By Mr. BENNETT of Florida:

H. R. 7390. A bill for the relief of Erika Kuebart and her minor son; to the Committee on the Judiciary.

By Mr. BRAMBLETT:

H. R. 7391. A bill for the relief of Bernard R. Novak; to the Committee on the Judiciary.

By Mr. DINGELL:

H. R. 7392. A bill for the relief of Columbus Finley; to the Committee on the Judiciary.

By Mr. HAVENNER:

H. R. 7393. A bill for the relief of Francisco Blanco; to the Committee on the Judiciary.

H. R. 7394. A bill for the relief of Mrs. Celine Smith; to the Committee on the Judiciary.

By Mr. MITCHELL:

H. R. 7395. A bill for the relief of Endel Jakob Kolde; to the Committee on the Judiciary.

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### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1881. By Mr. FORAND: Resolution of the General Assembly of the State of Rhode Island, memorializing Congress with relation to the amendment of the retirement requirements as they apply to soldiers, sailors, marines, and National Guard men so that those otherwise eligible for retirement after 20 years of service may receive the benefits for which they would be entitled without having reached the minimum age therefor; to the Committee on Armed Services.

1882. Also, resolution of the General Assembly of the State of Rhode Island, memorializing Congress in plea for cooperation by the United States Army engineers for the removal of wrecks in Narragansett Bay and Providence Harbor; to the Committee on Public Works.

1883. By Mr. HALE: Memorial of the Senate and House of Representatives of the State of Maine, urging the Members of Congress to pass legislation authorizing the issue of a postage stamp and the striking of a coin to mark the occasion of the two hundredth anniversary of the birth of Maj. Gen. Henry Knox, friend of George Washington, who held the distinguished position of head of the Department of Artillery in the American Revolution, 1776–83, and was Secretary of War in the National Government, 1785–94; to the Committee on Post Office and Civil Service.

1884. By Mr. JENISON: Petition of the property owners of that part of the village of Palestine, Ill., that is endangered by flood from the Wabash River, petitioning for assistance from the Federal authorities in building protection necessary to protect their lives and property; to the Committee on Public Works.

1885. By Mr. KEARNEY: Petitions of residents of Cooperstown, N. Y., advocating passage of legislation to prohibit the transportation in interstate commerce of alcoholic-beverage advertising and its broadcasting over the radio; to the Committee on Interstate and Foreign Commerce.

1886. By Mr. RICH: Petition of members of St. Agnes Parish, Lock Haven, Pa., in opposition to Barden and Thomas Federal aid-to-education bills; to the Committee on Education and Labor.

1887. By Mrs. ROGERS of Massachusetts: Petition of Holmes, Curran, Bennett Unit, No. 361, American Legion Auxiliary, Ashby, Mass., against any form of compulsory health insurance or any system of political medicine designed for national bureaucratic control; to the Committee on Interstate and Foreign Commerce.

1888. Also, petition of American Legion Auxiliary Post, No. 159, Westford, Mass., against any form of compulsory health insurance or any system of political medicine designed for national bureaucratic control; to the Committee on Interstate and Foreign Commerce.

1889. Also, memorial of the General Court of Massachusetts, to remove existing taxes on admissions to high-school athletic contests or athletic contests conducted by charitable and nonprofit organizations; to the Committee on Ways and Means.

1890. By the SPEAKER: Petition of Weldon Chambers, president, Brown County local unit, Texas State Teachers Association, Bangs, Tex., opposing Federal aid to education; to the Committee on Education and Labor.

1891. Also, petition of Rear Adm. William Rea Furlong, Military Order of the World Wars, Washington, D. C., relative to resolutions pending before the Congress proposing world government or proposing a change in the United Nations, and stating its opposition to any form of supergovernment, being contrary to the essentials of liberty and national independence; to the Committee on Foreign Affairs.

1892. Also, petition of Helen S. Kurtz, president, Women's Board of Doctors Hospital, Cleveland, Ohio, opposing any form of compulsory health insurance or any system of political medicine designed for national bureaucratic control; to the Committee on Interstate and Foreign Commerce.

1893. Also, petition of Paul Wooton, president, Society of Business Magazine Editors, Washington, D. C., opposing the continued use of the facilites of the periodical press galleries by representatives of the State Department or any other Government agency and asking that no relaxation of the rules regarding admission be permitted; to the Committee on Rules.

1894. Also, petition of S. M. Felton, president, American Railway Car Institute, New York, N. Y., relative to excise taxes on railroad fares and shipment of freight and requesting that these excise taxes be abolished immediately; to the Committee on Ways and Means.

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# SENATE

## WEDNESDAY, FEBRUARY 22, 1950

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

Our fathers' God, with clamorous voices demanding our ears we would this day listen again to the calm and reassuring voice of the first President of the Republic, who still stands among us in lofty reserve. Being dead, he yet speaketh, with unerring judgment exhorting us to union and harmony. May his warning sentiments bequeathed for the meditation of all future generations come to us with undimmed freshness as a message for these troubled times. By patience and faith may we, like him, rise above the difficulties, discouragements, and dangers which confront us, in this day of desperate battle around the world, between truth and falsehood, liberty and tyranny.

So, as the ages roll on, may a grateful Nation cherish the luster of his virtues and the greatness of his service. Amen.

### THE JOURNAL

On request of Mr. LUCAS, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, February 21, 1950, was dispensed with.

### MESSAGES FROM THE PRESIDENT

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

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 2734) to promote the rehabilitation of the Navajo and Hopi Tribes of Indians and a better utilization of the resources of the Navajo and Hopi Indian Reservations, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

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

H. R. 633. An act for the relief of Mrs. Victor V. Greg;

H. R. 677. An act for the relief of Nicoletta and Guilia Pontrelli;

H. R. 714. An act for the relief of Pieter Cornelis ten Wolde and family;

H. R. 1047. An act for the relief of the Aero-Bocker Knitting Mills, Inc.;

H. R. 1133. An act for the relief of Mrs. Merle Leatherbury Pyle and Patricia M. Pyle;

H. R. 1170. An act for the relief of Mrs. John Kaudy (formerly Stella Cappler);

H. R. 1464. An act for the relief of W. B. Terry;

H. R. 1606. An act conferring jurisdiction upon the Court of Claims to hear and determine the claim of Auf der Heide-Aragona, Inc., and certain of its subcontractors against the United States;

H. R. 1697. An act for the relief of Mildred Smith Butler;

H. R. 1699. An act for the relief of the estate of William Kraus;

H. R. 1866. An act for the relief of Honorio Canciller and Nancy Ting Evangelista;

H. R. 2705. An act for the relief of Martin Kenneth Ikeda;

H. R. 2719. An act for the relief of the legal guardian of I. D. Cosson, a minor;

H. R. 2929. An act for the relief of Mrs. Dorothy Manious;

H. R. 3080. An act for the relief of Earl L. Doss;

H. R. 3330. An act for the relief of Therese Hohman;

H. R. 3506. An act for the relief of Louis P. Murphy, United States immigrant inspector, El Paso, Tex.;

H. R. 3725. An act for the relief of the estate of Mrs. Elizabeth Gardner;

H. R. 4015. An act for the relief of Kate Laursen;

H. R. 4301. An act for the relief of Y. S. Hu;

H. R. 4380. An act for the relief of Mrs. Agnes Emma Hay;

H. R. 4532. An act for the relief of Dr. Ta Fu Wu;

H. R. 4604. An act to authorize the admission into the United States of certain aliens possessing special skills, namely, Teodor Egle, Karlis Fogelis, Vasily Kils, and Aleksanders Zelmenis;

H. R. 4608. An act for the relief of William J. Drinkwine;

H. R. 4720. An act for the relief of Stella Avner;

H. R. 4781. An act for the relief of Veronica Jolly;

H. R. 5274. An act for the relief of Francis A. Gunn;

H. R. 5523. An act for the relief of Fred I. Massengill;

H. R. 5541. An act to amend Private Law No. 463, Seventy-sixth Congress;

H. R. 5566. An act for the relief of Dr. Agostino DeLisi;

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

H. R. 5753. An act for the relief of Jean Clark;

H. R. 6051. An act for the relief of Alcide Raymond;

H. R. 6271. An act for the relief of Mrs. Harry Schneider;

H. R. 6344. An act for the relief of Mrs. William Y. Imanaka;

H. R. 6414. An act for the relief of Mrs. Chikako Mary Ohori Hori;

H. R. 6521. An act to authorize the sale of certain land on the Pine Ridge Indian Reservation, S. Dak., allotted to Lucy Arapahoe Iron Bear;

