,553	335,048	505	
Department of the Navy	323,075	324,086		1,011
Department of the Air Force	284,610	285,181		571
Total, Department of Defense	945,012	946,077	517	1,582
Net decrease, Department of Defense			1,065	
Grand total, including Department of Defense	2,172,136	2,170,430	5,809	4,103
Net increase, including Department of Defense			1,706	

[1] February figure includes 190 seamen on the rolls of the Maritime Administration.
[2] February figure includes 1,882 employees of the International Cooperation as compared with 1,889 in January.
[3] Includes 3 employees of the Federal Facilities Corporation.

TABLE III.—*Federal personnel outside the United States employed by the executive agencies during February 1960, and comparison with January 1960*

Department or agency	February	January	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	1,035	1,026	9	
Commerce	531	501	30	
Health, Education, and Welfare	450	446	4	
Interior	448	446	2	
Justice	300	293	7	
Labor	82	69	13	
Post Office	1,171	1,155	16	
State [1]	27,563	27,446	117	
Treasury	541	544		3
Independent agencies:				
American Battle Monuments Commission	464	471		7
Atomic Energy Commission	42	42		
Civil Service Commission	3	3		
Federal Aviation Agency	844	853		9
Federal Communications Commission	2	2		
Federal Deposit Insurance Corporation	2	2		
General Accounting Office	71	72		1
General Services Administration	5	5		
Housing and Home Finance Agency	135	139		4
National Aeronautics and Space Administration	2	2		
National Labor Relations Board	24	24		
Panama Canal	13,445	13,399	46	
Selective Service System	155	155		
Independent agencies—Continued				
Small Business Administration	20	19	1	
Smithsonian Institution	11	11		
Tennessee Valley Authority	2	2		
U.S. Information Agency	8,143	8,081	62	
Veterans' Administration	1,083	1,081	2	
Virgin Islands Corporation	1,025	500	525	
Total, excluding Department of Defense	57,599	56,789	834	24
Net increase, excluding Department of Defense			810	
Department of Defense:				
Office of the Secretary of Defense	44	44		
Department of the Army	50,192	[2] 50,179	13	
Department of the Navy	21,989	22,037		48
Department of the Air Force	29,923	29,963		40
Total, Department of Defense	102,148	102,223	13	88
Net decrease, Department of Defense			75	
Grand total, including Department of Defense	159,747	159,012	847	112
Net increase, including Department of Defense			735	

[1] February figure includes 11,512 employees of the International Cooperation Administration as compared with 11,398 in January. These ICA figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The February figure includes 3,184 of these trust fund employees, and the January figure includes 3,135.

[2] Revised on basis of later information.

TABLE IV.—*Industrial employees of the Federal Government inside and outside the United States employed by the executive agencies during February 1960, and comparison with January 1960*

Department or agency	February	January	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	3,329	3,306	23	
Commerce	2,397	2,299	98	
Interior	6,716	6,616	100	
Treasury	5,202	5,159	43	
Independent agencies:				
Atomic Energy Commission	155	154	1	
Federal Aviation Agency	785	750	35	
Federal Communications Commission	13	13		
General Services Administration	1,226	1,207	19	
Government Printing Office	6,514	6,518		4
National Aeronautics and Space Administration	9,670	9,604	66	
Panama Canal	7,033	6,924	109	
Tennessee Valley Authority	1,411	11,220	191	
Virgin Islands Corporation	1,025	500	525	
Total, excluding Department of Defense	55,476	54,270	1,210	4
Net increase, excluding Department of Defense			1,206	
Department of Defense:				
Department of the Army:				
Inside the United States	[1] 134,750	[2] 134,573	177	
Outside the United States	[1] 8,200	[2] 8,210		10
Department of the Navy:				
Inside the United States	198,661	199,073		412
Outside the United States	514	519		5
Department of the Air Force:				
Inside the United States	158,172	158,539		367
Outside the United States	1,402	1,461		59
Total, Department of Defense	501,699	502,375	177	853
Net decrease, Department of Defense			676	
Grand total, including Department of Defense	557,175	556,645	1,387	857
Net increase, including Department of Defense			530	

[1] Subject to revision.

[2] Revised on basis of later information.

TABLE V.—*Foreign nationals working under U.S. agencies overseas, excluded from tables I through IV of this report, whose services are provided by contractual agreement between the United States and foreign governments, or because of the nature of their work or the source of funds from which they are paid, as of February 1960 and comparison with January 1960*

Country	Total		Army		Navy		Air Force	
	February	January	February	January	February	January	February	January
Belgium	12	12					12	12
England	3,491	3,393					3,491	3,393
France	21,774	21,725	17,384	17,326	4	3	4,386	4,396
Germany	81,631	81,527	69,189	69,213	57	57	12,385	12,257
Japan	61,952	62,212	[1] 20,266	[1] 20,442	16,026	16,072	25,660	25,698
Korea	6,121	6,011	6,121	6,011				
Morocco	3,822	3,806	2	2	846	845	2,974	2,959
Netherlands	43	43					43	43
Norway	23	23					23	23
Saudi Arabia	1	2					1	2
Trinidad	549	544			549	544		
Total	179,419	179,298	112,962	112,994	17,482	17,521	48,975	48,783

[1] Revised on basis of later information.

STATEMENT BY SENATOR BYRD OF VIRGINIA

Executive agencies of the Federal Government reported civilian employment in the month of February totaling 2,331,883. This was a net increase of 2,441 as compared with employment reported in the preceding month of January.

Civilian employment reported by the executive agencies of the Federal Government, by months in fiscal year 1960, which began July 1, 1959, follows:

Month	Employment	Increase	Decrease
1959			
July	2,370,694	3,703	
August	2,364,320		6,374
September	2,345,359		18,961
October	2,348,807	3,448	
November	2,372,247	23,440	
December	2,364,342		7,905
1960			
January	2,329,442		34,900
February	2,331,883	2,441	

Total Federal employment in civilian agencies for the month of February was 1,284,723, an increase of 3,581 as compared with the January total of 1,281,142. Total civilian employment in the military agencies in February was 1,047,160, a decrease of 1,140 as compared with 1,048,300 in January.

Civilian agencies reporting the larger increases were Treasury Department with 3,133, Virgin Islands Corporation with 525, and Federal Aviation Agency with 456. The increase in Treasury Department was largely seasonal. The larger decreases were reported by Commerce Department with 1,130, Agriculture Department with 588 and Post Office Department with 536.

In the Department of Defense, decreases in civilian employment were reported by the Department of the Navy with 1,059, and the Department of the Air Force with 611. The Department of the Army reported an increase of 518.

Inside the United States civilian employment increased 1,707, and outside the United States civilian employment increased 735. Industrial employment by Federal agencies in February totaled 557,175, an increase of 530.

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

FOREIGN NATIONALS

The total of 2,331,883 civilian employees certified to the Committee by Federal agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad, but in addition to these there were 179,419 foreign nationals working for U.S. military agencies during February who were not counted in the usual personnel reports. The number in January was 179,298. A breakdown of this employment for February follows:

Country	Total	Army	Navy	Air Force
Belgium	12			12
England	3,491			3,491
France	21,774	17,384	4	4,386
Germany	81,631	69,189	57	12,385
Japan	61,952	20,266	16,026	25,660
Korea	6,121	6,121		
Morocco	3,822	2	846	2,974
Netherlands	43			43
Norway	23			23
Saudia Arabia	1			1
Trinidad	549		549	
Total	179,419	112,962	17,482	48,975

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. HART:

S. 3306. A bill for the relief of Tadeusz (Kraszewski) DeMuch; to the Committee on the Judiciary.

By Mr. KEFAUVER:

S. 3307. A bill for the relief of Rocky River Co. and Macy Land Corp.; to the Committee on the Judiciary.

By Mr. BUTLER:

S. 3308. A bill to amend section 5 of the Administrative Procedure Act; to the Committee on the Judiciary.

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

By Mr. MAGNUSON (for himself and Mr. JACKSON):

S. 3309. A bill to amend the act entitled "An act to authorize the purchase, sale, and exchange of certain Indian lands on the Yakima Indian Reservation, and for other purposes," approved July 28, 1955;

S. 3310. A bill to amend the act entitled "An act to transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes," approved August 5, 1954; and

S. 3311. A bill to authorize the Secretary of the Interior to make loans to the Yakima Tribes of Indians of the State of Washington for the purpose of purchasing Indian lands; and

S. 3312. A bill to authorize the Secretary of the Interior to establish, in the State of Washington, an institution for the care, custody and education of certain juvenile dependents and delinquents; to the Committee on Interior and Insular Affairs.

By Mr. KERR:

S. 3313. A bill for the relief of Thomas J. Morris; to the Committee on the Judiciary.

By Mr. SMATHERS:

S. 3314. A bill for the relief of Ellsworth W. Thiele; to the Committee on the Judiciary.

By Mr. WILLIAMS of New Jersey:

S. 3315. A bill for the relief of Helena Palin Kalemba; to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 3316. A bill to amend the Act of September 16, 1959 (73 Stat. 561), with respect to the construction, operation, and maintenance of the Spokane Valley project, Washington, under the Federal reclamation laws; to the Committee on Interior and Insular Affairs.

By Mr. KUCHEL (for himself and Mr. ENGLE):

S. 3317. A bill to provide authority for the Secretary of State to conclude an agreement with the Government of Mexico and the city of San Diego for collection, treatment, and disposal of sewage originating in Tijuana, Mexico, with a proviso that the agreement contain provisions for payment by the Government of Mexico in an amount and under such terms and conditions as deemed appropriate by the Secretary of State; to the Committee on Foreign Relations.

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

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

S.J. Res. 182. Joint resolution to provide for the designation of June 4, 1960, as Louisiana State University Centennial Day; to the Committee on the Judiciary.

CONCURRENT RESOLUTION

RESTORATION OF FREEDOM TO CAPTIVE NATIONS

Mr. DOUGLAS submitted a concurrent resolution (S. Con. Res. 102) relating to restoration of freedom to captive nations, which was referred to the Committee on Foreign Relations.

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

AMENDMENT OF SECTION 5 OF ADMINISTRATIVE PROCEDURE ACT

Mr. BUTLER. Mr. President, I introduce for appropriate reference a bill to amend section 5 of the Administrative Procedure Act.

I ask unanimous consent to have printed in the RECORD a statement I have prepared in connection with the bill.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 3308) to amend section 5 of the Administrative Procedure Act, introduced by Mr. BUTLER, was received, read twice by its title, and referred to the Committee on the Judiciary.

The statement presented by Mr. BUTLER is as follows:

STATEMENT BY SENATOR BUTLER

During the 2d session of the 85th Congress I introduced a bill, S. 3521, as an amendment to section 5 of the Administrative Procedure Act which would make unlawful any ex parte discussion of certain matters pending before Federal agencies. I wish to reintroduce a modified version of that bill at this time.

The purpose of my bill is to equate the members, officers, and employees of agencies, in their adjudicatory functions, with Federal judges insofar as a standard of ethical conduct is concerned.

I feel that it is important for their own protection that these men have some standard or criterion which they can utilize in governing their activities and contacts with members of the industry they are charged with regulating.

Much has been said and printed recently about the impossibility of legislating ethics. While I agree that it is inherently difficult to regulate a man's ethics, I submit there are areas where rules can be applied. Specifically, I do not believe agency members should be isolated from contact with their industry simply because they are in a regulatory position. Daily contact is often necessary to keep abreast of new developments. Agency members cannot and should not be criticized for such contact.

With or without legislation, however, they should be discreet in their discussions with industry representatives. In this respect they should conform to a code of conduct similar to that followed by Federal and other judges and not discuss pending cases.

The legal profession has for years operated on the theory that there should be no ex parte discussion with a judge of pending cases. To do so is a breach of professional and judicial ethics. On the whole, the practice has been highly successful.

A judge is usually selected from the bar that will subsequently practice before him. No one could logically argue that from the

day of his selection or election he is to disassociate himself from his longtime friends of the bar. The judge can and should continue to be active in his local bar association and maintain his contact with the profession. He must, of course, be careful not to accept unusual hospitality. The prudent judge, however, will never discuss pending cases outside the presence of all parties. The prudent lawyer will never ask that he do so.

The same is true of the agency head or member. He must of necessity if he is to be of any value at all in the position, be selected from some segment of the industry he is to have a hand in regulating. Should he thereafter divorce himself from all contacts, new or old, in the industry? Of course not. He should, however, conduct himself with the same degree of judicial and professional demeanor that governs a judge. He should not talk about cases before his agency which have been designated for hearing. Any self-respecting industry member or attorney practicing before the agency should act with *equal discretion*.

The bill would make it unlawful and unethical for any person to discuss the facts of a case with an agency official or member after it has been designated for hearing without first giving notice and opportunity for all parties to be present. It would likewise make it unlawful and unethical for any agency official to solicit such ex parte discussions.

While this bill would establish a code of conduct, it would leave to the discretion of the respective officials the degree of contact, social and business, he would have with the industry. This is consistent with the respect accorded the gentlemen of the judiciary.

Further, it has been brought to my attention that agencies receive suggestions and ideas on the variety of matters before them not only from the industry and the public but from Members of Congress and other Government officials as well. I understand this occurs during the regular working day as well as at evening social affairs. While such may or may not be good practice when applied to some of the various functions of the agencies, it should not be carried over to those cases pending before the agencies which have been designated for hearing. My bill will prevent the practice referred to and would give to administrative hearings the judicial-like atmosphere and procedure which was intended by the Administrative Procedure Act. The application of legal ethical standards to the agencies would give public and professional confidence to the decisions of those officials which apparently does not exist at the present time.

While my bill does not provide for a penalty, it would nevertheless serve as a valuable guide and deterrent as do the existing codes of judicial and professional ethics. It would protect the officials not only from their enemies but, of equal if not more importance, from their friends. Violation could be the basis for prohibiting an individual from practicing or appearing before the agency the same as unethical conduct can be the basis for disbarment or suspension of an attorney. That, however, is a matter which should be left with the agency, the same as disbarment and suspension procedures are determined by the court concerned.

To impose any greater standard of conduct on these officials in their adjudicatory function than that imposed upon Federal judges cannot be justified; to require less would affect the confidence given their decisions.

I submit that law is the cornerstone of a society's ethical code and that my bill would alleviate, to a considerable extent, existing suspicion and mistrust of the Nation's regulatory agencies.

PROPOSED LEGISLATION TO RESOLVE THE BORDER SANITATION PROBLEM BETWEEN MEXICO AND THE UNITED STATES

Mr. KUCHEL. Mr. President, on behalf of myself and my colleague the junior Senator from California [Mr. ENGLE], I introduce, for appropriate reference, a bill to authorize the Secretary of State to conclude an agreement with the Government of Mexico and the city of San Diego, Calif., for the collection, treatment, and disposal of sewage originating in Tijuana, Mexico. Included in the bill is a requirement that the agreement must contain provisions for payment by the Government of Mexico, the details of payment to be determined by the Secretary of State.

Mr. President, this proposed legislation is urgently needed to remedy a critical situation threatening the health and welfare of residents from San Diego southward to Baja, Calif. Without it, both the Mexican and southern Californian residents of the affected area will continue to face a dangerous health menace, the secondary effects of which will spread to other larger areas.

Prior to the construction of the international outfall sewer, the sewage facilities in Tijuana, Mex., consisted of a system serving 500 people. Effluent was discharged into the drainage system of the Tia Juana River on the Mexican side of the border Inadequately treated sewage began flowing across the border into California, creating a health hazard; and in May 1933 the county of San Diego lodged an official complaint with the International Boundary and Water Commission. The Commission subsequently agreed upon a plan for the construction of an international trunkline sewer, commencing in Mexico and extending through San Ysidro and along the border to the Pacific Ocean. Through the use of emergency relief funds, the portion of the international sewer line in the United States was completed in 1938.

Treatment facilities provided for Tijuana were minimal in nature, consisting of a septic tank designed to serve a population of 5,000. Today the population of Tijuana has skyrocketed to an estimated 160,000, with 50,000 to 60,000 people connected to the sewage system. Flows of between 4.5 million and 5 million gallons per day of sewage now cross the border from Tijuana. There have been few changes in the plant since its construction. Operation of the plant as a limited settling facility has generally not worked out, with the result that sewage entering California and flowing to the Pacific Ocean is virtually raw. It is swept back up on the beaches of California communities in this State. Emergency measures to treat the raw sewage by chlorination has been inadequate. In fact, the county of San Diego health officials closed the beaches and restricted the use of a major section of the beaches known as the Silver Strand in the Imperial Beach area because the chlorination method of treating raw sewage did not reduce the bacterial count to a safe level.

Mr. President, officials from the Mexican Government, the State Department, the State of California, the county and city of San Diego, the city of Imperial Beach, and the International Boundary and Water Commission have worked tirelessly with Representative WILSON to work out a mutually satisfactory solution to the problem. These efforts have extended over a long period, beginning in 1946, when the danger to health from the Outfall in the vicinity of bathing beaches became apparent.

The proposed legislation I have introduced today will permit our Government to propose a plan to the Government of Mexico which will solve this problem on a long-term basis. The Mexican Government, including its distinguished Chief of State, Adolfo Lopez Mateos, and his representative on the Mexican Section of the International Boundary and Water Commission, have pledged their full cooperation with the United States in developing a master sewage project to remove the hazard to health currently resulting from inadequate facilities.

Sanitation engineering experts have recommended that the most reasonable proposal is to have the Tijuana area join in the master sewage-treatment and disposal facility to be constructed by the city of San Diego. Tijuana would be connected with this system through an extension, thus enabling sewage from below the border to be collected, treated, and disposed of by the city of San Diego.

Under the provisions of the proposed legislation, Mr. President, the Secretary of State would be required to act, through his representative on the International Boundary and Water Commission, to enter into an agreement with the Government of Mexico to provide, first, that Tijuana, Mexico, join the sewage-treatment system of San Diego, Calif.; second, that the Government of Mexico pay an equitable share of the cost involved in connecting Tijuana with the San Diego system, the Secretary of State to determine the fair share of the cost.

This plan has the sincere support of all U.S. governmental agencies affected by the Tijuana sewage problem. Their collective effort has produced a sound and reasonable means for solving a critical problem. Mr. President, I urge the highest priority for this proposed legislation.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3317) to provide authority for the Secretary of State to conclude an agreement with the Government of Mexico and the city of San Diego for collection, treatment, and disposal of sewage originating in Tijuana, Mexico, with a proviso that the agreement contain provisions for payment by the Government of Mexico in an amount and under such terms and conditions as deemed appropriate by the Secretary of State, introduced by Mr. KUCHEL (for himself and Mr. ENGLE), was received, read twice by its title, and referred to the Committee on Foreign Relations.

RESTORATION OF FREEDOM TO CAPTIVE NATIONS

Mr. DOUGLAS. Mr. President, I submit for appropriate reference a concurrent resolution relating to freedom for the captive nations.

I previously submitted on March 21, 1960—a concurrent resolution of similar purport, but in a somewhat different form; it is Senate Concurrent Resolution 95. Since this subject matter has been submitted in the House in the two different forms, it seems desirable that the Senate Foreign Relations Committee also have before it both forms of the concurrent resolution. For that reason, I am glad to submit this concurrent resolution today in the same language as presented by the able Representative from Wisconsin, Mr. ZABLOCKI.

I ask unanimous consent that the resolution be printed in the RECORD at the conclusion of my remarks, and lie at the desk until the close of business on April 8, 1960, in order that any other Senators who may wish to join in sponsoring this resolution may have the opportunity to do so.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred, and, under the rule, will be printed in the RECORD; and, without objection, the concurrent resolution will lie on the desk, as requested by the Senator from Illinois.

The concurrent resolution (S. Con. Res. 102) was referred to the Committee on Foreign Relations, as follows:

Whereas the rulers of the Soviet Union have repeatedly declared their determination to pursue relentlessly their political, economic, and ideological drive for a worldwide victory for communism; and

Whereas, in its efforts to attain that objective, the Soviet Union, through force of arms, subversion, infiltration, and other methods, has imposed puppet Communist regimes upon the people of the captive nations of Eastern and Central Europe and exerted tireless effort to crush their spirit and to transform their countries into replicas—on political, economic, social, cultural, and administrative levels—of the Soviet Union; and

Whereas, in direct violation of the provisions of the Yalta agreement, the people of the captive nations are still being denied the opportunity to solve their problems by democratic means and to choose, through free and unfettered elections, national governments of their own free choice; and

Whereas, in contravention of duly ratified treaties of peace, of the Charter of the United Nations, of the Universal Declaration of Human Rights, and of expressions of the United Nations General Assembly, the people of the captive nations are being systematically deprived of the exercise of fundamental freedoms and basic human rights; and

Whereas the United States of America has consistently refused to sanction, either directly or by implication, the political status quo of the captive nations; and

Whereas the United States of America has stood firmly on the principle of self-determination, welcoming the enlargement of the area of freedom and self-government and insisting on the inalienable right of the people of the captive nations to live under governments of their own choice; and

Whereas the establishment of just and lasting peace is inconceivable without the restoration of freedom, independence, and national sovereignty to the captive people of Eastern and Central Europe, which objective the United States of America is determined to pursue by all feasible means: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the Congress of the United States calls for the respect of the fundamental freedoms and human rights of the people of the captive nations;

(2) the Congress of the United States reaffirms its belief in the inalienable right of the people of the captive nations to live under governments of their own choice; and

(3) the Congress of the United States urges the President to pursue energetically at the forthcoming summit conference the restoration of the fundamental freedoms and basic human rights of the people of the captive nations.

Mr. LAUSCHE. Let me ask the Senator from Illinois whether the concurrent resolution he has just submitted deals at all with the captive people within the Soviets—the Yellow Russians, the Ukrainians, and certain others who are dominated and exploited by the Soviets?

Mr. DOUGLAS. I covered that in the concurrent resolution I submitted on March 21, and that resolution was similar to the one submitted by Representative FEIGHAN, of Ohio; and I believe in that concurrent resolution.

But, in addition, Representative ZABLOCKI, of Wisconsin, submitted a resolution which was confined to the peoples of eastern and central Europe, and it has received the support of a large number of Members of the House of Representatives.

Today I am submitting a similar concurrent resolution, in order that the Senate Foreign Relations Committee may have both resolutions before it, and may choose the one it wishes to adopt, if it wishes to adopt either of them.

Mr. LAUSCHE. Mr. President, I should like to associate myself with the Senator from Illinois in sponsoring the concurrent resolution.

Mr. DOUGLAS. I thank the Senator from Ohio; and, Mr. President, I ask unanimous consent that the name of the Senator from Ohio be added to the list of sponsors of the concurrent resolution.

CIVIL RIGHTS ACT OF 1960—AMENDMENTS

Mr. HART submitted amendments, intended to be proposed by him, to the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, which were ordered to lie on the table and be printed.

Mr. LONG of Louisiana submitted an amendment, intended to be proposed by him, to House bill 8601, supra, which was ordered to lie on the table and be printed.

Mr. ERVIN (for himself and Mr. MCCLELLAN) submitted an amendment, intended to be proposed by them, jointly, to House bill 8601, supra, which was ordered to lie on the table and to be printed.

Mr. MCCLELLAN submitted amendments, intended to be proposed by him, to House bill 8601, supra, which were ordered to lie on the table and to be printed.

Mr. EASTLAND (for himself, Mr. STENNIS, Mr. THURMOND, Mr. BYRD of Virginia, and Mr. HILL) submitted an amendment, intended to be proposed by them, jointly, to House bill 8601, supra, which was ordered to lie on the table and be printed.

Mr. MCNAMARA submitted an amendment, intended to be proposed by him to House bill 8601, supra, which was ordered to lie on the table and be printed.

Mr. MCNAMARA (for himself, Mr. HART, and Mr. CLARK) submitted amendments, intended to be proposed by them, jointly, to House bill 8601, supra, which were ordered to lie on the table and to be printed.

AMENDMENT OF FEDERAL AVIATION ACT OF 1958, RELATING TO REDUCED-RATE TRANSPORTATION FOR CERTAIN PERSONS—AMENDMENT

Mr. MAGNUSON. Mr. President, a problem has arisen in connection with the granting of reduced-rate transportation for military personnel on furlough traveling between Alaska or Hawaii and the other States. While Alaska and Hawaii were Territories, air transportation between the States and Alaska or Hawaii was "oversea air transportation" as defined in the Federal Aviation Act. Such transportation under the provisions of section 403(b) is not subject to the same rigid prohibitions against free and reduced-rate transportation as applies to interstate air transportation, and therefore it was possible for the carriers, subject to Civil Aeronautics Board regulation, to grant reduced rates to military personnel traveling on furlough between the States and Alaska or Hawaii. Now that these Territories have become States, the same transportation is no longer "oversea air transportation" but has become "interstate air transportation" and authority to grant reduced rates is lacking. Therefore, in order to permit the carriers to offer reduced rates for furlough travel of military personnel in interstate air transportation an amendment of the Federal Aviation Act will be necessary.

There is now pending in the Aviation Subcommittee of the Committee on Interstate and Foreign Commerce a bill—H.R. 4049—to authorize free or reduced-rate transportation for certain persons. The subcommittee plans to hold hearings on that bill on Monday, April 4. In order that the problem which I have described may receive consideration at that hearing, on behalf of myself, and the distinguished senior Senator from Alaska [Mr. BARTLETT], I submit, for appropriate reference, a proposed amendment to H.R. 4049, which, if adopted, will permit the airlines to grant reduced-rate transportation to military personnel traveling on furlough between Alaska or Hawaii and the other States.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and referred to the Committee on Interstate and Foreign Commerce.

NOTICE CONCERNING CERTAIN NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Richard A. Chappell, of Georgia, to be a member of the board of parole for the term expiring September 30, 1966—reappointment.

William F. Howland, Jr., of Virginia, to be a member of the board of parole for the term expiring September 30, 1966—reappointment.

On behalf of the Committee on the Judiciary notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Friday, April 8, 1960, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

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. KEATING:

Letter written by President Eisenhower, addressed to Mr. Robert Kopple, executive vice president of the New York World's Fair 1964 Corp.; and letter written by him, addressed to Mr. Kopple, both relating to the 1964 American World's Fair in New York City.

THE NUCLEAR RACE WITH TIME IN THE U.S. SENATE

Mr. PROXMIRE. Mr. President, in all the discussion of the wisdom or foolishness of making a treaty with the Russians to suspend nuclear testing, there has been little talk on the floor of the Senate or in the press of the very heart of the issue—time.

The precious time to stop the nuclear arms race—the spread of the power of infinite destruction to the Maos and Castros—the chance for human survival—this time is now whizzing by.

In this morning's papers Marquis Childs nails the time problem squarely on the door of the U.S. Senate when he writes:

> Within the administration there is at least the professed hope that a nuclear-test treaty can be approved at the summit conference and ratified by the Senate within 90 days or before adjournment of Congress on July 1. The Senate leaders say it is quite impossible.
>
> The value of time depends, of course, on the use that is made of it. In the Senate it has been squandered. With 10 days or more of the civil rights controversy still to run, a whole month or more has gone with the wind.

Mr. President, because of the great urgency of this problem, when the survival of all mankind may hang in the balance, I ask unanimous consent that one of the first and certainly one of the most perceptive and intelligent articles dealing with the urgency per se, 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 WORLD BEGINS A RACE WITH TIME

(By Marquis Childs)

As the days, and weeks, the months tick off, the most priceless commodity is time. The race is against the spread of nuclear weapons to keep them from the possession not of the present 3 or 4 powers but of 6 and then 7 and 8 and then 10 or 12.

If this happens the hope of checking the competition for nuclear arms will have been foreclosed and the chances of an accidental war will have been enormously increased. The realization of this was clearly behind everything President Eisenhower said at his press conference.

One remark went almost unnoticed. That was the possibility of newer and, while he did not add this, far more economical ways of producing the hydrogen fusion. At least one such method is now theoretically possible. And if we have learned one thing in the past two decades, it is that what is theoretically possible soon becomes practically possible.

The nightmare grimly visible behind the President's measured words is a world in which Red China has nuclear weapons; and in a decade or perhaps a little longer a Castro in Cuba and a Nasser in Egypt with the ultimate power of destruction. This is a nightmare that should give pause to even the most determined proponents of continued testing to perfect the American nuclear arsenal.

Of President Eisenhower's 8 years in the White House only 295 days remain. The question is whether in this short span of time it will be possible to get an agreement on nuclear testing. That is of paramount importance both as a beginning and symbol.

Within the administration there is at least the professed hope that a nuclear test treaty can be approved at the summit conference and ratified by the Senate within 90 days or before adjournment of Congress on July 1. The Senate leaders say it is quite impossible.

The value of time depends, of course, on the use that is made of it. In the Senate it has been squandered. With 10 days or more of the civil rights controversy still to run, a whole month or more has gone with the wind.

Time figures heavily in the calculations on whether at least a small start can be made in checking the nuclear arms race. Under the American system the President cannot hold his successor to any commitment that he makes. Thus a proposed moratorium on low-level explosions, falling outside the range of inspection, cannot be assured beyond next January 20.

The President was given a chance to say that continuity might come through the participation of Democratic Senators at the summit. They will be in command of the same key committees after next January. But except on the narrowest terms—when an international conference is actually considering a treaty—he rejected this opportunity.

Time has been wasted in so many ways. The impetus toward agreed disarmament and an interim settlement of Berlin was strong after Premier Khrushchev's visit to this country. President Eisenhower plainly showed his disappointment when a summit meeting in December was blocked by Charles de Gaulle of France.

Here, too, it is a question of how the time was used. De Gaulle was able to stem a new army revolt in Algeria that seemed for a time about to topple the Fifth Republic. But there is no evidence that the Algerian war is any nearer to settlement and, without a settlement, France remains under a grave handicap.

A dictatorship can take decisions that in a free society mean a prolonged hassle with conflicting forces. Khrushchev could go to India and Indonesia and give immediate and definite assurances of further substantial aid. While we ourselves are confident of the advantages in a free choice, this swiftness and immediacy of decison have a dangerous attraction of peoples struggling to overcome seemingly insurmountable economic problems.

Those who oppose the President on the negotiation of a test ban that cannot be 100-percent guaranteed fail to understand one thing. That is that time will not stand still. The forces set in motion will move on to their inexorable end unless positive, unceasing, constructive effort is made to halt them.

Again and again it has been assumed since 1945 that the United States was all powerful and could remain so no matter what any other nation did or said. It is another kind of isolationism that we see today in a singularly dangerous manifestation.

THE HUMPHREY SPARK OF GREATNESS

Mr. PROXMIRE. Mr. President, the great senior Senator from Minnesota [Mr. HUMPHREY] has won a very extensive following in my State of Wisconsin, not only in the current campaign, but over the past 15 years—as mayor of neighboring Minneapolis and as Senator from Minnesota. In fact, he is still referred to in our State as the third Senator from Wisconsin; and I must confess that he is referred to by some Members of our own Wisconsin delegation in the House of Representatives as the best friend Wisconsin farmers have in the Senate.

But above and beyond all this, HUBERT HUMPHREY has been brilliantly serving his Nation and his sensitive humane conscience.

This morning's newspapers carry a column by Drew Pearson properly pointing out that, popular and politically potent as HUBERT HUMPHREY is, he is "the best living example of the sardonic fact that courage seldom pays off with people and politicians."

Mr. President, I ask unanimous consent that this excellent tribute to a great Senator, edited to bring it into conformance with Senate rules, be printed at this point in the RECORD.

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

HUMPHREY CALLED "RIGHT TOO SOON"

(By Drew Pearson)

HUBERT HORATIO HUMPHREY is the best living example of the sardonic fact that courage seldom pays off with people and politicians. History is littered with skeletons of dead heroes who stick their necks out for what was best for mankind and who are honored in death, not in life.

It is too early of course to judge the bestowed niche of HUBERT HUMPHREY, but certainly in this campaign to pick a President he is paying the penalty of being right too soon.

Four years ago he took a stand against nuclear bomb testing, and stuck to the position to which Eisenhower has come around today. Seven years ago he formed a State Department committee to explore ways of halting the arms race—with proper inspection—exactly the position pushed by Eisenhower at Geneva today.

Twelve years ago at the Democratic Convention he stood up before bitter southern delegates and demanded that the Democratic Party "get out of the shadow of States rights and walk forthrightly in the bright sunshine of human rights." That battle for civil rights has cost HUMPHREY the undying opposition of the South today. Yet Congress and the Eisenhower Administration this month will write his several ideas into law.

OTHER CRUSADING "FIRST"

For 7 years he has opposed Secretary of Agriculture Benson's flexible price supports, a position to which his chief rival for the Democratic nomination, Senator JACK KENNEDY, has just come around in the last 2 years.

He proposed an International Health Year modeled after the International Geophysical Year and went to Moscow to get Khrushchev's support. He originated the idea of the Great White Fleet which was picked up by Life magazine and has resulted in a mercy ship now calling at southeast Asian ports with American doctors and nurses.

Finally, he has been the consistent champion of labor, a devoted friend of Israel, a battler for religious tolerance and the most articulate Senate spokesman for small business.

Yet with the exception of the farmers, none of these groups is really in HUMPHREY's corner. Though he risked fanning the flames of southern ire only last year by delivering the main address before the National Association of Colored People, there is no great rush of the Negro vote in his direction.

Though he has gone down the line for labor more consistently than any other Senator save WAYNE MORSE of Oregon, the attitude of labor is best described by the remark of Joe De Silva, potent head of the Los Angeles retail clerks: "This time we want a winner. HUMPHREY's all right, but he can't win."

SELDOM FIRES BLANK

Harry Truman and Adlai Stevenson reacted differently, but the net result was the same. When Senator HUMPHREY consulted them before he took the presidential plunge, Stevenson said he wouldn't seek the nomination, but wouldn't turn it down if offered. But he was not willing to release his long-time political supporters to work for HUMPHREY.

Truman told the Senator from Minnesota that he would support SYMINGTON as Missouri's favorite son, though he left open the possibility that he might change candidates in later balloting.

Only Mrs. Roosevelt, matriarch of the liberal Democrats, has been in HUMPHREY's corner. "HUMPHREY," she has said, "possesses the spark of greatness."

Chief criticism of HUMPHREY is that he talks too much. This is true. And sometimes he gives the impression of shallowness because of his glibness. He talks in machinegun bursts, yet seldom fires blanks. Even his enemies admit that he thinks as fast as he talks.

His small, boyish face, likely to pucker into un-Presidential expressions, adds to the impression he is not profound. Yet he has an ability to electrify those he meets.

HUMPHREY's mind drives his 170 pounds at such a frenetic pace that he gives the appearance of perpetual motion. He tries to cram more activity into each day than his time will permit. This is the man whose political fate will largely be decided in Wisconsin next week.

Mr. JOHNSON of Texas. Mr. President, has morning business been concluded?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. 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 further proceedings under the call be dispensed with.

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

CIVIL RIGHTS ACT OF 1960

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the Carroll amendment to insert certain language in lieu of matter inserted by the committee on page 17, in lines 20 through 25.

Mr. STENNIS. Mr. President, I shall address myself briefly to the bill as a whole, but particularly with reference to the Kefauver amendment.

I again commend the Senator from Tennessee for the very fine analysis he made yesterday, of the problem sought to be solved by the amendment, as well as for his efforts to restore the due process of law steps, the judicial processes, to the referee part of the bill, since it purports to be a judicial approach.

Mr. President, this debate has centered many days upon various phases of the administrative process of getting at the election question, which was reflected in part in the registrar bill as recommended by the Civil Rights Commission and as actively opposed—very properly, I think—by the Attorney General. This is certainly not an administrative or executive function. The matter of trying out these rights with reference to elections at the Federal, State, and local level is not an administrative procedure.

The main part of the registrar plan was reflected in the so-called Hennings bill or the Hennings amendment. It has been rather thoroughly demonstrated through several votes that the Senate has rejected the idea of the registrar process or the executive method and favors the approach through the judicial process. I think that decision was sound. It affords more protection for everyone. It is in keeping with the American system. I would much rather have these matters within the judicial branch of the Government than within the executive or the administrative part, regardless of who might be President or who might be Attorney General.

Mr. President, in spite of that basic decision which has been made by the Senate and by the House of Representatives, in rejecting the registrar plan and the executive approach, which would have permitted the President of the United States to appoint referees or registrars or whatever these men might be called, in spite of the plan having been repudiated and voted down, nevertheless it has not been abandoned, because in essence it is found again in the bill. The referee plan as reflected in the bill pending before the Senate is shown by title VI, beginning on page 15. It starts out as an amendment to the Civil Rights Act of 1957. It starts out following the judicial processes or the judicial method as a real court matter.

The first step is that the Attorney General shall proceed on behalf of someone whose civil rights are alleged to have been violated. We will assume that the evidence in the case proves there was a discrimination against such person because of race or color. That would be done under the old Civil Rights Act of 1957.

The further step set up under the bill, very briefly put, is for someone else in addition to the original defendant to come in to petition the court to hear his cause in a judicial manner. This is to be a matter pending in court. The ordinary rules of evidence and procedure would apply, and evidence and procedure would be ruled on by a sitting judge, a man learned in the law. Up to that point, the provisions thoroughly follow the judicial approach and plan.

Mr. President, at that point the bill abandons the regular judicial processes and judicial approach and begins to take on the executive or the administrative approach. That is the point where the referee is provided for. The bill says:

> The court may appoint one or more persons who are qualified voters in the judicial district—

That is an improvement—

> to be known as voting referees, who shall subscribe to the oath of office—

And so forth—

> to serve for such period as the court shall determine, to receive such applications and to take evidence and report to the court findings.

Mr. President, that is a matter which starts out in the executive trend and the executive pattern. The court is to be authorized to appoint referees who can go out in the country at large, vested with the authority to receive applications and to take evidence. That evidence would be a part of a judicial proceeding. It would form the basis for a decision sometime later. It would be reported back to the court, not only in the form of testimony, but also in the form of findings. So it is nothing less than trying a case.

Mr. President, at this point I point out that part of the proceedings I shall now discuss would come about only after the Attorney General had persuaded the court that the discrimination which was found in the initial case represented a pattern in an area. That would be a judicial determination itself. That would be a case not with regard to any

individual, but a case merely to establish a condition of facts as the court understands them, so as to permit the referee to operate.

Mr. President, this would not vary one bit from the concept that the proceeding is supposed to continue to be a judicial proceeding. There would not have been any determination by the judge with reference to the case as to the individuals before him. There would not have been any determination that X, Y, and Z plus 100 or plus 1,000 in the area had been discriminated against. That would not yet be in court, so far as those individuals were concerned and so far as the officials were concerned.

To clothe this referee with all these executive powers or administrative powers, or to clothe him with any authority to use the powers without the requirements of what is considered to be elemental due process of law, would be simply to go back to the old registrar system, or to the appointment of these supervisors or registrars by the executive branch of the Government.

The judge, when he decides there is probably a pattern in the area, has not yet decided on any rights of any individual, the judge has not decided on any rights of any election officials, or anything of that kind. The judge has merely drawn an order which permits the referee to come in. When the referee comes in, what are to be his powers? Are they to be executive or are they to be semijudicial?

Mr. President, I submit to any impartial mind that the pattern we are asked to adopt at that point in the bill before us is to clothe the referee not with judicial power, semijudicial power, or quasi-judicial power, but to clothe him with purely executive and administrative power, because the provision is actually written in the bill that the applicant in this territory "shall be heard ex parte." That is, he shall be heard alone. That is the provision in the bill as it came from the House of Representatives. That hearing could be held in any place without any kind of prior notice or an opportunity for the interested parties to be heard.

Mr. President, that is supposed to supply a remedy for what we will agree may be a wrong in some places, but we would be burning down the house in order to roast the pig. We would be going entirely away from and abandoning the judicial processes. Under the guise of judicial power this man would proceed to hold hearings or to accumulate the evidence and partly decide the case. We would say, in effect, that he is to put a hood over his head and a hood over the heads of all the applicants. We would say, "We will take this testimony in secret, ex parte. No one shall know when nor where nor how long these hearings will be held or this testimony will be taken."

Mr. President, under the American system of justice we cannot do that.

Mr. TALMADGE. Mr. President, will the distinguished Senator from Mississippi yield?

The ACTING PRESIDENT pro tempore. Does the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield to the Senator from Georgia.

Mr. TALMADGE. I congratulate the able Senator from Mississippi on the excellence of his statement.

Mr. STENNIS. I thank the Senator.

Mr. TALMADGE. The Senator was an outstanding judge before he became a Member of the U.S. Senate. He not only is thoroughly experienced in legal procedure, but also is without peer in his knowledge of the provisions of the Constitution.

Mr. STENNIS. The Senator is very generous. I appreciate his support in any matter, especially the one I am now discussing.

Mr. TALMADGE. Does the Senator from Mississippi know of any other act, State or Federal, which authorizes the taking of evidence ex parte?

Mr. STENNIS. Under the American system, when we are trying the rights of parties and taking steps to make a judgment against them, there is no exception to the rule that would permit the testimony to be taken ex parte. Under certain circumstances the evidence can be explored, and ex parte affidavits can be made, but when it comes to proof it must be in court, with the right to cross-examination, after notice given, and in a public place.

Mr. TALMADGE. In view of the language of the bill, would not the Senator agree that the ex parte provision, which enables only one side to be present and give evidence, means, in the final analysis, that only that side heard can prevail?

Mr. STENNIS. The Senator is correct, and he has put it well. I commend the authors of the bill for writing it so plain and making the language so clear that it can be understood.

Mr. TALMADGE. Therefore, it is not true that there would be no hearing at all—rather only a kangaroo court into which anyone could come and prevail against a State officer.

Mr. STENNIS. That is correct. That is particularly to be emphasized, and the Senator has emphasized it in an unusually forceful way.

This proposal is really the beginning of what is likely to ripen into a final judicial decision and a decree of the court, for the violation of which men can be pitched into jail without a jury trial.

In its very inception the procedure is nonjudicial. It is not due process of law. Assuming that there is some wrong here and there, it is proposed to burn down the whole courthouse and destroy our American system.

Mr. TALMADGE. Does the able Senator agree that under the terms of the bill Federal referees could be appointed to supervise an election for city councilman in the smallest village of any State of the land?

Mr. STENNIS. The Senator is correct. The application of the bill reaches to the farthest point. It is nationwide. It includes village elections, elections for village school trustees, city marshal, or mayor, in any small political unit that can be found under the American Government.

Mr. TALMADGE. Does the Senator from Mississippi also agree that there is nothing more local in nature than determining who is qualified to vote, conducting elections, and counting the votes?

Mr. STENNIS. I believe that from the time of the Constitutional Convention until now it has been recognized by all those who have closely studied the machinery and the status of constitutional government, that there is certainly no more powerful way to control the affairs of local government than to control the election laws.

As the Senator from Georgia knows, that was the most controversial subject in the Constitutional Convention. It involved the question as to where the power should lie with reference to determining who should be qualified to vote in the States. It was only by adjustment on that point that the Constitution was made possible. Only by retaining that power in the States was the Constitution made possible. Today, as then, the most effective way to destroy the States is to destroy the election laws of the States. There are some in this country who do not want States any longer. They want a centralized government. There is no more effective way to destroy the States than to destroy the election laws of the States. This proposal is an assault on that very structure.

Mr. TALMADGE. Would not this proposal substitute the coercive influence of the Federal Government for the authority of State and local governments in operating their election machinery?

Mr. STENNIS. It would do that exactly, as the Senator has said before.

This proposed legislation would make the Attorney General, whoever he might be, this year, next year, or any other year, in effect the director general of elections, if he chose to exercise that power, in certain areas of the country. This measure would give him the power. There is only one judicial decision he must get from a Federal judge. Once the Federal referees are appointed, with roving powers, no one will have notice; there will be no cross examination; and there will be no testimony for the other side. There would be a wildfire of disruption and control of local and State, as well as Federal, elections.

Mr. TALMADGE. I ask the able Senator from Mississippi if there is any more justification for appointing Federal referees to control elections than for appointing referees to be Governors of the 50 States of the Union.

Mr. STENNIS. I think not. We have already covered the idea of the election laws, and we see how vital the power to regulate and control the election laws is to the Federal-State relationship under our form of government.

Mr. TALMADGE. Would it not be just as destructive of constitutional processes to appoint referees to be election officials as to appoint referees to be the chief executives of the 50 States?

Mr. STENNIS. Yes; it would lead to that and worse. It would require some years longer, perhaps, to do it.

Mr. TALMADGE. Would not the same principle be involved if Federal

referees were to be appointed to constitute the memberships of the general assemblies of the respective States?

Mr. STENNIS. That is a good analogy; and there is much in common between the idea of elections and the general assemblies themselves.

Mr. TALMADGE. Is not the same principle involved, namely, substitution of Federal power for State power in a local area?

Mr. STENNIS. The answer to the question is "yes."

Mr. TALMADGE. I agree with the capable Senator from Mississippi. I know of nothing which would go further toward destroying the vitals of local self-government than the passage of an act to deny local officials the right even to be heard.

Mr. STENNIS. That is correct.

Mr. TALMADGE. These referees would be appointed by Federal judges holding office for life. They would be given authority to register anyone they saw fit and to invade the privacy of the ballot box, thereby destroying the secret-ballot laws of the respective States.

They would interfere with the duly constituted officials in the counting of votes.

That is nothing less than the exercise of naked power by the Federal Government seeking to supplant State governments. Identically the same principle is involved as if referees were to be appointed to serve as Governors and members of State legislatures. The principle is the same—that of adjudicating local officials to be incompetent and substituting in their stead Federal officials who are declared by law to be competent. The same principle would be involved if Congress were to adjudicate a Governor to be incompetent and appoint a referee to administer his office in accordance with his caprices and whims or those of any organized minority.

I commend the eloquent and erudite Senator on his speech. He is rendering a noble service to our country. If ever our Government needed people who will speak out in defense of basic rights and constitutional principles of government, that time is now. If the present trend toward concentration of all power in Washington continues for much longer, we shall not have to preserve our defenses against Russia, because we will have the Russian system here. The trend is to compress us all into one great, monolithic common denominator through the application of Federal regulatory power.

I thank the able Senator for yielding to me.

Mr. STENNIS. I thank the Senator from Georgia for his fine contribution to the debate.

Mr. President, I wish once more to emphasize that if I were given the task or job of trying, through legislative process of some kind, to liquidate the States of the United States, and evolve them into units without power, and therefore without any respect for our system of government, I would first try to do it through controlling the elections, the suffrage, the qualifications of the electors, and the elections themselves, because through that control I could gradually accumulate to the Federal Government power which the States could never recover.

I believe that some are battering on the door right now, with the danger of destroying the fundamental structure, in order to cure a few scattered wrongs or evils that may exist here and there in voting, as some wrongs and evils exist in many other patterns of our public life, of course.

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

Mr. STENNIS. I yield to my colleague from Mississippi.

Mr. EASTLAND. On page 16, line 17, I find the following provision:

> Notwithstanding any inconsistent provision of State law or the action of any State officer or court, an applicant so declared qualified to vote shall be permitted to vote in any such election.

Does not that mean that the Federal Government would pass a law for a State?

Mr. STENNIS. It certainly would; it would be sweeping aside laws and also passing additional law.

Mr. EASTLAND. For the State.

Mr. STENNIS. Yes.

Mr. EASTLAND. Is that not unheard of in our system?

Mr. STENNIS. It is unthinkable, and has been unheard of until the last few years.

Mr. EASTLAND. As the Senator knows, the 15th amendment is a prohibition against State action.

Mr. STENNIS. Yes.

Mr. EASTLAND. It does not give the Federal Government the power to take positive action.

Mr. STENNIS. The Senator is correct. He has clearly put the matter. This provision is just the reverse of what the true situation is under the Constitution.

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

Mr. STENNIS. I yield.

Mr. GORE. Just prior to the Senator's colloquy with the able Senator from Georgia, he remarked in his address that the powers given to the Attorney General under the proposed legislation would stem from one judgment of a court. I wonder if the able Senator would identify that particular decision or finding of the court which would be necessary to loose the power to which he referred.

Mr. STENNIS. The language is found in the referee section. That language is as closely drawn language and as tightly drawn language as is found in most acts that are drawn to determine court procedure and court rights. I have read this title many times. I believe that under its terms the only real judicial decision or conclusion that is required under the proposed act, which the judge himself shall reach, is the one where he determines that there is a pattern or a practice of discrimination in an area.

It is clear to me that he does have to determine that. But once he has done it, after a case is in court on the subject matter—and I read now from the bottom of page 15—"the court shall upon request of the Attorney General and after each party has been given notice and the opportunity to be heard make a finding whether such deprivation was or is pursuant to a pattern or practice."

That is a determination, one might say, or a judicial decree, even though it is not a final one, that a practice does exist.

Thereafter—and I now read from page 17, line 7:

> The court may appoint one or more persons who are qualified voters in the judicial district—

And so forth—

> to serve for such period as the court shall determine, to receive such applications—

That is, just as many as he wants to—

> and to take evidence—

It is given the dignity of a judicial proceeding—

> and report to the court findings—

And so forth. Dropping down to line 19 of page 17, we find that the evidence referred to is not going to be taken as we ordinarily understand, but in an ex parte proceeding, anywhere, any place, any time, at midnight or any other time, on Sunday, holidays, at picnics, at meetings, gatherings, or anywhere else, without any notice or chance to be heard.

Going on further, to the bottom of page 18, we find further language.

In the first place, Mr. President, unless these cases are contested, that is the last that is ever heard of them. They go right through the mill, and the man gets a certificate, and no one else is ever notified. However, if they are contested, the matter would come back to the judge, apparently, but not of necessity. I read from page 18, line 23:

> The issues of fact and law raised by such exceptions shall be determined by the court or, if the due and speedy administration of justice requires, they may be referred to the voting referee to determine in accordance with procedures prescribed by the court.

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

Mr. STENNIS. I should like to finish this thought first. My point is that if the "due and speedy administration of justice requires" can refer to approaching elections, to be held in a few days, or it can mean that a judge is busy elsewhere on other cases that he must try, and therefore cannot get to this matter. If for any reason he determines that he cannot hear the case, he can refer the case back to the referee, and the referee shall sit in judgment on the work of the referee, to determine whether he made an error. In other words, the jury would come back and say, "We the jury render a verdict in favor of the jury."

So I say it is not necessary under this language even to have a judicial determination at that point.

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

Mr. STENNIS. I should like to make one other point.

The language continues, on page 19, line 8:

> The court or, at its direction, the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified.

The judge does not have to act. We can say that the decision is a ministerial act, and he does not have to act. However, if the man holding the certificate which the judge has never seen—the judge has never adjudicated the case—goes to the election and the honest election official will not let the man vote, he will be in contempt of court. He will be in contempt of court under the Government's interpretation of this bill. It will be argued under this bill that the decision is equal to a decree of a court, and if a man violates it, he would be pitched into jail. I do not believe he would be if this is ruled to be a nullity, which I believe it is.

A possible interpretation could be that there would be another judicial examination. That is a possible interpretation. However, in the uncontested cases it would never come to that. The machinery of this bill will run on automatically and the man would get the certificate.

I do not like to cut off the Senator from North Carolina, but I yield once more to the Senator from Tennessee.

Mr. GORE. Do I correctly understand the Senator to maintain that after the first decision of the court, finding a pattern or practice of discrimination to exist, thereafter judicial determination may not be necessarily required, but that a determination by the referee himself may, under the terms of the bill, be substituted for a judicial determination?

Mr. STENNIS. The Senator's statement is exactly correct.

I now yield to the Senator from North Carolina.

Mr. ERVIN. I simply invite the attention of the Senator from Mississippi to lines 2, 3, 4, 5, and 6, on page 20, which read:

> The court may take any other action, and may authorize such referee or such other person as it may designate to take any other action, appropriate or necessary to carry out the provisions of this subsection and to enforce its decrees.

It has been stated by the proponents of the bill that that language does not permit the bringing in of a carpetbagger to enforce the laws of the several States of the Union.

I ask the Senator from Mississippi if the provision that the court may appoint not only a referee, who must be a resident of the district, or such other person as he may designate, does not permit the court to bring in carpetbaggers to administer the law, without any distinction being made in the bill as to the kind of action the carpetbaggers can take.

Mr. STENNIS. The Senator from North Carolina is so clear in putting his question that he has already answered it. I pointed out a while ago that the authors of the bill are to be commended for their frankness in spelling out that it is an ex parte hearing they are talking about. It raises a flag one knows what they were talking about.

The language quoted by the Senator from North Carolina is so vague and obscure that it wraps up more power in one sentence than can be found in any other section of the bill. Under the section which the Senator has quoted "the court may take any other action and may authorize such referee or such other person as it may designate to take any other action"—the action could be a watching action—watching the counting of ballots, or doing anything else that could be conceived of. That language cannot mean anything else.

Mr. ERVIN. It means that the other person, who is not required to have any qualifications at all, and who is not required to reside in the State where the case is brought, can determine for himself what he thinks are the necessary appropriate actions for him to take.

Mr. STENNIS. The Senator has summed it up so well. It is provided that the referee will have to take an oath.