H. R. 6577. An act for the relief of Haruko Teramoto;

H. R. 6589. An act for the relief of Mitsue Miyamoto;

H. R. 6689. An act for the relief of Mitsuko Uemura;

H. R. 6691. An act for the relief of Paul D. Banning, chief disbursing officer, Treasury Department, and for other purposes;

H. R. 6692. An act for the relief of Sgt. Blaine W. Hughes;

H. R. 6694. An act for the relief of Ervin Haas and Leno Vescovi;

H. R. 6695. An act for the relief of Edgar F. Russell; Lillian V. Russell, his wife; and Bessie R. Ward;

H. R. 6696. An act for the relief of Lawrence B. Williams and his wife, Viva Craig Williams;

H. R. 6756. An act for the relief of Arthur Chen Shu Jee;

H. R. 6787. An act for the relief of Mrs. Kyoko Nakamura Kornhauser;

H. R. 6894. On act for the relief of Mrs. Nobuko Eto Heard; and

H. R. 7035. An act for the relief of Hisako Sakata Ikezawa.

CALL OF THE ROLL

Mr. LUCAS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

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| Aiken | Hendrickson | Malone |
| Benton | Hickenlooper | Maybank |
| Brewster | Hill | Millikin |
| Bricker | Hoey | Morse |
| Butler | Holland | Mundt |
| Byrd | Hunt | Myers |
| Capehart | Ives | Neely |
| Chapman | Jenner | O'Conor |
| Chavez | Johnson, Colo. | O'Mahoney |
| Connally | Johnson, Tex. | Robertson |
| Cordon | Johnston, S. C. | Russell |
| Darby | Kefauver | Saltonstall |
| Donnell | Kem | Schoeppel |
| Douglas | Kerr | Smith, Maine |
| Downey | Kilgore | Smith, N. J. |
| Dworshak | Knowland | Sparkman |
| Eastland | Langer | Stennis |
| Ecton | Leahy | Taft |
| Ellender | Lehman | Taylor |
| Ferguson | Lodge | Thomas, Utah |
| Flanders | Long | Thye |
| Frear | Lucas | Tobey |
| Fulbright | McCarran | Tydings |
| George | McCarthy | Watkins |
| Gillette | McClellan | Wherry |
| Graham | McFarland | Wiley |
| Green | McKellar | Williams |
| Gurney | McMahon | Withers |
| Hayden | Magnuson | |

Mr. MYERS. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Minnesota [Mr. HUMPHREY], and the Senator from Florida [Mr. PEPPER] are absent on public business.

The Senator from Montana [Mr. MURRAY] is necessarily absent.

The Senator from Oklahoma [Mr. THOMAS] is absent by leave of the Senate.

Mr. SALTONSTALL. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from North Dakota [Mr. YOUNG] are absent by leave of the Senate.

The Senator from Washington [Mr. CAIN] and the Senator from Pennsylvania [Mr. MARTIN] are absent on official business.

The Senator from Michigan [Mr. VANDENBERG] is necessarily absent.

The VICE PRESIDENT. A quorum is present.

READING OF WASHINGTON'S FAREWELL ADDRESS

The VICE PRESIDENT. In accordance with the resolution of the Senate adopted on January 24, 1901, ordering the reading on the 22d day of February of each year of the Farewell Address of George Washington, the Chair having heretofore designated the Senator from Maryland [Mr. O'CONOR] to read the address, the Senator from Maryland is now recognized for that purpose.

Mr. O'CONOR advanced to the desk and read the Farewell Address, as follows:

*To the people of the United States:*

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patrictism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequ ' to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot

end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, suffering and successes.

But these considerations, however powerfully they addressed themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south* in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and maintaining

within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be involved, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasion of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution of modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One

method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes, that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessary parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collusions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There

can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe; my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perserverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
*17th September, 1796.*

Mr. DONNELL. Mr. President, I ask unanimous consent to speak 4 minutes at this point.

The VICE PRESIDENT. Without objection, the Senator may proceed.

Mr. DONNELL. Mr. President, I congratulate the Senator from Maryland on his discerning and intelligent reading of Washington's Farewell Address, which by emphasis and clarity has been of such pronounced assistance in enabling us who have heard his rendition to understand the profound meaning of this immortal address.

Each year we are impressed with its close applicability to current problems. The observation that the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all; the observation that it is important likewise that the habits of thinking in a free country should inspire caution in those entrusted with its administration to confine themselves within their respective constitutional spheres, avoiding, in the exercise of the powers of one department, to encroach upon another; the admonition that if, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates, but let there be no change by usurpation—these are but examples of the truths which are immortal in this great address of the Father of his Country.

Truth, crushed to earth, shall rise again;
The eternal years of God are hers.

Mr. President, Daniel Webster said:

America has furnished the world the character of Washington. And if our American institutions had done nothing else, that alone would have entitled them to the respect of mankind.

It was Lord Brougham of England who said:

Until time shall be no more, a test of the progress which our race has made in wisdom and virtue will be derived from the veneration paid to the immortal name of Washington.

Today, Mr. President, our thoughts may appropriately include that other great American, the birth of whom our people celebrated earlier in this month, Abraham Lincoln. As our contemplation embraces these two great figures of history, let us recall a tribute to Washington in words of matchless beauty left by Lincoln to us. Listen to his words:

To add brightness to the sun or glory to the name of Washington is alike impossible. Let none attempt it. In solemn awe pronounce the name, and in its naked deathless splendor leave it shining on.

Mr. TOBEY. Mr. President, I ask unanimous consent that I may address the Senate for 2 minutes.

The VICE PRESIDENT. Without objection, the Senator may proceed.

Mr. TOBEY. Mr. President, the psalmist David, in one of his Psalms, in speaking to God Almighty, wrote—

Thy word have I hid in mine heart, that I might not sin against Thee.

What David meant was that the truths and the inspirations and the teachings of Holy Writ were hid in his heart so that when the temptations of sin came into his life he could call up their assurances as armor to protect him against the wiles of evil.

As I sat here this morning, Mr. President, joining with my fellows in listening to the address of our great first President, perhaps the greatest of all American citizens, all things considered, I harkened to his appeal to mankind, not only those of his day, but to us, as well as generations yet to come, calling our attention to the soundness of thrift, to religion and prudence, to right foreign relations, to sound credit and finance, but, above all, integrity and common honesty.

I reflected, as I listened, would that we in the Senate of the United States, and the people in the hinterlands of America, might hide those principles in our hearts, that when false doctrine or great temptations came, when insidious wiles of national and international evils presented themselves to our souls, we might call up these teachings, and give back a strong answer, that here we stand, true to the principles of Washington and Lincoln and other great leaders who have gone before us, building something with foundations great and strong for generations yet unborn.

If that were true in my life and yours, Mr. President, and in those of our fellows, then it might be said in truth, Washington being dead, yet speaketh to us today. God grant that may be true.

## EXECUTIVE COMMUNICATIONS, ETC.

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

### FORWARDING AND RETURN OF CERTAIN MAIL MATTER

A letter from the Postmaster General, transmitting a draft of proposed legislation

relating to the forwarding and return of second-, third-, and fourth-class mail, the collection of postage due at the time of delivery, and for other purposes (with an accompanying paper); to the Committee on Post Office and Civil Service.

DEMURRAGE CHARGES ON UNDELIVERED COLLECT-ON-DELIVERY PARCELS

A letter from the Postmaster General, transmitting a draft of proposed legislation to amend the act entitled "An act to authorize the Postmaster General to impose demurrage charges on undelivered collect-on-delivery parcels," approved May 23, 1930, as amended (39 U. S. C. 246c) (with an accompanying paper); to the Committee on Post Office and Civil Service.

SUSPENSION OF DEPORTATION OF ALIENS

A letter from the Acting Attorney General of the United States, transmitting, pursuant to law, copies of orders of the Commissioner of the Immigration and Naturalization Service suspending deportation as well as a list of persons involved, together with a detailed statement of the facts and pertinent provisions of law as to each alien and the reason for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

GRANTING OF STATUS OF PERMANENT RESIDENCE TO CERTAIN ALIENS

A letter from the Acting Attorney General of the United States, transmitting, pursuant to law, copies of orders of the Commissioner of the Immigration and Naturalization Service granting the status of permanent residence to certain aliens (with accompanying papers); to the Committee on the Judiciary.

PROPOSED TRANSFER BY NAVY DEPARTMENT OF PLANE PERSONNEL BOAT TO LAKE COUNTY, CALIF.

A letter from the Under Secretary of the Navy, reporting, pursuant to law, that the county of Lake, Calif., had requested the Navy Department to transfer a plane personnel boat, or craft of similar type, for use by that county in rescue operations and in the discharge of other functions of the county; to the Committee on Armed Services.

STATISTICAL TABLES REFLECTING BUSINESS TRANSACTED BY BANKRUPTCY COURTS

A letter from the Director, Administrative Office of the United States Courts, Washington, D. C., transmitting, pursuant to law, statistical tables reflecting the business transacted by the bankruptcy courts, fiscal year ended June 30, 1949 (with an accompanying document); to the Committee on the Judiciary.

## PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

Letters in the nature of petitions from Unknown Soldier Post, No. 875, Los Angeles, Calif., signed by F. F. Collins, quartermaster adjutant; the Wyandotte County Council of Kansas City, Kans., signed by Harry Cox, Jr., commander; Halvarson-Bowers Post, No. 187, of Minneapolis, Minn., signed by Albert Johnson, commander; and the Legislation Action Committee, of Sunburst, Mont., all of the Veterans of Foreign Wars of the United States, praying for the enactment of House bill 4167, to liberalize the requirement for payment of pension in certain cases to veterans and their widows and children; to the Committee on Finance.

Resolutions adopted by Lion Mountain Auxiliary to Post No. 276, of Whitefish, Mont., and the Beirne-Webster Post, No. 1568, of Towanda, Pa., both of the Veterans of Foreign Wars of the United States, favoring the enactment of House bill 4167, to liberalize the requirement for payment of pension in certain cases to veterans and their widows and children; to the Committee on Finance.

A resolution adopted by the Women's International League for Peace and Freedom, of Washington, D. C., favoring the establishment of a conference on disarmament; to the Committee on Foreign Relations.

A resolution adopted by the Supreme Officers of the Pan-Messenian Federation, of Boston, Mass., relating to the return to Greece of certain abducted children; to the Committee on Foreign Relations.

A letter from Nicolas Estates, Inc., of Manila, P. I., signed by Mr. and Mrs. Eugenio Corpuz Nicolas, transmitting a resolution relating to amendment of the United States-Philippine war-damage law (with accompanying papers); to the Committee on Foreign Relations.

A resolution adopted by the Delaware State Dental Society, of Wilmington, Del., protesting against the enactment of legislation providing compulsory health insurance; to the Committee on Labor and Public Welfare.

A joint resolution of the General Assembly of the Commonwealth of Kentucky; to the Committee on Agriculture and Forestry;

"Senate Resolution 25

"Whereas the growing and marketing of tobacco in Kentucky produces more cash income than is produced from any other crop grown in Kentucky; and

"Whereas Kentucky produces, grows, and markets more burley tobacco than any other State in the United States of America; and

"Whereas the growing and marketing of burley tobacco is very vital to the economic life and to the general welfare of the people of Kentucky; and

"Whereas the burley tobacco growers in Kentucky, by overwhelming vote, have repeatedly approved the establishment of quotas for the growing and marketing of burley tobacco under the terms and provisions of the Federal Agricultural Adjustment Act of 1938, as amended; and

"Whereas uniform standards of type, quality, grade, and other characteristics need to be established and maintained to prevent manipulations and evasions which would unreasonably and adversely affect the prices received by tobacco growers in Kentucky to the great detriment of such growers; and

"Whereas the classification of tobacco according to type, grade, and other characteristics and the use and application of uniform standards for such classifications and inspections are imperative for the protection of growers of burley tobacco and the protection of the public interest of the people of Kentucky and of other States growing burley tobacco; and

"Whereas abnormally excessive supplies of burley tobacco adversely affect the price of tobacco which is grown under quota and marketing restrictions; and

"Whereas tobacco has been grown in large amounts in Kentucky which is a cross or variety of burley known and designated as type 31–V tobacco which has been grown without being under the quota and marketing restrictions applicable to other growers of burley tobacco; and

"Whereas the ruling and regulation of the United States Department of Agriculture establishing type 31–V tobacco, classification amended July 18, 1947, effective July 23, 1947 (12 FR 4144; 12 FR 4879), restrictions and contract issued November 13, 1947, effective January 2, 1948 (12 FR 5478; 12 FR 8041), have resulted in the evasion of the quota restrictions with respect to the growing and marketing of burley tobacco in Kentucky; and

"Whereas the General Assembly of the Commonwealth of Kentucky is strongly of the opinion that the aforesaid regulation, classification, and contract made by the United States Department of Agriculture is in direct violation of the intent of the Congress of the United States with respect to quota, marketing, and other regulations with respect to the growing and marketing of burley tobacco; and

"Whereas the General Assembly of the Commonwealth of Kentucky very strongly believes that said ruling, regulation, classification, and contract are unfair and unjust and are against the best interest of the burley-tobacco growers of Kentucky and of other States growing burley tobacco; and

"Whereas the General Assembly of the Commonwealth of Kentucky very strongly believes that said ruling, classifications, restrictions, and contract have resulted, and will continue to result, in abuses and evasions and manipulations which, if not corrected, may lead to the destruction of or great damage to the burley-tobacco industry in Kentucky and in other States: Now, therefore, be it

"*Resolved by the General Assembly of the Commonwealth of Kentucky (the senate and the house of representatives concurring)*, That the Secretary of Agriculture of the United States be requested immediately to revoke and rescind the rulings, classifications, and contract hereinabove set forth; and in lieu thereof, promulgate and adopt rules and regulations prohibiting the growth of type 31–V tobacco except under existing quotas, penalties, and other marketing conditions, regulations, and provisions which are now applicable to the growing and marketing of burley tobacco; and

"(2) That the Secretary of Agriculture of the United States immediately promulgate and issue appropriate and effective regulations to prohibit the consideration, historically or otherwise, of type 31–V tobacco in computing or determining the allotment or base for the growing of burley tobacco on any farm or farms by any person, firm, or corporation; and

"(3) That the clerk of the senate be, and is hereby, directed to send an attested copy of this resolution to each Member of the House of Representatives from Kentucky and to each Member of the Senate of the United States from Kentucky and to the President and Vice President of the United States; and, that they and each of them hereby are requested immediately to use their good offices in urging that the Secretary of Agriculture of the United States immediately take the action hereinabove requested, or upon his failure so to do, that appropriate legislation be prepared and presented to Congress for passage to accomplish the objectives and purposes hereinabove set forth."

A joint resolution of the Legislature of the State of Idaho; to the Committee on Interior and Insular Affairs:

"Senate Joint Memorial 1

*"To the honorable Senate and House of Representatives of the United States of America in Congress assembled:*

"We, your memorialists, the Legislature of the State of Idaho, respectfully represent that:

"Whereas, upon request of the President, the Department of the Interior and the Department of the Army have completed, and by their agreement of April 11, 1949, have coordinated their plans for development in the Columbia River Basin, which plans supplement and complement each other; and

"Whereas your memorialists, heretofore during the thirtieth Idaho legislative session, represented to you the urgency and importance of immediate authorization of certain of the projects proposed to be constructed in the Columbia River Basin in the interests of irrigation, flood control, navigation, power, and other beneficial uses; and

"Whereas the Payette unit of the Mountain Home project is among those of the highest importance to the State of Idaho, since, if carried to completion as a balanced and unified program of irrigation development, it would serve to utilize the vast natural resources of the State, and particularly those related to agriculture, with a maximum benefit to the citizens of Idaho as well as to the citizens of the entire region, and would effectively preserve for the benefit of the irrigation phases of the project the self-liquidating features of the power-producing facilities incident thereto which have been recommended for authorization and construction in the recently announced program of the President; and

"Whereas it is of vital importance that there be no delay in carrying forward the irrigation-development features of the Payette unit of the Mountain Home project because of the rising demand for home-making opportunities for war veterans and others seeking agricultural lands; and

"Whereas it is inherent in the policy of the State of Idaho that the rights, privileges, and benefits pertaining to and arising from utilization of the natural resources of the State shall be protected for the citizens of Idaho: Now, therefore, be it

*"Resolved by the Senate of the State of Idaho (the house of representatives concurring)*, That we most respectfully urge that, through an appropriate amendment to H. R. 5472, now pending before the Senate of the United States, Congress authorize construction of the Payette unit of the Mountain Home project in its entirety as embodied in the joint agreement of April 11, 1949, as hereinbefore referred to, with the provision that no funds shall be expended on other than the following features: Upper Scriver Creek power plant, lower Scriver Creek power plant, Smiths Ferry Dam, Smiths Ferry-Scriver Creek tunnel, Scriver Creek Dam and Reservoir, until the Secretary of the Interior with the approval of the President has submitted to the Congress a supplemental report and finding of feasibility under the provisions of the Federal reclamation laws, taking into consideration the participation of this project in the Columbia Basin account; be it further

*"Resolved,* That the secretary of state of the State of Idaho be, and he hereby is, directed to forward copies of this memorial to the President of the United States Senate and to the Speaker of the House of Representatives.