Mr. ERVIN. Under this language, evidently, he does not have to take an oath; he does not have to have any qualifications.

Mr. STENNIS. The section which the Senator from North Carolina has pointed out is one of the most far reaching in the entire bill as it is now written. It covers far more than the express provisions about having watchers and about seeing that the ballots are counted. It leaves off all the safeguards, as the Senator has stated. I think that unmistakably it spells out again a pattern of concerted action, conducted partly in secrecy, under an ex parte statement, to carry on a scheme of their own, which some Attorney General—I do not say this one or the next one, but some Attorney General—can utilize to his own party's benefit, or to the benefit of any other particular groups he might wish to assist, entirely without responsibility.

I should like to discuss one more point, this one with reference to the procedure I was outlining, namely, that this provision is an abandonment of the judicial approach, and goes over, lock, stock, and barrel, to the registrar or the executive approach concept. It is unmistakably shown in the fact that no provision is made for giving notice or for holding a hearing, and no opportunity is afforded to hear both sides of the case. Unless there is a notice and an opportunity for both sides to be heard, the proceeding is simply not a judicial proceeding, regardless of the name which may be given it.

Under the American concept, before a board of supervisors or any other government authority can assess property for as much as 10 cents in taxes, a notice must be given by the assessing authority that a hearing will be at a certain time and place designated in the notice. The location must be a public place, at which all parties in interest shall have a chance to be present and to be heard, if they request it; and the board will then consider whether or not to impose the tax. The amount involved does not matter; it is the principle that is involved. It would apply with equal force if the tax on Citizen A was 10 cents or $100,000. The notice of hearing and the chance to appear are considered basic and elemental. A legal tax or a levy of any kind cannot be imposed if there has not been compliance with due process of law.

Still, there is actually on the face of the bill a provision that a quasi-judicial officer, acting under a grant of power from a Federal judge, can go out on the highways and byways, around to the firesides, or up back alleys—anywhere, at any time, with no notice being given, and no opportunity for any interested party or official or election officials to be present, much less to be heard—to take the proof, hearing one side only, and convert the proceeding into a foundation for a judgment later, whether the court ever sees it or not, a judgment which will permit the issuance of an election certificate to a person. If the judgment is not obeyed, the person can be subjected to a criminal prosecution under the section of the bill which provides very severe penalties. In some cases he could be subjected to punishment for what is called contempt of court, so that he would be entitled even to a jury trial.

Does anyone want to argue about the necessity of having such a provision or the need for it? Let him argue it all he pleases. But with all deference, let us not call the proceeding a judicial procedure or a judicial act, because this part of it does not connote the first elements of due process of law or the first elements of what is so basic and necessary for a function under the Federal-State relations, or under the basic relations of constitutional law, apart from any Federal-State relations.

So the Kefauver amendment is very simple, and does not go very far. It simply strikes out the words "The applicant shall be heard ex parte," and instead provides that the hearing shall be held in a public office.

That is as far as the language goes on that point. It simply requires that the hearing shall be held at some kind of public place or public office.

A further provision of the Kefauver amendment provides:

> The referee shall give the county or State registrar 2 days' written notice of the time and place of the hearing.

We are really getting back to constitutional law when we talk about giving the affected parties, or the adverse parties, or the adverse State, notice of bringing the hearing into a public place, and telling them at what place the matter will be heard. The amendment does not go any further than that, except to provide that the registrar may be present, or may be permitted to be present, with his counsel. The registrar is the one who has already been condemned without a hearing and has been accused of being in the wrong. There might be cases in which he would be wrong on the facts. There might be cases in which he would be accused of being wrong, but in which he would not be wrong. Cases of both sorts occur in life.

But under this amendment for the first time would that wrongdoer be given a chance—to come in and be heard? No; the amendment does not go that far. But under the Kefauver amendment he would at least be told where the hearing would be held and when it would be held,

and he would be allowed to be present, but not to take part in the hearing in which he would be tried.

The words used at this point in the amendment are "shall have the right to appear." They do not mean, it seems to me, that he would have the right to appear and be heard.

Mr. KEATING. Mr. President, will the Senator from Mississippi yield?

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). Does the Senator from Mississippi yield to the Senator from New York?

Mr. STENNIS. I shall yield when I finish expressing this thought, Mr. President.

I repeat that I do not think the words which appear in line 24 of the amendment, on page 17—I refer specifically to the words "to appear"—mean that he will have the right to appear and to be heard. But, for the first time, this amendment would at least give that alleged wrongdoer—one who had been so wrong that his own district would be just putrid with evils that he had done—an opportunity to know where the case would be tried; and he or his counsel would have an opportunity to be there—but for only one purpose, namely to let him know what was going on and to have a transcript of the proceeding made. That would be all that he would be allowed to do.

So I cannot see how anyone could object to the elemental parts of this Kefauver amendment, as proposed to be written into this law. My only criticism of it is that it does not go far enough.

Now I am glad to yield to the distinguished Senator from New York.

Mr. KEATING. Mr. President, I ask the distinguished Senator from Mississippi to envision a case in a specific city in Mississippi where the Federal judge would have made an initial finding that a practice or pattern of discrimination existed, and then a referee was appointed by the court; and more likely than not—although not required—the referee would be a lawyer in that community; and the registrar of the election district would appear there with his counsel; and presumably, also, they would be from the same county; and the counsel would address the referee, and would say to him, "Mr. Referee, I should like to be heard on this point," and he would arrive there with lawbooks piled high. Does the Senator from Mississippi believe that in that event the referee would be unlikely to give the registrar or his counsel an opportunity to present his case at that point?

Mr. STENNIS. I think the referee certainly would have the discretionary power to permit the counsel or the registrar to be heard at that hearing, particularly if not many persons were involved. I cannot be certain what the inclination of the referee would be; but I assume that if not many persons were involved and present, the referee would very likely give the registrar or his counsel a chance to be heard. But if many persons were involved and present, I assume that the referee would not give the registrar or his counsel a chance to be heard, unless the referee was required, under the law, to permit him to be heard. In short, that would depend upon the whole temper of things at that time, I believe.

After all, the Attorney General of the United States is the one who initiated this entire matter; and even though ordinarily, under our American system, the registrar or his counsel would be allowed to be heard, if we enact a law which does not require that that opportunity be afforded, it could be held that the Congress did not intend him to be heard.

Mr. KEATING. I appreciate the Senator's response.

But I judge there is no doubt in the mind of the Senator from Mississippi that the registrar and his counsel would have full opportunity to be heard at an adversary proceeding in the case in chief before the referee made his report.

Mr. STENNIS. If they contested the case.

Mr. KEATING. Yes; if they contested the case.

Mr. STENNIS. Yes; if they contested the case. They could not come into court with a plea of non est factum or not guilty, or anything of the sort, and then be heard. If they were to be heard, they would have to contest the case.

Mr. KEATING. In that event the registrar and his counsel would have at least two days in court—one, at the proceeding before the voting referee; the other, at the time when they contested the referee's report—instead of only the usual one day in court; is that correct?

Mr. STENNIS. Well, Mr. President, ordinarily "to have your day in court" does not mean to have it in the appellate court. "To have your day in court" means to come in at the ground level and let the judge know about your side of the cause, if you have any, right then.

Mr. KEATING. Is not the ground level, under this bill, after the initial judgment, the adversary proceeding in which the exceptions to the report of the referee would be filed and the registrar and his counsel would be heard? Would not the appeal come later?

Mr. STENNIS. With all deference to the Senator from New York, I think he is reversing the major parts of the ordinary procedure in connection with providing an opportunity to be heard. One must get in on the ground floor and must impress the trier of the matter with one's facts, in the very beginning; otherwise, one's case is likely to be lost in the shuffle.

But the major point here is that one should not proceed to try a man without giving him a chance to be heard.

Mr. KEATING. I am entirely in accord with that principle. But it seems to me that under this bill, as now drawn, there will be such an opportunity to be heard.

Mr. STENNIS. Then let me ask the Senator from New York this question: Does not the Senator agree that the registrar would be "boxed out" of court on the first round—in the ex parte proceeding.

Mr. KEATING. He would not then be in court; he would not then be "boxed out," because he would not then be in court. When a person goes to register to vote, that is not normally a court proceeding.

Mr. STENNIS. With all deference to the Senator from New York, would not the court then take the position that the registrar was, nevertheless, then being tried? I agree that the registrar would not then be in court, because he would not be permitted to be there. But is it not a fact that, nevertheless, he would then be tried for action taken in his official capacity?

Mr. KEATING. No; not at all, because as the bill is drawn, it does not indicate that the registrar or his counsel would be there at all; and there would be no trial unless the referee's report was challenged. At that time, if the registrar or his counsel saw fit to do so, he could file exceptions to the referee's report. If the registrar or his counsel thought the referee's report was correct and that the one who had applied to register and to vote should vote, of course no exceptions would be filed. But if the registrar or his counsel thought the applicant should not vote—for any reason—then the exceptions could be filed; and at that time there could be a full trial in the court, and that would be the first time following the court's initial judgment that there would be a court procedure.

Let me ask the Senator another question: Does the distinguished Senator from Mississippi anticipate that we shall be able to dispose of the Kefauver amendment today; or does he have any views on that point?

Mr. STENNIS. I have no idea about that. Of course, I am not speaking for the purpose of consuming time.

Mr. KEATING. I understand.

Mr. STENNIS. I am speaking on what I consider fundamentals, and I believe they are considered fundamentals.

Mr. KEATING. I do not wish my question to be misunderstood.

Mr. STENNIS. I fully understand.

Mr. KEATING. The Senator from Mississippi is making a very fine legal argument—although it is one with which I do not agree. But my question does not contain any imputation that the Senator from Mississippi is unduly taking up time.

I merely wish to observe that it seems to me that today will be a singularly appropriate day on which to dispose of this amendment. If the amendment is rejected—as I hope it will be—then we shall be able to proceed with the rest of the bill, and I believe the voting referee section will be preserved intact.

But if the amendment is adopted—although I hope it will not be—then it seems to me that the first day of April will be the most appropriate time for the amendment to be adopted, because in my judgment the amendment will completely fool anyone who thinks the voting-referee provisions of the bill will, in that event, be effective. I sincerely believe that if this amendment is enacted, they will not be effective.

Mr. STENNIS. Mr. President, I understand the Senator's point of view. I

assure him that I also understand that there was no critical imputation in his question.

I wish to point out that that very proceeding at the ground level by the referee would be the first effective foundation in the case for a court decree that would have all the implications I have already described.

On the very next page, the bill provides that after the report is made and after it has been on file for 10 days or for such shorter time as the court may see fit to fix, the State attorney general shall be given notice to show cause why an order of the court should not be entered in accordance with such report.

It would put the burden of proof upon the election officials or the State, whomever it may be, to upset and override a report, when the facts upon which the report was based were presented when the *official* was not even there.

That is why I say to the Senator from New York it is a preliminary judgment. It is the beginning of a serious, solemn judgment of the court that must be obeyed. I have never argued here that an unappealed or uncanceled order of the court should be anything but obeyed.

Mr. President, the present title VI, the latest of a series of similar proposals, is highly objectionable in that it would use the enforcement powers of the U.S. courts to enforce administrative decisions made under a loaded set of rules. It would confer vast political power on the Attorney General and, in effect, could give that officer the legal authority to interfere with local election machinery to the extent that he actually could control the outcome of elections not only to the so-called Federal offices, but also to State and local offices.

The bill as now before the Senate operates to deprive the defendants, in a suit brought under the Civil Rights Act of 1957, of many procedural and substantive rights which have always been regarded as inherent to the constitutional requirement of due process of law. The procedure outlined in the part of title VI relating to voting referees explicitly removes these protections, and could be interpreted to provide for a judicial determination being made without a lawyer ever passing on the legal questions involved.

It invests the Attorney General with almost an untrammeled prerogative in manipulating the course of litigation and determining the scope and content of the final decree.

Unless the Attorney General decides to bring a suit under the Civil Rights Act of 1957, the unusual administrative and legal machinery in this title is inoperative. Once he has decided to bring a suit under that earlier act, and once some person has been found to have been deprived of the right to vote because of race or color, the Attorney General may then decide whether the court must make a finding as to whether the deprivation was or is pursuant to a pattern or practice. Thus, the procedural remedies under this act depend upon two unreviewable decisions of the Attorney General. If the court makes such a finding, then the Attorney General has only to decide to what extent he and the so-called voting referee—if one is appointed—will go in rounding up large numbers of unsuccessful applicants in order to accord them the special privilege of circumventing State election machinery found in the remaining language of this bill. This proposal makes the Attorney General the nationwide director general of elections and election laws.

The bill itself is a sort of shotgun wedding of two separate legal theories advanced by civil rights proponents on opposite sides of the political fence. The first part of title VI, down through page 15, all of page 16, and the first paragraph of page 17, contemplates a legal remedy. As open as this remedy may be to attack on constitutional grounds, procedurally, the bill is written in a lawyerlike manner and the rights of all parties to the bare essentials of due process of law are not abrogated by its terms. However, from there on title VI seeks to vest in an officer to be known as a voting referee vast powers to make administrative and judicial determinations without adequate safeguards for parties defendant in the original suit and without adequate safeguard for judicial consideration of legal questions. This voting referee differs from the familiar master in chancery or master in equity, in that his prerogatives and procedures are unique, being spelled out in detail in the provisions of this bill. By contrast, the powers and limitations on a master are defined and spread upon the statute books in rule 53 of the Federal Rules of Civil Procedure. It was not enough that a master could be authorized to conduct extensive hearings and make recommendations and findings to the court, as is customary in every other type of case. In the politically sensitive field of voting rights, it is necessary to straitjacket the court and make a mockery of our judicial system by empowering these voting referees to utilize a highhanded procedure cut and tailored to meet the political requirements of a so-called civil rights bill. In effect, the referee could interview a large number of unsuccessful applicants for State registration, make his own findings, hear the appeal that would be brought by outraged local officials who have a far greater knowledge of the facts and circumstances than would this referee, and make a decision on his own appeal, issuing a certificate to the applicants he personally sought to favor. I repeat, for the sake of emphasis, the points just made: After an initial finding was made in the basic case that the deprivation of voting rights was made pursuant to a pattern or practice, the court could turn over to the voting referee each and every decision remaining to be made, including the issuance of a certificate authorizing the applicant to vote, without the matter ever coming back before the trial judge.

In the first instance, the proceeding before the referee is loaded. An affidavit is declared to be prima facie evidence as to an applicant's age, residence, and prior efforts to register or otherwise qualify to vote. All of these matters are legitimate considerations for registration; yet no opportunity is offered at this stage for conclusive proof to be put in evidence that statements contained in the applicant's affidavit are false. It must be borne in mind that these proceedings are carried out under a pending legal case. Defendants who would, in effect, be accused of wrongdoing must sit idly by while unilateral charges of misconduct are hurled against them. They have no opportunity to reply. They have no opportunity to confront or cross-examine the affiant. They are deprived of this basic concept of due process of law even though they are parties defendant in a lawsuit.

It is a serious matter to deny a qualified citizen the opportunity to register to vote.

The facts I have related are true, because they are involved in a case that is already pending in court. As to this part of the case, these defendants are cut out.

The procedure renders the local official liable for criminal prosecution—that is so under existing law; he becomes liable for criminal prosecution—for damages in a civil case, and puts him in jeopardy of being a defendant in a case brought under the Civil Rights Act of 1957.

I do not believe there is any analogy in the American system of jurisprudence. I do not believe one can find a counterpart of this procedure in all American jurisprudence, under State constitutions and under the Federal Constitution, wherein a man is put under the burden of carrying the load, running the risk of being criminally prosecuted, being liable to damages in civil cases, without having an opportunity even to know where the hearing is going to be that originates the ascertainment of these facts and starts the case off against him, or when it is going to be held, and not having the privilege even of being present, much less to be heard, or having a record made of the proceedings which later will condemn him. This procedure throws the burden of proof on him and forces him to controvert all these matters, rather than putting the burden of proof on those who allege he is the wrongdoer—which procedure is exactly the reverse of the American system.

Charges that a local registrar maliciously or corruptly deprives someone of the opportunity to register amounts to a criminal accusation. Yet in substance, that would be the area covered by these affidavits. This would be the first time the defendant saw the affiant in the lawsuit. The affiant would not be an original party to the suit. The registrar may or may not know him. There is no pleading. The affiant may or may not be telling the truth with regard to his prior efforts to register and vote. The registrar has no opportunity of knowing who the next person will be. He cannot be prepared to make a defense either on the issue of fact or of law, and even if he were prepared, he would not be permitted the opportunity under this bill to present his defense. Yet he runs the risk of being subjected to public scorn, ridicule and the danger of criminal prosecution as a result of the sworn statements of some unknown affiant. Is this due process of law? Of course not.

Even in administrative hearings the elements of due process have consistently been held to be: a fair and impartial hearing after notice to all parties concerned, with the opportunity of confrontation and cross-examination, the opportunity to call and question witnesses and cross-examine adverse witnesses. These are the elements of due process of law. Most of them are denied in the procedure prescribed in title VI of this bill. It is true that the local election official has an opportunity later to submit evidence, but the damage to his character, his reputation and his official standing has already been done in a unilateral and loaded hearing, and the burden of proving his innocence falls heavily upon him in complying with the loaded procedural rules for consideration of issues of fact. The law specifically provides:

> A hearing as to an issue of fact shall be held only in the event that the proof in support of the exception discloses the existence of a genuine issue of material fact.

Thus he must prove that the evidence he seeks to introduce in defense of himself is legal evidence before it will even be accepted. Further, this hearing may be held by the same voting referee who held the first proceeding. He would be called upon to review his own decision in the matter. The voting referee might also be called upon to decide issues of law supported by the "appropriate memorandum of law" required to be submitted. There is no requirement that the voting referee be a lawyer or even a law student. Yet he would be called upon to make the initial decision in the first hearing in which the accused official had an opportunity to be heard.

While it is true that the court retains jurisdiction of the case, there is no necessity that the judge pass on the record prior to the time when the referee issues a certificate to one of his proteges. Clearly the burden of proof to overcome the record made by the voting referee is on the local election official.

Mr. President, in addition to rejecting what is ordinarily the due process of law steps to be taken, we would also be throwing the burden of proof on these parties who are accused of wrongdoing, to overcome the case. Furthermore, unless they could do so completely, the affiant would be given the certificate of election, which would be a passport to take part in these elections, with Federal agents standing by, under another provision of the bill. If the officials should honestly think there was no right for the person to vote and should not let him vote, then they could be held in contempt of court under the bill, if it becomes a law, even though, as I repeat, there had never been a valid determination of the rights of the election officials or of the registrars. It would be an ex parte judicial decree.

This procedure is certainly not judicial. It does not have the administrative procedural safeguard of any other statute that I know of. It would not meet the requirements of the Administrative Procedure Act. The whole proceeding is loaded against the local election officials and the matter of which they are accused comes dangerously close to being one of a criminal nature. This bill would encourage legalized slander. It would deprive the accused official of the opportunity to introduce timely evidence in order to save his reputation. It would encourage perjury and put a premium on fanciful exaggeration. It makes a mockery of the judicial process and, of course, it must rely upon the enforcement powers of the court, for in no fair and impartial trial would the Attorney General stand any reasonable chance of displacing the State election machinery and registering large numbers of unqualified voters. Judicial safeguards would prevent that. So this scheme was devised to cloak this star chamber type proceeding in judicial robes, giving it a semblance of legality while depriving the defendants of the opportunity to a fair trail, which has been the crowning glory of Anglo-American jurisprudence.

Mr. President, I do not see how the considered judgment of the Senate—eager as Senators may be, for political reasons or for other reasons which are valid—in the anxiety of the pressure of the times, could set such a precedent, or how Senators could turn their backs upon these fundamental and elemental principles of American justice which were conceived more than a thousand years ago, which have been written and rewritten into the basic laws of our land, over all the years.

As each State came into this Union, the State considered what it wanted to have for its own basic laws, and each State wrote those selfsame fundamental principles into the State constitution.

Even when the 14th amendment was itself written, prior to the 15th amendment, the Congresses which framed the language of the amendment brought in the phrase "due process of law."

When we go to the lawbooks today, there are more annotations and more decisions and more determinations under that section of the Constitution than there are under any other single section.

Mr. President, I have no desire to take up the time of the Senate.

Mr. JAVITS. Mr. President——

Mr. STENNIS. Mr. President, may I suggest the absence of a quorum?

Mr. JAVITS. Mr. President, I seek the floor. If the Senator will allow me to obtain the floor, I shall suggest the absence of a quorum, if that will suit the Senator.

Mr. STENNIS. That will be fine.

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 145]

Aiken	Bridges	Capehart
Allott	Brunsdale	Carlson
Anderson	Bush	Carroll
Bartlett	Butler	Case, N.J.
Beall	Byrd, Va.	Case, S. Dak.
Bennett	Byrd, W. Va.	Chavez
Bible	Cannon	Church
Clark	Jackson	Mundt
Cooper	Javits	Murray
Cotton	Johnson, Tex.	Muskie
Curtis	Johnston, S.C.	Prouty
Dirksen	Jordan	Proxmire
Douglas	Keating	Randolph
Dworshak	Kefauver	Robertson
Eastland	Kerr	Russell
Engle	Kuchel	Saltonstall
Ervin	Lausche	Schoeppel
Fong	Long, Hawaii	Scott
Frear	Long, La.	Smathers
Fulbright	Lusk	Smith
Goldwater	McCarthy	Sparkman
Gore	McClellan	Stennis
Green	McGee	Symington
Gruening	McNamara	Talmadge
Hart	Magnuson	Thurmond
Hartke	Mansfield	Wiley
Hayden	Martin	Williams, Del.
Hennings	Monroney	Williams, N.J.
Hickenlooper	Morse	Yarborough
Hill	Morton	Young, N. Dak.
Holland	Moss	Young, Ohio

Mr. MANSFIELD. I announce that the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. ELLENDER], and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

The Senator from Minnesota [Mr. HUMPHREY] and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

The Senator from Rhode Island [Mr. PASTORE] is absent on official business.

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA] is necessarily absent.

The ACTING PRESIDENT pro tempore. A quorum is present.

Mr. JAVITS. Mr. President, I shall yield to Senators in a minute for insertions, but in view of the fact that a number of Senators are on the floor I should like to state what I propose to talk about. Then, if Senators are interested, they can remain.

Mr. President, I hope in the course of my remarks, which will not be very extended, to analyze in detail especially the law and the constitutionality of the referee provision as it stands without the Kefauver amendment, and also to deal with the substantive facts upon which the referee provision is based and why it is necessary. I wish to emphasize that my primary discourse will be on the law and the constitutionality of the referee provision as it stands.

Mr. President, I ask unanimous consent that I may yield to the Senator from Ohio for a brief statement, without losing the floor.

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

INCREASE IN POSTAL RATES ON "JUNK" MAIL

Mr. YOUNG of Ohio, Mr. President, President Eisenhower's proposal to saddle small businessmen and our individual citizens with increased postal rates on first class mail should be rejected. The President claims his recommendations are essential to help meet the deficit in the Post Office Department. Yet, by raising letter rates from 4 to 5 cents and airmal from 7 to 8 cents, he would penalize the users of first class mail, the only class of mail showing a surplus.

In fiscal 1959, first class mail and airmail produced a surplus of more than

$156 million. Despite this, President Eisenhower now proposes to raise rates in order to produce another $427 million a year.

In effect, this would be an added tax, violating every sound principle of just taxation. My view is that taxes should be levied according to ability to pay.

I assert, Mr. President, that probably heavy magazines do not pay their proportionate share. Nevertheless citizens profit intellectually and pleasurably and there is real value to that. Millions of copies of these journals go into the U.S. mail every week.

These heavy publications, plus other business materials and junk mail, are primarily responsible for the $569 million net deficit suffered by the Post Office Department in 1959. Why not increase the rates against junk mail? Also I urge that the Postmaster General should practice rigid economy in operating his Department. No doubt some money could be saved.

May I make it clear, Mr. President, that country newspapers and urban newspapers which also are mailed to some extent are willing to pay their share. It is a fact that major newspaper associations for years have expressed that willingness.

Furthermore, in these grave, fast-changing times, it is of the utmost importance that newspapers—dailies and weeklies—which are so important in informing our citizenry, go into as many households as possible.

It is of little importance whether the Government in fact pays somewhat more than the cost of this service.

I do assert, Mr. President, that rates on junk mail could—and should—be increased substantially. No one asks for this mail. It simply clutters up mailboxes and usually ends up in the wastebasket unread. Why not tax this nuisance mail?

My view is that postal rates on weekly and daily newspapers should not be increased at present. Some newspaper publishers have difficulty in keeping their publications going and their companies solvent in view of rising costs, and I do not advocate increasing their postal rates.

If President Eisenhower's views prevail, newspaper publishers and individual citizens would be dealt with in an unjustified manner, and heavy magazines and junk mail would still cause a deficit.

Instead of yielding to President Eisenhower's proposal, postage rates on junk mail should be increased and possibly rates on second-class mail above a certain weight, to include heavy magazines, should be raised.

Under no circumstances, at this time, should first-class mail users be required to shoulder an additional load.

It is a fact, Mr. President, that the postal service was never intended to serve a profit-making function. It is a service of the Government to its people, it was not intended to be a tool for a select group in the economy, and taxpayers resent its becoming so.

Mr. President, the proposal to increase rates on first-class mail and airmail makes no sense whatever.

In truth, Mr. President, there is no occasion for alarm in the claimed deficit in the Post Office Department.

President Eisenhower should be alarmed over the tremendous waste of taxpayers' money in national defense expenditures due to duplication and waste with each branch of the Armed Forces considering itself the sole savior of our country. Real unification of our Armed Forces would result in saving billions of dollars each year.

The Post Office Department gives our people service, and newspapers and magazines provide information invaluable to our citizens.

I shall vigorously oppose increasing postal rates at this time, except possibly on junk mail. Furthermore, if the Postmaster General would stop, look, and listen before buying expensive electronic equipment—which is used only at peak mail periods—taxpayers' money would be saved.

LAG IN SHIPBUILDING INDUSTRY

Mr. BUTLER. Mr. President, I ask unanimous consent to have printed at this point in my remarks an article authored by Mr. L. R. Sanford, president of the Shipbuilders Council of America entitled "Shipbuilding Lag Worries Industry Unit," which was published in the March 22, 1960, issue of the New York Journal of Commerce. This article points up, among other things, the serious effects the curtailment of our shipbuilding program can have on the welfare and security of our great country. I am sure all Senators know of my feelings about the merchant marine being the fourth arm of defense; therefore, I urge they read this well-written and very informative article.

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

SHIPBUILDING LAG WORRIES INDUSTRY UNIT

(By L. R. Sanford, president, Shipbuilders Council of America)

As one to whom the welfare of these United States is paramount, the relation of maritime industry to that welfare has the highest priority with me. Thus it is shocking to hear many of the statements emanating from Washington on this relationship and be forced to realize the fuzzy, unrealistic and inconclusive thinking in this connection with which so many individuals in high places in Washington apparently have been afflicted.

For example, we find representatives of one executive agency making major policy decisions, or at least dictating those decisions, not on their merits, or with any due regard to the welfare and security of our country, but purely on a budget basis, or, more plainly, a dollar basis.

No thinking person should quarrel with the desirability of Government economy or with the objective, not only of a balanced budget, but also of debt reduction. But the means to those ends become somewhat fantastic when the budget components are juggled by amateurs in national security upon whose decision the fate of the Nation rests.

It is disconcerting to see national security currently become a political football, as it inevitably does in an election year. It is just as disconcerting to see high-ranking representatives of the several armed services advocating their individual service specialties, to the exclusion of all others, as the sole panacea, the only possible savior of our country.

Is it not frighteningly clear that, as long as this country is not an aggressor nation, and we never have been nor is there any indication that we will be in the future, the choice of the kind of a war we may have to fight, as a result of being forced into it, is not ours to make, but that of our potential enemy.

Is it not equally clear that we must be in a position to reply in kind, whether it be a massive missile attack which calls first for interception and then equally massive retaliation, or whether it be a land, sea or air attack, or any combination of them, in a limited action at a distant point against one of our worldwide military outposts, or against one of our free world allies. No one armed service need think that it is or can be the cure-all for any kind of action. Joint and integrated action by all the services in their respective spheres is imperative. Nothing less will do.

As a country whose role is bound to be a defensive one, at least until the start of hostilities, we naturally are at a great disadvantage in dealing with a predatory power whose objective is to conquer and control the world by one means or another. Such a power inevitably can make breakthroughs in scientific achievement, military or otherwise. Each time such an event happens, there is a hue and cry of the unthinking in this country to concentrate on that particular breakthrough so as to catch up and surpass our potential opponent in that field.

SEA TIES NEEDED

Then along comes another breakthrough of a different nature and the performance is repeated. And so it goes on and on until ultimately we are trying to go many directions at once and getting nowhere. That is exactly what our potential opponent wants—to keep us jumping around like a flea on a hot griddle until we lose all conception of the forest for the trees.

We have forces deployed around the world—land, sea, and air forces. They are the means by which we keep constant watch on our potential enemies and stand joint guard with our allies ready to assist them should the need arise. These forces deployed around the world can only be so deployed and so maintained by the use of the sea. It is the sea which forms the ties between the mother country, the base of manpower and supplies, and those farflung forces radiating out in all directions. It is a God-given road to the rest of the world.

But it is that road only to the extent that we can use it. The ability to use it is called seapower.

Seapower has dictated the course of civilization back to the dawn of history. It is the verdict of history that those nations with overwhelming seapower, thus able to control the seas, became the leading world powers and remained such just so long as they retained that control of the seas. When they lost that control, they became second-rate nations.

Seapower is just as important a factor in power politics today as it was when Adm. A. T. Mahan enunciated his doctrine on "The Influence of Sea Power on History," in 1889. When Fleet Adm. Chester W. Nimitz retired in 1947, he submitted to the Secretary of the Navy a prophetic paper on "The Future Employment of Naval Forces" in which he argued that the dictum of Sir Walter Raleigh in the 17th century was still valid in the 20th century of A-bombs and missiles.

SELLING OUT HISTORY

Sir Walter Raleigh said that, "whosoever commands the sea, commands the trade;

whosoever commands the trade of the world, commands the riches of the world and consequently the world itself."

But there are those in high places in Washington and elsewhere, in and out of the Government, who either are a bit rusty on history or are willing to assume the responsibility of selling history down the river on the ground that today is a new era of nucleonics and missiles in which seapower no longer matters.

Let us examine that concept. In the first place, just what is seapower and how does it function? The popular concept of seapower is that it consists primarily of a powerful fleet of naval vessels. Unquestionably naval vessels do constitute a fundamental part of seapower. But seapower is far more than naval vessels.

It includes all the ships of the merchant marine, cargo ships, passenger liners, tankers, ore carriers and many other types. Likewise, it includes the shipbuilding and ship repair industry without which naval and merchant vessels could not be built and maintained while in service. Seapower likewise includes all elements which contribute in any way to the production and operation of ships. Collectively all the commercial elements involved in seapower are called maritime industry.

One main end result of maritime industry is the merchant marine. World Wars I and II demonstrated beyond a doubt that the merchant marine is the vital "fourth arm of defense," without which we could not have won in either war.

DEFENSE AT ISSUE

Any further war, the nature of which we cannot now predict, is likely, however, to differ from past wars in that we may not have the opportunity and the time to build additional ships for war service to supplement existing ships.

That possibility, even probability, makes it imperative that we have in existence and in operation at the commencement of any war of whatever nature an adequate fleet of ships qualified to perform the task of lifting troops and supplies, and transporting both to our farflung bases without which support those bases would be doomed. And it certainly is unthinkable that they could be abandoned to their fate. That indeed would be the beginning of the end.

So, it follows that at any time war strikes we must be prepared with a strong Navy able to control the seas and an adequate merchant marine to use those seas subject to that control, not only to supply our oversea bases and our allies, but to import into this country from abroad those strategic components which are not available here but which nevertheless are vital for our domestic industry, whether for war materiel or domestic consumption.

Much present thinking in Washington begs the question of seapower, whether at the moment it be the facet of naval power that is under consideration or the facet of the merchant marine, and appears to be limited to the concept of missiles and airpower. Neither one, important as they are, can control the seas or transport men and supplies needed throughout the world. That takes seapower and that seapower must be in being, not merely projected.

Let us assume a massive missile attack which knocks out a great part of U.S. industry. There is an immediate need for transportation, sea transportation, both for ourselves and our allies. Sea transportation is least likely to have suffered seriously from such an attack because of its dispersion. That transportation may be the means of turning apparent defeat into ultimate victory, but it cannot do that unless it exists at the time.

ENEMY BUILDING SHIPS

Lest there be any question as to the efficacy of seapower in the world of today and tomorrow, why is Russia today feverishly building up its seapower, particularly its submarine fleet, but also surface vessels as well? Because it realizes that, unless and until it can control the seas, it cannot hope for total victory over the United States and its allies.

By the same token, why is Red China building up its merchant fleet? Both are cognizant of the lessons of history. Both know that they must have seapower to achieve their ultimate objectives. Both know that if they singly or collectively can force the United States off the seas, victory is theirs without further fighting.

If that disaster should happen, the United States would have to abandon its allies overseas, also all its oversea bases and personnel. Furthermore, the U.S. industrial complex would falter to a halt for lack of vital components not available in the domestic market. The United States not only would have lost its foreign markets but would be unable to supply its domestic market. All that Russia and China then would have to do would be to wait patiently for our inevitable demise and take over.

In the face of all the foregoing, does it make sense for a high Government official to limit the funds for the Government's share of replacement ship construction to an average of less than one ship per shipyard per year? How will we even complete a replacement program in time to ward off block obsolescence on any such basis as that? How can we have modern ships ready for the emergency that may be just around the corner? How can we hope to continue to compete with the modern foreign-flag ships that our allies and former enemies continue to build in shipyards rehabilitated at our expense after the war?

There seems to be a disposition in Washington for more and more investigation of almost everything. That is particularly true of the merchant marine. There have been many investigations of the merchant marine over the years, most of them at a very high level. They all have come up with practically the same conclusions, viz, that we have to have an adequate merchant marine, that the policy of the Merchant Marine Act of 1936 is sound, and that it should be aggressively implemented.

Most of these reports lie in innocuous desuetude in some almost forgotten pigenhole. Now there is talk of more investigations of the merchant marine. It would almost seem that there is a hope, wishful thinking if you like, that, given enough investigations, ultimately sometime, somehow, somebody will come up with a magic formula for a merchant marine that will not cost the Government any money despite a standard of living in this country far above that of the rest of the world, which, of itself, makes construction and operating merchant marine subsidies necessary to achieve parity with competitive low cost foreign merchant marines.

CIVIL RIGHTS ACT OF 1960

The Senate resumed the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes.

Mr. JAVITS. Mr. President, I wish to address myself to the provision of the bill before the Senate as it relates to official referees.

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

Mr. JAVITS. Mr. President, I ask unanimous consent that I may yield to the Senator from Colorado for an affirmative statement without losing the floor.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. CARROLL. Mr. President, I desire to modify my amendment which is now the pending business. I ask that the modification, which is now at the desk, be read.

The PRESIDING OFFICER. The modification of the Senator from Colorado to his amendment will be read.

The CHIEF CLERK. On page 17, lines 20 through 25, in lieu of the language proposed to be inserted by the committee, it is proposed to insert the following: "the applicant shall be heard ex parte, at such times and places as the court shall direct.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the junior Senator from Colorado.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

Mr. JAVITS. Mr. President, I have the floor.

Mr. RUSSELL. Mr. President, I thought the Senator from Colorado had proposed an amendment. The Senator from New York cannot hold the floor and prevent another Senator from making a parliamentary inquiry concerning the modification proposed by the Senator from Colorado.

Mr. JAVITS. Mr. President, may the Senator from New York explain his position?

Mr. JOHNSON of Texas. Mr. President, I wonder if the Senator from New York will not yield by unanimous consent.

Mr. JAVITS. Of course I will.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from New York may yield to the Senator from Georgia, to permit the Senator from Georgia to state his parliamentary inquiry.

Mr. RUSSELL. I am as a matter of right entitled to submit a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York yielded to the Senator from Colorado under a unanimous-consent request. The Chair is advised by the Parliamentarian that the inquiry by the Senator from Georgia is in order, and does not interfere with the right of the Senator from New York to the floor.

Mr. JAVITS. I thank the Chair. I simply wanted to be certain that I had not lost the floor.

Mr. RUSSELL. Mr. President, has the so-called revision or modification been printed?

The PRESIDING OFFICER. The modification of the Carroll amendment has not been printed.

Mr. RUSSELL. Mr. President, I desire to submit a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. Have the yeas and nays been ordered on the Carroll amendment?

The PRESIDING OFFICER. They have not been ordered.

Mr. RUSSELL. In that event, the Senator from Colorado has a right to modify his amendment. That right is unchallenged, under the rules. But it may cause some delay in voting until we have had some opportunity to examine the modification.

Mr. CARROLL. Mr. President, will the Senator from New York yield further? I ask unanimous consent that he may yield to me, without losing the floor, to permit me to explain my modification.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from New York yields to the Senator from Colorado.

Mr. CARROLL. The purpose of my modification of my amendment is to use words contained in section 4, article I, of the Constitution, relating to the times, places, and manner of holding elections for Senators and Representatives. It is true that those constitutional words have different meaning in section 4 of article I than here. As I have said numerous times on the floor of the Senate and in the committee, the provisions of this bill shall in no way be construed as a limitation upon the existing powers of the court.

What are we asking to be done? The executive branch will not provide leadership in this field. The legislative branch, as is evident, cannot function in this field. So we are placing a tremendous load upon the judicial branch.

I believe we should not handcuff the courts or hamstring the courts, or try to strangle the judiciary as we give them this tremendous task.

We are saying to the court, by this amendment, "Fix the time and fix the place," And Congress says to the court, "as the court shall direct."

It seems to me that a court of equity, reading the whole history as it has been expressed by Congress, would designate a proper time and place.

I commend the senior Senator from Tennessee for raising this issue. This has been a very important part of the debate. The legislative history which has been made is excellent. I think a court in the future could easily ascertain what is now taking place.

The Senator from Tennessee has been saying that this is a public act. The junior Senator from Tennessee has characterized it as a public act, by a public official, to be conducted in a public forum. A court of equity will consider those words carefully. The court will know the purpose of the legislation.

This is a very simple proposal. It is intended to give to American citizens their fundamental, constitutional right to vote. It is necessary to use this method. As the Attorney General has said, it is a method to expedite matters in order to preserve that constitutional right.

We are not seeking to have any secret sessions or any star-chamber sessions. Yesterday I heard the able senior Senator from North Carolina [Mr. ERVIN] express a fear that there would not be transcripts of the proceedings. Very well. Let us make the legislative record now. Let us examine the House bill. Let us turn to page 16. Before the applicant is entitled to an order, he has to supply proof.

Let us turn to the bottom of page 17. It says in the bill that his statement shall be under oath. Whose statement? The applicant's statement.

Let us move to page 18. He has to give evidence of his age, residence, and prior efforts to register or otherwise qualify to vote.

The able senior Senator from North Carolina was concerned that there would be no transcript. Let us read now from page 18, line 4, of the bill. We are now talking about proof of literacy and understanding of other subjects which is required of an applicant, if it is required by valid provisions of State law.

The answer of the applicant, if written—

Get those words—

shall be included in such report.

What report? The report which includes the applicant's age, residence, and prior efforts to qualify. This is all a part of a judicial hearing. There is proof; there is an oath; and obviously if there is to be a report to the court, no order can issue for the applicant until it is preceded by such report. That report has to be transcribed. Does anyone believe that a public act, by a public official, in pursuance of a public law, will not be transcribed? Of course it will be transcribed.

Does anyone believe that a court will not permit a party in interest or any person, if he pays for it, to get a copy of the transcript?

Of course that would be done. I submit that the many fears of the bill which have been expressed here are unfounded.

This is a good, constitutional bill. It will permit many American citizens who are wrongfully disfranchised, to vote, although it makes the proceedings by the applicant more protracted than I would have desired.

Mr. GORE. Mr. President, will the Senator from New York yield, to permit me to ask several questions of the Senator from Colorado?

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Does the Senator from New York yield to the Senator from Tennessee?

Mr. JAVITS. First, Mr. President, will the Senator from Colorado tell me how long he expects to proceed.

Mr. CARROLL. I have almost concluded.

Mr. JAVITS. Then I yield to the Senator from Tennessee.

Mr. GORE. Mr. President, the Senator from Colorado has made a considered and reasonable statement. He has proposed that the amendment be modified by adding the words "at such times and places as the court shall direct."

Does not the Senator think the applicant who wishes to qualify to vote should be heard within the county in which he seeks to obtain qualification for voting?

Mr. CARROLL. Yes, unless in the county there was massive resistance, unless the machinery of the county was marshaled in opposition to the applicant's attempt to qualify to vote. But let us permit the court to have discretion in such circumstances; let us not handcuff the court. The court should be allowed to make that determination.

If I were serving as the judge in a court of equity in such an area, I would say that of course the applicant to register to vote should be heard within the county in which he seeks to qualify to vote.

However, this situation involves massive resistance to the attempt of thousands of Americans to register and to vote for the first time. So as we proceed to place this burden upon southern jurists, let us be reasonable and permit them to use their own good, commonsense while they serve as courts of equity.

Mr. GORE. It seems to me the Senator has described a strained situation which might not develop at any point. I should like to suggest to him that when the applicant under the law now proposed is qualified to vote, that qualification pertains to the county of his residence. Therefore, if one presumes there would be some massive resistance to the applicant's qualification to vote, with the result that then the public official of the U.S. court, with all the protection and dignity of court orders added to by the terms of the pending bill, would be intimidated and prevented from permitting the applicant to qualify to vote, would not it then be reasonable to presume that the exercise of such a right—which could not be accomplished in some other county, in someplace apart from the applicant's residence—must, in fact, be accomplished not only within the county in which he resides, but also within the precinct in which he resides, and that under such circumstances, such massive resistance, if it existed at all, would relate more to the applicant's exercise of the right to vote, rather than to his appearance before an official of the Federal court to register to vote?

Mr. CARROLL. I am not sure that I fully comprehend what the Senator from Tennessee has in mind. But my point is that I believe we should provide ample discretion. In my opinion a Federal judge would not permit any abuse of his authority, and I believe that would be particularly true of a Federal judge who came from the particular area which was affected.

We are not trying to create any judicial restrictions by this law. This matter must remain fluid. The court itself will be bound by the constitutional principle of due process; the courts cannot stray, either. And we want them to read the record.

I understand the fears of able and sincere men that perhaps we shall be going too far.

Mr. GORE. In my State the custom is for the registration to be accomplished at the county seat. I respectfully suggest to the Senator that in my opinion his amendment would be improved if he were to add to it the words "within the county of the applicant's residence."

Mr. CARROLL. I think that is implicit; I think the registration would occur there. But I am afraid that if we

start to add such a provision here, attempts to have other provisions added elsewhere will be made.

I believe we can safely leave these matters to the discretion and the judgment of the court. I agree with the Senator from Tennessee that it should be within the county, because that is where the applicant would normally have to register.

If I correctly interpret the statement of the Attorney General of the United States, no attempt is being made to give one group of Americans a favored position, as compared to that of another group. So if a white man is able to register in a particular county, a black man should also be able to register in the same county—under the same rules and customs and laws.

Mr. GORE. I agree with the Senator from Colorado that it would be natural to assume that a Federal district judge would take such a reasonable course.

However, since the Senator from Colorado is proposing to write new law, perhaps it should provide that the hearing shall be within the county of the applicant's residence. Unless the judge made a finding of the existence of some extraordinary circumstances which would indicate to him the advisability of doing otherwise, surely the hearing should be held within the county of the applicant's residence.

Mr. CARROLL. Bear in mind that in this case we are dealing with the broad powers of a court of equity.

Mr. President, I am afraid that I have taken too much of the time available to my able friend, the Senator from New York [Mr. JAVITS]. He has been very gracious to give me this much time in which to submit my modification of the amendment. Later, we shall have an opportunity to discuss it further.

Mr. JAVITS. Mr. President——

Mr. KEFAUVER. Mr. President, will the Senator from New York yield briefly, so that I may ask several questions of the Senator from Colorado?

Mr. JAVITS. Mr. President, I prefer at this time, while a few Senators are in the Chamber, to make my fundamental points. Thereafter, I shall be glad to yield.

Mr. KEFAUVER. Very well, Mr. President.

Mr. JAVITS. Mr. President, I believe the bill to be constitutional, and not to be unusual, in terms of the practice and procedure in the courts of the United States.

What has been entirely overlooked in connection with this matter is the fact that the voting referee will be appointed pursuant to the standing rules of Federal procedure.

If Senators will look at page 19 of the bill, line 14, they will see that the powers of the referee are determined by rule 53(c) of the Federal Rules of Civil Procedure. Reference to those rules indicates that the court already has very wide powers in respect to what it can order the referee to do. The court may, by its orders, specify and limit the powers of a referee, may permit him to report on particular issues, do or perform specific acts, receive and report evidence only, and may fix the time and place of the holding of the hearing and the filing of a master's report.

It is very clear this is established procedure. I practiced law for many years, as did many Members of the Senate. We are all familiar with the practices of bankruptcy referees. Bankruptcy referees do many things ex parte. For example, they receive and verify claims, reject claims, throw them out, if they do not have any verification or proper forms to support them—all ex parte. Thousands of lawyers in the United States who apply for orders apply for them every day ex parte.

Mr. President, what does "ex parte" mean? It means that the court may consider whatever is the application before it—or, in this case, the official referee—without notice to the other side. It does not mean in secret. It does not mean somewhere behind a building. It means without notice to the other side. Can anything else be done in these situations, if what we are trying to do is, as nearly as possible, recreate the rights to an individual registrant which have been denied him? Let us not forget that fact. The court has first found that a right has been denied to a class of citizens; so we try to replace, through court order, what he would have gotten through normal action of the administrative office of the registrar.

The referee, no more than the registrar, does not know who is coming in to register. This is not an adversary person. This is someone off the street who is a member of that class, and he says he has been denied the right to register. He walks in the door. The court or referee could not have given notice if he had wanted to. The only thing he can say is that at a certain time and at a certain place he will be there, empowered by the court to make registrations.

That is exactly what the amendment of the Senator from Colorado provides.

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

Mr. JAVITS. I had promised to yield first to the Senator from Tennessee [Mr. KEFAUVER].

Mr. KEFAUVER. Mr. President, I ask unanimous consent that the Senator from New York may yield to me in order that I may ask the Senator from Colorado two or three questions.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KEFAUVER. The Senator from Colorado has, I know, been giving this matter a great deal of thought, and he has been concerned, as many of us have been, with the situation, as has been so ably pointed out by my colleague from Tennessee [Mr. GORE], that this is a public official, doing public business, and that it ought to be done in a public place, upon public notice.

I take it that these are matters which the Senator from Colorado is trying to get at, as I have heard him.

I think, as I read the new amendment the Senator has sent to the desk, while I am not satisfied with it, is an improvement. I think the rights provided in the amendment that was adopted by the committee, with an understanding of what is intended, as I have tried to explain, are minimum rights. I think what the Senator has proposed is some improvement over leaving the matter wide open.

In the Senator's original amendment he had the words "shall be open to the public." Why does he leave out the words "open to the public" in his new amendment?

Mr. CARROLL. I may say to the Senator from Tennessee that I felt this question was one of the issues that concerned the senior Senator from Tennessee with respect to the original amendment. As the junior Senator from Colorado expressed himself in committee and on the floor of the Senate the other day, he is against star-chamber sessions. The junior Senator from Colorado is against all kinds of secret and clandestine referee hearings, whether they be at picnics, church gatherings, and back alleys, as was mentioned in the debate yesterday, or any other place. The junior Senator from Colorado is against registrations in barbershops, and places like that. I do not believe in that sort of thing. I understand it is done in some areas. It is not done in my State.

I hope a court of equity reads our words. We want the times stated. What do we mean by "times"? The dates. What do we mean by "places"? The places where the registrations are to take place. Mention was made of the words "public office." Those words are too restrictive. In my State we use the schools for registration. There is nothing wrong with utilizing the school buildings. I did not want to limit the provision to a public office or public place, but leave the place to the court. That is my argument.

I think the Senator from Tennessee has made a fine record. I think he has clarified some of the thinking. I think the debate which has been going on for the last 3 days will be very helpful to a court of equity.

Mr. KEFAUVER. I thank the Senator from Colorado. Some good may have been done. I hope so. That was our intention. I hope that, by the adoption of amendments, the bill can be improved, as I sincerely think it must be improved.

Does the Senator from Colorado contemplate that the judge shall issue orders that the hearings will be in a place open to the public?

Mr. CARROLL. It is the opinion of the Senator from Colorado that the judge ought to do so. Anything that takes place in connection with such proceedings should be open to the public. This is a public action by an official of the court—a public official. We are enforcing a law of general application.

Mr. KEFAUVER. Is it the legislative history, in the mind of the sponsor of the modified amendment, that it is the intention that the judge should and will have public business of this kind conducted in a public place, or a public office, or a place open to the public?

Mr. CARROLL. I would certainly say so, unless some great emergency would prevent it. I should think that was the general concept. This is commonsense; this is equity we are talking about.

Mr. KEFAUVER. The words "at such times and places as the court shall direct" appear in the amendment. As I have said, it is an improvement, but my point is that while we trust our judges and hope they will do their duty, we in the Senate have a duty to perform also, and to act to prevent star chamber proceedings. The words "at such times and places" imply that notice shall be given of meetings.

Mr. CARROLL. Notice to whom?

Mr. KEFAUVER. I do not know. Notice to the public.

Mr. CARROLL. The court sets the time. The court orders that the hearing shall be open to the public. If the court sets the times and places, we cannot ask the court to notify the newspapers.

Mr. KEFAUVER. There is a very sharp distinction. Does the proposal contemplate that the judge will notify the referee of the time and place that he is to have the meeting, or that he will notify the referee and follow the usual custom of arranging for some public notice?

Mr. CARROLL. I do not know what the court will do. We are talking about two different things. When the court enters its original finding that there is a pattern or a practice, there will be many applicants who will be filing applications. I hope there will be many.

I think the point has been made by able lawyers from the South that many times the county seat in an area will be away from the general area, as much as 200 miles. I would assume that if a Federal voting referee was going into a particular area the court would give the people notice that the voting referee was coming, and the time would be designated and the place would be designated by the court. Would that not meet the Senator's objection?

Mr. KEFAUVER. I have always thought that due process meant notice should be served on the parties affected, giving them an opportunity of being present, at least.

Mr. CARROLL. Due process for whom, may I ask the Senator from Tennessee?

Mr. KEFAUVER. Due process for the applicant, who is going to register.

Mr. CARROLL. He is not going to complain about this.

Mr. KEFAUVER. Well, due process for the party who is alleged to have failed to follow his duty or to have failed to carry out his duty.

Mr. CARROLL. There is no such allegation in the finding. The finding is, of course, of a broad nature. We are not trying to put the stamp of guilt upon anybody, but we are attempting to give some people their constitutional rights. We are considering the mechanism which has been suggested.

Mr. KEFAUVER. If the Senator feels the hearing should be done in a public place and notice should be given in some form, as is the usual case with notices, would it not be worth while to put those provisions in the amendment?

Mr. CARROLL. The junior Senator from Colorado has been working very diligently to try to overcome the harm which was done the other day when the ex parte proceeding provision was stricken out. I think we have a general agreement that we can use the words now suggested; and I do not mean by a small group of people. We have a general agreement. We have taken these words out of the Constitution. While it is true they have a different meaning, the court will carry the great burden as to times and places. As the junior Senator from Colorado has modified the amendment, he has modified it about as much as he can in the circumstances.

Mr. KEFAUVER. My colleague from Tennessee would like to ask the Senator a question, but first let me say that I appreciate the efforts of the Senator from Colorado. I know the Senator has been concerned about the star chamber proceedings, which are repugnant to the American people. That is something we have been fighting against ever since the Founding Fathers wrote the Constitution. It is something about which the Senator feels deeply and about which I feel deeply.

I want to say to the Senator from Colorado, this language is of some help, but it is unclear. I think the Senate has a very important duty to perform. I will discuss that later on.

Mr. GORE. Mr. President, will the Senator from New York yield that I may ask a question of the Senator from Colorado?

Mr. JAVITS. I yield to the Senator from Tennessee.

Mr. GORE. If the court by order designates a place and a time, does not that place, ipso facto, become a public place?

Mr. CARROLL. I should think so. I see no reason why it would not. The very purpose of designating the time and the place is to give the people notice, so that they may come.

Mr. GORE. The order of a court is not a secret order?

Mr. CARROLL. Of course not.

Mr. GORE. The place which the court fixes by order is not a secret place, though it may be in a high school auditorium or in a courthouse or in a building on the square leased for that purpose. It becomes a public place for the performance of a public act by a public official upon order of the court.

Mr. CARROLL. That is correct.