"This joint memorial passed the senate on the 8th day of February 1950.

"D. S. WHITEHEAD,
*"President of the Senate.*

"This joint memorial passed the house of representatives on the 11th day of February 1950.

"JOHN HOHNHORST,
*"Speaker of the House of Representatives."*

A concurrent resolution of the Legislature of the State of South Dakota; to the Committee on Finance:

"Senate Concurrent Resolution 2

"Concurrent resolution memorializing the Congress of the United States to enact the social-security bill, H. R. 6000, in such form as to extend Federal social security to include State and local government employees

*"Be it resolved by the Senate of South Dakota (the house concurring therein)*:

"Whereas Federal social security should be extended to include provision for State and local government employees; and

"Whereas this may be accomplished by enactment of the Federal social-security bill, H. R. 6000, in proper form; and

"Whereas such legislation is necessary to give effect to chapter 233 of the South Dakota session laws of 1949: Now, therefore, be it

*"Resolved,* That the Senate of the State of South Dakota, the house concurring therein, do memorialize the Congress of the United States to enact the legislation required to extend Federal social security to include provision for State and local government employees; be it further

*"Resolved,* That copies of this concurrent resolution be forwarded to the President of the United States Senate, the Speaker of the United States House of Representatives, to United States Senator CHAN GURNEY, to United States Senator KARL MUNDT, to Congressman FRANCIS H. CASE, and to Congressman HAROLD LOVRE.

"R. TERRY,
*"Lieutenant Governor, President of Senate.*

"A. E. MUNCK,
*"Speaker of the House of Representatives."*

## FEPC—RESOLUTION OF NEW YORK LEGISLATURE

Mr. IVES. Mr. President, this afternoon the Legislature of the State of New York completed action on a joint resolution memorializing the Congress of the United States to enact with all convenient speed House bill 4453, which is known as the fair employment practice bill. In that connection, I point out that this memorializing resolution was adopted by the assembly, in which the membership is 150, with only 7 votes in opposition, and in the State senate, where the membership totals 58, with only 2 votes in opposition.

At this point in my remarks, Mr. President, I ask to have the text of the resolution incorporated in the RECORD, and be appropriately referred.

The joint resolution was ordered to lie on the table, and, under the rule, ordered to be printed in the RECORD, as follows:

Senate Resolution 42

Whereas there is now pending in the Congress of the United States, a bill, House Resolution No. 4453, known as the Fair Employment Practice Act, the purpose of which is to establish a permanent agency of the Government to eliminate discrimination in employment; and

Whereas the State of New York has been among the pioneers of the States of the Union to enact such legislation which has been successful in reducing or eradicating such discrimination in the industries of this State; and

Whereas all citizens, without regard to their race, creed, color, or national origin, are entitled to equal opportunity to be gainfully employed, and it is in the public interest that such unfair practices, which tend to engender bitterness and unrest among large segments of our population, be eradicated as opposed to the principles of our form of Government; and

Whereas during the last war when it was essential for our war industries to keep production at their highest level, the fair employment practice committee was highly successful in reducing or eliminating such discrimination in such industries: Now, therefore be it

*Resolved (if the assembly concur)*, That it is the sense of the people of the State of New York, expressed through the considered judgment of their representatives in the legislature, that the enactment of such legislation is of the greatest importance to the people and will tend to unite the country and create greater respect for our institutions among the other peoples of the world, and be it further

*Resolved (if the assembly concur)*, That the Congress of the United States be, and it hereby is, respectfully memorialized to enact with all convenient speed House Resolution No. 4453 or such other, similar, appropriate legislation as will accomplish the purposes of this resolution, and be it further

*Resolved (if the assembly concur)*, That copies of this resolution be transmitted to the President of the United States, the secretary of the Senate and the Clerk of the House of Representatives of the United States, and to each Member of the Congress of the United States duly elected from the State of New York, and that the latter be urged to do all within their power to bring about the enactment of such legislation.

By order of the senate:

WILLIAM S. KING,
*Secretary.*

In assembly, February 21, 1950, concurred in without amendments.

By order of assembly:

ANSLEY BORKOWSKI,
*Clerk.*

## PRINTING OF ADDITIONAL COPIES OF HEARINGS ON NATIONAL HEALTH PROGRAM, 1949

Mr. HAYDEN, from the Committee on Rules and Administration, to which was referred the concurrent resolution (S. Con. Res. 71), submitted by Mr. THOMAS of Utah on January 31, 1950, reported it without amendment, and the concurrent resolution was considered by unanimous consent, and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed 1,000 additional copies of the hearings conducted before a subcommittee of the Senate Committee on Labor and Public Welfare on S. 1106, S. 1456, S. 1581, and S. 1679, Eighty-first Congress, first session, parts 1 and 2 of the national health program, 1949. Such additional copies shall be for the use of the Senate Committee on Labor and Public Welfare.

## PRINTING OF REPORT OF NATIONAL SOCIETY OF DAUGHTERS OF AMERICAN REVOLUTION (S. DOC. NO. 138)

Mr. HAYDEN, from the Committee on Rules and Administration, to which was referred the resolution (S. Res. 225), submitted by Mr. HAYDEN on February 6, 1950, reported it without amendment, submitted a report (No. 1278) thereon, and the resolution was considered by unanimous consent, and agreed to, as follows:

*Resolved,* That the fifty-second annual report of the National Society of the Daughters of the American Revolution for the year ending April 1, 1949, be printed as a Senate document.

## PRINTING OF PAMPHLET ENTITLED "EMPLOYMENT AND UNEMPLOYMENT"

Mr. HAYDEN, from the Committee on Rules and Administration, to which was referred the resolution (S. Res. 226), submitted by Mr. O'MAHONEY on February 6, 1950, reported it without amendment, and the resolution was considered by unanimous consent, and agreed to, as follows:

*Resolved,* That the committee print entitled "Employment and Unemployment," prepared for the use of the Joint Committee on the Economic Report, be printed as a Senate document.

## EXECUTIVE MESSAGES REFERRED

As in executive session,

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

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

BILLS INTRODUCED

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

By Mr. HENDRICKSON:

S. 3096. A bill for the relief of Efstratios Maravelios, alias Steve Maravelias; to the Committee on the Judiciary.

By Mr. EASTLAND:

S. 3097. A bill conferring jurisdiction on the United States District Court for the Southern District of Mississippi to hear, determine, and render judgment upon the claim of O. S. Rees; to the Committee on the Judiciary.

By Mr. EASTLAND (for himself and Mr. STENNIS):

S. 3098. A bill to amend section 104 of title 28 of the United States Code so as to create a Greenville division in the northern district of Mississippi, with terms of court to be held at Greenville; to the Committee on the Judiciary.

By Mr. MYERS:

S. 3099. A bill to repeal the prohibition against the filling of the vacancy in the office of district judge for the western district of Pennsylvania; to the Committee on the Judiciary.

By Mr. IVES:

S. 3100. A bill for the relief of Annetta Bachis, Anna Bellani, Angelina Colombo, Maria Grazia Impari, Franca Porricino, and Antonia Tirabassi; to the Committee on the Judiciary.

By Mr. CONNALLY:

S. 3101. A bill to amend the Economic Cooperation Act of 1948, as amended; to the Committee on Foreign Relations.

By Mr. HILL (for himself, Mr. PEPPER, Mr. THOMAS of Utah, Mr. MURRAY, Mr. NEELY, Mr. HUMPHREY, Mr. LEHMAN, and Mr. AIKEN):

S. 3102. A bill to enable the States to make more adequate provision for special services required for the education of physically handicapped children of school age, and for other purposes; to the Committee on Labor and Public Welfare.