Mr. GORE. May I go one step further? If my questions are properly submitted and if the Senator's answers are correct, then are not the places and the times the remaining unspecified elements? I am willing to presume that a Federal judge would designate a reasonable time. Unless there is some extraordinary circumstance I am willing to assume that the judge would designate a place within the county in which the applicant for qualification for voting would in fact be voting if he voted.

Mr. CARROLL. I agree with that.

Mr. GORE. I see no objection to specifying that this shall be in the county of the residence of the applicant.

Mr. CARROLL. I think we have made the record on that.

I should like to make a reply to the Senator, and then not hold the floor longer from the Senator from New York.

I do not know whether this is true or not, but I have heard that in some areas in the South people are registered in barbershops. If this is true, all I seek is to give equal treatment to the white men and to the black men. If the white men are registered in the barbershops, then we ought to register the black men in the barbershops. I want to leave this open for a court of equity.

Let me say, I do not assert that as being true, because I do not know. I wish to point it out as having been said. I do not know for a fact that people are registered in barbershops.

What we are seeking is equality of treatment. That is all. That is all we ask the court to do. If the white men are registered in a private place, I do not know how one can object to registering a black man in a private place. Let us provide equality of treatment in regard to qualifications to vote. This is the whole purpose of the bill, and it ought to be left in the hands in the court of equity. The judge would come from the area.

Mr. KEFAUVER. That is my purpose, also. I am trying to have the same conditions apply to registration before the voting referee as apply to people who go into a public office to register. When the people go into the public office, it is open. Anybody can be present. Anybody can take a transcript, and anybody can witness what goes on.

Mr. CARROLL. On that point, I wish to say that the Senator from Tennessee is absolutely correct. For example, if white men are going to be registered and somebody else wants to take a transcript of what is asked of the white men, he ought to be permitted to do it. Is that the Senator's point?

Mr. KEFAUVER. The Senator said that he wanted equality of treatment. That is what my amendment is intended to bring about.

Mr. CARROLL. I am sure of that.

Mr. KEFAUVER. When one goes into a public office to register, it is a public office. There is a public official present. Anybody can go into the office and can make a transcript if he wants to. I hope the Senator will be thinking about that. The modified amendment says, "at such times and places as the court shall direct." It does not say that the court shall issue an order directing it, which would be an order of the court. It may be an oral direction.

Is it contemplated that this would be an order which would be made upon the minutes of the court proceedings?

Mr. CARROLL. Yes. The language is, "the applicant shall be heard ex parte at such times and places as the court shall direct." That means by order of the court, because the referee is the court's agent. The court is the master and the referee is the servant function-

ing under the court order which would be in the minutes of the court.

I want the RECORD to show that the court shall direct by a public order, so that the people will be informed.

Mr. KEFAUVER. What is the situation with reference to anybody making a transcript of the proceedings?

Mr. CARROLL. I think there ought to be the same right to make a transcript of the proceedings of a black man being registered as there would be a right to make a transcript of the proceedings of a white man being registered. If it is held in a public place, and the white man's testimony is taken down. A transcript should be available. Some people have found that the white man is not interrogated as sharply as is the black man.

Let a transcript be made at each time and place, and perhaps we can find out what the facts are. The decision ought to be left to a court of equity. That is the whole purpose of my amendment.

Mr. KEFAUVER. I thank the Senator very much.

Mr. KEATING. Mr. President, will my colleague yield to me?

Mr. JAVITS. I yield to my colleague.

Mr. KEATING. Does not the senior Senator from New York feel that in all likelihood adding the words "at such times and places as the court shall direct" would add nothing to what would have been the normal procedure in the first place?

Mr. JAVITS. My colleague is exactly right. I pointed out section 53-C of the Rules of Civil Procedure. That subsection is headed "Powers," and it contains the mandatory provisions written into law.

Mr. KEATING. I see no objection to the amendment as modified. I have conferred with the Attorney General. It neither adds nor detracts, and is much preferable to the Kefauver amendment. The devastating impact the Kefauver amendment would have on the voting referee section of the bill has now become obvious. Various proposed compromises have been sticking out of the pockets of many Members. Some of the compromises I have seen offer very little improvement on the original language of the amendment. I do not believe anything should be accepted which would require Negroes to apply for registration under conditions substantially different from those applicable to other citizens. It will be burdensome enough under the other provisions of the voting referee section to provide the needed relief without adding the additional obstacles contained in the Kefauver amendment or in some of the substitutes therefor.

In my opinion, the only proper course is to leave to the local judge the determination of the times and places of registration. That is exactly what the modified Carroll amendment does. This proposal would permit the judge to apply whatever conditions are customary under State law or whatever conditions are necessary in the particular case. This will not violate any State official's due process but it will protect against the violation of the voting rights of our Negro citizens.

Such court control over the referee is already implicit, but if there is a desire to spell it out, I certainly would have no objection to doing so by specific language. What we must avoid is anything which would encourage the further intimidation and harassment of people who want to vote. After having to apply for State registration (in some cases, twice), after having to await the result of a district court voting right suit, after having to abide the determination of a pattern or practice of discrimination, and after being subjected to a trial on any material issue of fact raised by the referee's report—there should be no requirement that Negroes also must appear for registration in a hostile, public arena. Such a requirement is exactly what the Kefauver amendment would have accomplished. The Carroll amendment, on the other hand, is completely harmless because it adds nothing whatever to the bill which came to us from the House. By it the procedures of the voting referee sections are preserved intact. For that reason, the Carroll amendment neither adds to nor detracts from the force and effect of the House language. Because a vote for it is tantamount to a vote against the Kefauver amendment. I shall support it.

Mr. JAVITS. I thank my colleague. I join him in the statement with respect to the Attorney's General's feeling, that this proposal would not in any way compromise the fundamental purpose of the amendment.

There has been much argument about unconstitutionality. What amazes me is that in arguing unconstitutionality no reference is made to the Constitution. The Congress of the United States, when joined by the President—or, if it can muster the votes to override—can actually establish, without regard to what any State does, the times, places, and manner of holding elections for Senators and Representatives. This authority is contained in section 4 of article I of the Constitution, which reads as follows:

> The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Also, no attention is seemingly paid in this debate about unconstitutionality to the 15th amendment to the Constitution. I point out that on last Wednesday, March 30, we celebrated the 90th anniversary of this amendment, which in many places has been honored more in the breach than in the observance.

The 15th amendment deals with the right to vote. Thousands of Americans lost their lives in the struggle to assert this right, and here we are arguing about whether we shall implement it.

Section 1 of the 15th amendment provides:

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2 reads as follows:

> The Congress shall have power to enforce this article by appropriate legislation.

The basis, therefore, for the voting sections of this bill is absolutely rooted in the Constitution of the United States, in just so many words. We are not invading what the immutable law has given to the States. We are exercising the authority and the power vested in us by the Constitution; and, indeed—at least by clear implication—we have the duty to see that the Constitution is implemented in these respects. It seems to me, therefore, that those who argue for constitutionality, rather than those who argue against constitutionality, are the ones who start with the Constitution firmly on their side.

Mr. ERVIN. Mr. President, will the Senator yield for a question on that point?

Mr. JAVITS. Certainly.

Mr. ERVIN. I ask the Senator from New York if he does not know that the courts have held time and again that the fourth section of the first article of the Constitution, which the Senator read as giving the Congress the right to alter or make regulations concerning the times and places and manner of holding elections applies only to elections of Senators and Representatives, and does not apply at all to election of State officers?

Mr. JAVITS. The Senator does not need any cases on that point. The Senator from New York read the text of the section. It says:

> The times, places, and manner of holding elections for Senators and Representatives—

In so many words.

The Senator from New York also read the 15th amendment.

The 15th amendment, which is to be implemented by Congress with appropriate legislation, refers to all elections, State and Federal; and the courts have so held time and again. Is not that correct?

Mr. ERVIN. The Senator from New York has not answered my question. I will answer his question when he answers mine.

My question is this: Does not the Senator from New York know that the courts have held time and again that the provisions of section 4 of article I of the Constitution have no application whatsoever to State and local elections, and are confined solely to congressional elections?

Mr. JAVITS. Not only does the Senator from New York know that, but he read the words. Section 4 of article I so states. It relates only to elections for Senators and Representatives, and I so stated in reading it.

Mr. ERVIN. I am sorry. I misunderstood the Senator from New York. He and I agree on that point. I say to the Senator from New York that I agree with him on the proposition that the provisions of the 15th amendment apply to all elections, congressional, State, and local, but that under the provisions of

the 15th amendment the Federal Government has no power save that of enforcing a prohibition which prohibits a State from denying any citizen the right to vote on account of race, color, or previous condition of servitude. That does not authorize the Congress to take charge, and to pass on the qualifications of State voters.

Mr. JAVITS. It seems to me that the question was completely settled by the Classic case, which extended—if it is an extension—this whole concept to the primary. We did not say anything about primaries in the 15th amendment, either. Nevertheless, the court said that under section 2 of article XV, the right to implement the 15th amendment, Congress acted quite properly in saying that primaries were also covered in respect to this situation.

Mr. ERVIN. I ask the Senator from New York if he does not know that the Classic case dealt only with section 4 of article I of the Constitution, and had nothing whatever to do with the 15th amendment?

Mr. JAVITS. Certainly. The reason I cited the Classic case was that the courts held very clearly that we were not confining elections to the direct election process, but that also the necessary and proper cause, which extends, in the Constitution, to section 4 of article I, includes the right to reach primary elections where they frustrate, as was found in that case, the electoral process.

I think it is very clear that Congress has every right to pass laws which will appropriately implement the guarantees which have been given to the individual citizen, not only by section 4 of article I, but by the 15th amendment as well. Whenever we pass a so-called clean elections law, which applies to the States, we are acting almost exclusively within the ambit of our powers, as I have just described them. If anyone has any doubt about that, there is a very recent case, the case of United States versus Raines, decided on February 29, 1960, in which the Supreme Court sustained fully the constitutionality of the 1957 act. That is certainly affirmative legislation.

Whenever the court directs that a person shall have the right to vote in a State election, it is sustaining that concept of the 15th amendment, sustaining the concept that it does not mean merely a prohibition, but that where an act is prohibited, the court may repair the wrong and cause the affirmative act to be done which ought to be done.

So, Mr. President, I respectfully submit that no such narrow interpretation, certainly in view of all the cases, will be considered by the court.

Mr. President, I believe we must put ourselves in the position of the court in assessing the constitutionality of this particular section. We must understand the legislative scheme which is involved. Yesterday my colleague from New York and I argued that what we were trying to do, and what we had the right to do, in view of the State default in this situation, was to try to recreate conditions which would obtain there in the State default, in what it did wrong in terms of the law and the Constitution. We have a right to accommodate the individual who has been wrongfully denied the opportunity to register and vote and on past and across the threshold of that opportunity, without incurring exactly the same difficulties and dangers which had frustrated him up to now. That is exactly what this provision does.

Let us analyze the legislative scheme for a minute. It starts with the action by the Attorney General. The Attorney General must be successful in that action, not only in proving that a particular individual has been denied the right to vote by virtue of his race or color, but also that there is a pattern or practice in a particular community by which persons of a certain race or color have been denied the right to vote. This finding, pursuant to all due processes of law—notice, evidence, hearing, appeals—takes place before any other part of the section becomes operative.

This section therefore proceeds upon that point, namely, that a decree has been entered by the court, after all kinds of due process. Let us assume that now the order of the court is in effect, finding that there is a pattern or practice existing in that community which unlawfully denies people the right to register and to vote because of their race or color.

Then what happens? Any individual of that class, namely, a class which has been discriminated against by virtue of race or color, may upon application be entitled to an order declaring him to be qualified to vote and directing that he shall be permitted to vote. Any person who believes be comes under that provision of the law may go into court himself and apply for an order directing the voting officials to let him vote. The court has the right and power to make that order. We give that right and power to the court.

So far there is no argument.

If the court chooses to do so for any reason—either because there are many people involved or because it is inconvenient to consider individual applications—it may appoint a person called a voting referee, with all the powers of a special master. I referred to this a little while ago. He has all the powers of a special master under the rules of civil procedure. That appointment is made to carry out the functions which normally would be carried out by the court itself.

The language is very clear: "To receive such applications and to take evidence and report to the court," and so forth.

In other words, instead of coming to the court to apply to that court, the individual applicant comes before a referee. At this point the individual applicant is crossing the threshold of the place where he is entitled to register. Instead of the threshold being a courtroom, the court has appointed an official referee, and that threshold is equivalent to that of the court.

If an individual walked into a court and applied for the right to vote, the court could, if it chose, give that right. provided that it proceeded in accordance with its previous decree and finding and then entered an order in accordance with the practices of the court.

But let us suppose that this application is made before the referee, the court having appointed that referee. What does he do? The referee receives the application at such times and places as the court may determine that he shall have the right to do that. Then the referee transmits it to the court with a preliminary determination by him that this person is entitled to register and to vote.

At that point every State official who is entitled to it gets notice, and may interpose an objection, and if he wishes may contest it and may subpena the applicant and any other witnesses, if he has any material question of fact or law that can be raised. In short, there is complete due process at every stage of the proceeding.

What is being argued on the part of those who try to sustain the Kefauver amendment is that there shall not only be a trial with relation to the pattern or practice at the one end, and not only a trial with respect to the final order of the court entitling the man to vote, but also that there shall be a third opportunity which is a trial intermediate.

My colleague from New York and I maintain that to do that would completely vitiate the whole legislative scheme in which we are engaged, because that would be inviting the very repetition of events which bring us to the need for the passage of this legislation.

Let me emphasize that point, Mr. President. It would be inviting a repetition of events which bring us to the need for the passage of this legislation. The record before the Civil Rights Commission—and I shall read from it later—is replete with instances in which the mere climate has its effect. It is the climate in which an individual applicant goes to a public building, to wit, the county courthouse, or some other public building, to register. The report of the Civil Rights Commission, as I say, is replete with instances of an individual going to the courthouse, expecting to register and being confronted by the climate of intimidation, or no attention being paid to him. Obviously that is not a very healthy place for anyone to be.

The same situation would obtain in an adversary proceeding, in which there would appear a whole battery of lawyers and members of the White Citizens Council. We must remember that this would not take place in a hospitable, happy community. We are dealing with people who would seek to register in an unhappy community, where people have been wronged and discriminated against, and where it has been necessary for a person first to obtain a court decree before that proceeding can be started. To repeat the very same thing which has brought us to this posture, and where we are passing a law on the subject, would seem to be the height of folly.

Let us look at the report of the Federal Civil Rights Commission. Again I say there are no arguments about the facts. The Commission is composed of

three northern or western members and three southern members, who joined in the finding of facts. I refer, for example, to page 64 of the report, dealing with Fayette County, Tenn., describing a situation there. Let us see what happened there. It recalls the experience of 12 Negro war veterans who registered there in the fall of 1958. This is what the report says:

Some of those Negro veterans were interviewed by Commission representatives. They stated that they had been subjected to so much intimidation that only 1 of the 12 actually voted and he doubted that his ballot was counted for he thought he had handed it to someone instead of dropping it in the box. Two others who went to the polls were said to have been frightened away when two sheriff's deputies approached them. One was told by his banker that something might happen to him if he tried to vote. One of the 12 who was in the hauling business, lost all of his customers and the police threatened to arrest any of his drivers found on the highway in his trucks.

According to men interviewed, when a Negro registers the sheriff is quickly informed and he, in turn, informs the Negro's landlord and employer. Those who register are soon discharged from their positions and ordered to move from their homes. The police arrest them and impose severe fines—as much as $65 on minor charges, it was alleged. They are unable to get credit. Their wages are garnisheed. Applications for GI loans to buy land are turned down by local lenders.

What do we expect of human beings? Do we expect that they are going to fly in the face of this kind of thing in order to register, and when a finding is made that it is exactly this kind of thing which is taking place in a local community, shall we invite it again by an elaborate judicial proceeding, with cross-examination of witnesses, which is not required by the Constitution, but which is surrounded and protected on both sides, from beginning to end, by full proceedings before a court?

Shall we insist on such action by people whom we have wronged, by committing the very wrong we are seeking to right? It seems to me to be outrageous, when seen in the clear light of day, to do any such thing. If any other evidence were needed, we have an enormous body of evidence of decades of discrimination against Negro voters, in county after county in a number of our Southern States. For example, I read from page 44 of the report of the U.S. Commission on Civil Rights, relating to the State of Georgia, as follows:

In 29 counties, nonwhites were a majority of the 1950 voting-age population. In two of these counties, no nonwhite was registered to vote in 1958. In 11 of the other 27 counties, the number of nonwhites registered in 1958 was fewer than 5 percent of the county's 1950 voting-age nonwhite population.

I refer to page 45, relating to Louisiana, and read as follows:

In eight parishes, nonwhites were a majority of the 1950 voting-age population. In four of these no nonwhite was registered to vote in 1959.

And so on. As one goes through the whole report, he finds it replete with these situations.

As a summary, I refer to page 134 of the Commission's report, as follows:

Our investigations have revealed further that many Negro American citizens find it difficult, and often impossible, to vote.

Then follow the findings of fact. This finding, on page 138, is joined in by every Commissioner without exception:

The Commission finds that the lack of an affirmative duty to constitute boards of registrars, or failure to discharge or enforce such duty under State law, and the failure of such boards to function on particular occasion or for long periods of time, or to restrict periods of function to such limited periods of time as to make it impossible for most citizens to register, are devices by which the right to vote is denied to citizens of the United States by reason of their race or color.

Mr. President, we have heard much said in the course of the debate about how people can go behind some building or can attend a clambake or church supper and take on all comers and register them. This assumes that courts are not courts, but are engaged in some kind of guerrilla activities, and that there are no appellate courts in the United States.

I cannot conceive of any lawyer for a minute not knowing that certainly any court taking it into its head to run counter to the law can do so. Indeed, I believe that a judge who decided he was going to proceed without regard to the law could do a lot of mischief in a particular community, not only in this matter, but in many others.

Do our southern colleagues desire us to believe that the district judges in their courts are any different from district judges in other courts, that they are not men who are learned in the law and will not pay strict attention to the law? Or do they desire us to believe that if any judge should, in deference to the officials of his State, transgress, he will not promptly be taken up on appeal, in an effort to make him stay his order, even up to the Supreme Court of the United States? That is nonsense.

What we are not told is this—and this is the key to the whole situation: Who has frustrated the opportunity to register and vote? Has it been some person who has no standing or responsibility acting on his own? Not at all. Those who have frustrated the right to vote and the right to register have been officials of the State, fully backed by all the legal authority of the State. I say "fully backed," because who defends these cases? Who appears before the Supreme Court of the United States? The attorney general of the State, whether it is Alabama, or Georgia, or Louisiana. It is the full legal power of the State, the power of the attorney general, backed by all the resources of the State, which is fighting the case against the person who has applied for the right to register and vote.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from New York may yield to me for the purpose of making a brief statement and of asking a question of the Senator, without his losing the floor.

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

Mr. JOHNSON of Texas. Mr. President, the Senate has consumed many hours, justifiably, I believe, in discussing the very important question now before it. I doubt that any bill in recent years has been so thoroughly discussed and so extensively debated. I believe I speak for the majority of the Members of the Senate when I say that they are ready to resolve some of the questions in issue. We do not want to be impatient or impetuous, but there is much work to do between now and July.

Following our action on this matter, it will be necessary for the bill to be returned to the House. The House of Representatives will have to give due notice to its Members, and they will have to consider the changes the Senate has made.

We spent all day yesterday, from early in the morning until well into the evening, discussing one of the 15 changes which have been made in the Committee on the Judiciary. All Senators had an opportunity to hear that discussion or to read it in the RECORD. The Senate has been in session almost 3 hours today, discussing this subject. I hope that a little later in the afternoon we may vote on the merits of the Carroll amendment. Then I hope that the Senator from New York [Mr. JAVITS] will offer his Commission amendment, and that we can have some debate and then a vote on it. Perhaps we can vote on some other amendments today. If that can be done, I think the schedule of the Senate can be arranged so as to enable Senators to be free on Saturday to catch up with their mail and to fill important speaking engagements.

I think we ought to have some votes today. I hope we can have them. I believe that a substantial majority of the Senate desires to vote. I think a substantial majority is ready to decide whether or not they want to write the Carroll amendment into the bill, to write the Kefauver amendment into the bill, to write the Javits amendment into the bill, or to write other amendments into the bill.

Of course, we do not expect to pass the bill today. We will be back next week. I simply hope that some progress can be made today. I hope we can show the country that the Senate is taking some votes. I hope we can resolve some of the questions which are ready to be resolved.

All of us know that a motion to table the Kefauver amendment could be made at any time a Senator got recognition; and if that motion to table should prevail, it would take the Carroll amendment with it. I hope it will not become necessary to do that.

Nevertheless, I think it is in the interest of our country and in the interest of the Senate—yes, even in the interest of the world—that some of these matters be decided. The bill is not a partisan bill. There is no room for partisanship in it. It is not a Republican bill; it is not a Democratic bill. It is a bill which we hope, when it is written, will serve

the interests of all the Nation. But, Mr. President, the Senate must get along with its work. I hope Senators will bear that in mind. We do not seek to cut off any Senator. If we have erred at all, it has been in the direction of spending too many hours in session.

I am prepared to come back next week, but I should like to have at least two votes, perhaps three, today. I should like the attachés of the Senate to put all Senators on notice that it is anticipated that there will be a vote on the Carroll amendment, if possible, or on a motion to table, if necessary, and a vote on a motion to table the Javits amendment, the so-called Commission amendment. How does the Senator from New York refer to his amendment?

Mr. JAVITS. Will the Senator from Texas permit me to make a statement on that point? I go along with the view of the Senator from Texas in regard to the procedure on the pending amendment to the Kefauver amendment and with regard to the Kefauver amendment itself, and I shall certainly not detain the Senate very long. I hope very much that the plans of the Senator from Texas in regard to those amendments may be consummated.

However, at this point I would not undertake to offer—today—the amendment with respect to the matter of Government contracts. I wish to consider whether I am fully prepared for that.

I may suggest to the Senator from Texas that after we clear up the questions which are involved in the amendments now before the Senate, we shall have completed our action on all the committee amendments; and I respectfully submit that in fairness to other proposals of serious purpose, and without any guarantee on the part of Senators who oppose the entire bill that final action on the bill shall be taken today or Monday, I would prefer—and I might exercise my prerogative either to offer or not to offer an amendment I have—that next week we begin on amendments other than committee amendments, but that today we finish our action on the committee amendments. In that event, we could go home tonight, it seems to me, after having completed our action on all the committee amendments; and in that event we shall have made considerable progress.

Mr. JOHNSON of Texas. Mr. President, I do not want to yield my majority-leader duties to the Senator from New York—yet.

Mr. JAVITS. Mr. President, I think I am one of the Members who is least subject to any such imputation. I have greatly honored the majority leader, and I continue to do so. I think he is a fine American. He and I disagree occasionally, but that is part of the game.

I would never for a minute attempt to intrude upon his course of action, and I was not being in the slightest degree categorical about the suggestion I made. I hope the Senator from Texas understands that very clearly.

Mr. JOHNSON of Texas. I understand what the Senator has said.

But I have talked to the minority leader and to a number of other Senators who sit and sit and sit, and wait and wait and wait, and listen and listen and listen; and if the Senator from New York is not prepared on his contract provision now, I do not know when he will be prepared, because it has been discussed, and it is in existence, and we know all about it, and it has been before us for 7 weeks, now.

The other evening I heard one of my good, liberal friends who is an ardent civil rights advocate say, "I have decided that no votes will be taken today." That decision was made in the middle of the afternoon—for what reason, I do not know. But that Senator was in a position to enforce that decision.

Now the Senator from New York, another ardent civil rights advocate, says to this man who is caught in the middle, this sometimes so-called reactionary leader, that we shall simply take off Friday afternoon, and that we shall not have any more votes until next Monday.

I cannot say to Senators that we shall make motions to lay on the table and proceed to act on the Kefauver amendment, and then say we shall not act on any other amendments until next week. I should like to see the Senate act today on two or three matters, in connection with the bill, and I should like to see the Senate remain in session today until 10 or 11 p.m.; and I think that Senators who want a civil rights bill enacted should be willing to remain here and vote on it, without necessarily speaking all the time, because the amendments and the bill now at the desk are what will be voted on; and large amounts of additional talk will not greatly affect the decision either to pass the bill or not to pass it. I think there has been enough talk about the bill.

Most Members of the Senate have been telling me, for days and days, that they are ready to vote on the bill; and some Senators were ready, weeks ago, to vote for cloture, and thus to allow only 1 hour to each Senator for further debate on the bill itself and on all amendments thereto.

So I hope Senators will not ask us to end the session today at an early hour and then go over until Monday. I am prepared to have the Senate remain in session a long time today. I want a fair and reasonable civil rights bill to be passed. When we began this debate, I said I thought the heart of the matter was a voting rights bill, and I think we have that kind of bill before us.

I believe the Senate committee has improved the bill as it was passed by the House of Representatives. Certainly a number of changes in the bill have been made, by way of amendment.

I believe that even if we were to remain here until doomsday, Senators would not impress any more people or change any votes.

So far as I am concerned, I am ready to have the roll called, and I believe I speak for a majority of the Members of the Senate. A minority can obstruct us if they wish to do so; that can be done either by a minority on this side of the aisle or by a minority on the other side of the aisle. But the last person in the world who I would think would say, "I want to postpone until next week the action on the civil rights bill," is my delightful friend, the Senator from New York, because ever since I have known him, he has been anxious to have action taken in this field, and he has been responsible for, and has contributed to, a great deal of the action that has been taken in this field.

I believe that the statement he made the other day about the House version of the bill—and I hope I did not misunderstand him; I refer to his statement to the effect that it represents progress in this direction—represents the view of a majority of the Members of the Senate; and I believe they will express that view if they are given an opportunity to do so.

All I can do is plead with my colleagues, and that is what I am doing. If I had my way, a yea-and-nay vote on the question of final passage of the bill would be taken tonight. But I am not prepared to force my colleagues to do so. I would not file a cloture petition to force them to do so 48 hours from now.

But I am trying to persuade them, and I have persuaded the minority leader—or perhaps he has persuaded me. Perhaps, in that respect, the situation is like the one when, at one time, the Senator from New Mexico [Mr. ANDERSON] invited me to testify in committee on a reclamation project, and I did so. But after I finished my testimony, and began to look at all the maps and charts that were on display there, I found that most of the project was in New Mexico, instead of in Texas, and that the Senator from New Mexico had permitted me to persuade him to vote in favor of the building of a big project in his own State. [Laughter.] So I think sometimes the minority leader says he is going to be agreeable to the majority leader, after he has persuaded the majority leader to do what the minority leader wants to do.

At any rate, we think some votes should be taken today.

If the Senator from New York does not want to offer his amendment, plenty of Senators who are right here share his views and can offer the amendment; and I will remain here as long as the Senator wants to have the Senate remain in session tonight, to vote on that amendment or on any amendment which the junior Senator from New York [Mr. KEATING] may wish to offer or on any amendments which Senators on this side of the aisle may wish to offer; and I am prepared to have the Senate hold a session tomorrow, in order to vote on the amendments.

But I believe that today we should, if it is at all possible, make just a little progress.

I agree with the Senator from New York that sometimes we find ourselves in disagreement, but I never envisioned that we would be in disagreement about having the Senate vote on the Senator's amendment. I thought he wanted a vote on it.

Mr. JAVITS. Mr. President, I know of few objects for this kind of treatment—and that is what it is popularly called, and that is quite correct—who are less deserving of it than I.

Let us check the record. I proposed a motion to invoke cloture, when it was said to be premature. I argued for it most devotedly. But because the majority leader and the minority leader were against it, it failed. If it had carried, final action on the bill would have been taken by the Senate many days ago.

I would be glad to propose cloture again. But suppose I now proposed a unanimous-consent agreement that by 6 o'clock tomorrow the Senate vote on the bill and on all amendments thereto: Who would be the first Senator to object? Let every Senator answer that question for himself.

Of course I am prepared to stay here to do my job to the best of my ability. I think I have demonstrated that. But I am a Senator of the United States, and I am not prepared to offer an amendment when I am told to offer it. I will offer it when I think I should.

Mr. President, the Senate can vote it down or table it, but I am not going to be told when I should do the business which the people of the State of New York sent me here to do. If anyone else wants to offer the amendment, it has happened before, and I will not object a bit or be angry about it. He is perfectly at liberty to do so. But I will offer my amendment when I think it has the best chance of success.

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

Mr. JAVITS. I do not yield right now. This lecture had better be reserved for those who made us work here around the clock and stay all night rather than agree to vote on amendment after amendment.

What assurance does the majority leader give that if I sat down and did not say another word this amendment would not be debated for the next 10 or 12 hours by another Senator?

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

Mr. JAVITS. I do not yield now. I will yield later.

Mr. JOHNSON of Texas. The Senator from New York is asking the Senator from Texas for assurances. If he will not let me reply——

Mr. JAVITS. I did not interrupt the Senator from Texas. The Senator will have full opportunity to reply in a minute. But I must say I am disturbed and annoyed that I am the one who is picked out for the "treatment" about delay and about waiting and about taking hours of debate. I am one of those—and I am not alone in it; there are many others of us—who do not deserve the "treatment" which is being given us now, when it should be directed to those who have taken hours and days for debate. I do not intend, without objecting, to be picked as the object for this lecture on this subject, when I do not deserve it.

I yield now to the Senator from Texas.

Mr. JOHNSON of Texas. However the Senator may describe it, whether it is a lecture or appeal or expression of the hope, I assure the Senator that I had no desire to annoy him. I had thought I had an understanding with the Senator. I remembered that he indicated he would need at least 30 minutes to get familiar with some of the details of his contract provision, and I thought that he said he would be willing to go along with the judgment of the two leaders who consulted with him.

I am not prepared to give the Senator any assurance about any Member of the Senate. All I am prepared to tell the Senator is that: I am prepared to vote on this bill, and I do not want a "civil rights bill, but wait till next week"; and I am prepared to make progress on this bill, and I am not prepared to "make progress but let us go over until next week and come back and decide then how we will take up amendments."

I think a majority of the Senate is ready to vote on these amendments, and I do not know who wants to delay voting on them.

The Senator from New York did not indicate to me that he wanted to delay more than 30 minutes, and the Senator from New York did indicate that he was willing to follow the judgment of the majority and minority leaders. I think he will confirm that with the minority leader.

I anticipated some problem in getting to a vote, and I think we will have, but I did not anticipate it from the Senator from New York, because I think if there is a genuine, earnest, diligent advocate of civil rights in this body, it is the senior Senator from New York. There is hardly anyone I know of who has spent more time working at that job, unless it is the junior Senator from New York, than has the senior Senator from New York. [Laughter.]

I differ with him on the merits of many of the proposals they advance, as they know, but I never thought they would say to me that "You are trying to rush us into passing a civil rights bill." [Laughter.] And I never thought that the Senator would say to me, an hour ago, that he wanted 30 minutes to prepare himself, and then, when I rose and started to inform some Senators who desired to make longer speeches that I thought we ought to have a motion to table or a vote on the Carroll amendment, and if we did, to vote on some of the other amendments, I did not think he would oppose it. The last place in the world I expected to get the "dagger" from was the Senator from New York.

I hope he will not feel that I have lectured him and he has been dealing softly with me.

I hope he will understand that both of us have the same objects in mind—bringing to a resolution some of the difficult questions before the Senate—and I think the fact that we have been at it for 7 weeks indicates that we have spent a lot of time on it. But we have appropriation bills backed up. We have minimum-wage bills backed up. We have health programs backed up. We have housing bills backed up. And I am going to hear the cry about what the Congress has not done, and I suspect and kind of guess some of the quarters whence that cry will come.

All I can do, in my own humble, ineffective way, is to apply to the reason of Senators, particularly those who are friends of the bill, to stop talking and start voting.

Mr. JAVITS. Mr. President, I was not making any request of the majority leader to go over today or tomorrow. I am perfectly willing to be here. I have been here late before, and on Saturday, and I will be again. The majority leader, who is a great parliamentary leader—and I say that even though it may be considered as an admission against interest—has a way of suggesting that something be done, or even asking us to do something, and assuming that we have agreed.

I think I have a pretty fair reputation both here and in the House of Representatives of standing by my word when I give it; but I also have the right to give it or not to give it as it seems wise for me to do.

I repeat, notwithstanding the warm feeling with which I said it—none of that is in me at all, though I did wish to be very definite about what I said—I am not categorical about not presenting my amendment today. I merely did not want to be committed to it. I understood that, and I thought the majority leader understood it.

Mr. President, in deference to the views of the majority leader, I yield the floor.

Mr. JOHNSON of Texas. Mr. President, before the Senator yields the floor, does the Senator state as a Senator he did not say he would go along with our judgment and that he would need at least 30 minutes?

Mr. JAVITS. The Senator from New York will tell the Senator from Texas——

Mr. JOHNSON of Texas. Is that incorrect?

Mr. JAVITS. I would like to answer. The Senator from New York had a request from both the majority and minority leaders to do exactly that. I said I would suggest we be leapfrogged in this, because I was on my feet, and speaking, while my colleague from New York was getting prepared on his amendment, so when he was presenting his amendment I could get prepared on my own. That suggestion was not, apparently, taken up, and that is where, as I understood it, the matter was left.

Mr. JOHNSON of Texas. The Senator from New York did not say anything about needing at least 30 minutes?

Mr. JAVITS. I said that. I said I would need at least that time in order to properly present that amendment.

Mr. JOHNSON of Texas. Did the Senator express any opposition to voting on the amendment?

Mr. JAVITS. That is the point I made before. When the majority leader makes a request, unless someone jumps up and down, he assumes he says "Yes." That is not the way things are done. I do not want to get into a hassle with the majority leader.

Mr. JOHNSON of Texas. The Senator did not answer my question.

Mr. JAVITS. I did.

Mr. JOHNSON of Texas. Did the Senator from New York express any opposition to calling up his amendment?

Mr. JAVITS. He expressed no opposition or agreement to that. When the majority leader makes a request, he assumes there is agreement. The Senator from New York did not assume that to be the case at all.

Mr. JOHNSON of Texas. Will the Senator yield now?

Mr. JAVITS. Yes.

Mr. JOHNSON of Texas. If the Senator had been in my place and I had stated what the Senator from New York stated, would not the Senator have had reason to believe that I was ready and willing to offer my amendment after 30 minutes?

Mr. JAVITS. The Senator from New York would certainly not have, in the Senate, charged the Senator from New York with having given his word on that subject. The Senator from Texas was not justified in any such conclusion.

Mr. JOHNSON of Texas. I do not know that I have charged anything. I have stated that the Senator said that he would need 30 minutes. I am prepared to see that the Senator gets 30 minutes. The Senator made no mention of going over until next week.

I do not know; perhaps I did say that the Senator had reached an agreement and entered into an agreement with us. I did not think I did, but I think every reasonable person would have reason to believe, when the Senator says, "I will have to have 30 minutes before I can bring up my amendment; I need that much time; I will abide by the Senate's judgment," that when we reached the judgment and announced it, the Senate would have a right to expect cooperation.

Mr. JAVITS. Mr. President, has the Senator from Texas ever found any instance in which I said I would do something and did not do it?

Mr. JOHNSON of Texas. No.

Mr. JAVITS. I thank the Senator.

Mr. JOHNSON of Texas. The Senator from Texas has not. The Senator from Texas would be the last to ever assert that about any of his colleagues.

Mr. JAVITS. I will say to the Senator from Texas the same thing about the Senator from Texas. I know of no instance in which the Senator from Texas has said he would do something and did not do it to the hilt.

Mr. JOHNSON of Texas. I appreciate that compliment. I do not get many of them, and I may not justify many. I certainly hope that so long as I live my word will be as good as my bond.

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

Mr. JOHNSON of Texas. I yield to the Senator from Tennessee.

Mr. KEFAUVER. Mr. President, I have no desire to delay a vote on the Carroll amendment or on any other amendment, but I did want, before the vote was taken, to have an opportunity to sum up very briefly.

Mr. President, the distinguished Senator from Wyoming [Mr. O'MAHONEY] had hoped to be present today to give his views about the pending amendment. The Senator from Wyomining attended several committee meetings last week, and his doctor suggested that he not try to come to the Senate today. The Senator called me and told me he wanted to dictate a brief memorandum giving his views. The Senator asked me to read the memorandum to the Senate after it was prepared.

I think we all agree that on constitutional subjects, on the subject of the protection of civil liberties and trying to see to it that everybody's rights are secured and protected, the Senator from Wyoming [Mr. O'MAHONEY] is one of the Nation's greatest authorities. He is a Senator to whom we all look for advice and guidance. I should like to have the opportunity, as soon as the memorandum is received, to read it before a vote is taken.

Mr. JOHNSON of Texas. Mr. President, I hope that Members of the Senate will adjust their schedules so that they can be in attendance, if we are permitted to have a vote, and I hope that we may have two or three votes today. I express that only as a hope. I cannot given anyone assurance, under our rules, that we can have a vote, but I believe we will have.

Mr. THURMOND. Mr. President——

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

The Senate will be in order before the Senator from South Carolina proceeds.

The Senator from South Carolina may proceed.

Mr. THURMOND. Mr. President, it is most distressing to me that Members of the Senate exhibit such outrage at the Kefauver amendment. In view of the fact that we refer to the proposed legislation now under discussion as legislation dealing with civil rights, it is even more distressing to hear the oral abuse directed at a provision which would prevent the establishment of a star-chamber proceeding.

Under the provisions of title VI as the bill came to the Senate from the House of Representatives, a referee appointed by the district court has the right to pass on the qualifications of persons of a particular race or color to vote under the provisions of State law. Among other facts which the referee must find in the affirmative is that the particular person into whose eligibility he inquires has been illegally denied the right to vote. Necessarily, then, if the referee's determination is in the affirmative with respect to any applicant, his finding includes the fact that a criminal offense has been committed by some State or local election official or party officer. Under the House language, the person charged by the applicant with denying him the right to vote is given no notice of the hearing by the referee nor the right to be present, even were he to discover that such a hearing was to be held and the time and place therefor.

This procedure has been excused on the pretext that an adversary proceeding is provided at a subsequent time when the court is required to issue an order to show cause within 10 days, or such shorter time as the court may fix why an order should not be entered in accordance with the report. As has been pointed out on the Senate floor, the court is empowered to allow as little as or less than 2 days to show cause. Due to the foregoing star-chamber proceedings by the referee, such a short period for preparation of an opposing case to the referee's report would constitute in itself, in my opinion, a denial of due process.

The accent, Mr. President, in this whole scheme has been on speed. It is not surprising that the zeal for speed by the proponents of this measure has resulted in a complete disregard for due process and traditional judicial procedure in this country.

The committee, very wisely, has recognized that the House language establishes a procedure, which, while judicial in form, calls for such precipitate action by the judicial officers as to constitute a mockery rather than a judicial process. The committee, therefore, adopted a modification which would permit the State and local officials to have 2 days' notice of the referee proceeding and a right to be present and to make a transcript of the proceedings. In essence, it merely provides a party in interest the right to be informed of the actions of the court in order to be prepared at a subsequent date to join the issue in an informed manner on the court's order to show cause.

It is my sincere hope that the Senate will not, in its zeal, deny due process in the name of protecting civil rights. A refusal to accept the Kefauver amendment would do exactly that.

Mr. President, I am sure that no one would consider it a fair proceeding to a State official for a hearing to be held without his having notice.

The first provision of the Kefauver amendment states that in a proceeding before a voting referee the hearing shall be held in a public office. Why should not the hearing be held in a public office? Should it be held in some private office? What is the objection to the phraseology "a public office"?

The question of voting is a public matter. It is of great importance to the public; and therefore, in a proceeding regarding the qualifications of a person to vote, or on the question of whether or not he is to be registered to vote, it seems to me that any fairminded person would feel that it should be held in a public office. It should not be held in someone's home. It should not be held in a cellar or the backroom of a store, or some other place where people would not know where the proceeding was to be held, so that they could not attend it if they wished to do so. It should be held in a public office, where any individual who desires can be present for the proceeding.

This amendment goes further, and provides that the referee shall give the State or county registrar 2 days' written notice of the time and place of the hearing; and such State or county registrar, or his counsel, shall have the right to appear and make a transcript of the proceedings.

If someone is going to charge a county or State official with malfeasance in office, with not performing his official and statutory duty honestly and properly, why should not that State or county official have at least 2 days' written notice of the time and place of the hearing, so that he can arrange to be there; so that he can arrange to have records there; and so that he can controvert the applicant who says he was denied the right to register? Is it not only fair to that public official, a man to whom has been entrusted a public trust, that he should have written notice of the time and place of the hearing, so that he can be present and can defend the action he has taken?

At least he should have the opportunity to present his views at that time, and not be compelled to wait until a later date and present them on as little as 2 and a maximum of 10 days notice to a court. Why should he not be allowed to go before the referee, who is to make a report to the court, in order that the referee may hear his side of the case, if the official desires to be heard, in order that the official's side of the matter can be placed in the record and can be considered by the referee as a part of the proceedings, as a part of the evidence, so that the referee can take everything into consideration when he makes a report to the court?

It is unthinkable that an amendment like the Kefauver amendment should be objected to. We hear a great deal of talk and cries of anguish about civil rights. Is it not a violation of the civil rights of an official, whether he be a State or a county official, not to give him notice when a proceeding is to be held at which his integrity, his ability, his honesty, or trustworthiness may be at stake? Should not that official have the right to be present? Should he not have the opportunity, if he so desires, to bring his records there? And should he not have the privilege to speak out and defend his action before the referee, if he wishes to do so, prior to the time when the referee makes a report to the court? Has procedural due process ceased to be a civil right?

The bill as it came from the House did not contain such a provision. The House bill provides that the statement under oath of the man who claims he was denied the right to register or the right to become a qualified voter shall be prima facie evidence as to his age, residence, and his prior efforts to register or otherwise qualify to vote.

Is not that giving the person who is complaining against the official an undue advantage? His statements are to be accepted as prima facie evidence; and the county or State official will not be given an opportunity before the referee to show that the age which the man has stated is wrong, to show that the residence he has given is incorrect, to show that the person who applied for a registration certificate has possibly been guilty of false statements in connection with his application. Should not the official be given the opportunity to show that the applicant's statements about his efforts to register or otherwise qualify to vote have been false?

It is almost unthinkable to feel that such a procedure would be followed in a court of law in this country, or under our system of jurisprudence. It is unthinkable to feel that this Congress would enact such a law, and not give the State or county official who is intrusted with election duties the opportunity to be present at the hearing, to have ample notice of it, and to speak out if he wishes to do so.

I read from page 19 of the bill:

> Any voting referee appointed by the court pursuant to this subsection shall to the extent not inconsistent herewith have all the powers conferred upon a master by rule 53 (c) of the Federal Rules of Civil Procedure.

Rule 53(c) of the Federal Rules of Civil Procedure is headed, "Rule 53—Masters." Subsection (a) refers to appointment and compensation; subsection (b) deals with reference; subsection (c) refers to powers, and reads as follows:

> (c) Powers: The order of reference to the master may specify or limit his powers and may direct him to report only upon particular issues or to do or perform particular acts or to receive and report evidence only and may fix the time and place for beginning and closing the hearings and for the filing of the master's report. Subject to the specifications and limitations stated in the order, the master has and shall exercise the power to regulate all proceedings in every hearing before him and to do all acts and take all measures necessary or proper for the efficient performance of his duties under the order. He may require the production before him of evidence upon all matters embraced in the reference, including the production of all books, papers, vouchers, documents, and writings applicable thereto. He may rule upon the admissibility of evidence unless otherwise directed by the order of reference and has the authority to put witnesses on oath and may himself examine them and may call the parties to the action and examine them upon oath. When a party so requests, the master shall make a record of the evidence offered and excluded in the same manner and subject to the same limitations as provided in Rule 43(c) for a court sitting without a jury.

Mr. President, we see from this rule 53(c) of the Federal Rules of Civil Procedure that the master has the power to rule upon the admissibility of evidence unless otherwise directed by the order of reference.

If one of these referees who is to be appointed in connection with determining the qualifications of voters is to have the same powers as the master, it means that a referee will have the power to rule upon the admissibility of evidence unless otherwise directed by the order of reference. That is a very important matter. If the referee sees fit to rule out any evidence which would substantiate the position of the local official or State official in carrying out his duties as he honestly and conscientiously sees them, then he puts that official at a great disadvantage.

It is more important than ever that this hearing be held in a public office, as the Kefauver amendment provides. If it is held in a public office, members of the public can be there, and they can hear the proceedings and they can see whether or not the man is putting up a sham case or whether or not there is some merit to it, and the public can be there and see whether the applicant has any real complaint.

If the matter is held in some private office or in some other private place, the public is excluded. If the referee is a biased referee, he will take such testimony as he wants to take, and he will exclude people from being there that he does not want to have there, and he will submit a report that could be unfair to the local or State official involved, or even to the complainant, himself.

That is a very vital section of this law and deserves a great deal of consideration.

I realize that some people are supporting this proposal as a means to gain more Federal power. That is what it would do. This is another example of an attempt to extend Federal power. There is no question about it. There is no doubt that those who are proposing this so-called civil rights bill this year on voting and several other matters that have been proposed on civil rights, must desire and intend to give the Federal Government more power. If we give the Federal Government more power it must come from the States and the people. The power will either rest in the Central Government in Washington or it will rest with the people in the States.

If the bill is passed it will give the Central Government in Washington the additional power to appoint referees, to exercise the power that is now being held by the State and local officials. It would give the Federal Government the power to appoint officials to perform duties, which under the Constitution, reside in the people, and is delegated to the local and State officials in the States.

We have heard so much about so-called civil rights. The finest civil rights that we have are the civil rights in the Constitution of the United States. I cannot imagine any finer civil rights than those which are itemized in the first 10 amendments to the Constitution of the United States. They are the right to trial by jury, the right to be protected in one's home, the right of freedom of speech, the right of freedom of religion, the right to prevent troops from being quartered in one's home. The various rights that are listed there in the first 10 amendments are the finest civil rights that anyone can imagine.

But this is an election year, and both parties are going down the line, proposing a so-called civil rights bill, in an effort to gain the votes of certain minority bloc groups.

I know in my State that everybody who is entitled to vote and wants to vote has the right to vote. No one is denied the opportunity to vote in the State of South Carolina. Listening to what is being said on this question, one would suppose that the South is persecuting people and denying them the right of franchise. That is absolutely false so far as the State of South Carolina is concerned.

MOTIVATIONS

Invariably, when so-called civil rights legislation is before the Congress, emotion plays an increased part in the thinking of lawmakers, and good judgment is

noticeably impaired—as is evident from the very fact that this issue is now before this body in the form of legislative proposals.

I have serious doubt that the American public, generally, understands the pressures and forces which prompt the continuous effort of many lawmakers to obtain enactment of just as vicious, and just as drastic, legislation in this field as can be forced down the throats of southern Members of Congress. I strongly suspect that there are many in Congress who would prefer that this lack of understanding on the part of the American public continue, for the true motives underlying the consideration of this matter surely fall in the class of dirty linen.

The window-dressing that accompanies the efforts to pass legislation in this field surpasses in deceit the wildest claim of a carnival sideshow huckster. These vicious proposals are cleverly clad in propaganda cloaks containing all the bright and appealing colors of the spectrum of virtuous motives from humanitarianism to constitutionalism. The skill with which this camouflage is applied and exhibited is exceeded only by the zeal of the proponents in concealing at all costs the lining of tyranny and oppression of which the substance of the garment is comprised.

This deceit, unfortunately, is astoundingly effective even when viewed at close range. Undoubtedly there are those in this body whose support of these proposals stems from the most worthy of motives. So intense is the ardor of these misguided legislators that they are blinded by the very heat of their passions to all but the bright flash of the mock altruism which typifies the anguished cries that sympathize with the agitating minority.

In the fact of objectivity, the guise of humanitarianism is thinner than the corporate veil utilized by a bogus-stock peddler. Such phrases as "civil rights," "human rights," and "individual dignity" are so often bantered but seldom respected as to raise presumption of hypocrisy in connection with the user.

For those who are truly imbued with altruistic motives and sympathetic understanding for those who may enjoy a lesser opportunity for exercise of basic human rights, the field of opportunity for application of their efforts are many, and these fields are ripe for harvest; but as the saying goes, the reapers are few. Consider, if we will, the plight of the American tribal Indian. This once proud and noble man was subjugated by our foreparents, and as a consequence of his defeat in battle, was deprived of his birthright of rich treasures that this bountiful land would have supplied in the absence of the white man's coming. Our Government, acting—from the viewpoint of the Indian—like a benevolent despot, awarded the Indian certain rather limited areas of real property in return for his promised good behavior. The unbounded generosity of the Great White Father even went so far as to make these tribal lands tax-exempt—and because of this tax exemption, the tribal Indian is, almost without exception, disenfranchised. As a consequence of his acceptance of this noble act of generosity, the tribal Indian is subjected to perhaps the greatest concentration of administrative absolutism in our Government's structure. As a practical matter, he is a captive.

Yet even a casual reference to the lot of these "first" Americans is rare. His subjugated status obviously strikes no chord of sympathetic understanding in the hearts of what I prefer to denominate as our politically inspired humanitarians. Perhaps it is the thought that the tribal Indian has the alternative of renouncing his heritage along with his membership in the tribe and his slender right in the land so graciously provided by the Great White Father in order to go into the world of the white man to exercise his civil liberties that mollifies the conciences of our politically inspired humanitarians. I suppose that it would be too much to expect that these great crusaders for human rights would be shocked into action at the supreme price put on the tribal Indian's exercise of what we consider the very essentials of human dignity.

Or consider, if we will, the plight of the labor-union captive. It is hard to imagine a more practically essential right than the right to work. The subservience of those workers of the country who are enslaved to labor racketeers fairly shouts for legislative champions to deliver them from their bondage at a lesser price than the loss of their right to earn a livelihood or the payment of tribute. It should be highly significant to the American public that the most demanding of the so-called civil rights advocates are blind—I repeat are blind—to the sufferings of these poor souls and have not even a crocodile tear to shed upon reading the abominable and abundant evidence of the existence of this deprivation which has been uncovered by the McClellan committee.

This single mindedness of purpose of the so-called civil rights proponents cannot be explained in terms of philosophy. The answer lies entirely in the field of politics. Even a casual study of the purely political history which conceived the type of humanitarianism that now continuously spawns vicious anti-South legislation reveals clearly the reasons for the constant one-track approach. One fact stands out like the flare of a red neon light. Only those minorities with a bloc vote comprising, or substantially contributing to, the balance of political power in key areas are eligible for the smile of favor from this peculiar brand of do-gooder. Even so, efforts in behalf of the favored minority are essentially limited to those which can be carefully aimed against relatively politically impotent areas—almost invariably the South.

Thus the Negro minority obtained the advantage—a very dubious advantage, in actuality—of the concern of the politically inspired humanitarians. Unquestionably it is the Negro of the North who has qualified his minority for this particular concern. This we must admit. The concentration of the minority is a basic requirement for this type of political favor. Unfortunately, for the Northern Negro, such a concentration is almost invariably a concentration in squalor and poverty—a condition of existence exemplified by unemployment and underemployment, meager welfare handouts, uncontrolled crime and immorality, and an abysmal absence of the opportunity to improve his condition. As compensation for these conditions—and not incidentally, his vote—the Northern Negro receives the avid and belligerent advocacy of such legislation as has been offered in Congress at this session.

Keep one thing ever in mind. The favor of the so-called civil rights advocate is not—in fact, politically it cannot be—directed at the unfortunate plight of the northern Negro; for to correct the dismal conditions suffered by the northern Negro might well arouse the righteous indignation of the fellow constituents of the northern Negro and thus create a new group to upset the balance of political power in these key areas of population concentration. It is axiomatic, therefore, that the efforts of the so-called civil righters must be directed at the plight, whether good or bad, of only the Negro minority which exists in an area of relative political impotence. Since 1936, the Southern States have been, to an increasing extent, the area which meets this qualification.

Since the war for southern independence and Reconstruction Days, the South has directed its political efforts—with a few notable exceptions—through the channels of the Democratic Party. Prior to 1936, the two-thirds rule prevailed in the National Democratic Convention, and thus the Southern States were able, by their practical power, to veto a nomination for President by the Democratic Party in order to protect to some extent their political interests. Certainly as long as the power attending the two-thirds rule existed, the South did not qualify as an area of relative political impotency. Since no other alternative presented itself, the northern Negro concentration of bloc votes was pacified by pious promises of concern for their politically exaggerated exploitation. In 1936, the two-thirds rule in the National Democratic Convention went down the drain. With it went much of the South's political potency—and it seems that, so far as the Democratic Party organization is concerned, almost all of it then went down the drain. Since that time, only the most vigorous defensive efforts by the Members of Congress from the Southern States have prevented a complete rape of the South.

Thus has the South become the political whipping boy of the Nation. The bid for the favor of the northern Negro has progressed to the extreme extent that it has replaced the pre-1936 maxim that no southerner was eligible for President, with a requirement that any serious candidate for President must not only be a nonsoutherner, but must, indeed, have demonstrated forcibly his anti-South attitudes. When, as at present, we have so many would-be presidential candidates in the Congress, it appears that a contest to determine who can prove the "mostest" hateful deeds against the South is inevitable.