By Mr. TAYLOR:

S. 3103. A bill to authorize the Secretary of the Interior to make provision for public schools in connection with the construction of Federal reclamation projects involving new public lands; to the Committee on Interior and Insular Affairs.

COTTON AND PEANUT ACREAGE ALLOTMENTS—AMENDMENT

Mr. GEORGE submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 398) relating to cotton and peanut acreage allotments and marketing quotas under the Agricultural Adjustment Act of 1938, as amended, which was ordered to lie on the table and to be printed.

SERVICE OF CERTAIN MEMBERS OF THE WOMEN'S ARMY AUXILIARY CORPS—CHANGE OF REFERENCE

Mr. GEORGE. Mr. President, on the 20th of February the distinguished senior Senator from Colorado [Mr. JOHNSON] introduced Senate bill 3078, to define the service of certain members of the Women's Army Auxiliary Corps as active military service. The bill was referred to the Senate Committee on Finance. The bill does not deal with pensions directly, but merely by definition places in the category of the recipients of pensions the members of the Women's Army Auxiliary Corps who were engaged in active military service in World War II.

The Finance Committee does not have jurisdiction of the bill, and I therefore ask unanimous consent that it be referred to the Committee on Armed Services.

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

PRINTING OF INFORMATION RELATING TO SPACE REQUIREMENTS OF THE UNITED STATES SENATE (S. DOC. NO. 137)

Mr. HAYDEN. Mr. President, by direction of the Committee on Rules and Administration, I ask unanimous consent to have printed as a Senate document information relating to space requirements of the United States Senate, prepared by the Committee on Rules and Administration.

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

PRINTING OF REVIEW OF REPORT ON LAKE PONTCHARTRAIN, LA. (S. DOC. NO. 139)

Mr. CHAVEZ. Mr. President, I present a letter from the Secretary of the Army, transmitting a report dated January 23, 1950, from the Chief of Engineers, United States Army, together with accompanying papers and an illustration, on a review of report on Lake Pontchartrain, La., requested by a resolution of the Committee on Public Works, United States Senate, adopted on October 11, 1947, and I ask unanimous consent that it may be referred to the Committee on Public Works, and printed as a Senate document, with an illustration.

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

HOUSE BILLS REFERRED

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

H. R. 633. An act for the relief of Mrs. Victor V. Greg;

H. R. 677. An act for the relief of Nicoletta and Guilia Pontrelli;

H. R. 714. An act for the relief of Pieter Cornelis ten Wolde and family;

H. R. 1047. An act for the relief of the Aero-Bocker Knitting Mills, Inc.;

H. R. 1133. An act for the relief of Mrs. Merle Leatherbury Pyle and Patricia M. Pyle;

H. R. 1170. An act for the relief of Mrs. John Kaudy (formerly Stella Cappler);

H. R. 1464. An act for the relief of W. B. Terry;

H. R. 1606. An act conferring jurisdiction upon the Court of Claims to hear and determine the claim of Auf der Heide-Aragona, Inc., and certain of its subcontractors against the United States;

H. R. 1697. An act for the relief of Mildred Smith Butler;

H. R. 1699. An act for the relief of the estate of William Kraus;

H. R. 1866. An act for the relief of Honorio Cancilier and Nancy Ting Evangelista;

H. R. 2705. An act for the relief of Martin Kenneth Ikeda;

H. R. 2719. An act for the relief of the legal guardian of I. D. Cosson, a minor;

H. R. 2929. An act for the relief of Mrs. Dorothy Manious;

H. R. 3080. An act for the relief of Earl L. Doss;

H. R. 3330. An act for the relief of Therese Hohman;

H. R. 3506. An act for the relief of Louis P. Murphy, United States immigrant inspector, El Paso, Tex.;

H. R. 3725. An act for the relief of the estate of Mrs. Elizabeth Gardner;

H. R. 4015. An act for the relief of Kate Laursen;

H. R. 4301. An act for the relief of Y. S. Hu;

H. R. 4380. An act for the relief of Mrs. Agnes Emma Hay;

H. R. 4532. An act for the relief of Dr. Ta Fu Wu;

H. R. 4604. An act to authorize the admission into the United States of certain aliens possessing special skills, namely, Teodor Egle, Karlis Fogelis, Vasily Kils, and Aleksanders Zelmenis;

H. R. 4608. An act for the relief of William J. Drinkwine;

H. R. 4720. An act for the relief of Stella Avner;

H. R. 4781. An act for the relief of Veronica Jolly;

H. R. 5274. An act for the relief of Francis A. Gunn;

H. R. 5523. An act for the relief of Fred I. Massengill;

H. R. 5541. An act to amend Public Law No. 463, Seventy-sixth Congress;

H. R. 5566. An act for the relief of Dr. Agostino DeLisi;

H. R. 5753. An act for the relief of Jean Clark;

H. R. 6051. An act for the relief of Alcide Raymond;

H. R. 6271. An act for the relief of Mrs. Harry Schneider;

H. R. 6344. An act for the relief of Mrs. William Y. Imanaka;

H. R. 6414. An act for the relief of Mrs. Chikako Mary Ohori Hori;

H. R. 6577. An act for the relief of Haruko Teramoto;

H. R. 6589. An act for the relief of Mitsue Miyamoto;

H. R. 6689. An act for the relief of Mitsuko Uemura;

H. R. 6691. An act for the relief of Paul D. Banning, chief disbursing officer, Treasury Department, and for other purposes;

H. R. 6692. An act for the relief of Sergeant Blaine W. Hughes;

H. R. 6694. An act for the relief of Ervin Haas and Leno Vescovi;

H. R. 6695. An act for the relief of Edgar F. Russell; Lillian V. Russell, his wife; and Bessie R. Ward;

H. R. 6696. An act for the relief of Lawrence B. Williams and his wife, Viva Craig Williams;

H. R. 6756. An act for the relief of Arthur Chen Shu Jee;

H. R. 6787. An act for the relief of Mrs. Kyoko Nakamura Kornhauser;

H. R. 6894. An act for the relief of Mrs. Nobuko Eto Heard; and

H. R. 7035. An act for the relief of Hisako Sakata Ikezawa; to the Committee on the Judiciary.

H. R. 6521. An act to authorize the sale of certain land on the Pine Ridge Indian Reservation, S. Dak., allotted to Lucy Arapahoe Iron Bear; to the Committee on Interior and Insular Affairs.

THE FARMER AND THE CHAMBER OF COMMERCE—ADDRESS BY SENATOR ANDERSON

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an address on the relations of the farmer to the chamber of commerce, delivered by Senator ANDERSON, at the Association of Commerce banquet in Bloomington, Ill., February 21, 1950, which appears in the Appendix.]

THE MARSHALL PLAN—ARTICLE AND EDITORIAL BY EDWARD LINDSAY

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an article and

editorial regarding the Marshall plan, written by Edward Lindsay, and published in the Herald and Review, of Decatur, Ill., which appears in the Appendix.]

THE LINCOLN PHILOSOPHY OF GOVERNMENT—ADDRESS BY SENATOR BUTLER

[Mr. BUTLER asked and obtained leave to have printed in the RECORD a Lincoln Day address entitled "The Lincoln Philosophy of Government," delivered by him at Tucson, Ariz., on February 14, 1950, which appears in the Appendix.]

WHAT'S WRONG WITH THE AMERICAN LAWYER—ADDRESS BY LUTHER L. HILL

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD an address on the subject, What's Wrong With the American Lawyer, delivered by Luther L. Hill, publisher of the Des Moines Register and Tribune, before the Harvard Law School Forum, at Cambridge, Mass., February 8, 1950, which appears in the Appendix.]

RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE YOUNG REPUBLICAN LEAGUE OF MINNESOTA OPPOSING CONSTRUCTION OF THE HYDROGEN BOMB

[Mr. THYE asked and obtained leave to have printed in the RECORD a resolution adopted by the executive committee of the Young Republican League of Minnesota on January 29, 1950, in opposition to the construction of the hydrogen bomb until all possible means of international control of atomic energy through cooperation with the U. S. S. R. have been exhausted, which appears in the Appendix.]

COAL: THE ELEVENTH HOUR—EDITORIAL FROM THE NEW YORK TIMES

[Mr. ROBERTSON asked and obtained leave to have printed in the RECORD an editorial entitled "Coal: The Eleventh Hour," from the New York Times of February 22, 1950, which appears in the Appendix.]