NORTHERN VERSUS SOUTHERN SEGREGATION

As I have mentioned, Mr. President, there are some truly altruistically motivated proponents of the so-called civil rights bills who are tainted only ever so slightly by political motives, they not being presidential candidates. I do not doubt that these persons have a genuine desire to help the southern Negroes. Assuming, then, that they do not share the political inspiration of their fellow proponents—whom I suspect greatly outnumber them—and that their motives are unimpeachable, let us turn to an examination of the practical effects of the proposals of these well-intentioned do-gooders to help the southern Negro.

Mr. President, the emphasis right now seems to be on the vote. The hue and cry at the present are that voting rights constitute the key—that if the southern Negro is given the power of the ballot, all the other rights and benefits due him will follow more or less easily after that. Voting, then, is not looked upon as an end in itself, really, but rather as a means to more important ends. No one could quarrel with that concept, as a matter of fact. In a practical sense, voting is, inherently, by its very nature, a means to various ends, rather than something of substantial inherent value in itself.

Now what are these ends, these ultimate objectives, to which mass voting on the part of Negroes is supposed to be a means to an end?

One that is sometimes mentioned, although usually given only secondary and very scanty attention, is the economic betterment of the Negro. Certainly, so far as this is an objective, no one could quarrel with it. It should be pointed out, of course, that the southern Negro was making very substantial headway economically, without the assistance of any so-called civil rights legislation; and that the pressure for so-called civil rights legislation, and other related policies, threaten to retard, rather than promote, his economic advancement. I shall not take time now, however, to pursue further this line of argument and show why this is so.

To repeat what I was saying, insofar as the economic advancement of the southern Negro is the end sought, no one could seriously quarrel with this—least of all the South. The better off the Negro is economically, the less burden on the health, welfare, and social agencies of our States; and greater purchasing power on the Negro's part would be of great benefit to the southern economy. And if the Negro could improve his economic status and alter some of his economic attitudes, he would be helping himself in many ways, in addition to the purely economic one. This, indeed, is the sort of approach which the late Booker T. Washington advocated for the southern Negro.

But the trouble is, Mr. President, that this approach is not looked upon with much favor by the present-day northern Negro leadership. As I said, this objective of economic improvement of the southern Negro is, if mentioned at all by the backers of so-called civil rights legislation, mentioned only very briefly and secondarily—almost incidentally. The present-day radical Negro leadership in the North has, in fact, very little use for Booker T. Washington. They tend, rather, to despise him for not having been more militant.

No, Mr. President, economic advancement is not the real objective of the so-called civil rights leaders. What they are really interested in, what they consider to be the real end to be served by mass Negro voting, can be summed up in one word—integration.

And, Mr. President, by "integration" these modern Negro leaders do not have in mind merely the integration of one or two Negroes in each white public school nor are they limiting their thinking to schools merely. They aim for the total integration of the Negro into American society.

It is an ironic and tragic fact that, just at this time when the rest of the Negro world is emerging and moving ahead, the American Negro is being led by the NAACP leadership down this path of self-destruction. Unfortunately, the fact that the NAACP will fail of its ultimate objective will not spare the American Negro a great deal of needless anguish and misery. And the NAACP will fail, of course. Its leaders, although they pride themselves on being modern and progressive, are in actuality many years behind the times: They are trying to run counter to the trend of all the rest of the Negro world that is now making itself felt throughout Negro Africa. Just at the time when the Negro world as a whole at last has developed a sense of racial self-respect, when Negroes are at last beginning to take pride in being Negroes—just at this time, the NAACP begins to mount the final stages of its campaign to obliterate the American Negro as an entity.

The result of their effort is actually going to be, rather, the other way—and it will be the other way, Mr. President—from that intended by the NAACP leadership; for already the mounting white reaction to the NAACP's integration pressure is causing in American Negroes a sense of rejection that is inevitably forcing them into a self-conscious group-awareness, quite different from that which they formerly have had; and this sense of rejection, this defensive awareness of themselves as a group will increase in direct proportion to NAACP efforts to force integration on an unwilling white society. We are already witnessing strong evidence of this trend, in certain recent developments in Harlem and in the increasing growth of the black-nationalist Moslem cult in the larger cities of the North and East. See U. S. News & World Report, August 3, 1959. That the result of the NAACP's campaign will not be at all what was intended, does not, however, alter the fact that the intention, the objective sought is the total integration of the Negro into American society. While there may exist some occasional exceptions here and there and around the edges and fringes of white society, as a general and final proposition the people of this country are going to maintain segregation—if not de jure, then de facto. This is beyond discussion, Mr. President—the only point of concern is: What type of segregation?

Just as there are in this country two main, and quite distinct, cultures, a northern—or, more properly, a Greater New England—culture and a southern culture, so there are in this country, Mr. President, broadly speaking, two different species of the genus segregation. There is the northern type of segregation, and there is the southern type of segregation.

In the South, the separation of the races—this is the more accurate term, though for the sake of habit and convenience we shall continue to say "segregation"—is a matter of public policy, regulated by law as well as by custom. Segregation in the South is honest. Segregation in the South is open and aboveboard. It is a less severe form of segregation than that which prevails in the North. While in the North there is almost always an actual physical, geographical separation of Negro residential areas from white, this is not so in the South—it is not necessary. Since law and custom both require that the races shall be separate in certain spheres of activity, there is simply no need to have the races living in total geographical separation. This is why, in many southern towns and cities, one will often find Negro families occupying houses in the same block with whites, with no accompanying decline in property values and no white exodus. In short, one finds perfectly stable residential areas inhabited by both races—a condition which often elicits comments of surprise—and frequently of disapproval—from northerners visiting the South or moving there permanently.

The southern system of segregation also permits a great deal of warm friendship across the color line between white and colored individuals. Under the southern code, everyone knows exactly where he stands, the white man as well as the colored man. Since each side knows where the line is drawn, warm personal friendship across the color line is both easy and frequent.

Nor, it should be added, does the existence of such friendship and goodwill necessarily require on the part of the Negro acquiescence in an inferior position. Such a position on the Negro's part is, of course, quite common, as would be expected in southern society in its present stage of transition, in which the master-servant relationship is, understandably, still quite widespread. But, I repeat, the fact that this is the usually-existing circumstance does not mean that it is necessarily so.

Now, Mr. President—if I may take a few moments to digress somewhat into a closely related topic—does the fact that the separate facilities provided for Negroes have sometimes not been equal—this fact cannot by any stretch of the imagination lend itself to the absurd proposition that separate facilities are necessarily or inherently unequal. Admittedly, in some parts of the South, up until recently at least, facilities may not have in every case been completely equal; but this can in no logical way

be used to condemn their being separate—just because the term "separate" and the term "equal" have commonly been joined together in the phrase "separate but equal." This term—and I wish to take a moment to emphasize this, Mr. President, for I feel that it is rather an important point—this term "separate but equal" is a poor one. As a citizen of my State recently pointed out, "separate but equal" seems to place the two words in opposition to each other; it somehow tends to give a connotation that one condition, which is bad, is balanced by another, which is good—that "separate" is balanced, and justified, by "equal." Thus there is a false implication that separateness is basically undesirable. This is certainly not the feeling or intent or belief of the southern people. The term which accurately and correctly expresses our view toward segregation is not "separate but equal," but rather "separate and equal." This is the term which ought to be used, and in the future I shall use it in place of the other.

Now it is true that in the implementation of our separate and equal policy in the South, the equal has not always in every case been lived up to. The answer in such a case, however, is not to tear down the separate but rather to build up the equal—that is, to make the facilities in question truly equal. And it is this that the South has been striving to do, with, I might note, ever-increasing success; the school equalization program in our own State of South Carolina being an early and outstanding, though no longer an unusual, example.

Even with such imperfections as may still exist, however, our southern type of segregation, which has stood the test of time, has proved itself to be a boon, to the white man, to the colored man, and to society as a whole.

Now let us look, Mr. President, at the other species of the genus segregation. Let us take a look at the northern segregation system, which may be defined as the system prevailing everywhere in the United States, outside the South, where Negroes comprise any substantial proportion of the population.

In contrast to the honest, aboveboard, and definite southern system, the northern type of segregation is founded on hypocrisy and deceit, and fundamentally on geographical separation which is either total or as near total as the northern ingenity can make it in the face of mounting Negro immigration. The prevailing pattern in the North is segregation by flight. The Negro is told that he is equal, that he has all his rights, and that he will not be discriminated against; then he is simply avoided. The whites flee to the suburbs, and, through the housing pattern, de facto segregation is maintained, except in a few unfortunate fringe areas which degenerate into centers of tension and crime and whose whites leave just as soon as they can accumulate sufficient funds to do so.

By and large, the northern system is eminently successful. It may be ruthless, it may be hypocritical and deceitful; but it works. It is tough on the Negroes crowded into the crime-filled ghettoes, it is tough on the comparatively few whites who are left in the fringe areas adjacent to these ghettoes. But never mind this: By and large, the system is a complete success. It works. The overwhelming majority of northern whites is enabled by this system to avoid almost all contact with the Negro.

Mr. President, of the two systems, or styles, of segregation, the northern and the southern, there is no doubt whatever in my mind which is the better. Our southern system too has stood and passed the pragmatic test: It works. And this time-tested southern system of ours has the advantage, so conspicuously absent from the northern system, of being both humane and honest, rather than hypocritical and deceitful.

Of our southern system of segregation, of the South's treatment of the Negro in general, it has been wisely and truly said:

> [The South] has shared its countryside and its cities with him [the Negro] in amity and understanding, not perfect by any means, and careful of established folk custom, but far exceeding in human friendliness anything of the kind to be found in the North. Not segregation of the Negro race as the Indian is segregated on his reservations—and as the Negro is segregated in the urban harlems of the North—but simply separation of the white and Negro races in certain phases of activity is what the South has always had and feels that it must somehow preserve.

Mr. President, in view of these undeniable advantages, to both races, of our southern system, as opposed to the hypocrisy and deceit inherent in the northern system, we of the South would infinitely prefer to continue our southern style of segregation.

Make no mistake about it, we, like the North, are going to have segregation, in one form or the other. We are all going to practice segregation, North and South. Our southern type of segregation is, in our opinion, far preferable to northern-style segregation; and we want very badly, for the Negro's sake as well as our own, to keep our own style of segregation.

It may be, Mr. President, that we shall not be permitted to maintain our own style of segregation. We southerners are a realistic people; history has made us so. We know that this is not the first time in history that a small people have been forced by their aggressive and numerically superior neighbors to make certain changes in their way of life. The southern people have had to yield once before—though it took overwhelming force to make them yield, and in essentials of spirit and mind they yielded nothing.

We will not abandon our own, superior, tested type of legal segregation lightly. If it is ever abandoned at all, some people are going to know that it was fought for, as things which are worth preserving and deeply believed in are always fought for.

Should our fight not be successful, reluctantly—very reluctantly—we would be forced to abandon our southern type of segregation and adopt instead, not integration—I have already pointed out, that is an alternative which will not be accepted by white American society, North or South, and discussion of actual integration, in any meaningful sense of the word, is an academic waste of time—not integration, but northern-style segregation.

We would of course retain our own distinctive attitudes and our sense of kindliness to, and responsibility for, the Negro; but in certain essentials we would be forced to adopt the northern system of complete physical and geographical separation.

This trend is already evident in some of the States of the border South, notably in Maryland, Kentucky, and Missouri. There the integration decrees have only speeded up and accentuated a process which was already under way, for industrialization and urbanization had long tended toward concentrating the Negro populations of those States in their larger cities, and in well-defined portions thereof. The cases of Kansas City and St. Louis in Missouri, Louisville in Kentucky, and Baltimore in Maryland, afford examples of areas which are in transition, or have almost completed the transition, from segregation southern style to segregation northern style—the latter often euphemistically termed "integration."

What has been happening in the States of the border South will soon be happening, on a lesser scale and with certain modifications, to be sure, in the South proper. That is, increasing industrialization and urbanization will tend—in fact are already tending—toward concentration of many hitherto rural Negroes in urban centers. Integration decrees directed at the public schools of these urban centers would—assuming that resistance was unsuccessful and the decrees were enforced—make for residential racial demarcation within these urban centers, after the same pattern as prevails in northern and border cities. And school integration decrees directed at the rural areas would have a threefold effect: First, the flow of rural Negroes to the northern cities would increase. Second, there would be some acceleration of the already considerable movement of rural Negroes into southern urban areas. And third, there would develop in the rural areas a pattern of much stricter geographical separation of the races; that is, a separation between those Negroes who choose to remain in the rural areas and the rural whites. Thus, eventually, there would emerge in the South, in both town and country, a pattern based on geographical separation, with the bulk of the Negroes in the cities, and with the system of northern-style segregation prevailing.

The picture I have just painted is what will happen in the South if the South should be unsuccessful in resisting along its chosen lines, that is, unsuccessful in its fight to retain the traditional southern-style segregation. Should the South lose its fight, everyone would be the loser; and most of all, the southern Negro. As I have tried to point out, he faces a certain amount of dislocation and readjustment anyway, due simply to increasing industrialization and ur-

banization in the South. A considerable portion of our colored population, so long associated with the land, is already having to move to the cities to find employment. But at least the southern Negro still has, even in the city, the same easy, warm, and friendly relations with his white fellow citizens, which the southern code of segregation makes possible. Should the South lose its fight, however, the Negro will find that he has only traded the gentle southern form of segregation for segregation northern style. A residential and housing pattern, segregated to a rigid extent that he has never before known in the South, will seal him off—just as it now does in the North—from virtually all contact with white people. The friendly, day-to-day, interracial contact which has always formed such a feature of southern life would disappear, as the old informal, here-and-there, haphazard residential pattern gave way to the concept, and the reality, of the Negro ghetto—the "Harlem concept," as developed in the North. In short, in its race relations pattern, on the surface at least, the South would become a replica of the North.

Mr. President, we have now come to the heart of the matter. What I set out to examine in this part of my address today, as I pointed out at the beginning, was the basic and underlying psychology behind the so-called civil rights drive. And now I believe we have found it. We have come to the important point, the central motivating factor—aside from politics—that animates the proponents of this type of legislation.

I have said that, if events should take a certain turn—a turn which is entirely possible, though it is one which we still believe we can avoid—the South would become, in its race-relations pattern, a replica of the North. And I venture to predict that, when and if this should happen, the pressure for so-called integration that has been so intensively applied against the South for the past 5 years and more would die down almost completely.

I say this, Mr. President, because what the North is really insisting that the South do is, not actually to integrate—for, as I have pointed out and as the facts of American life constantly bear out, American white society will not practice, nor tolerate, real integration—but to adopt the northern form of segregation. The prevailing spirit in the North does not object to the South's having segregation; what it objects to is the South's having a different kind of segregation from the kind the North has. And if the South would only adopt, on the surface at least, the same approach to race relations as prevails in the North—which is, of course, a far cry from true integration—then the northern mind would be satisfied and northern pressure against the South on the racial front would cease.

The basic motivating psychological factor behind the North's attempt to impose so-called civil rights programs, and racial integration, on the South is this powerful subsconcious desire to make the South conform. This is nothing new, Mr. President. I do not know exactly why it is that the North so strongly objects to the South's being different; I only know that the North does object and that for more than a century it has attempted to make the South conform to northern ways.

Lest anyone gain the impression that this observation is original with me, let me hasten to point out, Mr. President, that this strange feeling on the North's part, this seeming resentment of the South's differentness, has long been noted by many respected and competent observers of American civilization.

As an example, let me quote briefly from the well-known study, "The Mind of the South," by the late W. J. Cash. I do not agree with all Mr. Cash's conclusions about the South; but he was certainly a keen and perceptive observer, and his analysis of the fundamental causes of the War Between the States and Reconstruction is sound indeed. Here is what he had to say on the subject of the North's motives in its dealings with the South a century ago:

> The Civil War and Reconstruction represent in their primary aspect an attempt on the part of the Yankee to achieve by force what he had failed to achieve by political means. First, a free hand in the Nation for the thievish aims of the tariff gang, and secondly, and far more fundamentally, the satisfaction of the instinctive urge of men in the mass to put down whatever differs from themselves—the will to make over the South in the prevailing American image and to sweep it into the main current of the Nation.

Further on, in showing that the North's attempt to remake the southern mind was, despite military success, a dismal failure, Cash again pinpoints this basic motivating intent. He speaks of, as being "the most fundamental drive behind the Yankee's behavior, that will to wean the South from its divergences and bring it into the flow of the Nation."

The North may have failed, but no one could accuse it of not trying. After the bayonets came the first great American attempt at brainwashing. As Frank Lawrence Owsley has written:

> After the South had been conquered by war and humiliated and impoverished by peace, there appeared still to remain something which made the South different—something intangible, incomprehensible, in the realm of the spirit. That too must be invaded and destroyed; so there commenced a second war of conquest, the conquest of the southern mind, calculated to remake every southern opinion, to impose the northern way of life and thought upon the South, write "error" across the pages of southern history which were out of keeping with the northern legend, and set the rising and unborn generations upon stools of everlasting repentance. Francis Wayland, former president of Brown University, regarded the South as "the new missionary ground for the national schoolteacher," and President Hill of Harvard looked forward to the task for the North "of spreading knowledge and culture over the regions that set in darkness."

Mr. President, this old attitude of the North, this obsessive desire to remold the South in the North's image, which manifests itself so strongly today, never really died down, even after the failure of Reconstruction. Southerners who ventured into northern regions always came face to face with this strange obsession, this resentment of the South. Harry Ashmore, liberal editor of an Arkansas newspaper, and a South Carolina native, describes in his recent book the first time, of many, that he encountered this attitude. Attending a gathering of newspaper people in New York many years ago, he was introduced to a northern editor. The editor opened the conversation with the words: "I hope you won't take this personally, but as it happens I hate southerners."

There followed a diatribe—

Writes Ashmore—

> It was not only the southern treatment of Negroes that outraged him. His complaint was formless and passionate, more than anything else a sort of reverse counterpart of the southern mystique. The South's very existence offended him, and to it he attributed most of his country's ills.

The type of mind which has been portrayed in these passages, Mr. President, is a mind which cannot tolerate differences. The holder of this type of mind has been described as "unhappy unless he feels that he is making the world over. For different opinions and ways of life he has not respect, but hostility or contemptuous indifference, until the day when they can be brought around to conform with his own." To label this "the northern mind" might perhaps be a generalization; but it is clear that this is the type of mind that has prevailed in the North during the past hundred years and more. The prevailing feeling of the North seems to be that the United States has to comprise one monolithic culture, that distinctive regional cultures cannot be tolerated.

Not that the northern mind is always vindictive in its approach to the South. To the contrary, very often there seems to be more of sympathy than of venom. Many northerners actually seem to feel that there is something quite sad, something very unfortunate about the South's not being exactly like the rest of the country; they feel sympathetic toward us, rather than vengeful. They seem to consider it almost their duty, as a favor to us in the South, to change us, to mold us in the national image. For instance, there is the senior Senator from Illinois, of whose views I spoke in my testimony before the committee early last year. Certainly his attitude toward the South is a "conquered province" attitude, but at least it is a conquered-province attitude that is tempered by feelings of genuine sympathy. I am sure that the distinguished Senator really feels that by stamping the South with the image of the North, divesting it of its own character and making it just like the rest of the country, he would be doing us an enormous favor. And as for the senior Senator from New Jersey, there is absolutely no doubt that he feels that making the South just like the rest of the country would be doing a great favor to the South. Early in this session, in advocating the enactment of so-called civil-rights legislation—"legislation not vengeful in any sense," as he put it—the able and distinguished New Jersey Senator declared that one reason why such legislation was desirable was

because it would—and I quote from the RECORD of Friday, January 9, 1959—"make it possible for a great section of the country to become wholly a part of the country."

Mr. President, I should like the Senator from New Jersey, the Senator from Illinois, and those of like mind, to know that we of the South appreciate their sympathy and concern for our unfortunate and pitiable state, that we understand their well-meaning desire for us "to become wholly a part of the country." We realize that, to the northern mind, there is something almost abhorrent about the South's being different in its fundamental essentials from the North.

Mr. President, Senators might just as well realize, here and now, that not only is the South different, but we do not *really object to* being different—in fact, we are rather glad to be different—and that, in any event, we intend to continue to be different. As a matter of fact, what the South has fought for all along, throughout a great part of its history, fundamentally, is simply the right to be different.

Senators who would remake the South might as well accept the fact, at long last, that—despite all the superficial changes, the new industry, the factories, the superhighways, the glass-fronted suburban shopping centers—the South will continue to be, in its essentials, very different from the North. The South, in short, is here to stay.

Despite all the physical destruction and death that violence accomplished, the North failed to destroy the South spiritually by violence in the war and Reconstruction. Nor did the period which followed—the so-called New South period, which saw the early rise of the textile industry and the first phase of commercialization in the South—nor did this period have the effect which was expected and desired by the North, and which was feared by some in the South. Somehow, despite the mills and the railways and the tall new office buildings which were superficially so similar to the North—somehow, the South remained the South. The reason, of course, is this—and this forms the major theme of Cash's study, "The Mind of the South": The true differences between the North and the South are deep seated and fundamental, rooted in the basic philosophies of the two regions; and so long as the base—the southern mind—remained intact, the North's pouring in of soft materials at top could have little real effect on the South.

Again today, in this second and greatly stepped-up phase of the so-called New South, we have the same situation. Since the end of the Second World War, and especially throughout the 1950's, industrialization and urbanization have been proceeding at an unprecedented rate in Dixie; on the surface there appears to be a growing similarity between the South and other regions. Yet, because the mind of the South, the fundamental philosophy of southern civilization, is still intact and has even been strengthened, what a perceptive Virginia editor stated recently is very true, namely, that the South is actually becoming more southern, not less so.

Therefore, Mr. President, in view of the facts which I have outlined here today, I should like to make these recommendations to the northern proponents of so-called civil rights legislation and racial integration:

First, I say to these proponents in the North, engage in a little frank self-analysis and realize that the northerner's basic animating motive in his approach toward the race problem in the South is this resentment of the South's differentness; this desire to reshape the South in the Nation's image—what Cash calls the will to make over the South in the prevailing American image and to sweep it into the main current of the Nation.

Second, study the history of the United States since 1820, and realize that all attempts from then, up to the present, to make the South conform to the national pattern—the war, Reconstruction, the attempted reeducation, the process of industrialization—all have been failures, so far as essentials and fundamentals have been concerned; the reason being, of course, that the real difference between North and South was never a matter of mere superficial qualities but rather of basic philosophies of life, and that the North has never been able really to get at the southern mind.

Finally, realize—for the ultimate sake of the southern Negro, mainly—that the same will be true of this new attempt in the racial field, this attempt to make the South give up its own form of segregation and adopt the northern form. Even if the South should finally be forced to conform, on the surface, to the northern racial pattern, the South's basic attitudes will remain unchanged; in essentials, the South will remain, as it has always been, something different, set apart.

And therefore, since the attempt to remold the South in the national image will ultimately result in failure, so far as essentials are concerned, spare the southern Negro the misery which is about to be thrust upon him. Do not add to his already difficult problem, his problem of uprooting himself from the land and adapting himself to city ways—do not add to this the additional agony of having the southern form of segregation, to which he is accustomed, replaced by the harsh, unfamiliar, and impersonal form of segregation that has been developed in the North.

The southern Negro deserves better than that. He has been for centuries an integral part of southern life, and he has been our friend. We, the white people of the South, serve warning now upon the people of the North, that what they are about to try to do to the southern Negro, in this new and futile attempt to reshape the South in the northern image, will be sternly and steadfastly resisted by us, the people of the South.

Mr. STENNIS. Mr. President, will the Senator from South Carolina yield?

The PRESIDING OFFICER (Mr. CLARK in the chair). Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. THURMOND. I am pleased to yield.

Mr. STENNIS. I wish to commend the Senator from South Carolina for his very fine presentation and handling of this subject matter. In his discussion of certain phases of it he has brought out some viewpoints which really have not heretofore been discussed in the Senate.

The Senator from South Carolina is always thorough and always demonstrates most forcibly that he is a man of great conviction, as well as one of fine background and experience.

He has made very valuable contributions to the debate, and I especially appreciate them, and I commend him.

Mr. THURMOND. Mr. President, I thank the able and distinguished Senator from Mississippi for his kind remarks.

Mr. JOHNSON of Texas. Mr. President, I am about to suggest the absence of a quorum.

I have talked to the minority leader. I am hopeful that, following a quorum call, the Senate will vote now on the Carroll amendment, as modified, to the committee amendment, or Kefauver amendment. After that vote is taken, we hope to have the Senate take up the contract amendment. I should like to have the Senate remain in session until that amendment is disposed of, and perhaps until other amendments which are ready are disposed of. If we are able to dispose of them and make substantial progress, we can go over until Monday. I think that represents the desire of the majority of Senators. Of course, the schedule will depend on how long it will take us to get the debate out of the way.

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

Mr. JOHNSON of Texas. I yield.

Mr. KEFAUVER. Did I correctly understand the Senator from Texas to say that immediately following a quorum call, there will be a vote on the Carroll amendment?

Mr. JOHNSON of Texas. Yes.

Mr. KEFAUVER. I hold in my hand a one and one-half page statement which the Senator from Wyoming [Mr. O'MAHONEY] wishes to have read.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator may have the right to insert it at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

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

STATEMENT BY SENATOR O'MAHONEY ON THE KEFAUVER AMENDMENT TO THE CIVIL RIGHTS BILL

Because no unanimous-consent agreement has been made in the Senate today to vote upon the Kefauver amendment, I undertake to prepare for the RECORD a brief statement of the reasons which motivated me in supporting that amendment to the Civil Rights bill as a member of the Judiciary Committee.

The people of the United States are called upon in this era to lead the whole world to the permanent establishment of liberty. This is a fundamental issue of human rights which cannot be maintained except upon the basis of the Declaration of Independence and

the Constitution of the United States. We have been proud for almost 200 years that the authors of the Declaration of Independence said in ringing words that all men are created equal and are endowed by their Creator with certain unalienable rights among which are "life, liberty, and the pursuit of happiness." We have not repeated as frequently the Preamble to the Constitution, but as every Member of Congress knows that document asserts that the objectives of the establishment of our Government were to "form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense," and to "promote the general welfare."

To insure domestic tranquillity was placed third in this list of five objectives because the framers of that document knew that it would be impossible to provide for the national defense or promote the general welfare unless we preserve domestic tranquility. It is of primary importance, therefore, that we do our best to prevent disorder among our people. To be successful in this effort and to remain free we have no choice but diligently to support the equality of all men and to support the rights with which they were endowed by their Creator.

When Senator KEFAUVER offered his amendment in the Committee on the Judiciary we were considering a measure which authorized the appointment of voting referees to hold hearings upon the application of persons who had not been registered to vote in any area where there was found by the court to be a pattern or practice of denying Negroes the vote. These hearings were expressly provided to be ex parte. This concept of an ex parte hearing in a matter which involves basic human rights seems so basically unsound that one member of the committee, after Senator KEFAUVER's amendment had been offered, expressed the belief that at least the hearing should be held in a public place. The amendment did so provide, but it also provided for 2 days' notice of the hearing, for the presence of the registrar of voters, and for a transcript of the proceedings to be furnished to him. It was clear to me that the amendment of the Tennessee Senator was not intended to make this an adversary proceeding or to give the registrar of voters any authority to take part in the hearing, to examine the witnesses, or to present evidence on his own behalf, but solely that he should be present personally, if he wanted to be, and that he should have a transcript of the proceedings.

It seems to me that nobody in the Congress of the United States would resist such a proposal, particularly when it allows the official who may be accused of wrongdoing to be present. In passing a bill on civil rights certainly we cannot be considering the provision of any punitive action. We are seeking to insure domestic tranquility and we have conclusive evidence before our eyes of the sad events that are caused when men or governments undertake to punish individuals or a whole people because racial tensions exist.

I supported Senator KEFAUVER's amendment because I felt that it was in harmony with the basic principle of our people to be fair and just in dealing with one another, but particularly in passing the laws of the Nation by which we would all be governed. This I say because I believe the time has come when it should be clear to everybody that no people in a free world can any longer hope to maintain racial supremacy. The various races of the world must learn to live together. This is as essential as an international agreement to abandon nuclear warfare. To solve this racial problem we must pursue the policy of moderation.

It was with these thoughts in mind that I supported the Kefauver amendment.

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

Mr. JOHNSON of Texas. Mr. President, I understand that the pending question is on agreeing to the Carroll amendment, as modified, to the committee amendment. On that question, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. HOLLAND. On what question is the vote about to be taken?

The PRESIDING OFFICER. On the Carroll amendment, as modified, to the committee amendment.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. Will the Chair advise us what the pending question is and how the amendment is offered? Is the Carroll amendment offered as a substitute for the Kefauver amendment?

The PRESIDING OFFICER. The Carroll amendment, as modified, has been offered to the committee amendment, and would insert new language in the committee amendment.

Mr. STENNIS. So the present situation is that the so-called Kefauver amendment is a committee amendment; and the Carroll amendment is offered as an amendment to that committee amendment. Is that a correct statement?

The PRESIDING OFFICER. That is correct; the Carroll amendment, as modified, is offered as an amendment to the committee amendment.

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Arkansas [Mr. FULBRIGHT], and the Senator from Rhode Island [Mr. PASTORE] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. ELLENDER], and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY] and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. CHAVEZ], the Senator from Connecticut [Mr. DODD], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Rhode Island [Mr. PASTORE] would each vote "yea."

On this vote, the Senator from Louisiana [Mr. ELLENDER] is paired with the Senator from Massachusetts [Mr. KENNEDY]. If present and voting, the Senator from Louisiana would vote "Nay" and the Senator from Massachusetts would vote "yea."

On this vote the Senator from Arkansas [Mr. FULBRIGHT] is paired with the Senator from Minnesota [Mr. HUMPHREY]. If present and voting, the Senator from Arkansas would vote "nay" and the Senator from Minnesota would vote "yea."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA] is necessarily absent, and, if present and voting, would vote "yea."

The result was announced—yeas 69, nays 22, as follows:

[No. 146]

YEAS—69

Aiken	Douglas	McNamara
Allott	Dworshak	Magnuson
Anderson	Engle	Mansfield
Bartlett	Fong	Martin
Beall	Goldwater	Monroney
Bennett	Green	Morse
Bible	Gruening	Morton
Bridges	Hart	Moss
Brunsdale	Hartke	Mundt
Bush	Hayden	Murray
Byrd, W. Va.	Hennings	Muskie
Cannon	Hickenlooper	Prouty
Capehart	Jackson	Proxmire
Carlson	Javits	Randolph
Carroll	Johnson, Tex.	Saltonstall
Case, N.J.	Keating	Schoeppel
Case, S. Dak.	Kerr	Scott
Church	Kuchel	Smith
Clark	Lausche	Symington
Cooper	Long, Hawaii	Wiley
Cotton	Lusk	Williams, N.J.
Curtis	McCarthy	Yarborough
Dirksen	McGee	Young, Ohio

NAYS—22

Butler	Johnston, S.C.	Sparkman
Byrd, Va.	Jordan	Stennis
Eastland	Kefauver	Talmadge
Ervin	Long, La.	Thurmond
Frear	McClellan	Williams, Del.
Gore	Robertson	Young, N. Dak.
Hill	Russell	
Holland	Smathers	

NOT VOTING—9

Chavez	Fulbright	Kennedy
Dodd	Hruska	O'Mahoney
Ellender	Humphrey	Pastore

So Mr. CARROLL's amendment, as modified, to the committee amendment was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion of the Senator from Illinois to reconsider.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The amendment, as amended, was agreed to.

Mr. DIRKSEN. Mr. President, with the concurrence of the distinguished Senator from New York [Mr. JAVITS] I desire to call up an amendment which

in substance is the same as the section 6 of the substitute bill pending at the desk. The amendment deals with the so-called Commission on Equal Job Opportunity Under Government Contracts.

I will say, before the amendment is stated, that I intend to move to table my own amendment, offered in my own right. That may seem like a very awkward position, but the leadership is often expendable and does get itself into awkward positions. I am interested in the enactment of a civil rights bill, and I intend, insofar as I honorably can, to resist any endeavors which may jeopardize that opportunity in the present session of Congress.

So, Mr. President, I call up the Javits amendment numbered "3-31-60—A," and ask to have it read or considered as having been read.

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

The CHIEF CLERK. On page 21, after line 12, it is proposed to insert the following new title and renumber the succeeding title and section:

TITLE VII

SEC. 701. (a) There is hereby created a Commission to be known as the "Commission on Equal Job Opportunity Under Government Contracts", hereinafter referred to as the Commission.

(b)(1) The Commission shall consist of fifteen members appointed by and serving at the pleasure of the President. The Chairman and Vice Chairman shall be designated by the President.

(2) Members of the Commission who are officers or employees of the United States shall serve the Commission without additional compensation. Members of the Commission who are not officers or employees of the United States shall each receive $50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other expenses incurred by them in the performance of such duties.

(3) Service of an individual as a member of the Commission shall not be considered to be service or employment bringing such individual within the provisions of sections 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U.S.C. 99).

(c)(1) The Commission shall make investigations, studies, and surveys, and shall conduct such hearings as may be necessary or appropriate in the discharge of its duties under this section.

(2) To implement the policy of the United States Government to eliminate discrimination because of race, creed, color, or national origin in the employment of persons in the performance of contracts or subcontracts to provide the Government with goods or services, the Commission shall make recommendations to the President and to Government contracting agencies with respect to the preparation, revision, execution, and enforcement of contract provisions relating to such nondiscrimination in employment.

(3) The Government agencies contracting for goods or services to be furnished the Government shall perform such duties as may be requested of them by the President to cooperate with the Commission.

(4) The Commission shall also encourage, by the development and distribution of pertinent information and by other appropriate means, the furtherance of educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

(5) The Commission is authorized to establish and maintain cooperative relationships with agencies of State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this section.

(d) The Commission may employ such personnel as may be required for the effective performance of its duties.

(e) The Commission shall render to the President annual reports for transmission to the Congress.

(f) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this section.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may grant time, within reason, without my losing the floor, to Senators who would like to discuss this amendment. After that I shall exercise my right to make a motion to table the amendment. I believe the distinguished Senator from New York [Mr. JAVITS] would like to be heard. Before that I shall take a minute or two to explain the amendment.

Mr. MANSFIELD. Mr. President, reserving the right to object—and I shall not object—can the distinguished minority leader inform us as to how much time will be required before reaching a vote?

Mr. DIRKSEN. The Senate generally is quite familiar with the subject matter of this amendment. It has been roundly discussed, not only in the past 6 or 7 weeks, but for a number of years. If my friend will bear with me for a moment, I shall lay down the basic premise with respect to this amendment.

The amendment is sometimes referred to as a limited FEPC amendment.

The Committee on Government Contracts was created by an Executive order of the President in 1953. It has been operating with a very distinguished personnel, of which the Vice President of the United States is the chairman. Hon. James P. Mitchell, Secretary of Labor, is Vice Chairman, Mr. Irving Ferman served as the Executive Vice President.

The public members on this Committee are Robert L. Chambers, president, Pacific Foundry & Metallurgy Co., San Francisco, Calif.; Fred Lazarus, Jr., chairman, Federated Department Stores, Cincinnati, Ohio; George Meany, president, American Federation of Labor-Congress of Industrial Organizations, Washington, D.C.; James M. Nabrit, Jr., dean, School of Law, Howard University, Washington, D.C.; Mrs. Helen Rogers Reid, New York, N.Y.; Walter P. Reuther, president, United Automobile, Aircraft, and Agricultural Implement Workers of America, AFL-CIO, Detroit, Mich.; John A. Roosevelt, Bache & Co., New York, N.Y.

The Government representatives on this Committee are Perkins McGuire, Assistant Secretary of Defense; George B. McKibbin, Consultant to the Administrator, General Services Administration; George T. Moore, Assistant Secretary of Commerce; Harry S. Traynor, Assistant General Manager, Atomic Energy Commission; Lawrence E. Walsh, Deputy Attorney General of the United States.

Boris Shishkin, alternate.

George L-P Weaver and Victor Reuther, alternates.

The Committee has been operating substantially for about 7 years. It receives its money by means of contributions from those agencies of Government which engage in contracts. They include the Department of Labor, the Department of Defense, the General Services Administration, and others. It receives no appropriations.

The purpose of the amendment which is pending is to give the Committee statutory authority instead of authority through an Executive order, and then make it possible for the Committee to secure appropriated funds; in addition, to broaden slightly the powers of the Committee with respect to surveys, investigations, studies, and so forth. No subpena power is requested for the Committee.

That is the essence of the amendment. It has a little history, in which I think Senators will be interested.

This amendment was offered in another body when a similar bill was under consideration, and a point of order was made that it was out of order on a civil rights bill. The Chair ruled that it was out of order, and there was an appeal from the ruling of the Chair. The House sustained the Chair by a vote of 157 to 67, or by a majority of 90 votes.

It was included in the substitute package commonly referred to as the Dirksen substitute, which is on the desk; and while it may seem awkward indeed for me to be prepared to move to table an amendment which is an essential part of the bill I introduced when this discussion started nearly 7 weeks ago, I intend to do so for the primary reason that I wish to see a civil rights bill enacted during the second session of the 86th Congress.

We began consideration of this subject on the 15th day of February. In the past few days we have made some progress. I have gone on the theory that legislation is, first, the art of the possible; and secondly, when we cannot get a whole loaf, we get as much bread as we can, content in the belief and conviction that we have made some progress in the civil rights field.

I believe that if we can have the bill now before us, amended as it was with the suggestions by the Senate Judiciary Committee, passed by the Senate and sent to the House, we shall have made progress, and then we can continue with the other matters that are piling up for the attention of the Senate.

Mr. ROBERTSON. Mr. President, will my distinguished colleague yield to me?

Mr. DIRKSEN. I yield.

Mr. ROBERTSON. Does my colleague recall that on the afternoon of March 3 the junior Senator from Virginia spoke for 4½ hours on a provision similar to the amendment now pending? Does the Senator recall that discussion?

Mr. DIRKSEN. In general, I do.

Mr. ROBERTSON. The junior Senator from Virginia wishes to inform his colleague that he has studied this subject for many years. The junior Senator from Virginia has accumulated material on this question for 12 years. He had available on the evening of March 3 232 pages of objections to the bill, of which he used only 120 pages. The junior Senator from Virginia still has 112 pages of objections, which he can use, if necessary.

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

Mr. DIRKSEN. I yield.

Mr. GORE. Will the Senator press his motion to lay on the table if there are Senators who wish to address themselves further to the merits of the amendment?

Mr. DIRKSEN. I shall be glad to yield to other Senators for limited periods, with the definite understanding that under no circumstances will the Senator from Illinois lose the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

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

Mr. DIRKSEN. Does the Senator wish some time?

Mr. GORE. I wish to ask further questions.

I am opposed to the adoption of the amendment, but I appreciate the willingness of the minority leader to afford Senators an opportunity to express themselves on the amendment before he presses his motion.

Mr. DIRKSEN. I shall be decently generous; but the Senate is familiar with this subject. I see no reason for prolonged and extended discussion. It seems to me that after an hour, at the most, the motion to table ought to be made, and this question ought to be disposed of.

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

Mr. DIRKSEN. I yield for a question.

Mr. HOLLAND. Does the Senator recall that subsection 4, on page 3 of the amendment, deals with the activities of the proposed Commission in the general field, looking to what is called the elimination of discrimination in all employment? The Senator recalls that, does he not?

Mr. DIRKSEN. The language speaks for itself. Certain educational endeavors will be undertaken.

Mr. HOLLAND. The Senator from Florida would like to ask his distinguished friend if there would be objection to including in the RECORD at this point subsection 4 of the amendment, as found on page 3.

Mr. DIRKSEN. I would ask at this point that the full text of the entire amendment be inserted in the RECORD as a part of my remarks. That will include subsection 4 of the amendment.

Mr. HOLLAND. I think the Senator's suggestion is a better one.

The PRESIDING OFFICER (Mr. FREAR in the chair). The text of the amendment was printed in the RECORD when it was offered.

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

Mr. DIRKSEN. I yield.

Mr. LAUSCHE. Will the Senator let me know whether under the provisions of this section discrimination on the basis of race or color is prohibited in Federal contracts only in the direct hiring by the contractor of his employee, or does it also prohibit the indirect achievement of discrimination in instances when the contractor has a collective bargaining agreement with a union which will not admit colored members?

Mr. DIRKSEN. The amendment which is before us, and which is the substance of an Executive order under which the Commission operates, has no prohibitory legal power as such. This is a commission which recommends to the Government contractors on the basis of complaints that discrimination should be terminated whenever possible. The Commission as such operates back through the contracting agency and undertakes by its good offices to eliminate this discrimination if it can.

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

Mr. DIRKSEN. I yield.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Texas. Did I understand the Chair to put the question giving the Senator from Illinois unanimous consent to yield to any Senator to whom he desired to yield?

The PRESIDING OFFICER. That is correct.

Mr. JOHNSON of Texas. Mr. President, may we have the yeas and nays on the amendment?

The PRESIDING OFFICER. On what amendment?

Mr. JOHNSON of Texas. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. There is no motion to table before the Senate.

Mr. LAUSCHE. I have asked the Senator from Illinois a question which he has not answered. My question is, Does the language of the bill give some authority to the Commission to bring about nondiscrimination in employment when the contractor does not employ colored people because he has a collective bargaining agreement with a union which will not admit colored members into its union?

Mr. DIRKSEN. Well, I do not know that I am in a position to answer that question, except in this way. This is an exploratory commission. It investigates complaints. They must go back to the contracting agency, because that is all the power the Commission has. The kind of question which the distinguished Senator from Ohio raises might actually come within the jurisdiction of the NLRB, for aught I know. This is a recommendatory agency, and as such must content itself with educational endeavors. with studies and investigations and services and recommendations, whatever they might be.

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

Mr. DIRKSEN. I yield.

Mr. LAUSCHE. Does the Senator from Illinois know that the existing Commission appointed under the Executive order has declared that it cannot operate at all on complaints made by colored people that they have been unable to get a job on Federal works because the contractor, the manufacturer, had a collective bargaining contract with a union that refuses to admit colored people as members?

Mr. DIRKSEN. Well, what the Commission was doing was only indicating as a matter of policy what the limits of its authority were. As I have indicated, the authority did not extend to that situation, if there was resistance to even a recommendation in that field.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. JOHNSTON of South Carolina. As I understand the amendment, it would put congressional approval on a commission which is already in existence, would it not?

Mr. DIRKSEN. That is correct.

Mr. JOHNSTON of South Carolina. It would do something else, would it not, in that it would be a forerunner for FEPC in all the other fields?

Mr. DIRKSEN. It gives the Commission itself power to hold hearings, in order to make findings of fact. There is, however, no subpena power in the statutory request. The other feature is that it would make it possible for the Commission to continue its work through direct appropriations by the Congress.

Mr. JOHNSTON of South Carolina. In other words, it is similar to the situation that we have in mind when we say that a camel will first get its nose under the tent flap and then pretty soon, of course, it will have its whole body inside the tent—in this case, FEPC legislation.

Mr. DIRKSEN. The Senator from Illinois does not want to pass upon that particular matter.

I wish to say again that I am interested in this matter. I do not want this or any other amendment to jeopardize the chance we have, hopefully, of getting a civil rights bill before too long, so that the Senate can then address itself to the accumulation of other matters that are coming from the various committees of the Senate.

The PRESIDING OFFICER. The Chair is in accord with that statement.

Mr. DIRKSEN. That might be an awkward situation to be in. But it is not the first time the minority leader has been in an awkward position. If it is a sin of commission or omission, I freely confess it now.

How much time does the Senator from New York wish me to yield to him?

Mr. JAVITS. I should like to have 20 minutes.

Mr. DIRKSEN. I yield 20 minutes to the Senator from New York, with the understanding that I do not lose the floor.

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

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Is the Senator from Illinois yielding time without a unanimous-consent agreement?

The PRESIDING OFFICER. The Chair will state to the Senator from Arkansas that it is being done by unanimous consent.

Mr. McCLELLAN. Very well. I did not know that a unanimous-consent request had been made and granted.

Mr. JAVITS. Mr. President, in the first instance—may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. I believe that the Senate is entitled to an explanation of why I am not offering the amendment myself, even though I submitted it and had it printed. There are two reasons. First, it is well known that this particular section of the bill was a part of the administration package presented by the minority leader. The minority leader subsequently asked me and my colleague from New York [Mr. KEATING] to undertake to present that amendment and——

Mr. STENNIS. Mr. President, may we have order? The Senate has been in disorder for an hour.

The PRESIDING OFFICER. The Chair has done a little business in that hour, but he will attempt to get order. If there are any Senators who would like to talk out loud, they will please retire to the cloakroom, except the Senator who has the floor. If those Senators cannot obey the order of the Chair, the Sergeant at Arms will be requested to evict them.

Mr. JAVITS. I hope it will not be necessary to evict any Member of the Senate. I should like to make my statement very clearly.

The amendment which I was asked to sponsor was a part of the administration's package, just as is the amendment sponsored by my colleague from New York [Mr. KEATING]. I did it at the request of the minority leader. The minority leader has every right to recapture the amendment and to offer it himself. It is his amendment. The reason why I did not choose to offer it this afternoon myself was that I happen to differ with the fundamental proposition that we must have this kind of rather summary action upon an amendment of this importance, which I consider to be important and entitled to deliberate consideration by the Senate.

I am reminded of the situation we always had in the Army. The Army has an expression, "Hurry up and wait." It seems to me that every time something has come from the proponents of civil rights, they have had to hurry up. However, every time something comes from the opponents of civil rights, we have to wait, not hours, but days and weeks.

So, Mr. President, this is a serious amendment affecting many people—and everybody knows it, including the Vice President of the United States; it has been called the Nixon amendment. It has serious implications, which all of us understand. It was my belief that whether or not I offered it this afternoon, I should not be in the climactic situation of knowing that it must be called up and voted down.

Under those circumstances, I prefer to yield the amendment as it is contained in the administration package back to its original sponsor, and let him do with it as he pleases.

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

Mr. JAVITS. I yield.

Mr. SCOTT. In my judgment, the Senator from New York has followed the proper course. I support the amendment.

Mr. JAVITS. I am very, very grateful to the Senator from Pennsylvania for his statement. I may say, following upon what the Senator has said, that there can be an honest difference of opinion as to what is the best and fastest way to have a civil rights bill passed by Congress and become law. I respect and honor my minority leader. My respect for him is in no whit affected by what has taken place with respect to the amendment. I assume simply that it is believed this is the way to proceed. However, it is my judgment that there is another way to proceed. I hope and pray that the judgment of the minority leader is right, and that the matter will come out well. I shall certainly throw my shoulder into the effort to make it come out as he would like to see it, in order to have prompt action on the bill.

I have given some time to the merits of the proposal; hence, I should like to discuss the merits of the proposal, as it is my duty to do, as it may be of help.

First and foremost, this is not an FEPC proposal. The Commission proposed would be nothing but an internal piece of governmental machinery, to enable the Government to carry out more efficiently the provisions of every contract or subcontract in which material or services are furnished to the Government of the United States.

This is not an FEPC proposal. It does not endeavor to reach private employment in any way, shape, or form. It seeks only to create a piece of governmental machinery to enable the Government of the United States to have carried out in an efficient way what it requires of its contractors. We are endeavoring to establish some measure to bring into being a fundamental policy of the United States which has been in effect since 1941, a clause incorporated in every contract, which provides:

> In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin.

I have quoted from the latest of the provisions incorporated in the Executive order of the President, dated September 3, 1954.

When I emphasize that this is a piece of intragovernmental machinery, I mean it is not a part of any law; it is simply an Executive order of the President as it deals with Government contracts.

Second, the amendment provides no legal power whatever. It simply gives to the Commission a standing in law which it has not had before. The reason is that in 1945 the distinguished Senator from Georgia [Mr. RUSSELL] sponsored an amendment to an appropriation bill which barred agencies created by Executive order from existing more than a year unless they got a legislative appropriation. Therefore, the Government Commission which had previously carried out the responsibilities of the Government under this policy went out of existence in 1946, and President Eisenhower subsequently, at a much later date, created this particular Committee under the chairmanship of the Vice President, in 1953, in order to discharge the same responsibilities.

But in view of the law which was then on the books, this could not be a commission having a staff and conducting activities deserving of the dignity of this kind of policy, but it had to be a kind of intragovernmental authority of a very informal character. That is the way it has been functioning. It has been explained time and again, that it has been operating as really an informal arm of the President's own office.

It is felt that the policy of this Committee is so dignified and important that there should be a governmental entity to deal with such matters, and so that that Government entity should have recognition and ability to cooperate with other agencies of the Government, the right to bring people in and require them to testify, a right which it does not have today, and which will be given by the amendment, and the right to seek an appropriation for its staff.

The only power which the amendment gives the Commission is the following, on lines 14 to 17, of page 2:

> The Commission shall make investigations, studies, and surveys, and shall conduct such hearings as may be necessary or appropriate in the discharge of its duties under this section.

That is the only real authority the amendment gives—the power to conduct hearings and to bring persons in to testify.

In line 23, page 2, the new Commission is given power to make recommendations to the President and to Government contracting agencies with respect to what they ought to do about this policy.

On page 3, line 7, is a provision which has been referred to in the discussion as some effort to affect employment everywhere. The provision reads:

> The Commission shall also encourage, by the development and distribution of pertinent information and by other appropriate means, the furtherance of educational programs by employer, labor, civil, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

There is a reason for that. It is not an effort to have a wide-scale foray on that issue throughout the country. I think those who oppose such an educational effort would find themselves on extremely delicate ground, because I certainly do not believe there is anything wrong or immoral in such activity; on the contrary, there is everything moral in an opportunity to provide employment for a citizen, regardless of color. Sixteen States, including my own State of New York, have FEPC laws, and they have been extremely successful.

But what is objected to in terms of a Federal FEPC is a roving commission to

deal either with a criminal statute or a civil injunction statute against employers throughout the country. What is objected to is not the principle involved, but the method of carrying that principle into effect and implementing it. But this provision has no such coloration.

Aside from that reason for this particular amendment is the fact that with the number of contracts which the Federal Government makes—3½ million prime contracts a year, resulting in the expenditure of $15 billion a year—the Government reaches practically every branch of American industry, in every section of the country. Hence, if it really wishes to implement the governmental policy which is contained in Government contracts, it needs to give the widest possible educational circulation to what is being attempted, and to explain why it is done. It cannot, therefore, be effectively limited in terms of simple Government contracts, because the Government would simply be continuing to do the same thing it is now doing. The Government would not be reaching in an educational way those who may not be contractors at the moment, but who may be bidders the next day, if they should undertake to become bidders on Government contracts. So, because the activities of the Government are so widespread and involve so much money, this particular provision should be in the amendment.

As to the merits, in the first place, the tremendous fears which have been expressed about a proposal of this type are negated by the experience of the FEPC agencies in the various States. For example, the State of New York has had an FEPC law since 1945—15 years. There have been somewhere between 2,000 and 3,000 complaints. Practically every one of them was settled prior to hearing. Less than 10 in all that large number went to public hearing, and only 5 actually went to court. So the fears that this proposal is some horrible monster which is going to involve the Government in enormous litigation are groundless.

Also, the question has been asked, "What about the unions?" The President's Committee on Government Practices itself has answered that question. In a release dated February 24, 1960, it called the attention of Government contractors to the fact that it expects unions to comply, as well. The release said:

The President's Committee on Government Contracts today adopted unanimously the following resolution:

"*Resolved,* That this Committee call on contracting agencies of the Federal Government to institute steps to direct all contractors holding Federal contracts for the construction, repair, and alteration of all Federal buildings and, particularly, in the District of Columbia, that they must comply immediately with the nondiscrimination clause presently a part of all contracts.

"Further, that the contractors must find qualified Negro workers, if they exist in the area, and give such workers equal employment opportunity on any work covered by Federal contract.

"The President's Committee will cooperate with the contractor and the contracting agency in seeking to find qualified Negro mechanics. In this effort it will have the full cooperation of the AFL–CIO."

Attending the Committee meeting were:

Vice President RICHARD M. NIXON, Chairman.

Secretary of Labor James P. Mitchell, Vice Chairman.

Mr Robert L. Chambers, president, Pacific Foundry Metallurgy Co., San Francisco.

Mr. Irving Ferman, Executive Vice Chairman, President's Committee.

Mr. George Meany, president, AFL–CIO.

Mr. George B. McKibbin, consultant, General Services Administration, Chicago, Ill.

Hon. George T. Moore, Assistant Secretary of Commerce.

Mr. James F. Nabrit, Jr., secretary and dean of the School of Law, Howard University.

Mrs. Helen Rogers Reid, New York City.

Mr. Walter P. Reuther, vice president, AFL–CIO; president, UAW, AFL–CIO.

Mr. John A. Roosevelt, partner, Bache & Co., New York City.

Judge Lawrence Walsh, Deputy Attorney General.

Alternate members of the Committee attending were:

Mr. Victor Reuther, assistant to the president, UAW, AFL–CIO.

Mr. Boris Shiskin, director, civil rights department, AFL–CIO.

Mr. Myron Silbert, vice president, Federated Department Stores, Cincinatti.

Mr. George L–P Weaver, assistant to the president, IUE, AFL–CIO.

Also attending was:

Hon. Franklin G. Floete, Administrator, General Services Administration.

In the embroglio concerning a particular union in Washington, which was in the construction industry, and which discriminated against Negroes, the greatest efforts have been expended, both by the Government, by the Committee, by George Meany, and by the whole leadership of the AFL–CIO, to have that situation straightened out.

Mr. President, this is not a problem, in the sense that measurable progress can be and will be made with respect to it. But there is the greatest good will on the part of the persons directly concerned to make that progress. Therefore, it is felt that this Committee is entitled to have that backing from Congress which will give it some standing, instead of having it hover somewhere in midair.

Mr. President, one word to my colleagues: President Eisenhower has been much abused on the ground that he does not speak up loudly enough on the question of civil rights and the redress of equality of opportunity. Well, President Eisenhower is not given to loud speaking. But he has done so much for this country that is sound and substantial and historic that no one need apologize for his record.

In this particular field, when a man is basically and heavily to be given the responsibility for eliminating in the District of Columbia a situation which continued for years, until 1953, when, because of the confluence of a good Supreme Court decision in the Thompson case and the appointment of vigorous and courageous Commissioners for the District of Columbia, segregation was actually eliminated in the National Capital, that man does not have to apologize because he does not speak loudly.

Mr. President, the President of the United States himself has constantly been behind this Government Contracts Committee. I personally heard him say to a huge crowd in New York City, in 1952, when I had the honor of introducing him, when he was first running for election to the Presidency, that the one thing he believes in, wherever the money or the credit of the Federal Government is involved, is that it is the duty of the Federal Government to see to it that discrimination in terms of employment opportunity is rooted out and does not exist.

Mr. President, this is but an elementary way in which to make good on that fundamental belief on the part of the President of the United States, which is being carried out by the work of this Committee and by this policy, which is contained in every prime contract and subcontract entered into by the U.S. Government.

Mr. President, one could argue at great length and in great detail about the number of cases and the kind of cases this Committee has handled. But I do not think that those of us who are in favor of the enactment of some kind of civil rights bill—whatever may be our differences of opinion—can seriously question the fact that when the Government of the United States is involved, in view of all the constitutional guarantees of equal opportunity, there is absolutely no excuse for discrimination in employment among Government contractors, regardless of where they may be located.

It is in that spirit that this Committee was established; and it is now headed by the Vice President. It is also in that spirit that this amendment—which calls for the establishment of a commission to perform the same job—is offered. This amendment calls for the elementary redemption of that pledge by the U.S. Government, which has completely within its own power the ability to redeem that pledge to its own citizens.

Mr. President, in conclusion, I repeat that this amendment does not constitute an FEPC bill—although, as I and others and 16 States, by their action, have pointed out, there is nothing wrong with such a bill; but this amendment affords a way for the Government of the United States to give assurance of what it requires of every contractor who has a Government contract.

It seems to me that is the minimum the U.S. Government can do in terms of redeeming this basic pledge to all our citizens.

Mr. DIRKSEN. Mr. President——

Mr. GRUENING. Mr. President, will the Senator from Illinois yield for a question?

Mr. DIRKSEN. I yield for a question.

Mr. GRUENING. Since this is an innocuous amendment, why does the Senator from Illinois feel that its adoption would constitute obstruction and would delay the passage of the civil rights bill?

Mr. DIRKSEN. I do not feel that way at all. The minority leader has included this amendment in the package that is on the desk and has been debated by the Senate.

But I know, from contacts and conversations on the floor of the Senate, on both sides of the aisle, that there are Senators who feel that this amendment is a predicate or something incipient on which it would be possible to build, in the future, at the national level, and create, an FEPC. Of course I am not insensible to the feelings of a great many Senators on this subject.

Consequently, knowing that fact, and having discussed it privately and otherwise with our own Members, I am afraid that we would be jeopardizing the ultimate consummation of this bill if we were to adopt this amendment. For that reason, I have stated the action which I shall propose that the Senate take today.

Mr. GRUENING. I thank the Senator from Illinois.

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

The PRESIDING OFFICER (Mr. CANNON in the chair). Does the Senator from Illinois yield to the Senator from Texas?

Mr. DIRKSEN. I yield.

Mr. JOHNSON of Texas. I wish to commend the Senator from Illinois for the action he has taken. I have known a great many able, fearless, and courageous leaders, in the almost 30 years that I have been around the Capitol; but I have never known a more courageous or more able or more dedicated leader than the present minority leader.

I share his views—completely and entirely—about the wisdom of adding far-reaching amendments to the bill which has been reported by the committee.

There are some Members of the Senate who want no bill at all in this field passed. They are sincere and earnest and devoted public servants, and it is their view that the best interests of the country would be served by not enacting any legislation in this field. They have withstood what they term the tortures of 200 or 300 hours of sessions, in order to try to modify the bill in almost every respect.

There are some Senators who favor a policy of all or nothing. But such a policy would achieve a result identical with that which would flow from the course favored by Senators who favor having no bill at all in this field enacted into law, because when one insists on all or nothing, he gets nothing.

After all, I would remind the Senate that for 82 years, no bill of any kind along this line was enacted; and it was not until 1957 that the Congress ever passed any legislation of any consequence in this field.

I believe the minority leader is following the only procedure open to us if we wish to have substantial legislation in this field enacted at this session.

I do not want to be placed in the position of making prophecies or predictions; but I still vividly recall the difficulty that those of us who wanted such legislation faced after we passed a bill in 1957. I remember that it was necessary for members of the Rules Committee of the other body to sign a petition to call a meeting in order to get a rule, in order to get the Senate-passed bill to conference.

I would remind each Senator who speaks for constituents who want legislation in this field enacted that in the Congress there cannot be any unicameral legislation; that any legislation we write in this field must have the approval of the House of Representatives, the Senate, and the President.

Mr. President, I think we attain legitimate objectives in the bill as it now stands. It does not make a province out of the South. It gives to every person the legitimate objective we have a right to seek. This bill is not a Republican bill; neither is it a Democratic bill—although it is being passed by a Congress in which my party has the majority. But when we pass this bill and when it is messaged to the other body, and goes on the desk of the Speaker of the House of Representatives, there will be only two ways in which the bill can get off the Speaker's desk and be voted upon. One way is by unanimous consent. However, I do not think unanimous consent would be given. The other way is to obtain a rule.

Mr. President, there was extended debate on this subject in the House of Representatives, and the Members of the House of Representatives expressed themselves on many and various proposals in respect to legislation in this field. I do not believe that any reasonable person can read that record and, from it, can conclude that the House of Representatives is prepared to go much further than it did go when it passed this bill. And if the House of Representatives is not prepared to go much further than it did go at that time, then, Mr. President, if a Senator wants to kill the bill, let him try to make it go further.

As I said, the same result, of having no bill at all, can be achieved by demanding too much.

We are making progress in this field—the Civil Rights Act of 1957, the Civil Rights Act of 1960, we hope, and then I am sure Congress is prepared to move forward. We are not a group that is just going to resist any change.

I say to you, Mr. President, I think we ought to proceed to vote upon this bill as it has been reported to us by the committee, without substantial changes, if we are to expect legislation this session.

The distinguished chairman of the House Judiciary Committee who introduced this bill, Mr. CELLER, I think got the best bill through the House he could get through. He was associated in that endeavor by the ranking member of the committee, Mr. McCULLOCH. Both leaders in the House supported the bill. It came to this body. Amendments were offered in committee. Fifteen amendments were adopted, a good many being technical changes. Now we are faced with the proposition whether we should adopt any more.

I am not going to close my mind and say no amendment should be adopted, because I do not think that should be done until the third reading of the bill and we are ready to vote. But I do say we should stop, look, and listen, and we should proceed with caution; and I say, responsibly—and I measure my words—that if this bill is loaded down with amendments that the other body will not take, we shall have a bill at the Speaker's desk, but we shall not have a law on the statute books.

I hope that the majority of the Senate will vote for the motion of the able minority leader when he makes that motion, because I think this is one of the Congress' finest hours.

I stated, when this debate began, that it would not be pleasant for the majority leader and minority leader, and I assure Senators I spoke accurately. We have been considering this matter many weeks. The Attorney General says this legislation is reasonable legislation, and that it is acceptable. It is the best that the able chairman of the House Judiciary Committee could get. It was the best that could be reported out of our own Judiciary Committee. We have cast vote after vote and expressed the majority will of the Senate on almost every conceivable adventure into this field. We have been here 7 weeks. I think the Senator from Tennessee corrected me. Did the Senator from Tennessee say 8 weeks?

Mr. HOLLAND. I said 8 weeks.

Mr. JOHNSON of Texas. I am sorry. I am like Rip Van Winkle—I do not know where I was that eighth week. But we have voted on many, many questions, and I think the time has come now to call up these amendments, speak on them, vote on them, and finally send a bill to the President. I believe this bill will go to the President, and I believe it can go, and I believe it will be approved, and if it is, I believe it will be a forward step.

I thank the Senator.

Mr. DIRKSEN. Mr. President, I am grateful to the majority leader for his generous remarks, and I can amplify what he said about the Attorney General by reading this press release from the Department of Justice, which was dated March 24, 1960, after the House acted. I read the release:

> Attorney General William P. Rogers today issued the following statement concerning the action of the House of Representatives in passing civil rights legislation:
>
> "The bill which was passed by the House of Representatives today and sent to the Senate is substantial in scope, and, if enacted into law, will result in additional and meaningful progress in the field of civil rights.
>
> "It does not include two important recommendations made by the administration, and it may not fully coincide with the views of any particular group. However, it was fully considered by the House of Representatives and during the debate on the floor was well and ably supported by an overwhelming majority of its Members. The enactment of this bill would represent an historic step forward in the efforts of the United States to make constitutional guarantees fully effective for all citizens in all areas of our country."

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

Mr. DIRKSEN. Mr. President, without losing the floor, and preserving my rights, and not yielding for any motions of any kind, I yield to my distinguished friend from New York [Mr. KEATING].

Mr. KEATING. Mr. President, it impresses me that probably we have risen today to heights appropriate to the 1st day of April. [Laughter.]

First we enacted the Carroll substitute for the Kefauver amendment, which says exactly nothing which was not said in the bill which came over from the House. Now we are asked to debate, in the space of an hour or so, a very important amendment, an integral part of the bill, backed at this minute by the President, the Attorney General, and this administration. We are asked to vote on it at the end of about an hour, with the full expectation, of course, that the amendment will be defeated when the motion to table is made.

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

Mr. KEATING. I would be glad to yield, but I have committed myself to take only 8 minutes. If I have any time left, I shall be very happy to yield to the Senator from Pennsylvania.

Mr. President, all this on this memorable 1st day of April. I want to say that the course taken by my distinguished colleague from New York [Mr. JAVITS] is indeed, in my opinion, exactly the right course. His refusal to submit his amendment under any such conditions as we are confronted with here today seems to me the course which anyone would be required to take who sincerely was advancing an amendment; and I commend him for it.

I want to say this in answer to the remarks of the distinguished majority leader, who is indeed an able leader. He has stressed the fact that this is not a unicameral legislature. That is exactly my point. We are not required in the Senate to swallow whole what is sent over to us from the other body, hard as its Members may have worked, distinguished as its Members may be.

A rule was granted to send this bill to the floor of the House of Representatives. If the votes could be obtained for such a rule, they can be obtained for a rule to send this bill to conference. I feel confident of that, and I feel confident that we can work our will on this bill, and that it is scare talk when it is said that we cannot get a rule in the other body after we have made substantial and worthwhile changes in this bill.

We in this body are a part of the bicameral national legislature, and we are not required to take dictation from the other body.

Mr. President, the adoption of this very conservative amendment will do nothing more than give the congressional seal of approval to the work and objectives of the President's Committee on Equal Opportunity Under Government Contracts.

It seems to me we must encourage the progress which this outstanding committee has made in eliminating discrimination in employment on projects financed by the Federal Government.

The policy of our Government to promote equal job opportunity deserves the support of all fairminded persons. Public morality demands that since all persons contribute to the public treasury without regard to race, religion, color, or national origin, that all persons are equally entitled to fair and equitable treatment on work paid for from public funds. Certainly within the area of employment carried on by the funds of the Federal Government, there can be no question that employment must be made without the blight of racial or religious bigotry.

Let me briefly touch upon the highlights of the proposed amendment.

Under its terms the President is to appoint a Commission of 15 members to carry out the national policy of equal job opportunity. The Commission would execute this program by making recommendations to the President and the Federal contracting agencies for improving and implementing the standard nondiscrimination provision which is contained in all Government procurement contracts. The Commission would encourage the furtherance of educational programs by nongovernmental groups.

That, by the way, is the only reference to nongovernmental groups. It could not, by the wildest stretch of the imagination, be termed properly, as it has been termed by some, an FEPC provision.

Furthermore, the Commission would cooperate with State and local governments as well as other groups to eliminate discrimination in employment, and it would be empowered to make investigations, studies, and surveys as well as to conduct hearings which would be necessary and appropriate in order for it to discharge its assigned duties.

The proposed commission would continue this administration's efforts to eliminate discrimination in employment. These efforts have been carried out, and very successfully thus far, in three areas: compliance, education, and liaison.

In its compliance efforts, acting as a recommendatory, consultative, and advisory group to the Federal contracting agencies it has made considerable progress in seeing that the Federal contracting agencies adopt appropriate procedures to aid the contracting agencies in securing fair employment in the many plants doing business for the Federal Government in every part of the country. It has also assisted the agencies in adopting effective procedures to enable the agencies to resolve complaints filed by aggrieved persons. It has instituted a compliance survey program whereby the employment practices of the major contractors of the Federal Government are reviewed each year without waiting for complaints to be filed with the President's Committee.

The Committee has carried on an extensive educational program with the top leaders of business and industry, labor unions, trade associations, educators, clergy, and other interested and important segments of the general public who are concerned that our country should not countenance or condone intolerance, bigotry, and discrimination.

The President's Committee also maintains effective liaison with the many private and public agencies charged with the responsibility and the duty of eliminating discrimination in employment.

As effective as the work of the President's Committee on Government Contracts has been, the time has come, it seems to me, Mr. President, to advance this program in a more meaningful way. This is the opportunity of the Congress of the United States. The enactment of the amendment would help to achieve the efficient utilization of all our manpower. We must not waste any American's skills because of the irrelevant factors of racial and religious bigotry.

Approval of the amendment will also enhance the unique standing which this country has had as a leader in advancing democratic ideals. Our Nation will be judged by its accomplishments and not by its excuses.

The work of the President's Committee has been meaningful and successful; but we have a right to expect that the concept of equal job opportunity be expressed by the National Legislature rather than by order of the Chief Executive. In our form of government national policies are, and should be, expressed by the Legislature.

When I say that, I mean both branches of the Legislature.

If this policy is worth adhering to, it should be appropriately stated by the Congress as an expression of public policy.

The Vice President of the United States, who is the Chairman of the President's Committee, and the Secretary of Labor, who is the Vice Chairman, have stated that if the amendment is enacted they will resign from the Committee. They will recommend to the President that the Chairman and the Vice Chairman should be public representatives rather than governmental representatives. These recommendations should eliminate the fears which we have heard expressed by those who think that such legislation is being proposed as a vehicle for the personal advancement of any governmental official.

I urge, Mr. President, that we vote down any efforts to table the amendment. This amendment is in keeping with the best traditions of our country. Our country has grown strong by waging a constant struggle against religious and racial bigotry. We will grow stronger by the passage of this amendment, because it is in consonance with the concepts of fair play and the elevation of human dignity for which our country has always stood and always should stand.

Mr. JAVITS and Mr. LAUSCHE addressed the Chair.

Mr. KEATING. I yield to my colleague.

Mr. JAVITS. Mr. President, I should like to congratulate my colleague for one of the most eloquent statements I have ever heard him make on any subject. He is obviously deeply moved, as I was, by the situation.

I am not angry with anybody. I do not think my colleague is. We both feel very keenly about the importance of this amendment and the deliberation with which it should be considered.

I am very grateful to my colleague for his eloquence and for his most gracious personal reference to me.

Mr. KEATING. Mr. President, I am very thankful to my colleague from New York. I do not speak in any anger. I speak from a deep conviction that we should have more than the debate which is contemplated on this amendment and from a conviction that this amendment should be agreed to. It will not disrupt anything. It would simply give statutory authority to the Commission.

If I am permitted, I now yield to my friend the Senator from Ohio.

Mr. LAUSCHE. Mr. President, it is my understanding that the amendment as offered will not protect persons seeking work under Federal contracts, who are barred from getting jobs because they cannot get membership in a union which discriminates on the basis of color. Since I understand that to be the fact, would the Senator from New York not feel that the amendment ought to be so worded that neither directly nor indirectly the colored people could be barred from working on Federal contracts?

I subscribe fully to what the Senator from New York [Mr. KEATING] has said; that all persons in this country, regardless of color or religion or otherwise, pay the taxes which are used for the letting of these contracts, and therefore there ought not to be discrimination. While there should not be direct discrimination by an employer refusing to hire colored people, the discrimination ought not to be achieved through a collective bargaining agreement with a union which refuses to permit membership of colored people.

My question is: Should the amendment not be amended so that on page 2, line 22, after the word "services" there would be inserted "including such discrimination arising by reason of agreements between contractors or subcontractors and labor organizations which discriminate in their membership because of race, creed, color, or national origin"?

Mr. KEATING. I will say to my friend from Ohio, in answer to his question, first, that I know from previous votes and from my contacts with him that the principle of what we are asking for here is one in which he firmly believes, has always believed, and stands for today. I have some doubt, in the light of the action which has been taken by the Committee, of the necessity for this additional amendment, but I wish to say to my friend from Ohio that I share completely his views. I would be happy to support such an amendment. I call his attention to the action taken by the Committee with reference to a recent incident in which the possibility of discrimination arose. The Committee adopted a resolution, as follows:

Resolved, That this Committee call on contracting agencies of the Federal Government to institute steps to direct all contractors holding Federal contracts for the construction, repair, and alteration of all Federal buildings and, particularly, in the District of Columbia, that they must comply immediately with the nondiscrimination clause presently a part of all contracts.

Further, that the contractors must find qualified Negro workers, if they exist in the area, and give such workers equal employment opportunity on any work covered by Federal contract.

The President's Committee will cooperate with the contractor and the contracting agency in seeking to find qualified Negro mechanics. In this effort it will have the full cooperation of the AFL–CIO.

That resolution was signed by the Vice President, as Chairman; by the Secretary of Labor; and, among others, by George Meany, president of the AFL–CIO.

Since we are not proposing to set up a statute to enforce nondiscrimination in employment, but only a commission with certain powers, probably the language of the amendment is broad enough to cover the point made by the distinguished Senator from Ohio. But if he thinks it should be broadened, personally I would have no objection whatever to such an amendment.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. KEATING. I yield to my colleague.

Mr. JAVITS. I should like to join my colleague from New York. He has read what the Government Contracts Committee has said. I thoroughly believe that neither unions nor employers should discriminate. The thrust of this amendment is at those who contract with the Government. A union does not contract with the Government. An employer does. Therefore the resolution adopted was directed at the employer, who was joining the union in those practices, or submitting to them.

If the Senator would feel better about this amendment with the addition of the words suggested, I, too, like my colleague from New York, thoroughly agree that it is the full intention of nondiscrimination to apply to unions as well as to employers.

Mr. KEATING. I thank my friend from New York; and I am grateful to the distinguished Senator from Illinois.

Mr. LAUSCHE. Mr. President, will the Senator yield to me in order that I may put a question to the Senator from Illinois?

Mr. KEATING. I will yield the floor. The Senator from Illinois [Mr. DIRKSEN] has the floor. I express my thanks to him for allowing me this time.

Mr. LAUSCHE. Would the Senator from Illinois accept an amendment to his amendment, adding additional language, so as to make the provision read:

The Commission shall make recommendations to the President and to Government contracting agencies with respect to the preparation, revision, execution, and enforcement of contract provisions relating to such nondiscrimination in employment.

I would change the period to a comma and add the following words:

Including such discrimination arising by reason of agreements between contractors or subcontractors and labor organizations which discriminate in their membership because of race, creed, color, or national origin.

Mr. DIRKSEN. Mr. President, I would not be interested at this point in accepting any modification of the pending amendment. There is a reason for the amendment. I think we should have a straight-out vote on the language before us, because it has been before us for 41 working days, in the substitute which I offered. It is now before us in the language of the amendment which was drafted by the distinguished Senator from New York [Mr. JAVITS]; but I should emphasize the fact that if the motion to table is successful—and I trust it will be—that is not the end of the Committee. The Committee will continue to function under the Executive order, as it always has done. It has been doing business for 7 years, and it will continue to do business. Of course, it will not do business on the basis of appropriations by the Congress. It will have no authority to conduct hearings. It can go ahead with its educational and exploratory work through the Government agencies which make the contracts. I think it would be far better for the distinguished Senator from Ohio to present at that time the subject matter which he has in mind.

Mr. LAUSCHE. Let me read to the Senator from Illinois from the sixth report, submitted to President Eisenhower by the Committee on Government Contracts. On page 6 I find the following language:

Lack of jurisdiction: Many cases are closed for lack of jurisdiction. The applicable Executive orders restrict the Committee's authority to employers holding Government contracts. Thus, approximately 36 percent of the complaints received have provided no occasion for investigation or the institution of remedial measures. A small proportion of the complaints are against labor unions which are comparable to companies without Government contracts, and therefore are not within the purview of the Executive orders under which the Committee operates.

I think we should reach clear through the problem. We ought not only to prohibit discrimination in direct employment, but also discrimination through the barrier which the union creates by not accepting colored people as members.

Mr. DIRKSEN. Of course, that is a matter which ought to be decided after a hearing by the appropriate committee, which would be the Committee on Labor and Public Welfare of the Senate, as well as the Labor Committee of the House.

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

Mr. DIRKSEN. I shall be glad to yield provided I do not lose the floor.

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

Mr. HOLLAND. I am sure the Senator is familiar with the fact that the new House Office Building is being built by a firm headed by Mr. McCloskey, who is well known to all of us. I am sure the Senator also is familiar with the fact that trouble has arisen recently because one or more of the unions supplying men for that contract do not permit persons of color to become members.

My question is this: Would it not have been a simple and effective course for

the President's Committee, functioning under Executive order, to place in the contract for the erection of that building a provision which would have made it improper and impossible for the contractor to enter into a labor contract with a union which did not permit persons of color to become members?

Mr. DIRKSEN. I think that would have been a happy solution indeed.

Mr. HOLLAND. Mr. President, will the Senator yield me 5 minutes to state why I am opposed to the proposed amendment, and in favor of his proposed motion to table?

Mr. DIRKSEN. I was about to yield to the distinguished Senator from Pennsylvania [Mr. CLARK].

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

Mr. DIRKSEN. I yield.

Mr. CLARK. I have strong views on this subject. I should like to state them at some reasonable length. I realize that my friend from Illinois, under the unanimous-consent agreement, which was entered into when I was unfortunately absent from the Chamber, is able to take me off the floor. I should like to speak for about 25 minutes, unless my friend takes me from the floor. Otherwise I would rather yield in favor of my friend from Florida.

Mr. DIRKSEN. My love and affection for my friend from Pennsylvania is as deep as the deepest sea; and I would be the last one under the canopy of heaven to take him from the floor. I now yield him 25 minutes.

Mr. CLARK. Does the Senator from Florida wish to precede me?

Mr. HOLLAND. I shall be glad to wait, but I hope the Senator from Illinois will yield me 5 minutes.

Mr. DIRKSEN. Mr. President, I yield 25 minutes to the distinguished Senator from Pennsylvania, with the understanding that my rights are preserved, and only for a statement—not for a motion.

Mr. CLARK. Let me say to my friend from Illinois that I shall attempt to complete my statement in 25 or 30 minutes. I think I can, unless some Senators want me to yield to them. If I cannot complete my statement within that time, I shall ask my friend from Illinois to give me an additional 5 or 10 minutes.

Mr. DIRKSEN. I shall be delighted to do so.

Mr. CLARK. In my judgment, the procedure which is being followed this afternoon, with the approval of the minority leader and the majority leader, is an unfortunate procedure. I hope it will not be repeated. In my judgment, it is close to being an oppressive procedure. There are ways in this body, other than by having a Senator take the floor and announce his intention of moving to table an amendment after 1 hour, by which we can get orderly debate on an important matter before the Senate and still come to a conclusion within a reasonable time. Among those ways which have been utilized many times since I have been in the Senate is to have a unanimous-consent agreement to vote at a time certain. Another way is to agree on 3 or 4 hours of debate. There are many ways of skinning this particular cat. Unfortunately, I was called out of the Chamber to answer an inquiry from a member of the press. While I was out of the Chamber, my friend from Illinois made his unanimous-consent request. Had I been here I would have objected. The Senator from Illinois would then have been in the disagreeable position of either having to move to table, even though certain Members of the Senate wanted to speak on the amendment, or permitting Senators to speak for a reasonable length of time without attempting to hold the floor in a most unusual way. I regret that this procedure has been followed. I hope it will never be followed again.

Let me say that I find myself reluctantly compelled to disagree with the statements recently made by both the majority leader and the minority leader. They think there has been enough time in which to debate this provision in the bill. Perhaps there has. I think that it has not been debated sufficiently. They think that they have the votes to table the amendment. No doubt they do. Having that power, they are within their right to move to table it any time. Being within their rights does not necessarily mean that such action is the part of wisdom. I am frankly of the view that every Senator should have an opportunity to speak for a reasonable time on the amendment, and that then we should be permitted to vote on it.

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

Mr. CLARK. I yield.

Mr. JOHNSON of Texas. Did not the minority leader and the majority leader assure all Senators that they would be given exactly that opportunity to speak at reasonable length if they desired to speak?

Mr. CLARK. If the Senator from Texas desires me to give a responsive answer to that question, I will give it to him. I told the minority leader that I would like to speak. The minority leader asked, "How long do you want?" I said, "20 minutes to a half hour." He said, "Cut it down to 10 minutes." He gave the junior Senator from New York only 8 minutes.

Mr. DIRKSEN. That is all he asked for.

Mr. CLARK. May I be permitted to complete my statement, or does the Senator wish to interrupt me?

Mr. DIRKSEN. Mr. President, before the Senator makes such a statement he should ask the junior Senator from New York what the facts are. He came to me and asked for 8 minutes. He got 8 minutes. If he had wanted more time, I would have given it to him.

Mr. CLARK. The Senator from Illinois is completely incorrect. While he was out of the room the junior Senator from New York——

Mr. DIRKSEN. I ask that the words be taken down. I make a point of order. I ask that the words be taken down.

Mr. DOUGLAS. Mr. President, I ask for the regular order.

Mr. DIRKSEN. Mr. President, I ask that the Senator from Pennsylvania take his seat, under the rule.

The PRESIDING OFFICER (Mr. CANNON in the chair). Under the rule, the Senator from Pennsylvania must take his seat.

Mr. DOUGLAS. I move that we proceed in the regular order and that the Senator from Pennsylvania may be permitted to proceed.

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

The motion was agreed to.

Mr. DIRKSEN. We will not close this RECORD until we find out from the junior Senator from New York what time he asked for and what time he got. I will not have the Senator from Pennsylvania impugn my motives or my conduct on the Senate floor. Otherwise, I will have to assert my privilege right now and shut him off. I would not like to do that, but I would have no hesitation in doing it, if that is the way it is going to be. I would prefer not to do it that way.

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

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Pennsylvania has the floor.

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

Mr. DIRKSEN. The junior Senator from New York is on the floor. Let the junior Senator from New York speak for himself.

Mr. CLARK. I yield to the Senator from Texas.

Mr. JOHNSON of Texas. As I understood the Senator, he said he was going to be fully responsive. He has been. He said he asked for 20 or 30 minutes. The minority leader assured the Senate that each Senator would be given a reasonable time in which to speak. He said he hoped he could give them whatever time they wanted. If the Senator from Pennsylvania said he wanted 20 or 30 minutes, and he was given 25 minutes, then why does he believe his request was not granted?

Mr. CLARK. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. Mr. President, do I have the right to reply to the Senator from Texas without being interrupted?

The PRESIDING OFFICER. The Senator may reply to the Senator from Texas. He does not have to yield to any other Senator.

Mr. CLARK. I intend to make a short, calm statement. I beg my friend, the Senator from Texas, and my friend, the Senator from Illinois, not to interrupt me again until I have concluded it.

Mr. KEATING. Mr. President, would the Senator yield?

Mr. CLARK. Mr. President, I yield the floor.

Mr. DIRKSEN. I yield 2 minutes to the junior Senator from New York, with the understanding that I do not lose the floor.

Mr. KEATING. Mr. President, I hope that my friend from Pennsylvania will again ask for time. I was off the floor for the moment, and someone came to

me and said, "You should get on the floor." I have not even heard the colloquy that has been had on the floor.

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

Mr. KEATING. I yield.

Mr. CLARK. Will the Senator permit me to complete a brief statement? If he will do so, it will enlighten him.

Mr. KEATING. All I want to do is get the record straight.

Mr. CLARK. I ask the Senator from Illinois to yield to me.

Mr. DIRKSEN. First I yield to the Senator from New York to tell what time he asked for, and then I will yield to the Senator from Pennsylvania.

Mr. KEATING. I asked for 8 minutes. The Senator from Illinois gave me 8 minutes. I do not know how long I took. Perhaps I ran over a bit. If so, I am sorry. That is the fact. Whether that fits in with what has been said before, I do not know. [Laughter.]

Mr. HOLLAND. Mr. President——

Mr. DIRKSEN. I ask the junior Senator from New York whether he wished any more time than 8 minutes.

Mr. KEATING. I did not ask for more time than 8 minutes. I suspect I ran over a little bit.

Mr. DIRKSEN. I yield 25 minutes to the distinguished Senator from Pennsylvania, with the understanding that I do not lose the floor, and not for any motions.

Mr. CLARK. I thank my friend for his gracious generosity. What actually happened was that the junior Senator from New York was speaking when I came into the Chamber. I asked him to yield to me for a question. He said he regretted he could not do so and—I think I correctly restate his statement, but the RECORD will show—he said, "I have only 8 minutes. I have no time to yield to the Senator from Pennsylvania, unless at the end of my talk I have a little time, in which case I will be glad to do so. I am unable to yield to him at this time."

Mr. KEATING. Mr. President, will the Senator yield to me briefly?

Mr. CLARK. Of course.

Mr. KEATING. I think that is substantially what I did say. I did not mean to imply, however, that the Senator from Illinois would not have given me 10 or 12 minutes if I had asked for that time. That is all I care to say.

Mr. CLARK. I thank my friend for his statement. Now I return to answer more fully the question asked me by the distinguished Senator from Texas. I hope that I may be permitted to make my statement without interruption. I asked the Senator from Illinois to recognize me. He asked me how long I wanted. I said I wanted somewhere between 20 and 30 minutes. He said, "Cut it down to 10." I said, "It is going to take me 20 or 30 minutes to say what I want to say. Of course if you want to take me off my feet, that is your right, but you will have to do so." Then I slapped him on the back and said, "I love you."

I went back to my seat and have now been recognized for 25 minutes. If I cannot finish by the end of that time, I will ask for a further extension of time.

In answer to the whispered inquiry of the senior Senator from Arkansas, as to whether I still love the Senator from Illinois, Yes, I still love him.

Perhaps the only relevant, significant thing about this discussion is that it is April Fools' Day. I suspect that that tends to make all of us, including possibly the senior Senator from Pennsylvania, and certainly certain others—and I hope that in making this comment I will not again be required to take my seat—a little more foolish than we might otherwise be.

Having disposed of that matter as best I can, I should like to comment on the statement made by the majority leader a little while ago, urging the Senate not to further amend the House bill. We all know that the House bill has already been drastically amended by inserting the so-called Lausche amendment, which became a committee amendment, and has thus drastically changed section 1 of the bill. I believe the Senate has made 13 other changes in the House bill. Why should it be assumed that if we make a 14th change, the bill will be any more pickled in the House Committee on Rules than if we had made only 13 changes? I am sure I do not know. The majority leader is wise in these matters. I defer to his judgment in many matters. However, my own view is that if we were to adopt the pending amendment, it would not affect one iota whether the House bill, as amended by the Senate, would be pickled in conference by the Rules Committee.

The majority leader also said that this is not a Republican bill and is not a Democratic bill. With all due respect and great deference to my majority leader—and I love him, too; in fact, I think I love him even more than I love the minority leader—I say that this is a weak Republican bill, watered down by southern and southwestern Democratic votes. It is weakened to such an extent at present that I have grave doubts as to whether I can support it on final passage.

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

Mr. CLARK. I am very happy to yield to the Senator from Tennessee.

Mr. GORE. Why does the able Senator discriminate against the border States?

Mr. CLARK. That is a good question. I have always thought that Richard Rovere, who wrote an excellent article in the New Yorker magazine about this debate on civil rights, was probably correct when he said that Tennessee had joined the North on at least a few matters. I think so, too.

Mr. President, we hear much about responsibility. I believe in responsibility. I do not know of any Member of the Senate who does not. I think we may all have our differing views on what is responsible and what is not. My own view of responsibility is that it is the responsibility of the Senate to pass the best civil rights bill which the majority of its Members think they can pass.

Then I believe it is the responsibility of the House of Representatives to deal freely and fairly with the bill as passed by the Senate, and to send it to conference if they disagree with it.

Then I think it is the responsibility of the conferees to try to work out a reasonable compromise, one which they believe both sides will agree to.

Then, if it is still a responsible bill, I think it is the job of the two Houses to agree to the conference report, and the responsibility of the President to sign the bill. That is my view of responsibility.

I believe it is irresponsible to say that the Senate cannot pass the best bill the majority of its Members want, simply because a relatively small minority does not wish the Senate to do so. With all due deference to the other body, and being keenly aware of the rule of our body which forbids us to criticize the other body, I suggest that the other body has the same responsibility and should not be inhibited by the present membership of its Committee on Rules.

So I say that our greatest responsibility is to pass the best bill which meets the needs of our disfranchised citizens—our discriminated-against citizens—our second-class citizens—and to do it reasonably promptly, but after free and full debate.

So I am not concerned about my own sense of responsibility. I shall leave to other Senators their sense of responsibility, confident that they will make a decision in accordance with their own best judgment.

A point is reached when a bill becomes a sham; when a bill is meaningless and should not be passed because it is pretty close to being a fraud on the country. I say that right now we are on the very borderline. There is a real question in my mind whether the bill as it stands today in the Senate is anything more than a sham which will fool some people into believing that we have done something for the disfranchised citizens who have been discriminated against for years, but which in fact is not going to do them any good at all.

I believe that some of my good friends from the South—and they are my good friends—would admit in private what I can understand they would not want to admit in public, namely, that the bill as it passed the House will help few, if any, Negroes in the South to achieve any more civil rights than they now have. So when we talk in terms of responsibility, we must also talk in terms of whether what we are doing is a sham or is something real and meaningful.

Mr. DOUGLAS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from Pennsylvania will suspend his remarks until the Senate is in order.

The Senator may proceed.

Mr. CLARK. Mr. President, we have heard something said about Senators who want all or nothing; who will drag down to defeat any meaningful civil rights bill, because if they cannot have the whole, they do not want any part of it—a half, a quarter, a tenth, or a twentieth. Of course, our decision will have to be whether we will take a twentieth, or whether it is not good enough. I do

not know of any Member of this body who wants all or nothing. I certainly do not. The distinguished senior Senator from Illinois [Mr. DOUGLAS] does not. We are reasonable men. We believe in compromise. We believe in the art of the possible. But, Mr. President, we know when we are being sold a bill of goods. We know when what we are getting is nothing more than a sham. It is no desire for all or nothing which makes some of us want to improve the bill, so that we can in good conscience vote for it. So I hope we will not have a great deal more talk about Senators acting in an irresponsible manner; about Senators who want all or nothing; about Senators who want nothing at all. I think this ought to be a body which is a little more mature than that kind of argument would tend to indicate it is.

The trouble, of course, is the rules. The trouble is the rules of the Senate. The trouble is the rules of the House. I shall not delay the Senate further this afternoon by speaking on that subject, other than to say that if the rules of this body and if the rules of the other body are not modernized within the foreseeable future, Congress will have failed in its obligation to play its part in the defense of Western civilization and in the further progress of the United States of America. I say this in all good conscience, because the times are different from what they were in 1840, when the filibuster came into use. The times are different from what they were when the House Committee on Rules was first established. This is a time which calls for action, and action by a convinced majority. I shall say no more on this subject, but I shall take a moment to yield—and I am happy to do so—to the distinguished senior Senator from Illinois.

Mr. DOUGLAS. Mr. President, I should like to ask the Senator from Pennsylvania if it is not true that this amendment, providing for a committee against discrimination on Government contracts, was not asked for by the Eisenhower administration.

Mr. CLARK. It was.

Mr. DOUGLAS. Was it not included in the so-called Dirksen bill, which was before the Senate for many weeks?

Mr. CLARK. It was.

Mr. DOUGLAS. While I have not been on the floor for some time, do I understand correctly that the minority leader, the junior Senator from Illinois, is proposing that that amendment be tabled and disposed of?

Mr. CLARK. As I understand the parliamentary situation, the amendment which is pending was proposed initially by the Senator from New York [Mr. JAVITS]. He did not care to call it up. The minority leader said he would call it up—and the minority leader is here, and no doubt will correct me if I misquote him. He then said he would request unanimous consent that he might hold the floor and might yield for brief periods of time to other Senators who might wish to speak; and that at the end of that time he would move that the amendment—which he, himself, called up—be laid on the table. He defended his position. I do not criticize him. If he thinks that is the right way to proceed, that is for him to say. So I do not criticize him; but I think it is a little odd.

Mr. DOUGLAS. Does that situation remind the Senator from Pennsylvania of the rhyme:

The King of France with 20,000 men
Went up the hill, and then came down again.

Mr. CLARK. I think that analogy is a very good one, indeed. In this case, a more modern version is that the Senator is pulling the rug out from under his own amendment.

Mr. President, now that I have mentioned the fact that we legislate in the shadow of the rules of both bodies, let me turn to the argument the minority leader made—to the effect that this amendment was defeated in the House of Representatives and therefore should not be adopted here.

In all candor, I believe it should be stated that what actually happened was that in the House a motion was made to include this section in the bill then before the House. The section was not in that original bill. The acting Speaker of the House ruled that the motion was not germane; and that ruling was sustained, following an appeal from the ruling of the Chair. My understanding is that in such a parliamentary situation it is very unusual, indeed, for the Members of the other body not to sustain the ruling of the Chair. It may be that the ruling of the Chair was correct; it was made by a very fine Member of the House of Representatives—Representative WALTER, of Pennsylvania. But I do not understand that the House has had a chance to vote on merits of the amendment. I believe the House should have a chance to vote on it; and I believe that if the amendment were voted on in daylight, outside the shadow of the Rules Committee, the amendment would be agreed to by the House.

Mr. DIRKSEN. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I yield.

Mr. DIRKSEN. In my introductory remarks—I do not know whether the Senator from Pennsylvania heard them—I made it abundantly clear that in the House of Representatives this amendment was not discussed on its merits. I pointed out that a point of order was made, and was sustained by the Chair, on the ground that the amendment was not germane. Then came the appeal from the ruling of the Chair. In voting on the appeal from the ruling of the Chair, the House voted in Committee of the Whole; and, by a vote of 157 to 67, the House sustained the ruling of the Chair.

If the House of Representatives had wished to consider the amendment, all it would have had to do would have been to vote not to sustain the ruling of the Chair—in other words, to sustain the appeal; and then the amendment would have been before the House. But by a majority of 90 votes, the House preferred not to do so. I made it abundantly clear that the amendment was handled in the House wholly on a procedural basis.

Mr. CLARK. The Senator from Illinois is correct; and I am making it abundantly clear, all over again, because I think the point needs reiteration. I am sorry if my friend disagrees.

Now let me turn briefly to this innocuous little amendment. I suppose it is foolish to get concerned about it; perhaps it would be better just to let it "go down the drain," for the amendment would not accomplish anything of any great importance.

A meaningful amendment in this field would be a fair employment practices law with teeth in it and with enforcement powers, covering the whole field of discrimination in employment, just not the narrow field of discrimination in employment in connection with Government contracts. A meaningful amendment in this field would provide subpena powers, strong enforcement powers—heavy penalties if equal employment opportunities were denied. But no such powers or penalties are now called for by the amendment.

Therefore, one might wonder why there is all the shouting about the amendment. Well, Mr. President, all the shouting is because this little amendment would help to some extent; it would be a little step forward. It would strengthen this weak bill by as much as 2 percent or 3 percent.

Therefore, it has seemed to me that we should be given a reasonable opportunity to debate the amendment. I am happy to say that the Senator from Illinois has now given that opportunity to us—after some controversy about it; and now we know what we shall vote on.

This amendment would give legislative status to a Presidential Commission on Discrimination in Employment Under Government Contracts. All of us know there is a great deal of discrimination. The record of the Commission on Civil Rights is full of testimony or data on it, and it is referred to in the newspapers almost every day. The Vice President has pointed out, in no uncertain terms, that this evil exists; and he has strongly urged the adoption of this amendment.

So I believe this amendment should be included in the bill. Frankly, I would not be frightened about the situation in the House; and in taking that position, I consider myself just as responsible as any other Senator. Neither do I think I am one who wants all or nothing, when I say that I believe this is a wise provision to include in the bill.

Mr. President, I have a particular interest in this pallid little amendment, because I served on the Special Senate Committee on Unemployment Problems, which made a deep study of discrimination in employment, and earlier this week submitted a report which contained some conclusions and some recommendations. At this time I should like to read the recommendations—which are not long—which deal with elimination of discrimination in employment. I read now the committee's recommendation No. 7:

7. ELIMINATION OF DISCRIMINATION IN EMPLOYMENT

The committee recommends that all levels of government, as well as unions and employers, extend their efforts to end discriminatory practices in hiring workers.

(a) The Bureau of Employment Security should expand its programs to reduce discrimination in employment against young people, older workers, nonwhites, women, the handicapped, and other groups.

(b) Increased opportunities for participation in vocational training and the apprenticeship training program promoted by the Bureau of Apprenticeship and Training should be assured.

(c)—

Mr. President, mark this well—

An agency of the Federal Government should be established by legislation to combat discrimination and promote fair employment practices. Legislation such as that recommended by the Subcommittee on the Aged and the Aging should be enacted to require contractors and subcontractors of the Government to eliminate employment discrimination based on age.

There were nine Senators on the committee. There were some dissents on relatively unimportant matters; but all nine Members—six Democratic Senators and three Republican Senators—were in substantial accord that discrimination in employment is widespread, and includes minority groups—which, of course, includes Negroes—and that Federal legislation should be enacted, to combat such discrimination and to permit of fair employment practices.

So, Mr. President, today—3 days after that report was filed with the Senate—the Senate has a chance to implement the recommendations set forth in that report; and in a few minutes the Senate will vote whether to lay on the table that recommendation of the Special Committee on Unemployment—a recommendation which I am frank to say this pallid little amendment does little to help, but will help to some extent.

So I urge my friends on the other side of the aisle to vote against the motion to lay the amendment on the table, because this amendment is one which the Vice President of the United States, who will shortly be the Republican candidate for President, favors; and I hope they will vote to support him, because—although I frequently disagree with him—in this case I believe he is correct.

And I say to my friends on this side of the aisle: Let us not permit partisan politics to stand in the way of eliminating as much as one case of discrimination in employment. Let us not attempt to justify our vote on this question on the ground that we do not happen to like the Vice President of the United States or on the ground that we wish to oppose him in his campaign to be elected President of the United States. Mr. President, this business should rise above partisan politics; and I urge my colleagues on this side of the aisle to oppose the motion to lay the amendment on the table, because they put the country ahead of what some persons—not I—might believe were partisan interests of the Democratic Party. I thank my distinguished, amiable, and kind friend from Illinois for yielding to me. I assure him my affection for him remains unabated.

Mr. President, before I yield the floor, I think the Senator from Ohio [Mr. LAUSCHE] wants to ask me a question. Will the Senator from Illinois yield for that purpose?

Mr. DIRKSEN. Yes.

Mr. LAUSCHE. What would the Senator's attitude be toward the proposed amendment I suggested?

Mr. CLARK. I regret to state that, because of the hurly-burly in the Senate—there were conversations going on on all sides—I did not hear the amendment of my friend from Ohio. I will consider it with an open mind.

Mr. LAUSCHE. Language would be offered to the amendment of the Senator from Illinois placing in this Commission the responsibility of inserting into Government contracts provisions which would eliminate discrimination, on the basis of color, in direct employment by contractors of Government business, and indirect discrimination when the contractor had a collective-bargaining agreement with a union which refused to admit colored people as members.

Mr. CLARK. I would support such an amendment.

Mr. JOHNSON of Texas. Mr. President, I ask the distinguished minority leader to yield me 1 minute.

Mr. DIRKSEN. Mr. President, I yield 1 minute to the distinguished majority leader.

Mr. JOHNSON of Texas. I regret very much that the Senator from Pennsylvania evidently took offense at something I had said, because in speaking about irresponsibility, I did not have the Senator from Pennsylvania in mind. The Senator from Pennsylvania, and every other Senator, has a right to his view and to express that view; and, of course, that right is unchallenged at all times. I was merely expressing my view as to what constituted reasonable progress.

I know there are some persons who believe that reasonable progress is the progress of a hare; there are others who believe that reasonable progress is the progress of a turtle. It is a difference of opinion that this forum permits to be expressed every day, and I would be the last one to ever attempt prematurely to close debate.

I thought the very able Senator from Tennessee covered that question very well when he asked the minority leader if he had any intention of making his motion to table without offering adequate opportunity to every Member of the Senate to address himself to the Senate. The minority leader gave to the Senator from Tennessee assurance that he would extend that opportunity. I thought when the Senator from Pennsylvania asked for 20 to 30 minutes, and received 25 minutes, it constituted reasonable compliance with his request.

So far as the rules are concerned, if a majority of the Senate agrees with the Senator from Pennsylvania and wants to place in this bill a provision regarding a Commisison which is already in existence, which is already spending public funds, which is already doing what it is supposed to do, the majority of the Senate can reject the motion to table. I leave it up to the good judgment of the Senate, and I think the good judgment of the press, whether or not, in their opinion, a well-informed person thinks an amendment like this will either, first, strengthen the bill, or, second, increase the possibility of its becoming law.

Every Member of the Senate knows that this bill is not law yet. We shall be legislating on this subject for a good while yet. I do not think the adoption of this amendment to the bill will increase the possibility of its becoming law. On the other hand, I think every Senator who knows the facts of life and every newspaperman who knows the facts of life knows adoption of the amendment could very well jeopardize the passage of any legislation.

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

Mr. DIRKSEN. Mr. President, preserving my rights to the floor, and subject to having only statements made, and no motion, I yield to the distinguished Senator from Florida 5 minutes.

Mr. HOLLAND. I thank the Senator.

Mr. President, I shall speak briefly in opposition to the amendment and in support of the proposed motion to lay it on the table, simply because I do not want this RECORD to indicate that the only opposition to this amendment comes from those who are trying to determine whether it will be helpful or hurtful to the passage of the present bill.

Mr. President, I am unalterably opposed to the philosophy in either a limited FEPC bill or a general FEPC bill, because I regard that philosophy as being socialistic in the extreme and because I regard the selection of one's employers or employees, or one's associates in the case of labor unions, as a very precious constitutional right under our form of government. I have never been willing to support anything that would disturb or seek to set aside that right.

Mr. President, I ask unanimous consent at this time that subparagraphs (4) and (5) of subsection (c) of the amendment, appearing on page 3, may be printed in the RECORD at this point as a part of my remarks.

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

(4) The Commission shall also encourage, by the development and distribution of pertinent information and by other appropriate means, the furtherance of educational programs by employer, labor, civic, educational, religious, and other nongovernmental groups in order to eliminate discrimination in employment.

(5) The Commission is authorized to establish and maintain cooperative relationships with agencies of State and local governments, as well as with nongovernmental bodies, to assist in achieving the purposes of this section.

Mr. HOLLAND. Mr. President, those provisions show beyond question that, in addition to creating a limited FEPC, this proposal lays down a program which might easily develop, and which I think is designed to develop, into a general FEPC; and show, likewise, that this limited Commission is authorized, in the 16 States that have FEPC Commissions, to enter into cooperative relationships with those agencies of State and local government, and so forth.

It so happens that the Senate has debated FEPC before, and it has shown its unalterable opposition to FEPC. It

happens that FEPC has been offered in numerous States which have shown unalterable opposition to it. It has been adopted in 16 fine States, and they had a right to adopt it; but more States have declined to have anything to do with it, and 34 States have either declined to adopt it or have not even considered it because they regard it as alien to our form of government.

So while the only thing that would commend this proposal to the Senator from Florida is the idea advanced by some Senators that its adoption would promote the defeat of the pending legislation, the Senator from Florida is so unalterably opposed to the philosophy of either a general or limited FEPC—and both are involved in this amendment, one directly and the other indirectly—that he wants the record to show, not only for himself, but, he thinks, for many other like-minded Members of the Senate, that there is determined, unalterable opposition here to the enactment of legislation which denies in America the right of selection of one's own associates and the selection of one's own employers and employees. That is a precious, inalienable constitutional right, which the Senator from Florida will defend, and has defended before, and wants to defend now, and which he thinks weighs much more than any question of expediency with reference to this bill, and argues much more strongly against the writing of this particular amendment into this proposed law.

Mr. President, I thank the minority leader, and I yield the floor.

Mr. ERVIN. Mr. President, will the minority leader yield to me for 1 minute?

Mr. DIRKSEN. Mr. President, I yield to my distinguished friend and esteemed jurist from North Carolina [Mr. ERVIN] for 1 minute.

Mr. ERVIN. Mr. President, I rise merely for the purpose of saying that I, as one Senator, do not think, as the Senator from Pennsylvania suggested, that this is a mild bill. I think it is one of the most drastic pieces of legislation which ever came before Congress. It is a measure which seeks to alter the scheme of the Federal-State relationships which have prevailed since the drawing up of the American Constitution. It is unwise. It is too drastic, and it ought to be defeated. I do not think it is any milk toast legislation. I think it is an invasion by the Federal Government in a field which the Founding Fathers intended and good sense contemplates should be reserved to the States.

I thank the Senator for yielding.

Mr. DIRKSEN. Mr. President, I yield 4 minutes to my distinguished friend and compatriot from California [Mr. KUCHEL].

Mr. KUCHEL. Mr. President, it is the policy of the U.S. Government to promote equal employment opportunity for all qualified persons employed or seeking employment on Government contracts because such persons are entitled to fair and equitable treatment in all aspects of employment on work paid for from public funds.

Those words, Mr. President, are embodied in the Executive order under which the President's Committee on Government Contracts now operates. That was the policy originally enunciated in 1941 under a Democratic administration, on the eve of World War II and it has been the policy of the Chief Executive ever since. It was carried forward under a Republican administration, and will, I have no doubt, continue to be the policy of the executive branch in the future.

What is wrong with that policy? How can one object to it, honorably and reasonably?

Mr. President, I think it can be fairly said that this policy is acceptable to most of the American people. Pending at the desk is an amendment which would give congressional approval to that policy.

What an invincibly courageous thing it would be, Mr. President, in these opening months of this new decade, for the legislative branch of the great Government of the United States to approve what the executive branch for almost two decades has been consistently following. I hope, Mr. President, that the amendment will be written into the law. I hope, Mr. President, that the Congress will see fit to recognize that when Government moneys are spent in procurement or elsewhere, American citizens, no matter from what part of the country they come and no matter from what part of the world their predecessors came, will be treated equally with respect to the expenditure of the public moneys from the Treasury of the United States when jobs are available, under laws which the Congress has made available in expenditures from the Public Treasury. Mr. President, this is a fair thing that the Government of our country is doing. I say to my brethren in the Senate, regardless of whether the motion to table is agreed to or not, I have not the slightest doubt that the executive branch of the Government in the next administration, if it is Republican or if it is Democratic, will continue this policy of fair treatment to all citizens founded almost 20 years ago.

Mr. President, I oppose the motion to table the amendment, an amendment which would simply give legislative approval to a policy—which, if I may be permitted to say so, springs from the ringing phrases of the Declaration of Independence, when first men sought their freedom here in this land of ours.

Mr. DIRKSEN. Mr. President, are there any more requests for time on either side?

Mr. President, I will take only a few minutes to conclude the debate.

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

Mr. DIRKSEN. I yield.

Mr. CLARK. Does the Senator intend to ask for the yeas and nays on his motion?