ATLANTIC UNION—EDITORIAL FROM THE WASHINGTON POST

[Mr. KEFAUVER asked and obtained leave to have printed in the RECORD an editorial entitled "Atlantic Union," from the Washington Post of February 18, 1950, which appears in the Appendix.]

COOPERATIVE ACTION AGAINST WATER POLLUTION—ARTICLE FROM CONSERVATION NEWS

[Mr. WILEY asked and obtained leave to have printed in the RECORD an article entitled "Water-Pollution Control Board Takes Action," from Conservation News of February 1, 1950, which appears in the Appendix.]

RELATIONS OF THE UNITED STATES WITH INTERNATIONAL ORGANIZATIONS—ARTICLE BY ARTHUR KROCK

[Mr. O'CONOR asked and obtained leave to have printed in the RECORD an article entitled "Where the 'One World' Effort Runs a Little Wild," by Arthur Krock, from the New York Times of February 21, 1950, which appears in the Appendix.]

"IN THE SHADOW OF THE SUN * * * AND DEATH!"—POEM BY S. BAKOVE

[Mr. MYERS asked and obtained leave to have printed in the RECORD a poem entitled "In the Shadow of the Sun * * * And Death!" by S. Bakove, which appears in the Appendix.]

NOTICE OF HEARING ON NOMINATION OF HON. J. SKELLY WRIGHT, TO BE UNITED STATES DISTRICT JUDGE, EASTERN DISTRICT OF LOUISIANA

Mr. McCARRAN. Mr. President, on behalf of the Committee on the Judiciary, and in accordance with the rules of the committee, I desire to give notice that a public hearing has been scheduled for Wednesday, March 1, 1950, at 1:30 p. m., in room 424, Senate Office Building, upon the nomination of Hon. J. Skelly Wright, of Louisiana, to be United States district judge for the eastern district of Louisiana. Judge Wright is now serving under a recess appointment. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of the Senator from Nevada [Mr. McCARRAN], chairman; the Senator from Kentucky [Mr. WITHERS], and the Senator from Michigan [Mr. FERGUSON].

IMPORTATION OF POTATOES FROM CANADA—TELEGRAM FROM J. SEGARI & CO.

Mr. ELLENDER. Mr. President, on yesterday I presented a telegram from J. Segari & Co., of New Orleans, with reference to importation of potatoes from Canada, which was merely noted in the RECORD and referred to the Committee on Agriculture and Forestry. I now ask unanimous consent that it may be printed in the RECORD in full.

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

NEW ORLEANS, LA., *February 10, 1950.*

Hon. ALLEN J. ELLENDER,
*United States Senate,*
*Capitol Building, Washington, D. C.:*

The undersigned, J. Segari & Co., wholesale produce merchants of New Orleans, are currently being cited in Associated Press dispatches and radio comments on having purchased and imported from Canada a certain cargo of potatoes which cargo was unloaded in New Orleans Tuesday, February 7, 1950.

We wish to present to you, our Senator, the circumstances surrounding this routine business transaction, urging you to present the facts as herein stated on the Senate floor, to the Department of Agriculture and to any and all interested parties.

During the month of October of last year it came to the attention of J. Segari & Co. that potatoes from Canada were arriving in the port of Jacksonville, Fla., and were being quoted to our customers f. o. b. Jacksonville in carload or truckload lots at much lower prices than we ourselves could buy potatoes in the United States. These same Canadian potatoes were also being offered through local brokers in New Orleans and were being purchased by many of our customers and competitors. J. Segari & Co. could not compete and found little market for its stores of domestic potatoes.

J. Segari & Co. thereupon purchased Canadian potatoes out of Jacksonville. Thereafter we made direct contact with F. W. Pirie Co., Ltd., Grand Falls, New Brunswick, Canada, requesting potato shipment to New Orleans, thus saving costs of overland transportation from the Jacksonville market. Transportation charges thus eliminated amount to 60 cents per hundred pound sack, which economy could be shared by our customers and ultimately by the consumer.

On February 6 aboard the steamship *Vretaholm*, in response to our order, there arrived in New Orleans from the Pirie Co. of Canada 8,648 bags of Canadian potatoes, weighing 100 pounds each. We paid the shipper $27,223.60 as per draft in full settlement. Also, we paid full Federal import duty in the amount of $6,486 on the potato cargo.

As Canadian potatoes at lower prices have been imported regularly by other merchants through Jacksonville since October and have been upon the local and Gulf markets via Jacksonville, it seemed only sound business and prudent economy to route our shipment directly through the port of New Orleans. We simply bought the potatoes at the best available price and had the cargo delivered to our home office via the most efficient means. That is why and how the certain cargo of Canadian potatoes happened to be unloaded in New Orleans on February 7.

J. Segari & Co. are produce merchants conscientiously striving to serve their trade to the best of their ability. How or why this ordinary business transaction merited national publicity is a matter beyond our province.

Do know, however, and please do state and publicize, that no criticism of Federal administrative policy was intended or conceived of, as may have been implied in certain editorials and comments. Political significance or implications were equally as far removed from this, as are they in any other of our everyday business operations.

J. SEGARI & CO.,
By JOSEPH O. SEGARI, and
ELLIOTT W. FASSBENDER, Sr.,
*Partners.*

FEDERAL AID TO EDUCATION—LETTER AND RESOLUTION FROM THE NEW JERSEY DEPARTMENT OF EDUCATION

Mr. HENDRICKSON. Mr. President, I have before me a communication from the secretary of the State Board of Education of the State of New Jersey, under date of February 14, 1950, together with a resolution adopted by that body on April 1, 1949.

The resolution has already been incorporated in the RECORD of the first session of the Eighty-first Congress, but, Mr. President, because of the importance of the subject matter thereof, and its relationship to the urgent need for action on S. 1946, or some appropriate counterpart thereof, I ask that both the communication and the resolution be inserted in the body of the RECORD at this point in my remarks.

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

STATE OF NEW JERSEY,
DEPARTMENT OF EDUCATION,
*Trenton, February 14, 1950.*

Hon. ROBERT C. HENDRICKSON,
*United States Senator from New Jersey,*
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR HENDRICKSON: At its regular meeting on February 3, 1950, the State board of education adopted the following resolution:

"*Resolved*, That the secretary of the board be instructed to send to each New Jersey representative in the United States Senate and House of Representatives a copy of the resolution adopted on April 1, 1949, in regard to Federal aid for education, together with the following paragraph quoted from a letter sent by President Hunziker, of this board, to Gov. Alfred E. Driscoll:

" 'Insofar as the Governor had asked us to suggest ways and means to raise additional funds for educational purposes, that seems to us to involve questions and considerations on which we do not have sufficient information to make definite recommendations; but since the Governor has asked for some suggestions we think if any new taxes or public financing is to be recommended, attention should be called to the fact that the Federal Government is now taking from the State 10 times as much in taxes as the entire State expenditures, and that probably there is no

ultimate proper solution except a readjustment of the respective areas of State and Federal taxation'."

Very sincerely yours,

JOHN H. BOSSHART,
*Secretary.*

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RESOLUTION ADOPTED BY THE NEW JERSEY STATE BOARD OF EDUCATION ON APRIL 1, 1949

We, the New Jersey State Board of Education, believe that our American system of public education is vital to the perpetuation of our free society and therefore it is in the national interest that the system be maintained at a high level of efficiency and that adequate public funds be provided for this purpose.

We believe that the responsibility for maintaining good public schools and for providing the necessary funds is the function primarily of our State and local governments.

We believe that financial assistance from the Federal Government should be supplied for public schools only and when it is demonstrated beyond doubt that there are certain States whose people are economically unable to raise sufficient tax funds to support acceptable minimum standards of public education and therefore require assistance from their sister States by means of Federal grants-in-aid.

We do not favor any plan for Federal aid for public schools which contains provisions for any Federal control or supervision whatever over the policies established by State laws or local school ordinances relating to the administration, operation, or financing of public schools. We would insist that constitutional safeguards be set up, if necessary, to insure against any degree of Federal control of public education.

In view of fears publicly expressed against Federal control of education by many State Governors, including the Honorable Alfred E. Driscoll, of New Jersey, and by an increasing number of educators, we believe that the Congress should investigate more carefully than it has heretofore the possibilities contained in proposed legislation for subjecting our school systems to unwelcome Federal supervision or control in part or to eventual complete federalization: Be it therefore

*Resolved,* That this body request both Houses of Congress to subject all proposed Federal school-aid legislation now before it to the most careful, thorough, and objective review through adequate public hearings and through committee investigation determine the ability and willingness of the States and their local subdivisions to pay for public education; be it further

*Resolved,* That copies of this resolution be sent to the Governor of New Jersey, to New Jersey's Representatives in the United States Senate and House of Representatives, and to the chairmen of the Senate Labor and Welfare Committee and the Education and Labor Committee of the House of Representatives.