Mr. DIRKSEN. Yes.

Mr. CLARK. I thank the Senator.

Mr. DIRKSEN. Mr. President, let me make it abundantly clear that if the motion to table prevails this so-called President's Committee on Government Contracts, or Commission on Equal Job Opportunity, will go on just the same. There will be no impairment of its functions. It will continue to get its contributions. There will be no modification in its personnel. All the Committee lacks is statutory authority. All it lacks is money out of the Treasury instead of by contributions from the agencies. There will be the same amount of dollars, and there will be no change in the personnel of the group. The work will go on notwithstanding.

However, there is an apprehension at the present time, and it is not a new apprehension, I want to say to my distinguished friend from Pennsylvania. This is not new. I lived through this thing in the Roosevelt administration, when such a commission was created by Executive order. At that time there was an effort to get statutory authority. I even came from the House of Representatives to the Senate of the United States at that time to help the cause if I could.

A comparable commission was created by Executive order under President Truman.

This Committee, under the Eisenhower administration, has been functioning for a period of 7 years.

I wish to say for myself that before this provision went into the package which is referred to as the administration package I protested. I asked the President—and I am in a position to say so—not to include it, because I knew what was going to happen. So it has happened.

I do not want to jeopardize passage of a civil rights bill. This committee has done good work under our distinguished Vice President. Sometimes it becomes one's duty to administer a "stab" when one does not like to do so.

Somebody handed me a little excerpt from the Ballad of Reading Gaol, written by Oscar Wilde, which I think is most appropriate. It reads:

Yet each man kills the thing he loves.
By each let this be heard:
Some do it with a bitter look,
Some with a flattering word;
The coward does it with a kiss,
The brave man with a sword.

Perhaps this is killing it with a sword, after I brought it here in the first place, but my love is greater for the consummation of a civil rights bill.

I am therefore now prepared to make the motion. I want to say to my distinguished friend from Pennsylvania, and I do love him—I really do—when the Senator from Tennessee [Mr. GORE] asked me whether I intended to yield, I said I certainly would, that I would parcel out time. There was a unanimous-consent request that I could do so.

At the very outset I notified the Senate I would make the motion to table. According to my record, we have spent some 64 minutes in the debate. I think that is about enough. I was not required to do this. I could have made a summary motion, cut off the debate, and stopped all debate on this matter.

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

Mr. DIRKSEN. I yield to the Senator from Texas.

Mr. JOHNSON of Texas. I think the Senator has been most generous. Every Senator who has desired time to speak has had the opportunity.

However, there is one Senator who desires to catch a train. I wonder if the Senator would be willing to make his motion and to ask for the yeas and nays on it now, so that we can try to make it possible for the Senator to catch the train.

Mr. DIRKSEN. Mr. President, I move that the pending amendment be laid on the table, and on this motion I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

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.

The question is on agreeing to the motion of the Senator from Illinois to lay on the table the so-called Javits amendment. On this question the yeas and nays have been ordered.

Mr. DOUGLAS. Mr. President, is this the rollcall for the vote?

The PRESIDING OFFICER. The roll will be called for the vote.

Mr. DOUGLAS. Mr. President, would the Presiding Officer state, for the benefit of those Senators who have recently come to the Chamber, what is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the motion of the Senator from Illinois to lay on the table the so-called Javits amendment, which was called up earlier by the Senator from Illinois. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the senior Senator from Louisiana [Mr. ELLENDER], who is absent because of illness. If he were present and voting, he would vote "yea"; if I were permitted to vote, I would vote "nay." I withhold my vote.

Mr. ALLOTT (when his name was called). On this vote I have a pair with the senior Senator from Nebraska [Mr. HRUSKA]. If he were present and voting, he would vote "yea"; if I were permitted to vote, I would vote " nay." Therefore I withhold my vote.

Mr. BYRD of West Virginia (when his name was called). On this vote I have a pair with the Senator from Kansas [Mr. SCHOEPPEL]. If he were present and voting, he would vote "yea"; if I were permitted to vote, I would vote "nay." Therefore I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Rhode Island [Mr. PASTORE], the Senator from Delaware [Mr. FREAR], and the Senator from Minnesota [Mr. MCCARTHY] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], the Senator from Louisiana [Mr. ELLENDER], and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

I further announce that the Senator from Minnesota [Mr. HUMPHREY], and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

On this vote, the Senator from Delaware [Mr. FREAR] is paired with the Senator from Minnesota [Mr. MCCARTHY]. If present and voting, the Senator from Delaware would vote "yea," and the Senator from Minnesota would vote "nay."

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Rhode Island [Mr. PASTORE] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Nebraska [Mr. HRUSKA] is necessarily absent, and his pair has been previously announced by the Senator from Colorado [Mr. ALLOTT].

The Senator from Kansas [Mr. SCHOEPPEL] is necessarily absent; his pair has been previously announced by the Senator from West Virginia [Mr. BYRD].

The result was announced—yeas 48, nays 38, as follows:

[No. 147]

YEAS—48

Aiken	Fong	McGee
Anderson	Fulbright	Martin
Bennett	Goldwater	Monroney
Bridges	Gore	Mundt
Brunsdale	Green	Robertson
Butler	Hayden	Russell
Byrd, Va.	Hickenlooper	Saltonstall
Capehart	Hill	Smathers
Carlson	Holland	Sparkman
Case, S. Dak.	Johnson, Tex.	Stennis
Cotton	Johnston, S.C.	Talmadge
Curtis	Jordan	Thurmond
Dirksen	Kefauver	Wiley
Dworshak	Kerr	Williams, Del.
Eastland	Long, La.	Yarborough
Ervin	McClellan	Young, N. Dak.

NAYS—38

Bartlett	Hart	Morton
Beall	Hartke	Moss
Bible	Hennings	Murray
Bush	Jackson	Muskie
Cannon	Javits	Prouty
Carroll	Keating	Proxmire
Case, N.J.	Kuchel	Randolph
Church	Lausche	Scott
Clark	Long, Hawaii	Smith
Cooper	Lusk	Symington
Douglas	Magnuson	Williams, N.J.
Engle	McNamara	Young, Ohio
Gruening	Morse	

NOT VOTING—14

Allott	Frear	Mansfield
Byrd, W. Va.	Hruska	O'Mahoney
Chavez	Humphrey	Pastore
Dodd	Kennedy	Schoeppel
Ellender	McCarthy	

So Mr. DIRKSEN's motion to table the Javits amendment was agreed to.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. JOHNSON of Texas. I move to lay that motion on the table.

The motion to table was agreed to.

Mr. ERVIN. Mr. President, on behalf of the distinguished senior Senator from Arkansas [Mr. MCCLELLAN], and myself, I send forward an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 16, line 12, it is proposed to change the period to a colon and insert the following between the colon and the word "Such":

Provided, however, That the Rules of Civil Procedure for the United States district courts shall govern the hearing and determination by the court of any application made under this paragraph to the extent that such rules are not inconsistent with the provisions of this subsection.

Mr. CARROLL. Mr. President, may we have order? We have not been able to hear the reading of the amendment. May we understand what the amendment is all about?

Mr. ERVIN. Before I proceed to speak on the amendment, I should like to ask the majority leader what the plans are with reference to adjournment.

Mr. JOHNSON of Texas. Does the Senator desire to call up his amendment tonight?

Mr. ERVIN. I would rather just have it made the pending business. I do not care to call it up, because it is now the end of a long day.

Mr. JOHNSON of Texas. I had hoped that we could have some more votes today and make more progress on the bill. I understood that there were several amendments at the desk, and I hoped that we could get some more votes on them. If the Senator from North Carolina feels that he wishes to call up his amendment now to make it the pending business and then have it go over, I would have no choice in the matter. Has the minority leader indicated that several Senators will not be here?

Mr. DIRKSEN. Yes; and the minority leader, speaking for himself, hopes that the majority leader will follow what he deems to be the course of wisdom and prudence at the hour of 5:50 by adjourning the Senate, because many Senators would like to go home. I cannot go home. I live too far away. But I like to subserve the conveniences and the will of the Members of the Senate.

Frankly, Mr. Majority Leader, we have been extremely diligent this week. It has been a hard week for those who were in attendance on the Committee on the Judiciary and who sat long hours there. I think we merit adjournment at about this hour until Monday next at the hour of noon.

Mr. JOHNSON of Texas. Mr. President, time will tell how wise and prudent we are in quitting at 6 o'clock this evening and going over the weekend. For myself, I think it would be the better part of wisdom and prudence to continue to vote these amendments down as they are called up. I think there will be a new crop of amendments on Monday. Senators will then be refreshed and will desire to discuss matters at greater length. We will go on another merry-go-round for several more days before we finally get a civil rights bill.

As one who feels that the Senate ought to act on a civil rights bill this session, and as one who understands that if we

do not act on it within a reasonable time it will not be either wise or prudent, so far as getting the measure to the White House is concerned, I am very reluctant to ask the Senate to quit at this hour.

But the persuasiveness of the minority leader is such that I do not believe anyone who has any understanding of human kindness could possibly resist his appeal. [Laughter.]

ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. President, I know that I am frequently wrong, and perhaps this is just another instance when I am wrong, because I know that no one has worked harder or longer, or has fought better, for a civil rights bill than has the minority leader [Mr. DIRKSEN]. If it is his view, from his experience on the committee and in dealing with his colleagues, that it is the better part of wisdom and prudence to adjourn now, then I shall ask that when the Senate concludes its business today, it adjourn until 12 o'clock noon on Monday next.

Mr. President, I make that request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I shall state, then, that we do not expect to have any more yea and nay votes this evening, purely out of respect for my delightful friend from Illinois and his judgment. If there is any judgment that I trust better than my own, it is the judgment of the distinguished minority leader. [Laughter.]

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

Mr. JOHNSON of Texas. I yield.

Mr. DIRKSEN. I was about to observe that amendments are just like whiskers. A fresh crop can be grown overnight. So there is bound to be a crop of fresh amendments on Monday. But we will come in with a new degree of freshness in order to take those amendments in stride when that time comes.

I should say that I am ever solicitous of the well-being of my friend, the distinguished majority leader, and of his compatriots. I want them to be fresh on Monday when they return to the Senate. So it is out of patriotic, almost paternal, solicitude that I seek to prevail upon him, against his own judgment, to move that the Senate adjourn tonight until Monday next at noon.

Mr. JOHNSON of Texas. Mr. President, I think I made my unanimous consent request clear, but I understand that some of our colleagues may not have been here when it was made. I want to be certain that the request I made was that when the Senate concludes its deliberations today, it stand in adjournment until noon on Monday next.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. ERVIN. Mr. President, I yield, without losing the floor, to the distinguished senior Senator from Arkansas.

NEED FOR EXTENSION OF SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

Mr. McCLELLAN. Mr. President, I should like to read to the Senate a bulletin which was published a few minutes ago on the Associated Press news ticker. The item is dated at St. Louis, Mo., and reads:

> A reform group leader charged today that James G. Cross, president of the Bakery and Confectionery Workers International Union, has "squandered" $5,300,000 in union funds to protect his interests.
>
> The charge was made by Ermin Moschetta, chairman of a rank-and-file reunification committee, at a conference in St. Louis of reform group leaders to map strategy for ousting Cross.
>
> The conference is being attended by 80 delegates from 48 locals in the United States. Moschetta said more than 37,000 members of the international's 62,000 membership are represented at the conference.
>
> Moschetta said the purpose of the meeting is to gain new leadership for the union, which was expelled from the AFL-CIO 2 years ago on charges of corruption by its leaders. The AFL-CIO then chartered a new Bakers Union and many members switched to the new union.
>
> Moschetta charged that since the expulsion from the AFL-CIO, Cross has taken $2,500,000 from the union's treasury and $2,800,000 from death benefit reserves in a fight to protect his position.

Mr. President, I desired to call the attention of the Senate to this news report because it concerns one of the union officials and one of the unions concerning which the Senate Rackets Committee exposed corruption, misuse of funds, and dictatorial and autocratic leadership.

As Senators know, the Select Committee on Improper Activities in the Labor or Management Field expired at midnight last night. Because of the parliamentary situation and the legislative business pending before the Senate, we were unable to have called up Senate Resolution 294, which is now on the calendar, and which would have extended the life of the select committee for another year, and would have provided a sufficient amount of funds to put it on a standby basis with the same powers it has had, so that in the most extreme cases further investigations might be made.

A serious effort, or drive, is being made by certain interests to cause the defeat of the resolution, and the idea being that such power should not be further exercised by this body.

I hold in my hand communications asking for the records of the select committee to enable further investigations to be made by State officials in other sections of the country, and also by Government agencies and law enforcement agencies in the National Capital.

Cases involving these matters are coming to trial. The select committee no longer exists. No one has custody over the committee's records. They cannot be made available.

I call this situation to the attention of the Senate, because I think Senators should know, and know now, what situation has developed. It is a situation which ought to be corrected. The power of the select committee ought to be continued either in that committee or in some other committee, so that the problems which have arisen from its investigations can be dealt with. It is important that this be done so that the efforts and the results of the investigations conducted by the select committee, which has given 3 years of diligent and extensive effort to bringing about a revelation of these conditions throughout the country, will not be lost.

I believe Senators ought to be advised of the effort which is being made to prevent action on Senate Resolution 294. Senators should meditate and contemplate the consequences if the Senate no longer is willing to exercise the power to help in the effort to bring about a better situation in labor-management relations, and to get those who have violated the law and have indulged in corruption, extortion, and bribery, and other violations of law, tried in courts of justice, and to have proper penalties imposed wherever guilt is shown to exist.

Mr. MORSE subsequently said: Mr. President, a few moments ago there was a discussion about the continuation of the McClellan committee. I oppose the creation of the McClellan committee in the first instance. I am opposed to its continuance for the reason that the jurisdiction which has been given the McClellan committee in the field of labor relations belongs rightly in the Committee on Labor and Public Welfare, a standing committee of the Senate.

If it could possibly be that the Senate does not have confidence in the personnel of the existing standing Committee on Labor and Public Welfare, then the Senate ought to change that personnel; but it ought to stop circumventing the Committee on Labor and Public Welfare.

In my judgment, these labor issues should never have been referred to any other committee but a standing committee of the Senate. The subject matter which the Senator from Arkansas [Mr. McCLELLAN] discussed this afternoon is one which ought to be referred to the Committee on Labor and Public Welfare, of which the distinguished Senator from Alabama [Mr. HILL] is the chairman. Therefore, in my judgment, there is no substance to the argument of the proponents of the continuation of the McClellan committee that unless that committee be continued, then the subject matter of racketeering in American unions and the abuses of the union leaders who have betrayed their trust, both to the membership and to the public, cannot be changed by legislation.

When the debate begins on that resolution, I shall have more to say as to what the situation was, in my opinion, within the McClellan committee, and in respect to the McClellan committee.

However, I did not want the RECORD to close tonight without a single voice being raised on the floor of the Senate in support of the view of many of us who say the time has come to end the McClellan committee and to transfer the so-called labor jurisdiction back to the standing Committee on Labor and Public Welfare.

If there is a question of whether the Senate wants to change the personnel of

the Committee on Labor and Public Welfare then let us raise it. But so far as the senior Senator from Oregon is concerned, the vote on the resolution to continue the McClellan committee will have to be faced up to on the basis of whether the Senate wants to vote a lack of confidence in the Committee on Labor and Public Welfare.

The McClellan committee is dead. It has been dead in many respects for a long time. But it is dead now, so far as the existing committee is concerned. I believe that the issue now is whether the Senate wants to express confidence or a lack of confidence in the Committee on Labor and Public Welfare, or whether it wants to change the personnel of that committee. The Senate has the power to do that. Under its rules, the Senate elects the members of committees. The Senate has the power to change the *membership of* the Committee on Labor and Public Welfare at any time it wants to do so.

JURISDICTION BELONGS TO COMMITTEE ON LABOR AND PUBLIC WELFARE

I shall vote against the resolution to continue the so-called McClellan committee, not because I favor an end to investigation into evidence of any kind of racketeering in labor, but because I think that work ought to be done and the investigations carried on by a standing committee of the Senate, a committee which ought to have had the jurisdiction in the first place.

Furthermore, when we discuss that resolution, I shall raise my voice in protest once more against the kind of procedure which existed in the McClellan committee in respect to the guilt or innocence of persons called before them. I warned the Senate, it will be remembered, in the early cases of the McClellan committee, when the city of Portland, Oreg., was held up to the Nation as a *racket-ridden city*.

I came to the floor of the Senate—and the RECORD will speak for itself—and said, "Reserve your judgment until our judicial processes get through with the charges. Reserve your judgment until the basic protections of Anglo-Saxon justice work on those charges."

COMMITTEE PRODUCED HEADLINES, LITTLE EVIDENCE

Where are the convictions resulting from the investigation of these Portland people? Where are they? Case after case after case was tried. Acquittal after acquittal after acquittal came out of the courtroom. In fact, there was only one conviction, and that conviction was of a man whom the McClellan committee used as a stooge, a stool-pigeon, a man with a criminal record. The jury found how unreliable he was, so far as his being a truthful witness was concerned.

So I have had enough of the kind of procedure which has been used in the McClellan committee in respect to persons whom it has tried to charge with crimes.

In some cases, that has been its main purpose. A Federal judge actually so ruled when he threw out certain perjury charges because the Rackets Committee had called and questioned certain witnesses only to create a perjury charge, not to establish facts on which to base legislation.

The only legitimate purpose of any congressional investigation committee is to establish facts on which to base legislation.

How many times do the courts have to remind Congress that we are not a prosecuting agency?

Certainly there should be Senate committee investigation of any criminal activity in the field of labor which has a bearing upon legislation which ought to be passed by Congress. But I repeat what I said in the first speech when the so-called McClellan cases involving labor leaders in the city of Portland, Oreg., came before that committee. I outlined then the basic procedural protections which any American—however reprehensible a person he might be—ought to have as a matter of protection when a congressional committee inquires into actions which may be criminal actions. I said then that such a person ought to have the same procedural protections of which he is assured in any criminal courtroom in America. He would, in my opinion, get such protection before the Committee on Labor and Public Welfare.

PROCEDURAL PROTECTIONS MUST PREVAIL

The American people will eventually come to understand the importance of the procedures followed by congressional investigations like the one undertaken by the McClellan committee. Eventually they will realize that when such a congressional committee charges a citizen with a crime, that citizen, when he appears before the committee, is entitled to the same procedural protections to which he is entitled in a courtroom.

What are they, Mr. President? They are the right to have a bill of particulars or an indictment served on him in advance; the right to be represented by counsel; the right to be confronted by those who testify against him, and the right to cross-examine them; the right to present his case in chief, uninterrupted, in an orderly fashion; the right to rebut the testimony given against him; and the right of appeal.

Oh, what precious rights of freedom those procedural rights are, Mr. President.

Mr. President, I do not speak disrespectfully of any colleague who serves on the McClellan committee or any other committee which conducts investigations. But I speak out of a deep conviction that in the United States these procedural protections are the stuff of which freedom and liberty are made. Mr. President, congressional committee procedures which do not protect these basic procedural rights, are no more to be countenanced than are court procedures which do not protect the same rights; and the protection of these rights happens to be the duty of the Congress.

Of course the Congress has the power to use any procedures it may wish to use. But in using them, unless the proper procedures are provided, we do not serve with credit the best interests of the Congress. Then, too, the courts may have the last word, as they have in these cases, in finding our procedures are unsound.

So, Mr. President, I have stood for years, here in the Senate, for the procedural reforms which should be adopted and applied by congressional committees in the conduct of investigations.

If there is to be a transfer to the Senate Labor and Public Welfare Committee of jurisdiction over racketeering, corruption, and abuses in American labor unions, I shall fight for those procedures which will give protection to the procedural principles I have once again enumerated tonight.

EMPLOYER PRACTICES NEED INVESTIGATION, TOO

Let me add that I shall also fight for investigation into questionable practices by antiunion employers, practices which appear to be contrary to sound public policy. These involve a series of devices, including strike insurance and the hiring of professional strikebreakers, as a means of ousting established unions.

In many instances, these practices have brought on violence and severe economic dislocation to whole communities.

This is an area of labor-management relations which sorely needs investigation, and which was barely touched on by the McClellan committee.

Mr. GOLDWATER. Mr. President, in relation to the remarks made by the Senator from Arkansas [Mr. MCCLELLAN], relative to the need for the adoption of the resolution he mentioned, I believe that situation constitutes a clear-cut challenge to the Senate. Are we going to operate in a manner which will sustain the dignity of the Senate, or are we going to operate in a manner which will reflect the strength of outside forces which are working within this body to try to prevent the adoption of this resolution, which is so badly needed in order to carry on the work of the McClellan committee?

I sincerely hope the Senate will exercise the proper judgment, will provide the necessary authority, and will reach the conclusion that this piece of legislation is badly needed.

ADDRESS BY SECRETARY OF AGRICULTURE BEFORE DELAWARE STATE GRANGE AND DELAWARE POULTRY IMPROVEMENT ASSOCIATION

Mr. WILLIAMS of Delaware. Mr. President, last night Secretary Benson spoke in Camden, Del., before a meeting sponsored by the Delaware State Grange and the Delaware Poultry Improvement Association.

Before a packed auditorium of over 800 farmers, the Secretary delivered an excellent address on the present farm problem, and reviewed his strong recommendations that the Congress should approve his plan for greater freedom for the American farmer.

The Secretary's remarks were enthusiastically received by this large audience, composed not only of members of the sponsoring groups, but also of a strong representation of the Delaware Farm Bureau and numerous civic organizations.

I ask unanimous consent to have incorporated at this point in the body of the RECORD this excellent address by the Secretary of Agriculture.

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

ADDRESS BY SECRETARY OF AGRICULTURE EZRA TAFT BENSON BEFORE STATE GRANGE AND DELAWARE POULTRY IMPROVEMENT ASSOCIATION, CAMDEN, DEL., MARCH 31, 1960

It is always a great pleasure to visit in Delaware, the Diamond State. Tonight I feel especially privileged to meet with representatives of so many organizations who have done so much for the betterment of agriculture throughout the Del-Mar-Va Peninsula.

The idea of combining the annual dinners of the grange and the poultry improvement association was indeed a happy one. And it is good to see here also representatives of the farm bureau, your State department of agriculture, your college of agriculture at the University of Delaware and many of Delaware's leading businessmen.

I understand both the grange and the poultry improvement association celebrate this occasion by awarding scholarships to deserving farm youth. More and more we are coming to see that the future of agriculture depends on precise knowledge and its application. These scholarships testify to your deep and sustained interest in improving agriculture by the soundest of all methods—research and education. We commend your wisdom, and we congratulate the fortunate and successful young people who have been, and are, the beneficiaries.

In the USDA we are well aware of the tremendous contribution the Grange has made through the years to the development of a sound agriculture, both nationally and in Delaware. I personally have been particularly impressed by your support of cooperative endeavors.

There has been a growing diversification in Delaware's agriculture in recent years. Some of you are in the potato business, general vegetable farming, dairying, beef cattle production, and, of course, poultry production.

Delaware farmers have learned to adjust to change. You have kept your eyes clearly sighted on the competitive, free market. I think it is fair to suggest you are not particularly desirous of having either Government or the Teamsters Union meddle in your business.

Along with diversification—the adjustment to change—you have kept pace with the technological revolution in U.S. agriculture. Superbly illustrating this is the amazing growth of the poultry industry—a development in which the Delaware Poultry Improvement Association and similar organizations throughout the country have played a leading role.

The poultry business as I knew it was a far cry from the industry we have today. When I was a boy, we never gathered eggs. We hunted eggs—and it was an apt phrase. In the strawstack, the machine shed, and in many another difficult and unlikely place we would find them, oftentimes beneath a defiant hen who had her own ideas about the hatchery business.

Poultry breeders sought to produce birds with certain breed characteristics and color patterns that would win prizes in exhibitions. Egg production per hen was low, some 110 eggs per year.

Chick mortality was fearfully high. Many deaths were attributed to "pip," which, I am told, has no exact counterpart in modern veterinary medicine. The poultry business lacked science, technology, and prestige. Few men would interest themselves in it; keeping poultry was mostly women's work.

From the consumer's standpoint, buying eggs was something of an adventure, undertaken with hope, but often ending in disappointment. Turkey was for Thanksgiving and Christmas exclusively. Chickens were for Sunday—and not every Sunday either. The nearest thing to the modern commercial broiler was "spring chicken," caught to order from the farm flock with a bent wire at the end of a broom handle.

This was the poultry business of 45 to 50 years ago.

Since then annual egg production per bird has risen from about 110 to over 200; commercial broilers, unknown when I was a boy, now produce most of our chicken meat; turkey production has skyrocketed. Last year the poultry industry produced 1.7 billion broilers, 82 million turkeys, and over 63 billion eggs. Poultry production now brings farmers cash receipts of $3 to $4 billion a year—$3 billion in a poor year, $4 billion in a good year.

Our people consume on the average about an egg a day.

The average person eats nearly 30 pounds of chicken and 6 pounds of turkey per year.

It all adds up to a new era in the poultry industry.

Change is the lifeblood of our American free enterprise system. But changes bring problems, and the poultry industry is finding some of the adjustments difficult.

Whenever problems arise, some people are prone to turn to Government for the solution. As a farmer for much of my life, I do not minimize the seriousness of falling farm prices and increasing costs. They are real, very real problems.

But over the long run, I am deeply convinced that it is better for farmers to make adjustments for themselves than for Government to attempt to make their adjustments for them. You cannot run the farms of this Nation from a desk in Washington.

Four-fifths of agriculture is free of controls. We produce 250 commodities commercially. Only five are under control. All livestock and livestock products are free. And do you realize they bring in 56 percent of farm cash income nationally and 70 percent here in Delaware? Actually, from 55 to 60 percent of Delaware's farm cash receipts come from poultry and eggs.

I want to make this clear. Over the years we have always stood ready to provide help to farmers in time of need. But the assistance we provide should not create other problems for later solution.

The poultry industry faced some tough problems last year. We cooperated with you in an intensive merchandising campaign through buying and distributing dried eggs, mostly to the school lunch program.

But we did not, and must not, put the Government into the poultry business. The Government has been in that business before—in 1950 for example. At that time, various unsound programs for eggs resulted in net realized costs totaling approximately $190 million. Even more important, these attempts to support egg prices failed.

We are not going to repeat the fiasco of 1950. Instead, we are helping the poultry industry to help itself with constructive measures that give producers freedom to make orderly adjustments.

The industry is making adjustments. The laying flock on January 1 of this year was 4 percent below a year earlier. Prices have turned up and are now well above the low level of some weeks ago. We expect producer prices to improve relative to last year.

The January–February hatch of chicks for flock replacement purposes is estimated to be one-third below a year earlier. The number of laying pullets entering flocks during the first 6 months of this year will likely be about 20 percent below the same period in 1959.

Broiler producers, too, are making adjustments. Broiler production during 1959 increased only 3 percent, compared with the previous 5-year average increase of 12 percent per year. Primary breeders cut their output by 14 percent. This means that supplies of hatching eggs and chicks this year will be significantly smaller.

Turkey producers are also taking a more conservative approach to production.

All of these adjustments are very significant. Even though they are not entirely adequate in every instance, they are definitely steps in the right direction.

It is encouraging that the great majority of people in agriculture—and I emphatically include the poultry and vegetable industries here in Delaware—want to keep Government intervention at a minimum. Certainly, you do not want Governnemt telling you how much you can produce.

So it is important that you should know that bills have recently been introduced into the Congress that would provide for the already discredited Brannan plan rigid control approach.

You should know that these bills provide for controls over the production and marketing of virtually every agricultural commodity, all the way from dairy products to poultry and eggs, greenhouse nursery stock, fruits and vegetables—even mint.

The passage of such a bill would require the hiring of so large an army of bureaucrats as to stagger the imagination. This type of legislation would take farmers on the road of socialism.

Not only would these proposed bills sharply restrict production, they would adversely affect employment and business in every community in the United States.

We in the Department strongly oppose these bills. We are convinced that the welfare of agriculture demands freedom to make adjustments—not controls—not regimentation.

We will continue to give producers the statistical tools and marketing services they need. We will continue to help them use these tools to good advantage. We will go on working closely with farmers and ranchers to improve efficiency, quality, and demand for farm products. We will stress markets and new uses.

Speaking of markets, we are tremendously pleased with the results of our poultry export programs in Switzerland and Germany. Switzerland discovered how good U.S. poultry is in 1955. In that year a U.S. Department of Agriculture marketing specialist convinced the head of a large Swiss grocery organization that U.S. poultry meat was tailormade, so to speak, for the Swiss market. When the first trial order of broiler chickens was snapped up by enthusiastic consumers, the grocery firm placed a larger order. Other Swiss food chains, seeing how well these imports were selling, also began to order. I should mention that Ambassador Taylor helped promote U.S. broilers by featuring fried chicken at his annual July 4 banquets in Switzerland.

What started out as a routine trade promotion project has become a real marketing breakthrough. U.S. commercial dollar shipments of frozen poultry to Switzerland rose from virtually nothing in 1955 to 2.9 million pounds in 1956; to 6.5 million in 1957; to 12.5 million in 1958; to 20.2 million in 1959. A further increase is expected this year.

In Germany, too, poultry promotion has been successful. Consumption of U.S. poultry has grown from nothing prior to 1955 to 50 million pounds in 1959.

This is a rather spectacular example of foreign market development.

Because agricultural exports are highly important not only to U.S. farmers generally, but to the whole Nation and to the world, I am going to take the next few minutes to discuss some aspects of this matter.

Our agricultural exports are important to farmers because they put dollars into farmers' pockets.

They are important to the Nation, because they help to promote U.S. foreign policy. Particularly our sharing of the surpluses through donation, barter, and sales for foreign currencies helps to create overseas a humanitarian image of the United States.

Our exports are important to the world, because they play a part in raising standards of living and promoting economic development.

This fiscal year, in addition to record exports of poultry meat, we will have new records for feed grains, soybeans, protein meal, and tallow.

Exports of rice, cottonseed, and soybean oils will be the second largest in history.

Exports of lard will be the second highest since World War II.

Cotton will more than double last year's exports.

Wheat will be close to last year's high level of 433 million bushels.

In the 5 years that will end this June 30, our exports of U.S. farm production will total about $20 billion—an average of $4 billion per year. That is more than in any other 5-year period in U.S. history.

The money value of exports during this current fiscal year is expected to be about $4.5 billion—the second highest in the Nation's history. The physical volume of exports will be the highest ever.

Two-thirds or more of our agricultural exports have been going to the more prosperous countries, such as most of those in Western Europe, Japan, Australia, New Zealand, and South Africa, through regular commercial sales channels. They're being sold for dollars. The rest of our exports are going to the less developed countries which do not have the ability to buy in the dollar market. Here Government programs play a vital role.

You have been hearing quite a bit in recent months about food for peace. The food-for-peace program was inaugurated last year at the suggestion of President Eisenhower. This is not so much a new program as a new emphasis. The food relief operations administered by Herbert Hoover after World War I were a food-for-peace program. The post-World War II food relief program also was a food for peace operation.

With the Agricultural Trade Development and Assistance Act of 1954, known as Public Law 480, we entered a new phase. By means of sales for foreign currencies, and through barter and donation, Public Law 480 has enabled us to move $5.5 billion worth of surplus commodities into foreign outlets.

The food-for-peace program is a continuation and intensification of these activities. It is exploring anew with other surplus-producing nations possibilities of using the surpluses of each in the interest of world peace. We have great hopes for this program.

It is important that we know what benefits we can expect from exports. It would be a mistake either to overemphasize or to minimize the role of agricultural exports.

So I want to clear up a few misconceptions about the world need for our exports. One such misconception is the belief that millions in the world are actually starving. Just to keep the facts straight, we should know that while there are a great many hungry people in the world, there is no widespread starvation.

Our Nation has demonstrated great sympathy for the world's hungry. Since 1953 we have donated nearly $2 billion worth of farm products to the needy abroad. During the past fiscal year some 60 million persons in 91 foreign countries received such donations.

No nation under heaven has ever been so generous to other nations with its abundance.

But it would be another misconception to believe that we have only to release our surpluses and a great improvement in world diets would result. Our surplus tobacco and cotton cannot satisfy hunger for food. As for wheat and rice, there is no world shortage of these commodities—inadequate distribution, yes; but not a world scarcity.

Some people have another misconception—that it is easy to give surplus food away. Actually it is often easier to move food into use by selling it than by donating it. The more prosperous countries are able to buy or trade for food. To throw giveaway surpluses into the stream of trade could wreck world commodity markets and do far more harm than good. As for less-developed countries, here the problems are lack of distribution facilities and organizations through which large amounts of donated food can be channeled to the needy. Often the villages in these countries are connected only by foot trails.

Food alone is not the answer to the living problems of people in the underdeveloped countries. The only permanent solution for these problems is broad scale economic development. This means not only more food, but more industry, more technical skills, better transportation, as well as more fertilizer, irrigation, and agricultural tools to produce good crops.

Nor are increased exports alone—even though they are extremely important—the answer to our own deep-rooted domestic farm problems.

Even if we were able to move all our surplus stocks overnight, it could be only a matter of time, under faulty existing programs, until the surpluses would have built up again. This will continue to be true so long as we maintain unrealistic incentive programs for such commodities as wheat.

We have been struggling against these unrealistic programs ever since this administration came into office. Fortunately, we can report some solid gains.

We have seen some of the rigidity removed from the price-support and acreage-control programs—though not yet enough. Corngrowers last year were finally free to plant as their own good judgment dictated. There has been some helpful legislation for cotton and rice. Very recently, the Congress moved in the right direction, on a very limited basis, for tobacco.

We have been able also to make the role of Government in dairying much more realistic. The dairy situation is much improved.

But we still need legislation for wheat especially.

The costly wheat surplus is our No. 1 national problem in agriculture. It reflects gross meddling by obsolete governmental law.

To put it bluntly, we are in a mess—$1,000-a-minute mess.

Current wheat laws hurt farmers and are costly to taxpayers.

They impose severe acreage cuts on traditional wheat farmers while inducing farmers outside the best wheat-producing areas to grow more. The end result is more wheat than we can possibly use.

Congress drafted the program. Only Congress can correct the situation by changing these outmoded laws.

Here's how senseless the present wheat program is:

1. Enough old crop wheat is stored to meet domestic needs for nearly 2 years without producing another kernel. Yet we operate under a program that will produce additional millions of unneeded bushels.

2. Congress set rules for wheatgrowers, then overruled many of the rules. For example, if the original control formula operated as intended, farmers would not be permitted to grow a single acre of wheat this year.

3. Government price fixing has priced wheat out of the livestock feed market.

4. The unrealistic wheat control laws were originated during depression and redesigned for war. Today, we have neither depression nor war, yet the program staggers on.

5. Government is no substitute for a market, yet present laws make it profitable for farmers to raise wheat solely for the Government.

6. Farmers growing 15 acres or less of wheat are exempt from acreage restrictions. Today there are more farmers growing wheat outside the wheat control program than in it.

7. To remain competitive in world markets, every bushel of wheat exported costs U.S. taxpayers 50 cents.

THE PROGRAM HAS NO DEFENDERS

The wheat crisis may result in public pressure that could blow the lid off all farm programs, destroying the good along with the bad.

President Eisenhower has offered these alternatives:

Either clamp an effective, production-tight lid on wheat output or, preferably, do away with all acreage limitations and adjust Government price supports to levels that will increase demand.

Action is needed now. The total wheat program costs $1½ million daily, drains tax dollars at the rate of $1,000 per minute.

Realistic action along sound, economic lines is needed. We must have a program in the best long-term interests of farmers and of the Nation.

Until Congress acts, agriculture will be burdened with too much government, too much politics and too little commonsense.

I am confident of such sound action, for I have faith in the American farmer and all the people as they express themselves through their Congressmen and Senators.

We must be on guard, however, against measures which are unsound.

One such bill, called the Wheat Marketing Act of 1960, has been introduced into Congress. It is a multiple-price bill. It does not meet the President's guidelines for sound legislation.

We oppose it for the following reasons:

It would require an export subsidy of about $1.15 a bushel.

It would reward past noncooperators in the wheat program.

It would result in distorted feed grain prices that would ultimately hurt the livestock industry.

It would create problems in international trade.

It would raise costs of flour and other wheat products for U.S. consumers.

It would require an army of bureaucrats to police its operations.

Faulty programs in one sector of agriculture inevitably have repercussions all along the line. Never allow yourselves the delusion that, because you don't grow a certain commodity, a program for that commodity does not affect you.

Faulty programs drain off resources that would otherwise be available for sound economic progress. How different the farm picture would be today if some of the funds spent for unrealistic price and control programs had been devoted to needed marketing and utilization research and education. Faulty programs penalize taxpayers—and we are all taxpayers. They are a threat against the fiscal integrity of the Nation. They endanger the freedom and independence of producers. They affect public opinion regarding all farm programs—the good along with the bad.

I urge you, therefore, to take a keen interest in all farm programs. Remember they influence your prosperity, your security, your freedom.

You people of Delaware have a proud history from which to draw inspiration. Yours was the first State to ratify the Constitution of the United States 173 years ago.

Conscious of that noble heritage, I urge you with God's help, to go on doing your part to build a prosperous, expanding, and free

agriculture—a prosperous, expanding, and free economy—in a prosperous, expanding, and free America—an America that is economically, socially, and spiritually sound.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 7456) to extend until July 1, 1960, the suspension of duty on imports of casein, and it was signed by the President pro tempore.

COMMON-SITUS PICKETING: LEGALIZING SECONDARY BOYCOTTS IN THE CONSTRUCTION INDUSTRY

Mr. GOLDWATER. Mr. President, last September, a conference committee of the House and Senate reported out a bill that became the new labor reform law, popularly known as the Landrum-Griffin Act. Since that date a veritable mythology has grown up concerning the events which transpired in the conference during the 12 days which it lasted. A few days ago—on Thursday, March 24—the senior Senator from Oregon, on the floor of the Senate, made a speech on the subject of "Common-Situs Picketing in the Construction Industry," in which frequent reference was made to matters alleged to have occurred in the conference.

Mr. President, in order to prevent mythology from being transformed into an erroneous history which will mislead future historians as well as the present-day electorate, I feel it incumbent upon me to attempt to set the record straight.

It is with regret that I disagree with the senior Senator from Oregon; but my recollection of what took place in conference in connection with the common-situs picketing issue does not coincide with that related by the Senator. As a matter of fact, a number of the events that I recall with complete clarity seem to be exactly contrary to the assertions concerning them made by the Senator from Oregon in his speech to the Senate.

Before I begin to point out what actually happened, I should like to say this: The Kennedy bill, S. 2643, is commonly referred to as a proposal to legalize common-situs picketing at a building construction project. This designation does not reveal the real purpose of the proposal. It should be called a bill to permit unrestricted use of the secondary boycott by the building construction trades unions. However, I shall have more to say on this aspect of the matter later in my remarks. At the moment, I should like to proceed with my recollection of what occurred in the conference meetings last year.

The Senator from Oregon, in his speech, asserted:

> Very often these picket lines are established by a building trade craft because it finds itself confronted by a subcontractor, under a prime contract, who is not hiring union men.

This statement seems to imply that the subcontractor is refusing to hire union men. As is generally known, such a refusal to hire constitutes a violation of the Taft-Hartley Act, which provides an adequate remedy for correcting it. Actually, what occurs, is that the union craftsman refuses to work for any construction employer unless he hires nothing but union men. Not only does the union man make this decision freely, but his object in doing so is to compel the employer to violate the law by establishing a completely closed shop.

Somewhat later in his speech, the senior Senator from Oregon partially let this particular cat out of the bag when he said:

> There is no doubt about the fact that one of the purposes of striking against an employer who might be a subcontractor or jobber on one of the major building contracts is to use economic force to cause him to hire union men.

But that statement, too, is slightly askew. The assertion, in order to be completely accurate, should have ended with the word "only," instead of omitting it. The purpose of the strike is to use economic force to cause the employer "to hire union men" only. In other words, the objective of the strike or picket line is to compel the building contractor to refuse to hire nonunion employees.

This objective is flatly contrary to our national labor policy as expressed in our National Labor Relations Act. That policy unequivocally outlaws the closed shop, that is, the arrangement under which only union members can get a job. It is this proscribed and antisocial goal which the building trades unions are seeking to achieve in their demands for the enactment of the miscalled common-situs picketing proposals.

In the course of his remarks, the Senator from Oregon speaks of the existence of restrictive antilabor legislation which resulted from the political control exercised by big business in the United States. In the face of the overwhelming political strength and influence acquired and now held and exercised by the organized labor movement during the past quarter century, the statement is obviously not correct. But although this is not the time to discuss the issue of union political power and activities, I do want to say this. Even if the Senator's statement was in the slightest degree an accurate description of the existing political situation, it would be irrelevant to his demand for the enactment of the so-called common-situs picketing proposals. These proposals apply only to the building construction industry, an industry overwhelmingly composed of small businessmen. The largest enterprises in this segment of our economy are themselves small potatoes as compared to the giants of the mass-production industries. And it should not be forgotten that it is the small businessman and his employees that have been the chief victims of the secondary boycott. This device is rarely, if ever, used against large employers who operate on an assembly-line basis.

Mr. President, I now turn to a statement by the Senator from Oregon, which if unrebutted, will become part of the mythology of the labor bill conference of 1959. He says:

> I take the Senate to the conference hearings of last year. The Senate had made clear that it was not opposed to situs picketing.

Mr. President, the exact contrary is true. Let me describe what actually took place.

The original Kennedy-Ervin bill, S. 505, contained no provision legalizing common-situs picketing by either the building-trades unions or anyone else. During the hearings before the Senate Labor and Public Welfare Committee, of which I am ranking minority member, and which I attended faithfully, there was practically no testimony presented on that issue. In fact, the only union witness who discussed the matter at all was Mr. Richard Gray, then president of the Building-Trades Department of the AFL–CIO. Other union witnesses, Mr. Biemiller, Mr. Hayes, of the Machinists, Mr. Harrison of the Railway Clerks, Mr. Arthur Goldberg, never mentioned it.

Mr. Gray, himself, devoted only a paragraph of his detailed testimony to advocating a "common-situs" picketing amendment, and another paragraph or two in responding to a couple of questions from the committee.

However, the administration bill, S. 748, contained a provision to permit "common-situs" picketing. Senator KENNEDY asked Mr. Gray what he thought of the language of the provision, and Mr. Gray replied that he preferred the language in S. 505, the Kennedy-Ervin bill. Unfortunately for Mr. Gray, S. 505 contained no language at all on the subject of "common-situs picketing."

Mr. Louis Sherman, who accompanied Mr. Gray as his counsel, intervened at that point to say that the "common-situs" picketing provision in S. 748 was unsatisfactory to the building trades unions of the AFL–CIO.

Mr. President, here is the crowning irony of the situation. The language on "common-situs" picketing in S. 748 which Mr. Gray and Mr. Sherman regarded as unsatisfactory, is the identical language borrowed by the junior Senator from Massachusetts [Mr. KENNEDY] and incorporated verbatim by him in his "common-situs" picketing bill, S. 2643, which the building-trades unions of the AFL–CIO now support despite their dissatisfaction with it last year, presumably because it carried a Republican rather than a Democratic label.

I might add, Mr. President, that the senior Senator from Oregon, as I gather from his speech, also finds S. 2643, the Kennedy bill, equally acceptable. I regret that I cannot discover how he felt about that provision during last year's hearings. A diligent search of the transcripts of those hearings fails to reveal a single setence, a single question, even a single word, uttered by the Senator from Oregon on the subject of "common-situs" picketing.

But, Mr. President, I am still discussing the Senator's assertion that last year "the Senate had made clear that it was not opposed to situs picketing." Certainly, neither the Kennedy-Ervin bill as

introduced nor the course of the hearings support this statement. And, as I shall point out, nothing that occurred last year, either before or after the conference supports it either.

Mr. President, after the hearings the Senate Labor and Public Welfare Committee met in executive session. As ranking minority member, I offered the entire administration bill, S. 748, as a substitute amendment. It was rejected by the majority Members, including the Senators from Oregon and Massachusetts, despite the fact that it contained the provision permitting common-situs picketing. Exactly the same thing happened when I offered the bill's boycott sections which also included the provision permitting common-situs picketing. No other effort was made in committee to get a common-situs picketing amendment, and the bill reported to the Senate, S. 1555, was merely a modified version of the original Kennedy-Ervin bill, S. 505, and like it, contained nothing on common-situs picketing.

When the committee bill reached the floor, Senator DIRKSEN offered as an amendment title V of the administration bill, S. 748. This title consisted exclusively of amendments to Taft-Hartley and included the provision to permit common-situs picketing, the provision which is now incorporated in the Kennedy bill, S. 2643. The amendment was rejected with both Senators MORSE and KENNEDY voting against it. No other attempt was made to insert the proposal in the bill which passed the Senate minus any provision on the subject. Thus far, it is impossible to find any evidence that last year, to quote the Senator from Oregon, the "Senate was not opposed to situs picketing." Parenthetically, I might add, the evidence does show that not only the Senate, but the other body as well, showed very little interest in permitting such picketing. The Landrum-Griffin bill, which passed by an overwhelming margin in the House, contained no such permission, either, whereas the two House bills, the Elliott bill and the Shelley bill, which did contain it, were emphatically rejected.

Mr. President, the only detailed discussion of common-situs picketing occurred in the conference itself, and neither before nor after it during the last session. Actually, the present proponents and supporters of the common-situs picketing proposal are represented in the entire course of the debate on the Senate bill last April by a single statement made on the floor by the junior Senator from Massachusetts. In the course of the debate, Senator KENNEDY said, and here I quote from the CONGRESSIONAL RECORD for April 21, 1959, at page 6434.

> I point to two amendments which I think indicate the careful consideration which this matter should have. The amendment offered by the Senator from Illinois [Mr. DIRKSEN], as I understand, repeals the Denver Building case. (This is the Supreme Court decision outlawing common-situs picketing.) If adopted, it would permit picketing to be practiced on a site against nonunion persons being hired. That in itself is an extremely substantial amendment, one which I am certain Senators would want to consider very carefully. It is not a part of our bill. We do not go that far in relaxing the picketing sections of the Taft-Hartley Act.

This statement, at the very least, indicates a considerable lack of enthusiasm for the proposal on the part of the Senator from Massachusetts. I can find no statement by the Senator from Oregon taking issue with Senator KENNEDY on this point, nor proposing a common-situs picketing amendment in his own right. It would scarcely seem, Mr. President, that we have any indication here of a lack of opposition on the part of the Senate to common situs picketing.

Mr. President, I submit that the evidence is overwhelming that the Senate did object to common-situs picketing and made its objection perfectly plain by everything it did as well as by every vote it cast in which the issue was involved. Even the Senator from Massachusetts did not get around to favoring the proposal until we were in conference.

Mr. President, the Senator from Oregon, in his speech, leaves the impression that in the conference he favored granting exemption from the existing secondary boycott and hot-cargo prohibitions to every union operating in an integrated industry, and that he opposed granting such exemption in specific industries only, as was done by the conferees for the garment industry unions and in part for the building trades unions.

First, I would like to point out that in this part of the speech the Senator again lets the cat at least partly out of the bag. It is an unequivocal admission that what is euphemistically referred to as "common situs" picketing is merely a secondary boycott with a disinfected name, and that legislation to permit such picketing is merely legislation to permit unrestricted use of the secondary boycott.

Second, I would like to discuss my own recollection of what actually transpired in the conference on the question of exemptions from the secondary boycott bans in the present law, and more particularly the role of the Senator from Oregon in this connection.

Mr. President, I can recall no opposition offered by the Senator from Oregon to the action of the conferees in exempting the garment industry unions from the statutory prohibitions against secondary-boycott and hot-cargo agreements, and the building trades unions from the ban on hot-cargo contracts. But I do most distinctly recall that when my distinguished colleague, the senior Senator from West Virginia [Mr. RANDOLPH], proposed a similar exemption for the unions in the coal-producing industry, the Senator from Oregon strongly opposed it, and for the first time, at that point, declared that he was opposed to such special treatment for particular unions and that he proposed instead a blanket exemption of the same kind. His proposal was rejected.

The Senator from Oregon, in his speech, emphasizes that the raising of the problem of a point of order in the other body which resulted in the failure of the conferees to permit common-situs picketing was an inadequate justification for abandoning the proposal, at least on the part of the majority Members of the Senate conferees. I am inclined to agree, but not for the same reasons.

My own conviction is that if the Senate conferees had gone back to the floor on this issue, and requested the Senate to instruct them to insist upon a provision permitting common-situs picketing, the Senate would have rejected the proposal by a substantial margin. I think all of us are aware that the point-of-order obstacle was no real obstacle at all, under either the House or Senate rules; it served merely as a convenient pretext for not putting the issue of common-situs picketing to the test of a Senate vote. After all, there existed exactly the same reasons for raising a point of order on the garment industry union exemption, but that was adopted and approved in both houses with no difficulty at all.

Mr. President, the Senator from Oregon speaks of a commitment made to the building trades unions by persons he fails to identify during or immediately following the conference, a commitment to get a common-situs picketing bill at this session of the Congress. If such a commitment was made, I was not a party to it, nor was it made by any of the conferees as part of the proceedings of the conference. I recall merely that the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Illinois [Mr. DIRKSEN], on the floor of the Senate during the discussion of the conference report, stated that they would try to get Senate consideration of the proposal in the second session of the present Congress, and that the Senator from Massachusetts [Mr. KENNEDY] would introduce a separate common-situs picketing bill, which he did in S. 2643, taken literally from last year's administration bill, S. 748.

Mr. President, in discussing this so-called commitment, the Senator from Oregon urges speedy consideration by the Senate Labor Committee and the Senate, and asserts that on this legislative proposal, "we knew all the facts and the evidence was all in." Mr. President, I take sharp issue with that statement. How can we know all the facts, how can all the evidence be in, in the light of the almost complete lack of testimony on the matter in last year's hearings and the almost total absence of any discussion of it in the committee's executive sessions and on the Senate floor? If the Senator from Oregon is correct in his statement, he should, logically, be proposing that the Senate Labor and Public Welfare Committee dispense with any further hearings and vote immediately as to whether to report the bill. But I hasten to point out, there have been no hearings before the subcommittee or the full committee so far this session.

Mr. President, in conclusion I wish to indicate why I am opposed to any legislation to permit common-situs picketing; that is, to legalize secondary boycotts in the construction industry. Let me state a hypothetical case which would become a common occurrence if the Kennedy bill, S. 2643, were to become law.

A merchant decides to build another store and gets a general contractor to do the job. The general contractor gets in-

dividual subcontractors to do the cement work, the electrical work, the painting, plumbing, and so forth. In the middle of the job, the plumbing subcontractor has a dispute with the union plumbers who work for him. Under the Kennedy bill, S. 2643, the plumbers could lawfully picket the store as it was being built.

Other union craftsmen, such as bricklayers or carpenters, could then lawfully refuse to cross the picket line, bringing the whole project to a halt despite the fact that neither the merchant, the general contractor nor any of the subcontractors other than the plumbing subcontractor were parties to the dispute and none of them were having any controversy with their own employees.

Mr. President, we prohibit this type of antisocial activity in practically all other industries; why should we permit it in the construction industry? Let me summarize, briefly, the basic objections to the common-situs picketing proposals of the Senator from Orgeon and Massachusetts:

First. The recently enacted Landrum-Griffin labor reform law closed the loopholes in the Taft-Hartley Act which permitted secondary boycotts in some situations. The Kennedy bill, S. 2643, would not only reopen these loopholes for the benefit of the building construction unions, but would also remove all the other prohibitions against secondary boycotts which have been in the law since 1947 for the benefit of these same unions.

Second. Congress outlawed secondary boycotts because they are devices which cause serious and often irreparable economic injury to neutral employers and their employees who are not involved in any labor dispute with the boycotting union. There is no justification for depriving neutral employers and their employees in the building construction industry of protection against secondary boycotts while neutrals in other industries, justifiably, continue to enjoy such protection.

Third. In the overwhelming majority of cases, building construction unions use the secondary boycott to eliminate all nonunion contractors, subcontractors, and their employees from engaging in any construction project. This is done by picketing the project, pulling all union men off the job, and continuing their economic pressure until all nonunion contractors and employees are replaced exclusively by union employers and employees. This is now unlawful. The Kennedy and Morse bills would legalize it.

Fourth. The inevitable practical effect of such boycotts is to bring about a return of the complete closed shop in the construction industry; that is, no nonunion building craftsman could get a job on a construction project, regardless of his skill or other qualifications. This is contrary to the policy of our Federal labor law, which is to outlaw the closed shop.

Fifth. The Landrum-Griffin Act already includes a substantial special privilege for the building trades unions that is enjoyed by no other class of labor unions. It was made lawful for these unions to enter into collective bargaining agreements making them the exclusive bargaining agent for all the employees even though they have not secured the support of a majority of said employees, and to require them to join the union in 7 days as contrasted with the 30-day grace period enjoyed by employees in all other industries. To give them the benefits of the Kennedy or Morse bills would be to make the construction unions the most privileged unions in the country, while at the same time the employers and the nonunion employees in the construction industry would be the victims of discriminatory treatment as compared with all other employers and employees.

Sixth. The investigations of the McClellan Rackets Committee disclosed that the secondary boycott has been frequently used as a device by corrupt and racketeering unions and labor leaders to further their corrupt and dishonest objectives. Among the unions found by the Rackets Committee to have been guilty of some of the worst abuses revealed by the investigations, are not only the Teamsters but also some of the most important unions in the construction industry. Thus, to enact these bills would be to confer on these unions, some of which are racket ridden and corruptly led, including a segment of the Teamsters, a weapon which would enable them not only to continue the dishonest activities revealed before the committee, but also in many respects to give them an additional immunity from the law in so doing, an immunity which they do not presently enjoy.

Seventh. In any event, even under existing law, construction unions are not completely denied the right to picket a building project on which two or more employers are engaged, contrary to their unfounded assertions to that effect. If the picket signs and other activities of the picketing unions make it perfectly clear that they are picketing only the employer with whom they have a dispute; if they genuinely refrain from attempting to induce the employees of any other employer from walking off the job, or refusing to perform services; and if it is plain, from all the facts, that they are not seeking to induce any employer to cease doing business with any other employer; the contruction unions, may, like the unions in all other industries, lawfully engage in common-situs picketing, that is, picketing at the site of a construction project on which two or more employers are engaged.

Eighth. Enactment of either of these proposals would permit building trades unions to establish secondary boycott picket lines around industrial plants which were attempting to use their own maintenance employees to perform building repairs operations on the plant. Thus, what was intended to be confined to the construction industry would in fact be extended to all other industry, and would result in economic loss not only to employers in all industries, but also to employees outside the construction field, even those who are members of perfectly bona fide nonbuilding trades unions.

Ninth. On March 11, 1957, the Building Trades Department of the AFL-CIO held a conference at which there was approved an agreement reached with management representatives of the building construction industry. In this agreement both parties, labor and management, agreed to support legislation to permit prehire contracts in the industry, to permit employer contributions to collectively bargained apprenticeship training funds, and to permit multiemployer bargaining and certain types of multiemployer cooperative activity in the industry. All three of these objectives have been achieved, and are now part of the law. There is not a word in the agreement in support of permission to engage in common-situs picketing.

Mr. MORSE. Mr. President, I always find the Senator from Arizona interesting when he discusses problems of labor legislation. Nearly always I find myself completely in disagreement with every idea he has on the subject, as I do again tonight, in listening to his discourse.

I do not know what can be gained by the Senator from Arizona in expressing his recollections of what happened in conference, and what the Senator from Oregon said of his own recollection as to what happened in conference; but I only wish to repeat by reference and to stand by every word I said on this subject in my speech on situs picketing, to which the Senator from Arizona has just referred.

SITUS PICKETING HEARINGS SHOULD COMMENCE

The way to resolve our differences and points of view is to get on with the hearings on situs picketing legislation. They are long overdue. In my judgment, in view of the commitments which I believe were clearly given to the leaders of the building trade industry by those who participated in the conference, we ought to have had those hearings over with by now.

When we have those hearings, I propose to cross-examine the representatives of the building trades industry, who say that they did have what they considered to be an understanding, that there would be early hearings and early consideration of situs picketing legislation in this session of Congress.

The Senator from Arizona has made reference to his views on certain positions I took in conference with regard to various issues which were under consideration. I cite one example of how mistaken he is as to the position of the Senator from Oregon, and what a false impression he has left in the RECORD here tonight in regard to the position taken on it by the Senator from Oregon.

He cites the Randolph amendment, in regard to the coal industry, by which the Senator from West Virginia sought to obtain an exemption for the coal industry along the same lines as exemptions obtained for the building trades and garment industries.

UNIFORM TREATMENT FAVORED

The Senator from Arizona says the Senator from Oregon voted against it. Of course I voted against it, but he seeks to leave in the RECORD a false impression as to the position taken by the Senator from Oregon in respect to the so-called Randolph coal amendment. It

was the position of the Senator from Oregon that there ought to be a general amendment applying not only to the garment industry and the building trades industry, as well as the coal industry, but to any industry which met the qualifications of the same classification which it was sought to establish in the conference committee in regard to the garment industry, the building trades industry, and the coal industry. It was the position of the senior Senator from Oregon that if we are to have exemptions, the same exemptions should apply to any and all industries falling under the same classification.

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

Mr. MORSE. I shall be glad to yield in just a moment.

The Senator from Oregon was asked "What other industries are there?" I said, "I do not know." Obviously we did not know in the conference what other industries there were, but whatever industry can be shown to fall under this classification should get the exemption.

There was discussion about the kind of industry that was so integrated, so interrelated, and operated on such a contractor-subcontractor, manufacturer-jobber relationship that because they had this historic pattern, such as exists in the garment industry, they needed the kind of exemption that was sought in the garment industry and the building trades industry.

The senior Senator from Oregon said that the exemption should be uniformly applied, and that we should not engage in special legislation for the benefit of the garment industry and the building trades industry, and, as was then proposed, for the coal industry. I was for the exemption in regard to any industry that met those criteria.

I now yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I wish to make the situation clear. I went to particular pains to make sure that I was not unfair to the Senator from Oregon. He will recall that in my remarks I said:

> He declared that he was opposed to such special treatment for particular unions and that he proposed instead a blanket exemption of the same kind.

I think the Senator from Oregon is wrongly accusing the Senator from Arizona of trying to leave a false impression. I think the Senator must agree that the Senator from Arizona was absolutely correct in stating what the Senator from Oregon said.

Mr. MORSE. I am recording what I heard across the Chamber, or what I believed I heard from the Senator across the Chamber. He left me with the impression that because I had voted against the coal amendment of the Senator from West Virginia, my position was inconsistent.

Of course, the Senator from Arizona did not extend me the courtesy of allowing me to see a copy of his speech, which seeks to reply to remarks I made before he made the speech. I had no idea he was going to speak. So I am doing my best to reply to the Senator, based upon the recollection as to what he said. But I am glad the Senator has made clear his position.

Let me repeat, for emphasis, that the reason why I voted against the garment industry amendment and the building trades industry amendment, as well as the coal industry amendment, was that I felt that there should be a uniform rule applied to any business or industry in this country that met the so-called integration criterion that was being advanced as the reason for having an exemption for the garment industry and the building trades industry, or, as proposed by the Senator from West Virginia [Mr. RANDOLPH], the coal industry.

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

Mr. MORSE. I yield.

Mr. GOLDWATER. If the Senator will be any happier about it, I will repeat that I was particularly careful to recall, in my statement, that the Senator from Oregon made the statement he has just reiterated on the floor, to the effect that he did not want to grant special privileges, and that any exemption made for one industry should be a blanket exemption. If that will clear up what the Senator feels was an attempt on my part to leave an unsavory taste with regard to his position, I am very happy to make the statement.

Mr. MORSE. My friend from Arizona, at least twice during his remarks, as I heard them, referred to the Senator from Oregon as letting at least a part of a cat out of the bag.

I have no bag at all in which there are any cats or tricks. Since the historic debate of 1947, when I led the fight in the Senate against the Taft-Hartley law, I have opposed the notion that all secondary boycotts, in some way, somehow, ought to be outlawed, and that all secondary boycotts are bad.

I repeat what I have said so many times. Some secondary boycotts are essential to the protection of the legitimate and vital rights of organized labor in this country.

Congress has waited too long to give to labor the protection to which it is entitled regarding some secondary boycotts. We ought to clarify those secondary boycotts which can be shown upon the evidence to be bad and which ought to be continued to be outlawed. But we ought to remove the outlawry of the secondary boycott by the so-called Denver Building Trades case of 1953, a decision which in effect interprets the Taft-Hartley law as applying to the secondary boycott situation and as involving situs picketing.

We ought to change that. In my judgment, the law as interpreted in the Denver case is a great injustice, not only to the building trades, but also to American labor. That kind of secondary boycott ought to be legalized, just as any outlawed secondary boycott which requires free men and women to work on struck goods upon penalty of going to jail for contempt or being subjected to heavy lawsuits should be legalized. We ought to remove that restriction from free labor in this country.

I have had no bag in which I have concealed any cat on the secondary boycott issue. To the contrary, year after year after year in the Senate the senior Senator from Oregon has deplored the Taft-Hartley law with its secondary boycott provision, because situs picketing involves a secondary boycott situation. The time has come to remove the outlawry of it and give to the building trades in this country among others the protection to which they are entitled with respect to this secondary boycott problem.

Let us wait for the hearings, for the testimony, as to what commitments and promises were made to Mr. Richard Gray of the Building Trades Council of this country and to other legislative representatives, who waited down the hall outside the old Supreme Court Chamber while the 12 days of conferences were conducted on the Kennedy-Landrum-Griffin bill. The various conferees went out to them from time to time and discussed the matter of situs picketing; they came back to the conference room and quoted to the conference time and time again what they were just told by representatives of the building trades in regard to situs picketing—what they were told by the legislative representatives would be acceptable.

I recall as distinctly as though it happened in the last hour, in one of these conversations within that old Supreme Court room, when one of our conferees came back, after talking to Mr. Gray and other representatives of the building trades. He said that they would be willing to go along with what was put in the Kennedy-Landrum-Griffin conference report as it passed the Senate and the House, provided that come this next session of Congress, Congress would take up this matter of situs picketing.

Mr. President, I have very acute hearing. I suffer from no deafness. I know what we talked about in the conference. I am not questioning the veracity of the Senator from Arizona as to his understanding. I am merely surprised at his understanding and his recollection.

But I know what I heard. I know the discussion in which he engaged in that conference. I say here again on the floor of the Senate tonight there was no question in my mind that it was at least understood by the building trades legislative representatives that they would go along with what was in the conference report, with the understanding that come January 1960, an early effort would be made in Congress to adopt a situs picketing bill. That is what I said the other day, in effect, and I repeat it tonight.

When we have our hearings, if we have them, on the situs picketing bill, I shall do some questioning on this matter. I shall give these representatives of the building trades organizations an opportunity at least to speak the truth, if necessary under oath, as to what transpired in the corridor outside the Old Supreme Court room between them and the conferees in that conference.

In short, I stand completely on everything I said on the situs picketing issue a few days ago.

Of course, this is a touchy issue. The boys have been back home, so to speak, since that conference report was voted.

I appreciate the fact that the building trades councils have made very clear that they think that in all fairness we ought to proceed with some hearings on a situs picketing bill. I think so, too.

However, accusations and recriminations and acrimony will not help the situation. I simply want to say again tonight to the chairman of the Committee on Labor and Public Welfare, let us get on with the hearings on the Kennedy bill, or better still, on the Morse bill.

I leave it to all who read the RECORD for an answer to the question: Why did the Senator from Massachusetts introduce a situs picketing bill the very same day the conference report was adopted by the Senate? He will take care of himself when the situs picketing bill comes before the Senate, because the Senator from Massachusetts made crystal clear last year that he was for a situs picketing bill. The Senator from Massachusetts has left no room for doubt as to his position on situs picketing. I share his point of view. To the Senator from California [Mr. KUCHEL], the whip of the Republican Party, who is sitting on the floor of the Senate at this moment, I say that in my judgment there is no doubt as to the record the Senator from California has made in regard to the matter of situs picketing.

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

Mr. MORSE. This matter has been under discussion for some years in this body. I joined with the Senator from California 2 or 3 years ago when we fought shoulder to shoulder on the floor of the Senate in trying to get this kind of amendment written into law.

It will be a pleasure to join with him once again in doing justice to the building trades industry in this country in order to remove this unfair restriction upon the building trades that is contained in this section of the Taft-Hartley law.

I yield to the Senator from California.

Mr. KUCHEL. Mr. President, my views on this subject are now well known. I have been very glad to sponsor as a coauthor situs picketing legislation. Its enactment is long overdue. The views which I share with the Senator from Oregon, and with other Senators, incidentally, are the views which are likewise shared by the President of the United States. On repeated occasions the President of the United States has sent to the Senate and the House of Representatives his request that situs picketing legislation be enacted into law.

I do not care to speak on the subject now. I intend to speak on it later. I have spoken on it at length. I have tried to be scrupulously careful and crystal clear as to what I believe situs legislation is intended to do and what it is not intended to do and why I believe it is in the public interest. That is all I have to say on this occasion.

Mr. MORSE. Mr. President, I appreciate the remarks of the Senator from California. The Senator has made some arguments that I was about to make.

My final remark on this is that once again the Senator from Arizona finds himself in disagreement with the President of the United States. Of course that is no new experience for me, either. However, I want to say that I find myself in agreement with the President of the United States in his recommendation on situs picketing.

I wish to say something else, too, because I was a participant in the conferences to which I referred. It will be recalled that before the Senator from Ohio, Mr. Robert Taft, suffered his fatal illness, he, the former Senator from New York, Mr. Ives, and the senior Senator from Oregon were engaged in a series of conferences on proposed amendments to the Taft-Hartley Act.

One of the amendments which we were discussing, on which we were in substantial agreement, was an amendment in regard to situs picketing. Senator Taft, in 1949, had come to recognize that as the secondary boycott provisions of the Taft-Hartley Act were operating, they were doing an injustice to the building trades industry of the Nation.

One other thing, and I shall be through with my reply at this time, although I shall be delighted to continue this discussion with the Senator from Arizona in a hearing before the Committee on Labor and Public Welfare, where it ought to be carried on.

The Senator from Arizona cited in his speech this afternoon the situation with regard to what happens in the building trades industry when a subcontractor proceeded to hire nonunion men, and sought to give the impression that the factual situations which I outlined in my speech the other day are not, in fact, operative facts which exist in specific cases in the building trades industry.

So the Senator from Arizona, when he gets through listening to Mr. Gray and other building trades industry witnesses testify, will find that I gave an accurate description in my speech the other day as to what is wrong with the restriction of situs picketing as it relates to the specific factual situations which I described in that speech.

Mr. President, I have lived with the secondary boycott situation in the building trades industry for years. I know whereof I speak as to its injustice in the specific types of cases outlined in my speech the other day.

COST OF MEDICAL CARE FOR THE AGED

Mr. MORSE. Mr. President, the cost of medical care for the aged is a problem which continues to channel much interest among all segments of our population. Last Saturday, I pledged to a meeting of Midwest Democrats that I would press this matter on the Senate floor, if action was not forthcoming in the House of Representatives.

A recent example of this continuing interest is an article entitled "Medical Care and the Aged," published in the March 20, 1960, issue of the Oregon Grange Bulletin.

Because of the timely nature of the subject, and because of my sincere interest as sponsor of the bill, S. 881, which seeks to provide hospital care for social security annuitants, I ask unanimous consent that the article to which I have referred be printed in the RECORD at this point in my remarks.

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

MEDICAL CARE AND THE AGED

If any early relief from the crushing burden of medical expenses is in the cards for our aged citizens, this year—a presidential election year—1960, provides the best hope.

A number of bills have been introduced in both the House and Senate but expectation is that primary attention will be centered on a measure introduced in the House by Representative AIME J. FORAND, Democrat, of Rhode Island.

The Forand bill is an insurance plan to help retired people pay their hospital and surgical bills through our social security system. It will pay for surgery performed in a hospital by the patient's own surgeon, hospital care in a semiprivate room up to 60 days, and convalescence in a nursing home.

The measure provides that the program be financed by an increase in social security taxes for both workers and employers. Each will pay an additional one-fourth of 1 percent. No one will pay more than 25 cents a week.

The growing support for some type of legislation along the lines of the Forand bill has become increasingly evident. It received an additional shot in the arm recently in the report of the Senate Subcommittee on the Aged and Aging under Senator PAT MCNAMARA, Democrat, of Michigan, which recommended medical care for retirees.

The subcommittee held extensive hearings on the problem and gathered some 300 replies from experts and organizations. The committee concluded that retired older people face three major obstacles to adequate medical care:

An increase in medical needs for the aged: The aged, the committee concluded, are far more likely to have chronic illnesses which require more visits to the doctors or home calls by physicians. There is greater need for professional nursing care in the home. Older people spend at least twice as many days per capita in general hospitals than do persons of all ages.

Increased needs compounded by rising cost of medical care: Living costs from the 1947–49 period have risen about 25 percent while the cost of medical care has risen about 50 percent—hospital costs alone about 100 percent.

A nationwide study by McGraw-Hill in 1956 showed that our elderly citizens pay approximately 50 percent more in medical care than do persons of all ages.

Inability to finance medical care: The majority of the aged—about 60 percent—are not covered by hospital insurance. Those with the most serious illnesses are the least likely to be covered.

Older persons usually find that they are considered poor risks by insurance companies and are either denied protection or have to pay enormously high premium rates. Also, private insurance companies drop many of them when they consider the risks too great.

A survey by the Health Information Foundation found that 47 percent of the aged had only one type of asset (such as a home or piece of real estate, life insurance, savings, stocks or bonds, or the help of relatives) or no such assets at all to pay a medical bill of $500 or more.

The subcommittee, in its majority report, declared: "Most groups recommend that the principle of prepaid health insurance with Government assistance—and not socialized

medicine which means a system of Government-owned facilities and Government-employed personnel—is a sensible, practical answer to the problem."

As might be expected, despite such evidence of need, the American Medical Association remains unmoved in its opposition to such a prepaid health insurance program. But forward-looking medical and social service organizations are taking more reasonable views. Here are a few representative quotes:

"We are convinced by all evidence we have seen that the problem of health care and its financing is one of the most serious facing the nonindigent aged, and one of the greatest threats to their economic security."—American Hospital Association.

"Sickness in the aged is being covered to some extent by health insurance, but health insurance does not solve the problem completely. Any real chronic cannot be adequately taken care of by present day health insurance agencies."—Arthritis and Rheumatism Foundation.

"A No. 1 priority should be adequate provision for medical care, especially for those who are living on social security alone. * * * Existing agencies are, therefore, providing only a partial answer to the main problem."—Health and Welfare Council, Philadelphia.

"One of the most serious sources of anxiety which we see in our aged clients, as well as their adult children, is that of anticipated incapacity and inability to meet the future costs of medical care. * * *"—Jewish Family and Children's Service, Detroit.

This live issue cannot be ignored much longer.

TRANSFER OF BOARDMAN BOMBING RANGE TO STATE OF OREGON

Mr. MORSE. Mr. President, on behalf of my distinguished junior colleague from Oregon [Mr. LUSK] and myself, I submit, for appropriate reference, amendments to the bill, H.R. 10777, to authorize transfer of the Boardman Bombing Range, Oregon, to the State of Oregon, in exchange for lands in the State of Oregon suitable for bombing-range purposes.

The proposed exchange is enthusiastically supported by my Senate colleague and myself, by Gov. Mark Hatfield, of Oregon, and by Representative ULLMAN, of Oregon's Second District, in whose area the bombing range is situated.

We support this transfer because we are convinced that it would be of great benefit to the United States and to the State of Oregon if the transfer were promptly consummated; and we are convinced that it is in the general public interest.

The Boardman Bombing Range is located in eastern Oregon, in the vicinity of John Day Dam, which now is under construction in the Columbia River.

My interest was first drawn to the possibility of converting the range to industrial use when my Oregon colleague on the House side, AL ULLMAN, last summer discussed with me the proposed intragovernmental transfer of the range from the Department of the Air Force to the Department of the Navy. At that time, Mr. ULLMAN emphasized the importance of having the lands in the Boardman Bombing Range returned to civilian use.

On December 31, 1959, Governor Hatfield, of Oregon, wrote to me a letter indicating the interest of the Morrow County court and the State department of planning and development in obtaining the release of this land from Government ownership.

Mr. Robert Tarr, Director of the Oregon Department of Planning and Development, and his assistant, Mr. Samuel Mallicoat, have spent several weeks in Washington, D.C., performing excellent services by way of conferring with various departments of the executive branch and briefing those departments on the merits of the proposed exchange. In this respect, Messrs. Tarr and Mallicoat have also been of great help to the Oregon Senators and Members of Congress.

In order that the members of the Armed Services Committee and our other colleagues may have full information concerning this mutually advantageous land-transfer proposal, I wish to ask unanimous consent that there be inserted in the RECORD at the close of my remarks various items of correspondence which supply further details on this proposal.

But, Mr. President, first, I ask unanimous consent to have the amendments I have submitted printed at this point in the RECORD.

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

On page 55, between lines 22 and 23, insert the following:

"SEC. 512. (a) Notwithstanding any other provisions of law, the Secretary of the Navy is authorized, upon such terms and conditions as he may determine to be in the public interest, to convey to the State of Oregon the lands, including acquired and public domain lands, comprising the Boardman Bombing Range in the State of Oregon, as delineated on a map designated as War Department-Office of the Division Engineer-North Pacific Division-Real Estate-Boardman Precision Bombing Range, approved 17 February 1947, Drawing No. O-31-52. The conveyance of such lands to the State of Oregon shall be made in exchange for a conveyance, without restriction as to use, to the United States of such lands of the State of Oregon as the Secretary of the Navy shall find suitable for use as a bombing range, and upon payment by the State of Oregon to the United States of such amount as the Secretary of the Navy determine to represent the total of (1) the difference, if any, between the fair market value of the property so conveyed by the Secretary of the Navy and the fair market value of the land accepted in exchange therefor, and (2) the cost to the Department of the Navy of providing a complete substitute facility on the State lands so acquired.

"(b) The State of Oregon shall agree to be primarily liable and hold the United States harmless from any claims for personal injury or property damage resulting from the condition of the lands conveyed by the United States.

"(c) The money to be received by the Secretary of the Navy in connection with such exchange shall be covered into the Treasury as a miscellaneous receipt, except that such amount thereof as represents the cost of providing a complete substitute facility shall be available to the Secretary of the Navy for such purpose."

On page 55, line 23, strike out "SEC. 512" and insert in lieu thereof "SEC. 513".

Mr. MORSE. Mr. President, I now ask unanimous consent to have printed in the RECORD a letter dated December 31, 1959, which I received from the Governor of Oregon, and my reply dated January 5, 1960.

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

STATE OF OREGON,
OFFICE OF THE GOVERNOR,
Salem, Oreg., December 31, 1959.

The Honorable WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Efforts are now under way to obtain release of certain tracts of land now held by the Federal Government which are potentially valuable for industrial development in our State.

Inquiries we have been receiving from industrial organizations indicate that the 96,000-acre Boardman Bombing Range in Morrow County has the most immediate potential. Action to restore this land to the tax rolls has been initiated by the Morrow County Court, and the State department of planning and development is working actively to obtain release of this land.

I am informed that the property has been declared excess by the Air Force, and the Navy has applied for a transfer of title, which already has been approved by the Senate Armed Services Committee.

I have requested the department of planning and development to confer with your staff to determine the most effective joint action in obtaining earliest possible release. We hope to avoid becoming involved in lengthy legal procedures.

I earnestly solicit any support and assistance you are in a position to give in this effort which is so vital to Oregon and its economic growth.

Sincerely,

MARK O. HATFIELD,
Governor.

JANUARY 5, 1960.

The Honorable MARK O. HATFIELD,
Governor of Oregon,
Salem, Oreg.

DEAR GOVERNOR HATFIELD: This will acknowledge your letter of December 31 in which you advise me of your interest in obtaining early release by the Federal Government of the area designated as the Boardman Bombing Range.

In recent months I have received a number of inquiries from interested individuals and county officials in Oregon urging the release of this facility. Under date of November 13, 1959, I received an interim report from the Department of Defense informing me that "a review is being made of the status and intended plans of the Department of the Navy for the use of this facility. You will be further advised."

I am taking the liberty of informing the Department of Defense concerning your views on this matter and as soon as I have the information I requested previously on the project I shall write to you again.

Sincerely yours,

WAYNE MORSE.

Mr. MORSE. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter dated January 25, which I received from the Governor of Oregon, and my reply dated February 2.

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

STATE OF OREGON,
OFFICE OF THE GOVERNOR,
Salem, Oreg., January 25, 1960.

The Honorable WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: As a result of a recent trip to Washington, D.C., by Mr. Robert Tarr and Mr. Sam Mallicoat of the depart-

ment of planning and development, I have received reports which indicate substantial agreement in principle with the proposal for State of Oregon acquisition of the Boardman Bombing Range.

This is a very encouraging demonstration of Federal-State cooperation. Many hours of technical work will be required before all the details of the transfer can be accomplished, and we are proceeding with dispatch to perform our part.

I am grateful for your very able assistance in helping to get the project under way. I shall look to you for continued advice and assistance in this matter, knowing that we are all primarily concerned with the ultimate economic benefits that will accrue from Oregon's entry into the space age.

Again, thank you for your cooperation.

Sincerely,

MARK O. HATFIELD,
Governor.

FEBRUARY 2, 1960.

The Honorable MARK O. HATFIELD,
Governor of Oregon,
Salem, Oreg.

DEAR GOVERNOR: Thank you very much for your letter of January 25 in which you commented on the progress made by Messrs. Tarr and Mallicoat of the department of planning and development in connection with the proposed acquisition of the Boardman Bombing Range.

I was highly impressed with the thorough and intensive manner in which Mr. Tarr and Mr. Mallicoat proceeded to explore all phases of this land acquisition project during their recent visit to Washington, D.C. I had the pleasure of conferring with both gentlemen and my administrative assistant accompanied them during a very constructive meeting with officials of the General Services Administration on January 14.

In a letter dated today, addressed to Mr. Tarr, I summarized my understanding of certain legal aspects of this case. A copy of my letter, which I hope will be helpful, is enclosed.

My office will be more than pleased to cooperate in every way possible with you and with all agencies of the State of Oregon on this very meritorious project.

Sincerely yours,

WAYNE MORSE.

Mr. MORSE. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter dated February 2, which I wrote to Mr. Robert Tarr, of the Oregon department of planning and development. The letter is dated February 2, 1960.

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

FEBRUARY 2, 1960.

Mr. ROBERT TARR,
Oregon Department of Planning and Development, Portland, Oreg.

DEAR MR. TARR: Since returning to Washington from my recent trip to Oregon I have had occasion to review my file concerning proposed transfer of the Boardman Bombing Range to the State of Oregon or a subordinate agency thereof. Certain important aspects of the case were clarified in my mind as a result of our conferences and the briefing I received from my administrative assistant concerning the January 14 meeting in the office of Mr. Kreger of the General Services Administration.

In order that my office may cooperate to the maximum extent possible on this project, I shall summarize, in the paragraphs that follow, my understanding of certain legal points applicable to this case, and I shall welcome any additional comments you may care to offer.

At the outset I should mention that I enjoyed having an opportunity to confer with you and your associate Mr. Sam Mallicoat. I was very much impressed with the initiative both of you gentlemen displayed and the thoroughness with which you proceeded in your work on all aspects of this land acquisition problem.

Prior to your visit to Washington I had been in communication with the Department of Defense, seeking an expression of the Department's opinion on the possibility of making the Boardman Bombing Range available for disposal as Federal surplus property. My most recent word from the Department of Defense is found in the enclosed copy of a letter dated January 22 addressed to me by Acting Assistant Secretary of Defense Benedict.

I recall that after you conferred with various officials in the Military Establishment you met with Messrs. Kreger and Bronson of the General Services Administration. My administrative assistant, who accompanied you on that occasion, gave me a full briefing concerning the points under consideration. It is my impression that the GSA meeting proved to be very helpful in that the legal basis for a negotiated transfer of surplus Government property was discussed in detail.

The points outlined in the January 14 conference at GSA were based upon a very important assumption, namely, that the Boardman Bombing Range eventually would be declared surplus to the needs of the Departments of the Air Force and Navy, as well as other Federal Government agencies. This matter, as I understand from my conversations with you, is now being explored thoroughly by the appropriate military authorities in Washington as well as locally.

I shall appreciate your keeping me advised of further developments in that respect, and if there is anything I can do to be of additional help on that phase of the case, I shall be pleased to hear from you.

If the range were to be declared surplus to the needs of any State agency, the following considerations would be of special importance:

1. Normally Federal surplus property disposals are made through publicly advertised bids.

This basic requirement appears in United States Code, 1958 edition, title 40, section 484(e)(1).

2. Disposal of Federal property may be made through negotiated sales in exceptional cases as specified by statute.

The exceptions under which negotiated, as contrasted with public, sales are permitted as listed in United States Code, 1958 edition, title 40(e)(3) (A) through (I).

3. Disposals may be made at fair market value, by negotiated sale, to a State, a political subdivision thereof or to a tax-supported agency of the State—United States Code, 1958 edition, title 40, section 484(e)(3)(H).

Construing the legislative history of this latter section, the General Services Administration has concluded that the transfer to the State, political subdivision, or tax-supported agency must be for a public purpose, as such purpose is defined under State law. Illustrative of clear public purposes are transfers of land to be used for public parks, public buildings, or municipal water or sewage disposal systems.

Whether a transfer to a State or subordinate agency of the State to be used for resale in developing an industrial site constitutes a public purpose is problematical. It is conceivable, but not by any means certain, that an acquisition of the Boardman Bombing Range by the State, an industrial development commission, a port commission or by some State agency for the purpose of leasing portions of the tract to industrial firms might meet the public purpose requirement of the proposed transfer, provided such use of the land were to be regarded as a public function under State law.

4. Surplus lands of the Federal Government may be exchanged, under authority of the General Services Administration, for property of equal value—United States Code 1958 edition, title 40 section 484(c).

Under the authority of this section the Boardman Bombing Range, if declared surplus, could be exchanged for State lands or other property provided the military department in possession of the range were to conclude that such an exchange would be desirable from the standpoint of the department and in the interest of the Federal Government. The property to be received in exchange for the Federal land would have to be at least of equal value.

The advantage of this section, so far as the Oregon Department of Planning and Development is concerned, is that the exchange would not have to be preceded by a public offering of the property.

It seems to me that a great many problems can be avoided by a suitable exchange program. I am sure that you intend to discuss this subject thoroughly with State and local officials as well as with representatives of the executive branch of the Federal Government. Please keep me advised of your progress in this connection because I am very much interested in the outcome.

It was my pleasure to meet with you and Mr. Mallicoat during your Washington visit.

Sincerely yours,

WAYNE MORSE.

Mr. MORSE. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter, dated March 28, 1960, which I wrote to Mr. Floyd S. Bryant, Assistant Secretary of Defense for Property, Department of Defense, Washington, D.C., and also a letter which I received from Mr. Bryant, under date of March 29, 1960.

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

MARCH 28, 1960.

Mr. FLOYD S. BRYANT,
Assistant Secretary of Defense for Property, Department of Defense, Washington, D.C.

DEAR MR. BRYANT: May I take this opportunity to thank you very much for the assistance rendered by your office in connection with the conference of March 25 on the Boardman Bombing Range, Oreg., land exchange project. Your assistant, Mr. Cooper Benedict, and the other Department of Defense officials in attendance at the conference were most helpful to those of us who are interested in bringing about an exchange that will be of advantage to the State of Oregon and the United States in this instance.

At the outset, I should indicate I am pleased to know that the executive branch is in agreement with the State of Oregon that the exchange is desirable and that it should be implemented by appropriate proceedings as rapidly as possible.

Had my attendance at an important meeting of the Senate Foreign Relations Committee not prevented my being at your office on Friday, I would have pointed out that I am very much interested in seeing the proposed exchange effected at the earliest possible date. At the same time, I would also have emphasized, as did my administrative assistant on my behalf, that the State of Oregon should supply dollar-for-dollar value for the Boardman Bombing Range lands to be exchanged, and that the appraised fair market value of the Federal lands should reflect their enhanced value occasioned by the construction of John Day Dam in the area.

I had hoped that the administrative type of exchange applicable to Federal property authorized by United States Code, 1958 edition, title 40, section 484(c) could be utilized in this case to bring about the prompt transfer that is so important to industrial development of the area by the State of Oregon. However, the Department of Defense officials who participated in the conference at your office emphasized that in their opinion the exchange cannot be worked out administratively pursuant to the above-mentioned section 484(c). In reaching this conclusion they placed considerable weight on another provision of the law, namely, section 501(b) of Public 534, 83d Congress which reads, in part:

"No real estate not in Federal ownership shall be acquired by a military department except as such acquisition is or shall be expressly authorized by law."

I have not had an opportunity to make an exhaustive study of Public Law 534 and of the reasons underlying the above-quoted language of section 501(b). However, in scanning the reports on the bill that became Public Law 534 of the 83d Congress, I found this interesting statement on page 14 of House Report No. 1707 of the 83d Congress:

"Section 501(b) provides permanent authority in the military departments to secure options on land in advance of specific authorization so as to avoid much of the speculatory price increases that result from the publicity of contemplated base expansions. The section also provides for semiannual reports to the Armed Services Committees to inform them of the operation of this authority."

The language of the House report, just quoted, leads me to believe that section 501(b) was designed to protect the interests of the Federal Government with respect to certain option transactions, and that this particular section may not have been intended to deal with land exchange proposals of the type involved in the Boardman Bombing Range case.

It would be of great help to me, and I am sure that it would also be helpful to officials of the State of Oregon, if we could have the comments of the Department of Defense, indicating clearly why, in the Department's opinion, section 501(b) is deemed to be controlling in the case under consideration.

As herein indicated, it was my hope that an administrative exchange pursuant to section 484(c) of title 40, U.S.C., could be worked out with a minimum of delay in such manner as to assure the receipt of full consideration by the Federal Government in connection with the exchange.

If the Department is still of the opinion that the exchange cannot be effected by administrative action, it is my intention to cooperate in every way possible to bring about passage of whatever legislation may be essential. During the course of Friday's conference, it was suggested that the military construction authorization bill now under consideration by the Senate Armed Services Committee might be amended so as to include appropriate authority for the exchange of the Boardman Bombing Range lands proposed in this case. Accordingly, I would appreciate receiving at the earliest possible moment, as a legislative service, the draft of whatever amendatory language the Department would deem adequate to authorize the proposed exchange. The language should be drafted for the purpose of being included as an amendment to the military construction authorization bill now pending in the Senate Armed Services Committee.

Please accept my thanks for your assistance in the preparation of the amendatory language herein requested.

Sincerely yours,

WAYNE MORSE.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., March 29, 1960.

Hon. WAYNE MORSE,
U.S. Senate.

DEAR SENATOR MORSE: Thank you for your letter of March 28. As you know, the Department of Defense has made every effort to explore the various methods by which the Boardman Bombing Range exchange might be effected, and I deeply appreciate the interest and support you have given to these efforts.

Your letter requests an explanation of the Department's view that the exchange cannot be accomplished administratively, and further requests that, as a drafting service, language be furnished to accomplish the exchange by legislation. I have discussed both these matters with counsel, and am enclosing a draft of legislation prepared by the Office of the Secretary of Defense and the Department of the Navy which counsel advises me will accomplish this purpose.

You mention in your letter the possibility of effecting an exchange under section 203(c) of the Federal Property and Administrative Services Act (40 U.S.C. 484(c)). While this statute does give the General Services Administration authority to dispose of surplus property by exchange, and this authority is delegable, I understand there is a legal question whether the Boardman Bombing Range could properly be declared surplus when a continuing need for its facilities exists. Even if it were found excess to the needs of the Department of Defense, however, it would have to be screened by GSA for possible use by other agencies of the Federal Government prior to a determination that it was surplus and subject to GSA's disposal authority. Furthermore, although the Federal Property Act did, as I have said, give GSA the authority to make disposals by exchange, section 501(b) of Public Law 534, 83d Congress (10 U.S.C. 2676), which was subsequently enacted, specifically prohibited the acquisition by the military departments of property outside Federal ownership without specific authorization. Since this is a later statute, which relates specifically to military acquisitions, I am advised by counsel that it must prevail where there is an inconsistency with the Federal Property Act. I am further advised that this prohibition, as originally enacted, was subject to two provisos. The provisos limited the application of this prohibition by permitting the military departments to procure options prior to the enactment of express acquisition authorization, but required that the procurement of options be reported to the Committees on Armed Services. Although, as you point out, the reports of the Committees on Public Law 534 did not discuss this prohibition, but referred only to the option provisions, it is counsel's view that these provisions, since they were enacted as part of the section which contained the prohibition, must be interpreted as a limited exception to it. Counsel has further advised me that since the enactment of section 501(b) there have been a number of statutes providing for the exchange of particular parcels of land, and that this practice of authorizing specific exchanges is an additional indication of Congress intent that exchanges not be effected without such legislation. (Such statutes include, for example, Public Law 929, 84th Cong., authorizing the Secretary of the Army to exchange certain lands with the city of El Paso, Tex.; Public Law 85-181, authorizing the Secretary of the Army to exchange certain land with the State of California; Public Law 85-187, authorizing the Secretary of the Navy to exchange certain land with the Commonwealth of Puerto Rico.)

I trust that this brief statement will serve to clarify the Department's position on this matter, but if you wish a more detailed explanation I shall be happy to ask counsel to furnish you one.

Sincerely yours,

FLOYD S. BRYANT.

Mr. MORSE. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter which I wrote to the Senator from Mississippi [Mr. STENNIS], chairman of the Subcommittee on Military Construction, of the Senate Armed Services Committee. The letter is dated March 30, 1960.

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

MARCH 30, 1960.

Hon. JOHN STENNIS,
Chairman, Subcommittee on Military Construction, Senate Armed Services Committee, Washington, D.C.

DEAR JOHN: Enclosed is a proposed amendment to H.R. 10777, sponsored by the undersigned, which proposes congressional authorization for an exchange of the federally owned Boardman Bombing Range, Oregon, for such lands of the State of Oregon as the Secretary of the Navy shall find suitable as a bombing range in lieu of Boardman.

We urge the committee's favorable action on this amendment because we are convinced that an exchange would be in the interest of the Federal Government and the State of Oregon. We are pleased to state that this project has been urged by the Governor of Oregon and by his Department of Planning and Development whose representatives, Messrs. Robert H. Tarr and Smauel H. Mallicoat, are presently here in Washington.

The Boardman Bombing Range is situated in the near vicinity of the reservoir of John Day Dam, where active construction by the United States Army Corps of Engineers started in 1958. Construction of the John Day dam will, in the natural course of events, bring a substantially increased population and economic development to the John Day Reservoir area in close proximity to the Boardman Bombing Range. Eventually, this will pose a serious problem concerning the use of the Boardman site as a bombing range. The Senate Armed Services Committee foresaw this problem when a member of its professional staff wrote to Admiral Peltier, Chief of the Bureau of Yards and Docks, under date of August 11, 1959, advising the Bureau that the Senate Armed Services Committee had conditionally approved the project for Navy acquisition of the Boardman Bombing Range. The committee cautioned, however:

"The attention of the committee has been called to certain local opposition to the continued use of the Boardman Range for bombing practice. It has been pointed out that this range is in close proximity to the entire Columbia River development area and lies immediately adjacent to the reservoir pool of the John Day Dam now under construction, which changes considerably the economic value of the land and makes live ammunition bombing hazardous.

"It is the understanding of the committee that the Department of the Navy has no intentions of using this range for live ammunition bombing. The committee will expect the Department of the Navy to reconsider the continued use of the range upon completion of the John Day Dam project, with due consideration of the purpose for which this other Federal project is being constructed."

Recently, Rear Admiral Hubbard, Director of the Logistic Plans Division, Department of the Navy, referred to the "urgency of completing the arrangements necessary for the transfer of the Boardman property," and assured the complete cooperation of the Navy Department in this connection. Reconsideration of the use of the Boardman site as a bombing range is, therefore, a matter of immediate importance.

The Federal Government will have to face up to the fact that a bombing range such as Boardman, in close proximity to a major multipurpose dam and to a potential concentration of population, presents operational hazards that may outweigh its military usefulness. We feel that the Federal Government should take advantage of the very favorable exchange proposal now offered by the State of Oregon rather than to await future uncertainties and higher costs with respect to the acquisition of an in lieu bombing site.

The State of Oregon desires to acquire the Boardman Bombing Range as the site for a State-sponsored industrial development area and is actively engaged in attracting defense industries to the area. Geographically and climatically the Boardman Bombing Range offers an ideal location for defense missile and other space-age industries, and is in furtherance of the important plan of dispersal of these essential industries.

The site offers transcontinental rail, air, and highway transportation facilities, and an abundance of low-cost electric power is immediately at hand. The Columbia River will provide both industrial water and ideal facilities for barge shipments and ocean-going transshipments of strategic materials.

Our amendment would authorize the conveyance of the Boardman Bombing Range to the State of Oregon upon terms and conditions which the Secretary of the Navy may determine to be in the public interest. It provides for transfer by the State of Oregon of an in lieu bombing site to the United States, together with payment by the State of the difference between the fair market value of the Federal property and the fair market value of the property accepted in exchange. It also assures that the State of Oregon shall pay to the Department of the Navy the cost involved in providing a complete substitute facility on the State lands so acquired.

We are satisfied that the proposed exchange is not only in the general public interest, but is wise from a common sense business viewpoint. We urge your subcommittee's and the full committee's prompt and favorable action on the amendment herewith presented.

With best personal regards.

Sincerely,

WAYNE MORSE.
HALL S. LUSK.

Mr. MORSE. Mr. President, I now ask that the amendments submitted to House bill 10777 be appropriately referred.

The PRESIDING OFFICER. The amendments will be received, printed, and referred to the Committee on Armed Services.

INCLUSION OF BERRIES IN MARKETING AGREEMENTS AND ORDERS UNDER SECTION 8C OF AGRICULTURAL ADJUSTMENT ACT

Mr. MORSE. Mr. President, I introduce—and request its appropriate reference—a bill designed to authorize marketing agreements and orders to be entered into with respect to berries for canning and freezing.

Mr. President, under current provisions of the Agricultural Marketing Agreement Act of 1937, as amended, marketing orders cannot be issued for fruits and vegetables for canning and freezing, except olives, grapefruit, and asparagus. It is my understanding that the Department of Agriculture would not object to the broadening of coverage if industry groups would support such legislation.

Mr. Paul T. Rowell, chief, division of market development of the State of Oregon, has informed me that with the introduction of concrete legislation, producer groups and others interested could make detailed studies and could develop opinions and recommendations upon it.

It is my hope that early consideration can be given by the committee to this proposed legislation. I note that similar proposals affecting other agricultural commodities have been introduced during this session. Since these commodities are also raised extensively in the Pacific Northwest, perhaps the Agriculture and Forestry Committee might see its way clear to hold field hearings upon both legislative measures. Such a procedure would be most helpful to the growers and operators, and would provide an excellent opportunity to acquaint the members of the committee with the particular problems of agriculture in our Western States.

Mr. President, I ask unanimous consent that a letter from the Department of Agriculture, dated July 17, 1959, pertaining to marketing agreements, be printed at this point in my remarks, together with the text of the bill I have just introduced.

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

The bill (S. 3318) to authorize marketing agreements and orders under section 8c of the Agricultural Adjustment Act (as reenacted by the Agricultural Marketing Agreement Act of 1937, as amended, with respect to berries for canning and freezing, introduced by Mr. MORSE, 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 section 8c(2) of the Agricultural Adjustment Act (as reenacted by the Agricultural Marketing Agreement Act of 1937), as amended (7 U.S.C. 608c(2)), is amended by inserting after the word "olives" a comma and "berries,".

The letter presented by Mr. MORSE is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 17, 1959.

Hon. WAYNE MORSE,
U.S. Senate.

DEAR SENATOR MORSE: This is in reply to your letter of June 30, 1959, requesting certain information in regard to the Agricultural Marketing Agreement Act of 1937, as amended. Answers to your questions follow in the same sequence as the questions were set forth in your letter.

1. Under the current provisions of the act, marketing orders cannot be issued for fruits and vegetables for canning and freezing except for olives, grapefruit, and asparagus. A marketing agreement may be entered into by the Secretary of Agriculture and the handlers of any agricultural commodity. Such an agreement is a voluntary contract between the Secretary and the individual handlers. However, its terms apply only to those who sign the agreement so it could not effectively contribute to solving the marketing problems of an industry unless all handlers of the commodity signed the agreement. Even if all active handlers signed, there would be no way to preclude new handlers entering the field to take advantage of the improvements resulting from the cooperating regulatory handlers.

2. It has been the position of the Department that it would be desirable for the provisions of the act to be broadened if industry groups supported such enabling legislation so that a marketing order could be adopted by the producers of any fruit and vegetable commodity if they desired to do so.

3. The provisions of the act could be broadened to cover berries for canning and freezing merely by inserting, in section 608c (2), the word "berries" immediately following the word "olives."

4. Briefly, the following steps are necessary to develop a marketing agreement and issue the companion marketing order:

(a) A preliminary proposal is drafted for consideration by industry members. Department representatives often assist the interested industry group in this connection.

(b) After general agreement within the industry as to the provisions of the proposed program, a request for public hearing thereon is submitted to the Secretary. This request should be signed by members or organizations representing a majority of the industry.

(c) Notice of the public hearing must be published in the Federal Register at least 15 days prior to the date set for the hearing. Copies of this notice are mailed to all known growers and handlers of the commodity concerned.

(d) The public hearing is held at one or more places within the area to be covered by the program. All interested parties are given an opportunity to present, under oath, their views concerning the proposed program. At the close of the hearing, a period of time is fixed for the filing of briefs concerning the evidence presented at the hearing.

(e) Following the period for the filing of briefs, the Administrator of the Agricultural Marketing Service prepares, from the record and any briefs filed, a recommended decision. Interested parties are provided a period of time in which to file exceptions to the recommended decision.

(f) Following the period for the filing of exceptions to the recommended decision, the Secretary issues his decision in the proceeding. This decision rules on any exceptions filed and contains the Secretary's findings and conclusions with respect to the terms and provisions of the marketing agreement and order.

(g) The marketing agreement is submitted to handlers for signature. At the same time, a referendum of producers is ordinarily conducted to determine whether the issuance of the marketing order is favored. A referendum is not required by the act but, in most fruit and vegetable industries, it is the most practical means for ascertaining whether the requisite number of producers favor the issuance of the marketing order.

(h) Upon approval of the issuance of a marketing order by the requisite number of producers, which may, or may not, be

accompanied by a marketing agreement signed by the handlers, the Secretary may then issue the marketing order.

Since most of the commercial berry production in Oregon is processed, it is questionable whether a marketing agreement program for fresh berries only would be effective in improving the overall marketing situation. For example, only 2.7 million pounds of the 69.3 million pounds of strawberries produced in Oregon in 1958 were marketed in fresh channels.

Should you have any further questions concerning this matter, we shall be pleased to answer them upon request.

Sincerely yours,

CLARENCE L. MILLER,
Assistant Secretary.

RESOLUTIONS OF HOP GROWERS OF AMERICA., INC.

Mr. MORSE. Mr. President, the Oregon Hop Growers Assocation has called to my attention, recently, resolutions adopted by the Hop Growers of America at their annual convention held on January 28 and 29, 1960.

The importance to Oregon of hop production is best shown by figures contained in the annual summary of Oregon Crop Reporting Service. This State publication shows that in 1959, 5,200 acres were devoted to the growing of hops, and production in 1959 amounted to some 6,968,000 pounds having a value of $3,205,000. This is somewhat of a drop under the average of 1948–57 production figures, which show that the average annual production for that period was 11,110,000 pounds grown upon an average land area of 9,900 acres.

Mr. President, these figures are themselves fairly good evidence that the hop industry is in need of assistance. It is for this reason that I am happy to support programs designed to expand research in this area.

Mr. President, I ask unanimous consent that the resolutions to which I have alluded be printed at this point in my remarks, together with the chart entitled "Oregon Crop Production and Value—1959 and 10-Year Average."

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

RESOLUTIONS, HOP GROWERS OF AMERICA, INC., FOURTH ANNUAL MEETING, JANUARY 29, 1960

1

Whereas it has been clearly demonstrated that the areas of specialty crops with their intense demand for labor cannot function without the existence of a supplemental labor force; and

Whereas the year to year extension of Public Law 78 leads to confusion and uncertainty: Therefore be it

Resolved, That the Hop Growers of America request that Public Law 78 be extended without a termination date.

2

Whereas agricultural labor presents unique problems inasmuch as they are in an area requiring specific knowledge and administration not inherent in labor administration in general; and

Whereas it is felt that it is impossible for the Labor Department to properly administer Public Law 78: Therefore be it

Resolved, That the administration of Public Law 78 be transferred from the Secretary of Labor to the Secretary of Agriculture.

3

Whereas it is imperative that corrective legislation be instituted on Public Law 78 at as early a date as possible: Therefore be it

Resolved, That the Hop Growers of America request Congressman PHIL LANDRUM to form a subcommittee for the purpose of holding hearings in all affected areas, on all aspects of Public Law 78.

4

Whereas the members of the Hop Growers of Washington have graciously invited the Hop Growers of America to hold the 1961 convention in Yakima, Wash.: Therefore be it

Resolved, That the Hop Growers of America accept this gracious invitation.

While it is not stated in resolution form, it is implied that the various State organizations forward copies of these resolutions to their selected Representatives in Congress.

Oregon crop production and value, 1959 and 10-year average

[From Annual Summary of Oregon Crop Reporting Service]

Crop	Acreage harvested		Unit	Production		Value, 1959 crop
	Average, 1948–57	1959		Average, 1948–57	1959	
Corn, all	30,000	64,000	Bushel	1,557,000	3,840,000	$5,875,000
Wheat, all	978,000	814,000	do	27,312,000	28,464,000	50,951,000
Winter wheat	779,000	709,000	do	22,205,000	25,524,000	
Spring wheat	199,000	105,000	do	5,107,000	2,940,000	
Oats	300,000	227,000	do	9,635,000	7,718,000	5,480,000
Barley	415,000	538,000	do	14,466,000	19,368,000	19,755,000
Rye	20,000	18,000	do	277,000	279,000	335,000
Hay, all	1,023,000	1,011,000	Ton	1,813,000	1,827,000	45,675,000
Sugar beets	17,700	19,000	do	383,000	513,000	5,797,000
Peas, dry	11,000	12,000	Hundredweight	103,000	174,000	809,000
Potatoes, all	36,000	38,500	do	7,793,000	8,510,000	15,433,000
Late summer	10,200	11,500	do	1,992,000	2,300,000	
Fall	25,800	27,000	do	5,801,000	6,210,000	
Hops	9,900	5,200	Pound	11,110,000	6,968,000	3,205,000
Peppermint	13,900	14,900	do	640,000	968,000	3,291,000
Total field crops	2,854,500	2,761,600	Ton	3,969,000	4,336,000	156,606,000
Alfalfa	6,900	9,000	Pound	1,992,000	3,420,000	1,094,000
Red clover	18,700	13,000	do	3,074,000	2,600,000	702,000
Alsike clover	9,500	5,000	do	3,382,000	1,750,000	332,000
White clover	1,300	1,300	do	191,000	195,000	78,000
Ladino clover	10,000	900	do	1,581,000	135,000	74,000
Merion bluegrass [1]	2,900	6,000	do	536,000	1,620,000	1,944,000
Chewings fescue	16,400	22,000	do	4,826,000	8,800,000	2,508,000
Red fescue	5,500	9,000	do	1,767,000	3,870,000	1,122,000
Tall fescue	15,800	5,000	do	4,977,000	1,950,000	351,000
Bentgrass	17,100	20,000	do	3,308,000	6,000,000	1,320,000
Austrian winter peas	26,000	8,000	do	26,900,000	7,200,000	241,000
Crimson clover	4,900	15,000	do	1,740,000	6,450,000	1,516,000
Hairy vetch	46,300	31,000	do	15,594,000	11,470,000	1,147,000
Common vetch	34,300	10,000	do	15,333,000	4,200,000	218,000
Common ryegrass	98,700	100,000	do	75,303,000	115,000,000	6,900,000
Perennial ryegrass	23,700	40,000	do	18,802,000	38,000,000	3,800,000
Total seed crops	338,000	295,200	Ton	90,000	106,000	23,347,000
Apples			Bushel	2,534,000	2,200,000	3,190,000
Peaches			do	439,000	550,000	1,485,000
Pears, all			Ton	140,202	141,000	11,458,000
Bartlett pears			do	55,922	56,000	3,808,000
Fall and winter pears			do	84,280	85,000	7,650,000
Cherries, sweet			do	21,880	25,100	7,831,000
Cherries, sour			do	3,050	3,500	522,000
Prunes, fresh basis			do	52,000	42,000	2,898,000
Grapes			do	960	1,000	85,000
Filberts			do	7,270	9,000	3,420,000
Walnuts			do	6,690	4,200	1,890,000
Total tree fruits and nuts			do	303,424	291,800	32,779,000

[1] Short-time average of acreage and production.