## TWENTY-FIFTH ANNIVERSARY OF PASTORATE OF DR. FREDERICK BROWN HARRIS—PRAYER BY REV. RALPH C. JOHN

Mr. ECTON. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a prayer offered on the occasion of the twenty-fifth anniversary of the pastorate of Dr. Frederick Brown Harris, present Chaplain of the Senate, at Foundry Methodist Church, Washington, D. C., by Rev. Ralph C. John, William Fraser McDowell professor of religion, the American University.

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

Eternal God, our Heavenly Father, Thou in whom perfection in love and goodness resides, and whose will is the welfare of Thy children, with thanksgiving we draw near unto Thee in these hallowed moments. Thou has revealed Thy truth in the face of Thy well-beloved Son, and because of it our understanding is enlightened. Thou hast made Thy compassion manifest, and with confidence we confront whatever the days may hold, believing that in life and death Thy mercy underlies. Thy spirit is within our souls, and we claim a sufficiency which Thou alone canst give. It comes to us, O God, as joy and gladness to sing praises to Thy name, to worship Thee in the beauty of holiness.

On this day, when we pause in recognition of a relationship which has enriched the life of this church and which has been a witness to the good and the beautiful to the far corners of the earth, from this our Nation's Capital, we do thank Thee that there are those, set apart by Thee, who say before Him who is our King and our Redeemer: Speak, Lord, for Thy servant heareth. Indeed, how beautiful upon the mountains are the feet of him that bringeth good tidings—of him through whom Thou dost make manifest the gospel of redemption and release.

The reward of Thy faithful is with Thee. Yet, on this anniversary occasion we linger to make our stammering acknowledgment of gratitude and devotion to him who has been both eloquent and searching in his proclamation of the riches of Thy grace, both understanding and helpful before the problems that have come to this people, to him who is a faithful friend and a wise counselor.

As Thou hast been with the beloved pastor of this church, whom we today honor, and with her who is his faithful and queenly companion in the way, in the days now recorded in the annals of time, make them even more conscious of the constancy of Thy presence in the years which extend ahead. And may we be responsive to the inspired leadership which they bring, a leadership which belongs not to the past and the present alone, but—thanks be unto Thee—to the future as well.

Hear us, O God, and redeem us unto Thyself, through Him who is Thy Son, our Saviour. Amen.

## REPRESENTATION IN SENATE PRESS GALLERY—EDITORIAL FROM THE WASHINGTON EVENING STAR

Mr. THYE. Mr. President, the suggestion has been made that the Senate Press Gallery should be opened to persons officially representing the information office of the Department of State. The objection to this procedure as an invasion of time-honored privileges of a free press seems to me to be forceful and valid. In connection with this proposal I ask unanimous consent to have printed in the RECORD, as a part of my remarks, an editorial from the Washington Evening Star of February 13, 1950.

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

AND NOW—A FIFTH ESTATE?

It is to be hoped that the standing committee of correspondents—newspapermen chosen by their brethren to administer the Capitol Press Galleries—will stand firm against the State Department's application for admittance to these galleries of its own news-gathering representatives.

For if the State Department can present a rational thesis for the admittance of its news gathers, there is no logical ground on which to turn down the propaganda and public relations agents of other Government departments who may be expected to seek identical privileges. There are more of them now than there are accredited press representatives in the galleries.

Perhaps the State Department, in its relatively new undertaking of distributing propaganda on a world-wide basis, should have its own reporters at the Capitol. But let us keep them out of the Press Gallery, up to this time reserved for bona-fide representatives of the independent newspaper press of the United States. Let the Government, if it is committed to the business of gathering and dispatching news for propaganda purposes, set up its own gallery, appropriately labeled "Government propaganda gallery."

The Press Galleries stand as a symbol of the fourth estate—separate from and independent of Government. Once the infiltration of Government agents begins, this symbol is endangered. It is worth preserving.

## EDITORIAL, RESOLUTIONS, AND LETTERS DEALING WITH DISPLACED PERSONS

Mr. McCARRAN. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an editorial entitled "Hunger and DP's," published in the Los Angeles (Calif.) Times, together with resolutions and letters dealing with the subject of displaced persons.

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

HUNGER AND DP'S

I am an American—born American. My children are Americans; my husband—who lost his life with "flu" while waiting to go overseas—was an American. Yet I am out of work—let out after 5 years of faithful and conscientious work for the Government—along with 1,500 others who, like me, were only numbers on a chart in Washington.

I know we are only "numbers" and the lower numbers must make way for the higher ones. Of this I do not complain. But when I read the news in the Times, February 1, of the loads of DP's arriving from other countries with jobs and food awaiting them in California, I grew almost violent in my rebellion.

I, who had walked streets for months seeking any job at all to feed my two babies, must now sit back and watch these foreign folks step into ready-made jobs, just because they are DP's and it is good United States policy to help the unfortunate folks of other countries.

Sure it is—and my heart goes out also to the thousands of hungry and unfortunate little children I know right here in California. But if I should let my own children starve while I fed all the unfortunate children I know, you and your readers would be the first to rise up in fury against me.

What is the difference, I ask you? And our hungry stomachs are asking that also.

KATHLEEN COVERT.

LONE PINE.

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BROOKLYN, N. Y., *January 30, 1950.*

DEAR SENATOR MCCARRAN: I am sure you will be interested in the enclosed.

I sent the booklet which you recently sent me on to where I thought it would do some more good.

You are doing good work for our country and deserve all credit for your efforts.

Yours sincerely,

MARGARET E. SMITH.

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[From Country Gentleman for February 1950]

DP'S LEAVE FARMS

Displaced persons from overseas given work on Maryland farms are being attracted by city life, according to that State's grange. Pointing out that many Maryland farmers have gone to considerable expense and trouble in housing and training DP's, only to have them soon depart for city jobs, the

Grange recommends closer screening of refugees to make sure that they have a farm background. It also suggests that farm-to-city migration be more closely watched by supervising authorities.

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PARK COUNTY TRADES AND LABOR COUNCIL,
*Livingston, Mont., January 17, 1950.*
President WILLIAM GREEN,
*A. F. of L., A. F. of L. Building,*
*Washington, D. C.*

DEAR SIR AND BROTHER: At our regular meeting January 16, your communications in regard to admitting more displaced persons was again discussed by the delegates who instructed me to write you as follows, with copy to Senators MURRAY and SPARKMAN.

"Whereas there are in the United States approximately 4,000,000 unemployed; and

"Whereas account of the vast shortage of housing to shelter the working people in the United States; and

"Whereas account of the small payments by social security to those who have reached the retirement age, they are unable to retire; and those that do must double up with friends or relatives, or go on relief: Therefore be it

"*Resolved*, That the delegates go on record, protesting the admittance of any more displaced persons by any act of Congress, until the Congress:

"A. Amend the social-security benefits to a living level of payments.

"B. Pass the Sparkman bill, so that every citizen in the United States may own their home, by borrowing from our Government at a rate not exceeding 3 percent, with at least 30 years to repay principal and interest.

"C. The Home Owners' Loan Corporation saved millions of citizens' homes and made a profit for the Government and the Sparkman bill would enable millions of workers to build their own homes, thus increasing the prosperity of every city in every State in the Union."

Fraternally yours,
W. J. PRIEST, *Secretary.*

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MOUNT VERNON COUNCIL,
No. 10, JUNIOR OUAM,
*Washington, D. C., January 30, 1950.*
Hon. PAT MCCARRAN,
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR: We of Mount Vernon Council, No. 10, Junior OUAM, have read and have had read to every Junior within hearing your report on displaced persons: Facts versus Fiction. It is wonderful to think that a man who has so much to do would take the time to report to the small people his findings abroad and we would like to let you know we think everything you say is true and we are 100 percent against this kind of immigration to our beautiful America.

Senator, our organization was founded 96 years ago, and we have been fighting from the beginning to reduce the number of immigrants legally entering our country. We are reminded that prior to the beginning of World War II the number of unemployed in the United States was estimated to be about 5,000,000 and that there were about that number of aliens in our country, a majority of whom were taking jobs from citizens, and who had made no effort to become citizens. We are, therefore, opposed to any movement that will end in letting down the bars to admit any more alien refugees to this country.