Oregon crop production and value, 1959 and 10-year average—Continued

[From Annual Summary of Oregon Crop Reporting Service]

Crop	Acreage harvested		Unit	Production		Value, 1959 crop
	Average, 1948–57	1959		Average, 1948–57	1959	
Red raspberries			Pound	7,888,000	10,900,000	$1,493,000
Black raspberries			do	5,250,000	6,300,000	907,000
Boysen and youngberries			do	7,750,000	7,700,000	578,000
Loganberries			do	2,355,000	1,700,000	207,000
Gooseberries			do	1,170,000	1,200,000	88,000
Tame blackberries			do	10,660,000	18,000,000	1,494,000
Wild blackberries and currants			do	944,000	52,000	4,000
Total, caneberries			do	36,017,000	45,852,000	4,771,000
Strawberries [2]			do	59,794,000	89,320,000	12,169,000
Cranberries [3]			do	2,547,000	4,400,000	[4] 510,000
Total, berries			Ton	49,000	70,000	17,450,000
Asparagus [4]	400	1,300	Hundredweight	11,000	21,000	228,000
Broccoli [5]	1,680	2,400	do	85,000	120,000	950,000
Cabbage [5]	1,810	1,800	do	338,000	360,000	789,000
Cantaloups	410	600	do	50,000	69,000	235,000
Carrots [4]	1,130	1,400	do	389,000	616,000	734,000
Cauliflower [5]	1,440	1,000	do	202,000	150,000	380,000
Sweet corn, fresh market	2,330	1,400	do	136,000	98,000	475,000
Lettuce:						
Spring	280	200	do	37,000	28,000	74,000
Fall	640	350	do	95,000	46,000	138,000
Onions:						
Eastern Oregon	2,660	2,900	do	1,258,000	1,494,000	1,942,000
Western Oregon	2,120	2,200	do	676,000	825,000	1,114,000
Tomatoes, fresh market	830	650	do	114,000	65,000	370,000
Watermelons	810	900	do	125,000	126,000	195,000
Snap beans for processing	8,100	11,100	Ton	62,400	83,200	10,541,000
Beets for canning	1,500	1,300	do	20,000	20,400	502,000
Sweet corn for processing	13,600	17,700	do	61,800	93,600	2,550,000
Cucumbers for pickles	1,400	300	do	4,656	1,344	67,000
Green peas for processing	53,700	55,900	do	54,400	70,150	6,012,000
Total, commercial vegetables [6]	97,840	104,300	do	388,256	470,644	27,453,000
Total, all crops			do	4,799,000	5,275,000	257,635,000

[2] 9-year (1949–57) average.
[3] Production usually given in 100-pound barrels.
[4] The 1958 season price was used in evaluating production.
[5] Includes fresh market and processing.
[6] Includes totals for lima beans and tomatoes for processing.

EDITORIAL BY WWDC CONCERNING DISTRICT OF COLUMBIA VOTER REGISTRATION

Mr. MORSE. Mr. President, WWDC, a Washington radio station, has the policy of expressing an editorial viewpoint upon important public matters. My attention was recently called to an editorial which was aired on March 2, 1960, concerning the District of Columbia voter registration.

Mr. President, in my judgment, WWDC in this instance is performing a public service function of high caliber. It is my hope that the station will see fit to continue to inform the District citizens of the importance of registering for the primary in May.

Both the station and the management deserve commendation for an educational editorial.

Mr. President, I ask unanimous consent that the editorial to which I have alluded be printed at this point in my remarks.

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

DISTRICT VOTER REGISTRATION

Once every 4 years District residents can vote in an official election. It falls on May 3 this year.

This is to remind listeners in the District that to qualify as a voter on May 3 you must register by April 18.

The central registration office is open Monday through Friday from 8:30 a.m. to 4:30 p.m. in room 8 of the District Building.

On March 17, 18, and 19, neighborhood registration stations will be open at 20 locations around the city. These stations will again be open on April 7, 8, and 9.

Don't put it off. You must register in order to show that you are qualified to vote. It also enables election officials to identify you when you go to the polls.

District residents who registered for the 1956 election, who still live at the same address, and who have not changed their party affiliation, need not register again. Everyone else must qualify by April 18.

We think if District residents really care about voting, they should make the most of this opportunity.

WASHINGTON METROPOLITAN COOPERATION IN POLLUTION CONTROL

Mr. MORSE. Mr. President, the problems of the many agencies and civic groups charged with the responsibility of reducing pollution in the Potomac are, I fear, sometimes not fully realized by the Senate.

The dedicated services of those men and women who are actively engaged in seeking to make the Potomac a recreational asset to the Nation's Capital are often insufficiently recognized. In my judgment, recognition ought to be accorded where it is due.

In this connection, I should like to direct the attention of the Senate to the work being carried on by Mr. David V. Auld, Director of Sanitary Engineering for the District of Columbia. Mr. Auld presented to the American Society of Civil Engineers on October 23, 1959, a paper entitled "Washington Metropolitan Cooperation in Pollution Control."

The paper sets forth a history of the efforts that have been made in the metropolitan area to obtain joint action to abate pollution.

I ask unanimous consent, Mr. President, that the paper to which I have alluded be printed in the RECORD at this point in my remarks.

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

WASHINGTON METROPOLITAN COOPERATION IN POLLUTION CONTROL

(By David V. Auld, Director of Sanitary Engineering, District of Columbia)

The byproducts of metropolitan life have suddenly pushed themselves into the front rank of national problems. Most of our older cities have enjoyed some generations of placid internal development with little need for concern as to their surroundings. Now—they are discovering themselves to be the focal points of great regional concentrations of people whose presence can no longer be ignored. These great social and economic galaxies have no internal political or corporate homogeneity yet must somehow devise methods of maintaining the countless services now regarded as essential for health, safety, convenience, and public enjoyment.

The District of Columbia is the center of what is known as the Washington metropolitan area. According to the Census Bureau this includes Montgomery and Prince Georges Counties in Maryland, Arlington and Fairfax Counties in Virginia, and the cities embraced therein, the principal ones of which are Alexandria and Falls Church, Va. During the 20th century, there has been a sixfold increase in the urbanized area with the result that the closely built up section which had a diameter of about three miles, in Washington only, now encompasses some 300

square miles. Where at the beginning of this century the central city held over 90 percent of the area population, it now has only about 40 percent. From a position of dominance, it has become relatively subordinate to the area mass. By the end of the century, the central city will contain only one-fifth of the area population.

I. SEWAGE COLLECTION

Beginning about the year 1810, culverts and drains for the confinement of natural streams and control of storm runoff from the streets of Washington were constructed in a haphazard manner in the central city. In about 1840, spring or well water was piped into a few houses with interior plumbing and the city's first waterborne sewage wastes were produced. These of course found their way to the primitive culverts and a combined sewage system was thereupon started—by expedient, not by plan. Since these old drains discharged into the nearest watercourses, sewage pollution in the Nation's Capital thus had a modest and probably unnoticed beginning. The effects of this were to grow and grow, thanks to the modern miracle of a citywide water system first available in 1859, and a population surge stimulated by the Civil War. By 1875 a system of combined sewers serving the present downtown area and discharging to watercourses at convenient points was in existence.

While any connection between polluted streams and disease was unclear at first, their association became unmistakable as time passed. By 1889 the condition of the streams and river had become intolerable—so bad in fact, that President Harrison appointed a Board of Engineers to devise a sewage disposal system. This Board laid out a network of sewers to follow the major water courses to intercept the countless lateral lines then emptying into the waters along these routes. The sewage thus collected was to be delivered to an outfall sewer which would carry it into the Potomac at a point below the city. With adequate dilution and little tidal return to the populated area, the pollution problem of the day appeared to have been solved—according to the standards of that time. Conditions immediately adjacent to the city were dramatically improved, although it was not until 1934 that the extremities of the interceptor sewers were completed and the last was seen of the remaining continuously flowing outlets to the upper Potomac.

With the occupancy of nearly all available land within the District of Columbia, the sewage-collecting system is now rapidly approaching its ultimate development.

The recognition in 1920 that the city's sewage must some day be treated led to the acquisition of a treatment plant site situated at the southernmost corner of the District beside the Potomac River. The operation of a primary plant at this location was started in 1938 and has been continuous since then. During the current year, high rate activated sludge secondary treatment has been introduced at the same location.

The portions of Maryland contiguous to the District of Columbia at first contained only the characteristic small towns and subdivisions separated by open areas and farms. As early as 1911, however, it was apparent that even the scant population of 20,000 people adjacent to the District posed something of a problem since there were no satisfactory facilities for the disposal of their sewage wastes. The General Assembly of Maryland in 1916 directed the formation of a sanitary district to be known as the Washington Suburban Sanitary Commission whose purpose would be the furnishing of water and sewer services and the disposal of refuse. An inventory of the scattered and uncoordinated sewers then in existence showed a total of 60 miles to which only some 1,600 properties were connected. These for the most part discharged into small streams throughout the sanitary district without effective treatment. Since all of the major streams in nearby Maryland flow toward and through the District of Columbia, it was decided that the sewerage systems to be built within the several Maryland drainage areas should be designed to connect with the trunk sewers of the District of Columbia at the District line. Upon the development and acceptance of this principle, by both Maryland and District authorities, the U.S. Congress in 1918 authorized the handling of Maryland sewage by the District of Columbia.

Many years elapsed between the time of this momentous authorization and the actual physical connections. The first of these was made in 1930 in the Rock Creek Valley and the most recent major connection was completed in 1956 in the Anacostia Valley after an interval of 18 years of operation of a primary treatment plant just upstream of the District.

The early recognition of the unsatisfactory sanitary conditions in nearby Maryland and the positive and effective steps taken for their correction do great credit to the grasp and foresight of the engineers and State and local officials of that period.

The city of Alexandria in Virginia was the largest of the early settlements along the Potomac. With the introduction of the public water supply and the subsequent concentration of population, a complete sewerage network automatically developed. This took advantage of the proximity of the Potomac for the disposal of untreated sewage therein until 2 years ago, when the new 8-million-gallon daily secondary sewage-treatment plant of the Alexandria Sanitation Authority was placed in service.

Arlington County, Va., occupies the portion of that State originally included in the District of Columbia but retroceded to Virginia in 1846. It was an essentially rural community with a number of small towns and settlements primarily of subdivision origin which had little or nothing in the way of sanitary facilities before 1930. During the early 1930's, a comprehensive county sewer system was constructed which by 1940 served some 80 percent of the county residents. A primary treatment plant was constructed in 1937 as part of the sewer plan. This plant was extended in capacity and modernized in 1953.

The county of Fairfax, except for four principal towns, Falls Church, Fairfax, Herndon, and Vienna, was essentially rural until World War II. Since then, it has been the scene of the greatest relative population increase of any political jurisdiction in the metropolitan area. During the early part of this expansion, the septic tank was the principal means of sewage disposal. In accordance with usual experience, this proved to be far from satisfactory and as densities increased the county embarked on a $20 million sewerage expansion plan something less than 10 years ago. This has been largely completed and the more populous areas are provided with an adequate sewage collection system.

II. COOPERATIVE DISPOSAL ACTIONS

As each of the major Virginia political jurisdictions reviewed the startling growth which it had experienced during and just following the war, it was obvious that pursuit of individual sewage plans for service within the several political subdivisions would not necessarily provide the most satisfactory ultimate solution of the sewage disposal problem of the locality as a whole. Accordingly, the counties of Fairfax and Arlington and the cities of Alexandria and Falls Church, undertook a joint study to determine the most economical methods of sewage disposal for them as a coordinated group. It was thus determined that a proposed sewage treatment plant for the city of Alexandria could and should provide service for a substantial portion of the Fairfax County population. It was also apparent that the city of Falls Church could best take advantage of disposal facilities to be provided by the counties of Arlington and Fairfax, depending upon the direction of natural drainage within that city. The consolidated treatment of sewage from Arlington and Alexandria and/or Fairfax held no apparent promise of lang-range economy or improved efficiency over that to be provided by several smaller plants if strategically located. The result was two medium-sized plants—Arlington and Alexandria-Fairfax—and several smaller county plants in Fairfax. These latter were dictated by the scatter of certain population concentrations in widely separated drainage areas.

With continued development it is to be expected that these isolated plants can be progressively abandoned with both financial and sanitary benefits. For example, within a year of its completion it was decided to abandon the 1 mgd plant on Pimmett Run in Fairfax which empties into the Potomac opposite the upper boundary of the District. This was precipitated by selection of a nearby site for the Central Intelligence Agency headquarters which changed the entire growth pattern to be expected in the drainage area. Examination of this new problem showed the best solution to be the delivery of all sewage from this and several contiguous valleys in Fairfax to the District of Columbia system for treatment notwithstanding the necessity for a pipeline across the Potomac.

Authority for the District to handle and treat Virginia sewage was granted by Congress in 1958 and an agreement between Fairfax and the District was concluded some months later. Under this the county will save money and the threat of the treated effluent from an eventual 78,000 persons entering the Potomac above the District was removed.

Arlington County has recently indicated a desire to use the new Fairfax river crossing to carry sewage from a small area which is now pumped to the Arlington plant.

Under all interjurisdictional agreements for sewage disposal the costs are distributed to the parties so each pays his own way—either through rates or through sharing capital and operating costs.

The early agreements between the Washington Suburban Sanitary Commission and the District of Columbia provided not only for delivery of sewage from the sanitary district to the District of Columbia but also permitted householders abutting the boundary lines in either jurisdiction to tap the sewers of the other contiguous jurisdiction if available. The payment provisions resulted in charges of only $1 per house per year for each house draining to the District of Columbia—whether directly or through the Maryland sewer system. Charges of this scale obviously were inadequate so in 1954 a new agreement was executed under which Maryland would share on a proportional basis in the capital cost of any sewer or plant in which capacity for Maryland service would be provided if built after July 1, 1955, and would share the actual costs on a pro rata basis for operation and maintenance on sewers and plants including depreciation of existing facilities if previously paid for by the District of Columbia. This provides a realistic and equitable basis on which to plan, construct, and operate facilities for interjurisdictional use.

The metropolitan jurisdictions will have spent about $60 million between 1950 and 1960 for sewage facilities for collection and disposal in addition to the costs of systems for local service.

The recognition throughout the area of the necessity for pollution abatement and control has led to the extensive use of joint facilities where feasible and a spirit of cooperation in pursuit of the common objective has been conspicuous in recent years. As a result, all dry weather sewage flow receives treatment—most of it at the secondary stage. All of this has been on a voluntary and spontaneous basis.

III. OTHER COOPERATION

In 1957 the Washington Metropolitan Regional Conference was formed. This consists of the elected governing board members of the four metropolitan counties and the cities of Alexandria and Falls Church, Va. The District of Columbia Commissioners as well as several key members of the District Committees of the U.S. House of Representatives and Senate and one State senator each from Maryland and Virginia are included. While an entirely voluntary association the group has reached a number of worthwhile decisions.

Acting upon recommendations of its committee on water supply and pollution abatement the conference has taken three significant actions in the pollution abatement field:

1. It has agreed that there should be no sewage or plant effluent discharged to the Potomac River between the head of tidewater and the Monocacy River some 36 miles upstream. This action was to protect the metropolitan water supply and was subsequently formally accepted by the affected counties as their official policy.

2. It has adopted certain water quality objectives for the 63 miles of the Potomac River between the Monocacy and Hollowing Point some 14 miles below Washington.

3. It has sponsored the formation of the Washington Metropolitan Regional Sanitary Board on which are represented all major jurisdictions and sanitary authorities in the area, as well as the regional planning agency, certain health agencies and the Corps of Engineers. This board will consider all sanitary problems of regional scope and as its first task, after formation 2 months ago, has begun the development of a comprehensive metropolitan plan for sewage disposal.

There is a clear metropolitan intent to control pollution and protect the Potomac.

It must be acknowledged that the sewerage systems so far developed took form predominately in areas of relatively high density making it possible to finance them from present or immediately foreseeable area residents. If further development could be confined to territories contiguous to present systems all would be well. It is now apparent, however, that substantial leapfrogging will occur necessitating great expenditures for trunk sewers up the Potomac long before the local jurisdictions can afford to build them and long before their users are sufficiently numerous to carry any significant part of their cost. This is the situation which will be the greatest test as to the sufficiency of voluntary jurisdictional cooperation for continued control of Potomac pollution.

SUMMARY—SEWAGE HANDLING AGREEMENTS, WASHINGTON METROPOLITAN AREA

1. Agreements exist between Alexandria Sanitation Authority, Alexandria, Va., and Fairfax County, Va.; Arlington County, Va., and Alexandria Sanitation Authority; Arlington County and Fairfax County; Arlington County and city of Falls Church, Va.; Fairfax County and Falls Church; District of Columbia and Washington Suburban Sanitary Commission (Maryland); District of Columbia, and Fairfax County, Va.

2. Composition of charges: In general, capital charges and operation and maintenance charges are made only on facilities handling the sewage of a jurisdiction. When a jurisdiction has contributed to the original cost of construction capital charges are not made.

3. Basis of charges: A jurisdiction pays its proportionate share of the above charges based on the number of connections (sewered population), in all of the above cases except that of Alexandria Sanitation Authority, Fairfax County, and the agreements involving the District of Columbia, where the charge is on a volume basis.

BRIEF DESCRIPTION OF INDIVIDUAL AGREEMENTS

Alexandria Sanitation Authority-Fairfax County, Va.

There is no recovery of capital by the authority inasmuch as Fairfax County contributed to construction of sewers and sewage treatment facilities. The county contributed on the basis of capacity required by the county in proportion to total capacity, and contributed only to those facilities in which Fairfax sewage is handled.

A service charge covers maintenance and operation only on those facilities used by Fairfax County and is proportional to the metered flow.

Fairfax County, Va.-City of Falls Church, Va.

Charges to Falls Church by Fairfax County for sewage collection, treatment and disposal include costs of transmission and sewage treatment per family unit connected to the trunk sewers. Capital recovery and cost of maintenance and operation make up the sewage treatment charge.

Arlington County, Va.-Falls Church, Va.

Falls Church bought capacity in the Arlington County trunk sewer handling its sewage at the time it was built and therefore there is no capital recovery by Arlington.

There are no maintenance and operation charges to Falls Church on this trunk sewer inasmuch as these charges are considered balanced by Arlington use of portions of the Falls Church system in transporting its sewage to the Arlington sewage treatment plant.

Only maintenance and operation charges for use of the Arlington sewage treatment plant are made to Falls Church. No capital recovery is included. Charge is based on sewered population and is an annual charge.

Arlington County, Va.-Fairfax County, Va.

Fairfax County pays its proportionate share of the cost of existing facilities handling Fairfax sewage based on number of connections (sewered population). Charges include those for capital and operation and maintenance.

Arlington County, Va.-Alexandria, Va.

The same arrangements hold in this case as with Fairfax County.

District of Columbia-Washington Suburban Sanitary Commission

Maryland pays to the District sewage flow charges for handling, pumping and treating sewage as follows:

A proportion, based upon flow, of the cost to the District for operation, repair and maintenance of each District facility handling Maryland sewage, including overhead.

A rental, proportional to Maryland usage of District of Columbia facilities based on original cost of each such facility existing or being constructed on January 1, 1954.

Maryland bears its proportional share of cost of restoring or replacing each District facility carrying Maryland sewage.

If the District proposes to construct a new facility which will or may handle Maryland sewage, Maryland is so advised. Maryland advises the District whether capacity for Maryland sewage should be incorporated in proposed work and the District agrees to provide such capacity based on Maryland design data. Costs of facilities so constructed are paid by the two parties in proportion to the maximum design capacity assigned to each.

District of Columbia-Fairfax County, Va.

This agreement is essentially the same as that of District of Columbia-Washington Suburban Sanitary Commission outlined above.

PRESENT POSITION OF COOPERATIVE ORGANIZATIONS WITH RESPECT TO TAXATION

Mr. MORSE. Mr. President, recently I had occasion to discuss on the floor of the Senate mass media distributions of the present position of cooperative organizations with respect to taxation. An editorial contained in the March 7 issue of the Farmers Union Herald, entitled "Lies Mark Time's Blast at Co-ops," provides educational information upon this point. It cites statements made by a former distinguished Member of the House of Representatives, the Honorable Jerry Voorhis, presently executive secretary of the Cooperative League of the United States of America, who characterizes five statements in the Time editorial as "untrue," "false," "absolutely untrue," or the "exact opposite of the truth."

Mr. President, I ask unanimous consent that the editorial to which I have alluded be printed in the RECORD at this point in my remarks.

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

LIES MARK TIME'S BLAST AT CO-OPS

Time and Life magazines, which exist on the fat advertising rates they charge the big boys of the banking and manufacturing world—and the gratuities of Uncle Sam's postal subsidies (which run into the millions each year)—are in the midst of their chores.

First Life, and now Time, has taken out after cooperatives.

Jerry Voorhis, executive secretary of the Cooperative League of the USA, calls the latest Time editorial, entitled "The Co-op Tax Dodge," a "mish-mash of misinformation and downright untruth." Voorhis pointed to five statements in Time's editorial that he characterized as "untrue," "false," "absolutely untrue," or "the exact opposite of the truth."

"The basic deception is Time's failure to say that most cooperatives pay taxes under exactly the same laws that apply to other business," Voorhis said. "No business pays income tax on refunds to its customers. Time wants cooperatives so taxed * * * but no one else."

Voorhis noted that in the same issue Time Publisher James Linen proclaimed the magazine's defense of "the public's right to know." Said Voorhis:

"If Time wants to advocate a special, discriminatory, punitive tax on co-op refunds, that's your privilege. I question that 'the public's right to know' is well-served by feeding it such a multitude of inaccuracies."

Time statements that Voorhis called untrue are:

(1) Noncash refunds "do not bind the co-ops." Wrong. "These are binding obligations, and they must be paid, just like any other debt."

(2) "Only when a member finally gets cash" does he pay income tax on his refunds. "Not so," said Voorhis. While court decisions have somewhat confused this, co-op members pay income tax on many noncash refunds.

(3) One regional co-op "paid less than one-fourth the tax a non-co-op would have paid." Untrue. The co-op is an oil producer and was entitled to the same tax privileges as any other oil producer.

(4) Tax law amendments in 1951 were enacted "over bitter co-op protests." "This is the exact opposite of the truth," Voorhis wrote. "Seven co-op spokesmen testified at the 1951 hearings, and six of us asked Congress to make the changes it did."

(5) No other country taxes co-ops as the United States does. "Sweden does," Voorhis wrote. "Neither country Time mentions—Canada or Denmark—taxes co-op refunds."

RESOLUTIONS AND STATEMENT UPON INTERNATIONAL FOOD AND FARM POLICY

Mr. MORSE. Mr. President, the International Federation of Agricultural Producers, at its first conference to be held in an Asian country, has produced a series of resolutions and a statement upon an international food and farm policy which I believe to be of high significance and importance to the Senate.

It is my hope that my colleagues will give careful consideration to the recommendations made by this organization and that it will serve in particular to guide our thinking as we pass upon agricultural legislation in this session of the Congress.

I should like to express my thanks to Mr. James G. Patton, president of the National Farmers Union, who very kindly brought this important material to my attention.

Mr. President, I ask unanimous consent that the statement and resolutions to which I have alluded be printed in the RECORD at this point in my remarks.

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

STATEMENT OF INTERNATIONAL FOOD AND FARM POLICY CONFERENCE

THE CONCEPT

The main discussions during the IFAP New Delhi Conference centered on the establishment of an International Food and Farm Policy.

"Such a concept," the delegates agreed, "should appeal to and stir the imagination of the vast majority of the citizens of the world."

It was noted that on the one hand the more advanced countries are encountering increasingly difficult surplus problems, while on the other hand a majority of the world's population does not have enough to eat.

"The long-term aim must be to build up the effective buying power of these peoples," the IFAP Conference said, "Accordingly, the conference submits that this can only be done if the nations of the world are prepared to work out and operate together a long-term food development policy. Such a policy must, however, form a part of a wider program of world economic development, since other sections of national economies make a major contribution to raising the effective purchasing power of the peoples concerned."

NO REAL SURPLUSES

The delegates agreed that with so many hungry people in the world, there are no real surpluses. At the same time, however, they noted that in relation to the actual volume of international trade in farm products at present, surpluses now held by industrialized countries represent a very real problem. At the end of the 1958–59 Northern Hemisphere marketing season, wheat producers had carryover stocks amounting to more than twice the annual commercial needs of importers. Carryover stocks of coarse grains, it was noted, were at least four times the annual average volume of international trade in recent years. "This situation in the more developed countries exists side by side with the need of vast areas of the world to raise the living standards of their peoples," the Conference said,

"Such improvement is, however, conditional upon a comprehensive development program, requiring first, the necessary planning expertise; secondly, the capital; and thirdly, the human resources."

WORLD RECOGNIZES NEED

The delegates agreed that to a greater degree than ever before, the world is becoming aware of the need to help the less developed areas. The scale, however, will have to be greatly expanded, it was stated.

The Conference felt a lack of genuine governmental determination to have a long-term expansion in demand has been the major stumblingblock in the past. "Where stocks of a certain product have accumulated in a particular country, the problem of disposal has generally been treated on an ad hoc and bilateral basis with the prospective recipient country," the Conference said, "International cooperation, with one or two exceptions, has been confined to consultation in the hope that discussions about policies and programs would help to avoid harm to the commercial interests of third countries."

For wheat, sugar, coffee, and olive oil, commodity agreements have been made providing some price stability for trade in these products, and for other products such as cotton, rice, cocoa, rubber, etc., the delegates noted there were commodity advisory groups seeking more stable trading conditions. "But with the exception of the special nutritional and development schemes affecting certain milk products, there have been no international efforts consciously designed to raise the level of food and fiber consumption," the Conference declared.

WHAT TO DO?

A new world food policy must be conceived, the delegates said, as part of a general plan for expanding the world economy. In the more advanced countries, the Conference felt the extent to which they will be able to help developing nations will depend on the rate of increase in their gross national products. At the same time, the rate of economic expansion in the less developed nations will determine their ability to buy more food on a commercial basis.

No longer can the surplus problem be treated in the narrow context of disposal operations, the Conference report stated. Surplus utilization must be planned on a long-term basis. "Programs to improve nutritional levels directly or indirectly through technological advancement, must be conceived on a permanent basis and even though surpluses may be used in the initial phase of a development program, provision must be made for continuity of supply, whether from the resources of the recipient country or from oversea producers," the delegates declared.

At the same time, it was added, farmers in advanced countries can hardly be expected to play their role in providing a continuous and expanding supply of food unless there is international machinery set up on the required scale to finance and distribute the food.

"As part of this machinery, the Conference recommends that food reserves be held in places where they can produce immediate results in remedying local food scarcities and evening our excessive price fluctuations," the Conference report said. "Recipient countries should be able to finance their drawings from these reserves by mutually agreed financial arrangements."

FINANCING IMPORTS

It was agreed by IFAP that all conceivable means—"even * * * unorthodox methods"—should be sought to promote a rapid growth exchange of primary products on a world basis. This would help the developing countries expand outlets for their exportable commodities which are their main means of getting the resources to finance their imports.

"To this effect," the Conference said, "attention should be paid to the following techniques: bilateral or multilateral barter deals additional to normal trade which do not prejudice the commercial interests of third countries; international schemes for the stockpiling of temporary unsalable supplies; purchases at special prices."

Great care would have to be taken in the developing countries, the delegates warned, so that products bought on concessional terms do not harm the interests of domestic producers. Any disturbance to the domestic market caused by such sales could mean lower prices for domestic farmers. This, the delegates felt, would not only lower the farmers' purchasing power, but also might well mean lowered food production in the future. Most of any increase in demand for food engendered by development programs will have to be met by domestic farmers, and hence, the IFAP delegates said, it is essential to plan food policy in a way that improves the domestic farmers' ability to boost their own production.

NEW INTERNATIONAL MACHINERY?

The Conference felt only governments working together with a common objective can plan and supervise the carrying out of the International Food and Farm Policy. If they will accept this responsibility, the Conference said the next question is whether some new international agency is needed. No new agency is needed, it was decided, if governments will fully use the existing agencies. The FAO, it was agreed, would undoubtedly undertake the necessary staff work in forming a new policy.

However, it was noted that in order to speed action it might be necessary to establish appropriate machinery under U.N. auspices to coordinate and expand the provisions of technical, financial, and economic aid from the existing international agencies. It was agreed that IFAP should advocate the need of this coordinating machinery at the earliest opportunity before the U.N. Economic and Social Council.

GOVERNMENT WILLINGNESS NEEDED

"Essentially, however, it is not a question of new machinery," the delegates said. "Rather it is a question of the willingness of governments first to rethink their policies along the line indicated in this section of the report and secondly, to instruct their representatives at FAO and other relevant intergovernmental agencies to cooperate to the full in the food development program."

The job, however, cannot be left entirely to international agencies, it was added. Countries that would receive help should carefully consider their own development projects and try to determine how much of a rise in demand for food could be met from domestic farmers. In working out the overall policy, governments should make sure as far as possible that farmers in receiving countries or the industrialized nations are not hurt by surplus utilization. In the more advanced nations, the IFAP said efforts should be made to make sure that an increasing proportion of the gross national product is made available each year to help the developing countries, subject to the limitation of their balance of payments position.

"The issues set out in this paper undoubtedly represent the key agricultural problem in the world today," IFAP declared. "It is a problem which can be resolved only by the adoption of an international food and farm policy. This policy must be conceived and operated by the governments of developed and developing countries with the full support and cooperation of producers and their agencies. The basic principles which should underlie this policy are set out in Resolution No. 1 of this Conference. All member organizations of IFAP are requested to endorse and commend these proposals to their governments."

A PROMISING TURN

A promising turn is beginning to be made in intergovernmental policies of assistance to developing countries.

That's the view of delegates at the New Delhi IFAP Conference. They noted additional resources have been made available for the World Bank and International Monetary Fund and that an International Development Association is being established. It also was noted that the U.N. Special Fund for Economic Development had started operations. In addition, in the U.N. Economic and Social Council special consideration is being given to commodity problems and to the dangers of price fluctuations on primary producing countries. "Although the outcome of the debate had been disappointing," the Conference said, "it had been recognized that these problems had to be tackled more energetically."

The Conference also mentioned that in GATT, the special difficulties arising out of the repercussions of national farm policies on world trade were under active consideration as well as the means of assuring to developing countries an expansion of profitable outlets for their farm exports.

Optimism about a promising turn in intergovernmental policy was also voiced in reference to the recent FAO Conference where, the delegates said, a new impulse had been given to FAO's technical activities, and surplus disposal principles had been reendorsed. Also FAO showed greater interest in its Washington Consultative Subcommittee on Surplus Disposal. On top of all this, the International Wheat and Sugar Agreements had been renegotiated and ratified by a larger number of countries. Also agreements had been concluded on coffee and olive oil.

"There were therefore," IFAP said, "signs that governments and international organizations were beginning to take a somewhat more practical approach to the world's major food and farm problems. That this was happening was confirmed by the increasing number of those in positions of responsibility who advocated a fresh and bolder attack on the problems of balanced development, primarily as a stimulus to faster economic growth in the developing areas, but also in the interests of more economically advanced countries."

RESOLUTION NO. 1—INTERNATIONAL FOOD AND FARM POLICY

The Conference, convinced that the time has come for governments of developed and developing countries to work out together and implement a comprehensive international food and farm policy, recommends that this policy should be based upon the following principles:

1. The world food policy must be conceived as part of a wider program of world economic development, financed on a multilateral basis, in which there should be a balanced allocation of resources between agricultural and industrial development.

2. The potential productive capacity of agriculture should be used for the betterment of the living standards of all peoples.

3. In the interests of both producers and consumers, agricultural products should be produced and distributed internationally at reasonably stable prices which provide a fair remuneration for those engaged in production. The aim must be to eliminate excessive short-term movements in prices without impeding the underlying trends in both supply and demand.

4. Orderly methods should be devised so as to move supplies unsalable commercially into the areas of greatest need, the financial responsibility for doing so to be shared by the nations jointly and equitably. Adequate national food reserves must be established and replenished.

5. Programs to improve nutritional levels must be conceived on a permanent basis and even though surpluses may be used in the initial phase of a development program, provision must be made for continuity of supply. It is not good enough to supply millions of ill-fed people with surpluses on a haphazard basis.

6. It is by greatly expanding production in developing countries that the main potential exists for meeting food needs. In economically advanced countries, international machinery and financing for distribution of food will need to be provided in advance of the expansion of farm production.

7. Though the developing nations will need to improve their own food production, their efforts must be directed toward those crops which are likely on a long-term basis to find markets at reasonably remunerative prices.

8. In order to assure developing countries the expanding outlets required for their exportable commodities, all, even perhaps unorthodox means, may have to be used to promote a rapid growth of trade in primary products.

9. At all times in the course of development of world food use, nations must work together to maintain a balance at the highest possible level between supply and marketing policies on the one hand and the requirements of all consumption outlets on the other.

WHEAT RESOLUTION

A most serious gap exists in the case of wheat between output available for export and the present world commercial and noncommercial demand. Present levels of production suggest a continued heavy buildup of stocks unless noncommercial utilization is greatly expanded. Virtually all national governments are involved in wheat production, pricing, and trade policies. On the basis of present information and programs, there are indications that in response to adjustments in national policies in various countries, some reduction in output may occur. Finally, wheat is one of the two or three classes of commodities that lend themselves to international policies aimed at moving food to supplement the diets of underfed peoples. IFAP therefore—

1. Welcomes the renewal of the International Wheat Agreement as an essential prerequisite of orderly international trade in wheat and also welcomes the expanded participation of major trading countries.

2. Welcomes the extension of the International Wheat Council's responsibilities to include an active review and consultation on wheat problems, and urges all governments concerned fully to cooperate in making the work of the Council effective.

3. Welcomes the initiative of major exporters in forming an International Wheat Utilization Committee with broad responsibilities for facilitating expanded consumption of wheat.

4. Emphasizes the critical role of wheat in world food policy and urges careful attention to the need for coordinating and mutually strengthening the activities of the intergovernmental bodies and agencies concerned and particularly of the FAO as the international agency primarily and comprehensively concerned with world food and agriculture policy and progress.

5. Urges on governments the need to arrange for—

(i) The joint international provision of funds for financing expanded noncommercial demand for wheat as part of an adequate international food and farm policy; and

(ii) An improvement in the means of achieving a general exchange of agricultural commodities between developed and underdeveloped countries if commercial as well as noncommercial commodity distribution is to be maximized.

6. Urges intergovernmental bodies dealing with commodity problems, and notably the FAO group on grains, to pay greater attention to the close links between the problems of bread grains and coarse grains, particularly as both are at present in excess supply in some important producing countries and can be used to the benefit of developing economies.

MILK POWDER RESOLUTION

Having noted the current unexpected disappearance of surplus stocks of dried milk; the seriousness of this development to the 35 million infants, children, and mothers benefiting from the supplement to inadequate diets that noncommercial distribution of stocks is providing; and to newly established dairy industries of the developing countries where dried skim milk powder is a necessary component of the liquid milk treated in "toning" plants; the inadequacy and instability of an international program of better nutrition depending on the periodic and haphazard accumulation of surplus stocks—

The Conference resolves that the governments represented in FAO should take steps to initiate plans with the object of establishing a reasonably long-term international program for noncommercial availability of dried milk, financed on a regular basis from a fund to which all countries having the ability to do so should contribute according to a preagreed plan. The use of this fund should be subject to an international program including the formulation of priorities;

That such a program should be conceived and implemented as a first step toward the formulation and implementation of an international food and farm policy as recommended in Resolution No. 1 of this Conference.

DISCUSS WHEAT AND DAIRY PRODUCTS

Wheat and dairy products, especially dried skim milk, were the major commodity topics discussed by the IFAP delegates at the New Delhi meeting.

Resolutions were passed on wheat and dried skim milk urging greater intergovernmental cooperation in handling surpluses of these products.

All signs point to a continued heavy buildup of wheat surpluses, the delegates noted. They said wheat is one of the commodities that lends itself to international policies to help feed the hungry and thus governments should move in more vigorously in this field.

The wheat resolution approved at the IFAP Conference urged an international fund to finance expanded noncommercial use of wheat.

The milk powder resolution OK'd by the delegates noted the unexpected disappearance of surplus dried milk stocks and warned that those hungry people who had been utilizing the surpluses must continue to receive aid. Governments were urged to set up a long-term international program to make

sure milk powder is made available to these people. Establishment of an international fund was proposed to help maintain such a program.

RESOLUTION NO. 2—FREEDOM-FROM-HUNGER CAMPAIGN

The conference, having received with great interest and appreciation an address by FAO's Director General Mr. B. R. Sen, on the freedom-from-hunger campaign to be launched by his organization in cooperation with other international governmental and nongovernmental organizations during the years 1961–65.

Noting that the first and foremost aim of the campaign was to stimulate and coordinate on a national and international basis all efforts tending to assure the necessary expansion of domestic production and not primarily to cover food needs in some areas from excess production in others.

Recognizing that this aim should be clearly understood by all and national and international efforts be oriented accordingly.

Welcoming particularly the emphasis placed by the name chosen for the campaign on the fact that fighting hunger and malnutrition is the first duty of governments and communities if the hopes of a global progress toward better living standards for the whole of mankind are to be fulfilled.

Believing that it is appropriate to make renewed efforts to awaken the world's conscience to the situation in which large sections of the population in several countries find themselves—namely to the fact that they are currently living on the brink of famine—and to create a current of opinion powerful enough to carry governments along toward concerted action commensurate to the needs.

Resolved, 1. IFAP approves the initiative taken by the Director General of FAO—endorsed by the 10th session of the FAO Conference—and invites him to study the broader concept of IFAP's policy in this respect as outlined at its 11th General Conference in New Delhi. It will, as well as its individual member organizations, participate to the fullest possible extent, particularly through the national campaign committees to be set up, in those aspects of the campaign which are relevant to the Federation's aims and objectives as set out in its constitution.

2. Such participation will include, inter alia, the following:

Informational and educational campaigns through seminars, conferences, publications, broadcasts, etc.

Consultations and cooperation with governmental information and extension services on the technical aspects of the campaign (fertilization, irrigation, seed and breed selection, credit, etc.) in order to assure faster progress of agricultural production.

Renewed efforts by farmers' own organizations to provide and/or improve marketing facilities especially in those areas where means of communication are insufficient or nonexistent.

International assistance between IFAP members in order to secure the establishment of more numerous and stronger farm organizations in the economically less-developed countries, particularly cooperative societies, and to strengthen those already in existence.

3. IFAP's Secretary General is authorized to serve on the Consulative Committee of Nongovernmental Organizations to be established by FAO's Director General under a resolution of the 10th session of the FAO Conference.

4. The next General Conference of IFAP will consider a progress report on the development of the campaign.

NATIONAL POLICIES

Uncoordinated national farm policies may cause much of the misery in world agricultural markets.

So said the IFAP New Delhi Conference. Delegates spent considerable time discussing the adjustment of agricultural production to demand and noted that national policies must be examined closely for effects they may have on international trade.

The Conference said pressure for downward adjustment of production will be lessened if imagination is shown in finding new markets for surplus commodities. Opportunities should be seized, the delegates said "for increased utilization offered by improvement of international aid and development programs, creation of reserves, and economic growth of developing areas."

During discussion on this matter, the delegates said IFAP must recognize the prospective build-up of surpluses and the resulting needs for adjustment of production and marketing to demand that this presents. While cutbacks in production should be avoided if at all possible, the delegates said it must be recognized that output in some industrialized countries is overextended in relation to prospective commercial markets and the existing physical potential for noncommercial distribution.

"The extent to which food production potential is utilized clearly depends upon the willingness of people to tax themselves in order to provide the funds necessary both to pay for noncommercial food distribution and to stimulate the basic economic development of underdeveloped countries, without which it is impossible to expand demand and even to solve the physical problems of distribution," the IFAP declared.

In considering the need for an orderly international organization of markets, the delegates said it is necessary to consider the continuing need for adjustment in relation to the changing competitive position of various suppliers.

Farm organizations in each country, the IFAP said, should pay more attention to the financial implications of international programs aimed at expanding noncommercial use of agriculture's potential and to present the issues to their governments.

The Conference also said such products as pork, beef, poultry, fruits, vegetables, and secondary seed and grains offer the greatest possibility for producer action to adjust production to demand, through their organizations. It should always be kept in mind, however, IFAP said, that certain developing countries have need for additional supplies of feed grains.

BUTTER AND CHEESE PROBLEMS

IFAP delegates spent considerable time discussing international problems for butter and cheese as well as skim milk powder.

They noted that while the butter market is at present relatively stable after a marked recovery from 1958, there are many uncertainties for the future. There are indications of possible renewed fluctuations. Technological progress, the delegates said, may alter the situation unpredictably. "The interest of producers in stable demand is emphasized and for this reason it is important to avoid prices that discourage consumption of butter," the conference report said.

On the other hand, the cheese market generally is satisfactory and there are no signs of a worsening in the near future, the delegates declared. There was great concern expressed at the sudden disappearance of surplus skim milk stocks and a resolution on this matter was approved.

During the overall discussion on dairy products, there was reference to the recent action of the three Farmers' Unions in the United Kingdom in submitting to their government a draft scheme for stabilizing international trade in butter. The British delegation said in mentioning this proposal, they had wished to focus discussion of the butter problem on a concrete plan for achieving a measure of price stability in the interests of both producers and consumers.

The plan envisages establishment of an International Butter Marketing Council which would have three main functions: (1) short-term appraisal of the butter market; (2) examination of long-term national milk and butter production policies; and (3) avoidance of excessive fluctuations in butter prices.

The British delegation suggested the International Butter Marketing Council might meet periodically during the year to appraise current and prospective outlooks and to guide milk producers and their marketing agencies in exporting and importing nations accordingly.

While welcoming the objective of stabilizing trade in butter, the delegates felt the British proposals would have to be examined carefully by producer organizations in the countries concerned before IFAP could make any general recommendations. Organizations were invited by the delegates to study the proposals by the British Farmers' Unions and to submit their comments to the United Kingdom organizations. If the views are favorable toward the British suggestions, the Conference proposed that IFAP consider calling a special conference on dairy products for further discussion of the proposals.

CIVIL RIGHTS ACT OF 1960—AMENDMENTS

Mr. HART. Mr. President, I send to the desk two amendments to the bill which is pending, and ask unanimous consent that the amendments be ordered to be printed and lie on the table.

The PRESIDING OFFICER. Is there objection?

Mr. HART. I also ask unanimous consent that the reading of the amendments under the rule be dispensed with, but that the amendments be considered to have been read under the requirement of rule XXII.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The amendments will be received, printed, and will lie on the table.

Mr. HART. Mr. President, I send to the desk, and ask to have printed and lie on the table, an additional amendment to the pending bill.

The PRESIDING OFFICER. Without objection, the amendment will be received, printed, and lie on the table.

POSTAL FACTS

Mr. HART. Mr. President, I ask unanimous consent that an editorial which appeared in the Detroit Times of March 21, 1960, under the caption "Postal Facts," be printed in the body of the RECORD. It relates to a matter which faces all of us, and I think the attitude expressed by the Detroit Times is sound and worthy of general reading.

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

POSTAL FACTS

President Eisenhower's special message to Congress urging another postal rate increase presents one of those seemingly plausible arguments which is easily demolished by facts. Let's consider the facts.

In essence the President says the Post Office is losing a lot of money. Therefore mail rates should be raised to wipe out the loss, or at least come close.

This position, which apparently came to the President special delivery from Postmaster General Summerfield, is based on a fallacy.

It is the error of assuming the Post Office is a business. In reality, in historical precedent, and in everyday fact, it is a public service. It cannot possibly be conducted as both.

Certainly it costs taxpayers money to run the Post Office Department. It also costs taxpayers money to run the White House, the Commerce Department, the Federal judiciary system, the FBI—almost every Federal activity.

The costs of such public services are taken for granted. But the costs of the postal service are labeled "deficit" and become issue.

Why? The answer is that the Post Office takes in a great deal of money, about $2½ billion a year. No other Government department produces anywhere near as much revenue.

But because the postal establishment costs more to operate than it takes in, and because a law requires annual reports comparing receipts with costs, the Post Office is singled out and charged with operating at a deficit.

Postal rates actually are a form of taxes. The Post Office does not keep the money it gets for selling stamps, but turns it into the Treasury. Thus in urging a postal rate increase, the administration is seeking an indirect tax increase.

Finally, the theory that the Post Office is a business doesn't make sense. Would a business charge the same fee to deliver a message across the street as it does to handle a letter from Florida to Alaska?

Would a business operate a branch office in every hamlet in the Nation, most of them losing money because of slight patronage? Would a business take on sideline jobs without remuneration, like selling duck stamps or registering aliens?

The Post Office is an essential public service, worth what it costs to operate.

We suggest Mr. Summerfield ought to stop proclaiming (and complaining) how much his Department has lost and concentrate on getting the mails delivered as speedily and economically as possible.

And Congress ought to ignore the request for another boost in rates.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

CIVIL RIGHTS ACT OF 1960—REPORT OF A COMMITTEE—SEPARATE VIEWS (PT. 2, S. REPT. 1205)

Mr. HART. Mr. President, I ask unanimous consent to submit separate views on behalf of the Senator from Missouri [Mr. HENNINGS], the Senator from Connecticut [Mr. DODD], and myself, from the Committee on the Judiciary on the pending bill (H.R. 8601) to enforce constitutional rights, and for other purposes, and ask unanimous consent that the separate views be ordered to be printed as part 2 together with the separate views of the Senator from Colorado [Mr. CARROLL].

The PRESIDING OFFICER. Without objection, it is so ordered, and the separate views will be printed, as requested by the Senator from Michigan.

ADDITIONAL BILL INTRODUCED

Mr. MORSE, by unanimous consent, introduced a bill (S. 3318) to authorize marketing agreements and orders under section 8c of the Agricultural Adjustment Act (as reenacted by the Agricultural Marketing Agreement Act of 1937), as amended, with respect to berries for canning and freezing, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

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

CIVIL RIGHTS ACT OF 1960—AMENDMENT

Mr. DOUGLAS (for himself, Mr. MCNAMARA, and Mr. HART) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, which was ordered to lie on the table and to be printed.

LOCATION OF U.S. COURT OF CLAIMS BUILDING—ADDITIONAL COSPONSOR OF BILL

Mr. MORSE. Mr. President, I ask unanimous consent that at the next printing of the bill S. 3279, relating to the location of the new U.S. Court of Claims Building, which I introduced, the Senator from Illinois [Mr. DOUGLAS] may be added as a cosponsor.

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

ADJOURNMENT TO MONDAY

Mr. KUCHEL. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment under the order previously entered.

The motion was agreed to; and (at 7 o'clock and 19 minutes p.m.), under the order previously entered, the Senate adjourned until Monday, April 4, 1960, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

Preparations Under Way for the 1964 American World's Fair

EXTENSION OF REMARKS

OF

HON. KENNETH B. KEATING

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Friday, April 1, 1960

Mr. KEATING. Mr. President, a great deal of hard work has been done over the past several months in preparing for the American World's Fair in 1964 to be held in New York City. A number of interested citizens in New York have been instrumental in organizing the New York World's Fair Corp. and in getting the administration to select New York City as the site for an American fair in 1964.

These efforts have been highly successful. A great deal of work, of course, remains to be done in arranging with the Bureau of International Expositions in Paris and with foreign nations to finalize arrangements for the fair. Beyond that, plans must be made for Flushing Meadows, the site of the fair, and the construction of buildings, roads, and other facilities must be initiated.

One of the most gratifying aspects of the preparations for the 1964 fair thus far has been the active participation and assistance of the President and of the Department of State in working with foreign nations, which we hope will exhibit at the fair. I ask unanimous consent that the letter from President Eisenhower to Mr. Robert Kopple, executive vice president of the New York World's Fair 1964 Corp., expressing the hope that foreign nations will respond enthusiastically to the invitation of the New York World's Fair in 1964 be printed in the CONGRESSIONAL RECORD.

The permanent organization for the 1964 fair is now being set up. Several weeks ago Mr. Robert Moses was named to head this organization. Many of those who have worked long and hard on the fair up to this point are now stepping aside. I want to commend them for the fine work which they have done. Mr. Thomas Deegan, chairman of the fair corporation, and Mr. Robert Kopple, executive vice president, merit special praise for the efforts which they have devoted to this endeavor.

I ask unanimous consent that a letter which I wrote to Mr. Kopple praising him and the officers and members of the fair corporation for the energy which they have devoted to a 1964 American World's Fair in New York City also be printed in the CONGRESSIONAL RECORD.

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

THE WHITE HOUSE,
Washington.

Mr. ROBERT KOPPLE,
Executive Vice President, New York World's Fair 1964 Corp., New York, N.Y.

DEAR MR. KOPPLE: The World's Fair to be held in New York in 1964 can be a powerful instrument for peace and friendship in freedom.

There is no greater force for good will on this earth than for people of all lands to meet face to face and become better acquainted with each other. This simple but basic truth has been reinforced in my own mind by my travels around the world and my visits here at home with leaders from many nations.

Ignorance of one another can lead to misunderstanding and conflict. The only way to correct this unhappy state is through first-hand knowledge, personal contacts, and a fruitful exchange of ideas.

I hope that all nations will respond enthusiastically to the invitation of the New York World's Fair in 1964. This will be a fine opportunity for their peoples to grow in mutual respect and friendship.

Sincerely,

DWIGHT D. EISENHOWER.

U.S. SENATE,
March 24, 1960.

Mr. ROBERT KOPPLE,
Executive Vice President,
New York World's Fair 1964,
New York, N.Y.

DEAR BOB: The efforts which over the past few months have been devoted to a 1964 American World's Fair in New York City are now coming to fruition.

The job is by no means over. It is just beginning. The President's invitation to foreign countries to participate in a New York World's Fair in 1964 marks a beginning and a challenge—a challenge to fulfill all of our aims for a successful 1964 World's Fair promoting peace through understanding.

I commend all of the members of the New York 1964 World's Fair Corp. for the fine work which you have done. You may be assured of my continuing interest and cooperation in all of your future endeavors.

Very sincerely yours,

KENNETH B. KEATING.

SENATE

MONDAY, APRIL 4, 1960

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

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

Our Father, God, we are grateful for unhurried moments of communion with Thee, when spirit with spirit may meet. It is in such spiritual commerce that the swift pace of our lives is slackened and the fevers of haste melt away. Thus, if we so will, by waiting upon Thee we shall see more clearly, think more truly, and in all our decisions choose more worthily.

So, turning from all else to Thee alone, with a surety that there is more wrought by prayer than this world knows of, our hearts come singing in simple trust—

Sweet hour of prayer, that calls us
from a world of care,
And bids us at our Father's throne
Make all our wants and wishes known.

But above all our wishes, which may be tinged by hidden self-interest, we would seek Thy will, and toil that it may come to its coronation in all the affairs of men across all dividing gulfs. And may the petitions our hearts lift and our lips frame be fulfilled in the deeds of this body of the people's rule.

In the dear Redeemer's name we pray. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 1, 1960, was dispensed with.

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 March 31, 1960:

S. 601. An act to authorize and provide for the construction of the Bardwell Reservoir; and

S. 2185. An act to provide appropriate public recognition of the gallant action of the steamship *Meredith Victory* in the December 1950 evacuation of Hungnam, Korea.

On April 4, 1960:

S. 607. An act for the relief of the estate of Sinclair G. Stanley; and

S. 1159. An act to facilitate the acquisition of real property under the District of Columbia Alley Dwelling Act.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 2310) for the relief of Hoo W. Yuey.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 4826) for the relief of Arthur E. Collins; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LANE, Mr. DONOHUE, and Mr. HENDERSON were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 10743) making supplemental appropriations for the fiscal year ending June 30, 1960, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. THOMAS, Mr. KIRWAN, Mr. CANNON, Mr. JENSEN, and Mr. TABER were appointed managers on the part of the House at the conference.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

H.R. 4874. An act to amend section 334 of the Agricultural Adjustment Act of 1938, as amended, to provide that for certain purposes of this section, farms on which the farm marketing excess of wheat is adjusted to zero because of underproduction shall be regarded as farms on which the entire amount of the farm marketing excess of wheat has been delivered to the Secretary or stored to avoid or postpone the payment of the penalty;

H.R. 6329. An act to convey certain land in McKinley County, N. Mex., to the Navajo Tribe of Indians;

H.R. 8251. An act for the relief of Tatsumi Ajisaka and others;

H.R. 8343. An act relating to the preservation of acreage allotments on land from which the owner is displaced by reason of the acquisition thereof by a Government agency in the exercise of the right of eminent domain;

H.R. 10233. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1961, and for other purposes;

H.R. 9444. An act for the relief of Hsiao-li Lindsay (nee Li-Hsiao-li); and

H.J. Res. 283. Joint resolution to authorize participation by the United States in parliamentary conferences with Mexico.

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.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Aviation Subcommittee of the Committee on Interstate and Foreign Commerce was authorized to meet during the session of the Senate today.

SUBCOMMITTEE MEETING DURING SENATE SESSION

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the McNamara Subcommittee on the Problems of the Aged and Aging may be authorized to meet during the session of the Senate tomorrow.

Mr. KEATING. Mr. President, I am sorry. I could not hear what the Senator from Texas said.

Mr. JOHNSON of Texas. I have asked unanimous consent that the McNamara subcommittee may meet tomorrow. It has called several witnesses to appear before it.

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

ORDER DISPENSING WITH THE CALL OF THE CALENDAR

On request of Mr. JOHNSON of Texas, and by unanimous consent, the call of the calendar today under the rule was dispensed with.