This organization, as a matter of fact, is in favor of shutting off all immigration until the world has cooled off and peace has been restored everywhere. We also feel that there are many foreigners now in our midst whose actions make it appear that they are not living up to that specification.

May God give you strength, Senator, to carry on your wonderful work. You give us inspiration to fight harder with you after reading your wonderful report.

Respectfully,
MOUNT VERNON COUNCIL,
No. 10, JUNIOR OUAM.

Attest:
R. C. SMALLWOOD,
*Recording Secretary.*

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BERKELEY, CALIF., *January 24, 1950.*
Senator PAT MCCARRAN,
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR MCCARRAN: Thank you for the pamphlet on displaced persons. I would appreciate a number of these copies for circulation amongst my friends.

I enclose a letter to Mr. W. W. Stevens, State legislative chairman of the Brotherhood of Locomotive Engineers in which I ask that our local division take suitable action on the matter.

Very truly yours,
FRED C. TOWER.

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DAUGHTERS OF THE AMERICAN REVOLUTION,
*State of Illinois, January 23, 1950.*
Senator PAT MCCARRAN,
*Senate Office Building,*
*Washington, D. C.*

MY DEAR SENATOR MCCARRAN: The following is a resolution reaffirmed last spring at the Continental Congress of the Daughters of the American Revolution regarding immigration:

"Whereas the economic, social, and spiritual mind of the United States is under increasing pressures and conflicts, and there is growing evidence of a determined effort by foreign blocs to break down our immigration laws; and

"Whereas the immigration laws of 1924, now threatened with change, have restricted immigration to a quota system allocating a definite number to each nationality mentioned, such allocation not to be interchangeable among quotas:

"*Resolved*, That for the purpose of protecting the interest of all our citizens, and particularly our veterans, and for the purpose of excluding foreign elements imbued with political ideologies wholly at variance with our constitutional system of government, the National Society, Daughters of the American Revolution urge upon the Congress that no immigration over and above the present quota system shall be permitted into the United States, either by special legislation, unused quotas, or Executive order."

I hope you will do everything in your power to defeat H. R. 4567 or any similar bill.

Sincerely yours,
HELEN R. HERFURTH
(Mrs. Charles A. Herfurth).

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WALTER HECKLIN POST, NO. 1791,
VETERANS OF FOREIGN WARS,
*Chaska, Minn.*

At the last meeting of the Walter Hecklin VFW Post 1791 the subject of displaced persons, and particularly H. R. 4567, was discussed. The members of our post were very much concerned with regard to this matter since most of them had some personal experience and contacts with displaced persons while in the service. After considerable discussion it was resolved that the post go on record as opposing any increase in the number of displaced persons now being permitted to enter into this country; that the displaced-persons laws now in effect should not be expanded but should be more rigidly enforced; that the officers of the post be directed to bring this resolution to the attention of all Senators and Congressmen from Minnesota.

Trusting that you will give the above matter your attention, we remain,

Respectfully yours,
CYRIL B. ESS,
*Commander.*
ALBERT A. VOJTISEK,
*Quartermaster.*

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WENATCHEE, WASH., *February 13, 1950.*
Hon. PAT MCCARRAN,
*United States Senator, Senate Office Building, Washington, D. C.*

MY DEAR SENATOR: It is our understanding that the United States Senate is scheduled to debate H. R. 4567 soon, and we wish to register our opposition to this bill.

Very truly yours,
C. K. MILLER, M. D.
M. G. RADEWAN, M. D.
L. E. HILDEBRAND, M. D.

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STATE FAIR GROUNDS POST,
VETERANS OF FOREIGN WARS,
*St. Paul, Minn., February 14, 1950.*
Senator PAT MCCARRAN,
*Senate Office Building,*
*Washington, D. C.*

DEAR SIR: The State Fair Grounds Post, No. 1947, Veterans of Foreign Wars, St. Paul, Minn., has gone on record as being emphatically opposed to H. R. 4567.

Yours in comradeship,
BENJAMIN LARSON,
*Adjutant.*

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THE AMERICAN LEGION,
DEPARTMENT OF ALABAMA,
*Montgomery, Ala., February 2, 1950.*
Hon. PAT MCCARRAN,
*Chairman, Senate Committee on the Judiciary, Washington, D. C.*

DEAR SENATOR MCCARRAN: Reference is made to your letter of January 19, and you are advised that the copies of your statement on the floor of the Senate with reference to the admission of displaced persons into the United States has been received and distributed to our posts.

We have also requested our delegation in Congress not to vote for any legislation which would remove the quota limitations on immigrants into the country.

Yours very truly,
JOSEPH M. DICKERSON,
*Department Adjutant.*

## DEFICIT SPENDING—STATEMENT BY SENATOR BYRD

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a statement I have made relating to deficit spending, together with tabulations.

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

STATEMENT BY SENATOR BYRD

A REPLY TO MR. TRUMAN

The President of the United States recently gave Mr. Arthur Krock an exclusive interview of universal interest. Mr. Krock is a brilliant journalist whose dispatches are meticulously accurate. The President has confirmed the accuracy of the report.

My name was mentioned in that part of the interview relating to the Federal fiscal situation. Under the circumstances, in the interest of both accuracy and clarity, I am compelled to comment on certain of the President's statements with respect to deficit spending, taxes, and reduction of Federal expenditures.

*Deficit spending*

The President told Mr. Krock that "in no sense does he tolerate deficit spending." He

said "he hates deficit spending as much as HARRY BYRD ever could, and it is only a temporary condition brought on by necessities which could not be removed by any genius of statecraft known or available to him."

In the five fiscal years President Truman has been in office the budget has been balanced twice and both of these occasions were during the Eightieth Congress. In 1947 there was a surplus of nearly $1,000,000,000. In 1948 there was a surplus of $8,500,000,000. For the coming year, beginning July 1, he does not even go through the formality of proposing a balanced budget, with or without additional taxes. In fact—in his budget message, in his economic report, and in his tax message—the President has advised Congress three times since January 1 against balancing his 1951 budget. From his record it would appear that he not only tolerates deficit spending but, in effect, he also recommends it.

If the President regards chronic deficit spending during peak prosperity as a fatal menace to our form of government and free enterprise, as I do, the Federal budget would be balanced now with the full influence and prestige of his office brought constantly to bear on this objective.

The President today is the chief obstacle to balancing the budget. I feel justified in saying this because he is now urging upon Congress the adoption of a budget more than $8,000,000,000 in excess of actual expenditures in 1948. This he calls a "tight" budget and he is resisting any reductions by Congress. In our fiscal affairs the President is taking the easy course of procrastination waiting for some unspecified time in the future to do what he should and can do now.

How many times have we heard that before? President Roosevelt used to say we'll balance the budget when we get out of depression and into prosperity. Now President Truman says we'll balance the budget when prosperity is greater.

If the Federal budget can't be balanced in years such as this when income and employment are at or near their peak, when there are no domestic emergencies, and when the need for economic assistance abroad is supposed to be diminishing, when can we balance it?

How long is "only a temporary condition" mentioned by the President in referring to deficit spending? If we follow the President's recommendations, a whole generation within the coming year will have reached its majority under a deficit-financed Government. We have been on a deficit basis in all but 2 years since 1930 and the President proposes it again for the coming year. If Congress, at the insistence of the President, authorizes the expenditure of billions more than the revenue during the year beginning July 1 it is probable that the budget never will be balanced again until we go over the precipice of financial disaster.

How long can we pile new deficits on a postwar debt of more than a quarter of a trillion dollars and expect democracy and free enterprise to stand the burden? Neither can exist in insolvency.

Two years ago the Federal Government spent $34,200,000,000 in fiscal year 1948. We balanced the budget and there was a surplus. In that year, which ended only 19 months ago, when we spent $8,000,000,000 less than the $42,400,000,000 expenditure budget the President is requesting now, our economy did not disintegrate, our national defense was not impaired, and we were spending more for foreign assistance than the President now proposes. In the field of foreign spending the President in his pending budget proposes to spend $4,700,000,000 as compared to $4,800,000,000 in 1948 when total spending was $8,250,000,000 less than he now recommends.

Of the $8,250,000,000 difference between these two budgets $5,300,000,000 is for increased domestic-civilian projects, excluding foreign assistance, excluding national defense, excluding interest on the debt, and excluding the cost of veterans' programs. The President now proposes to spend $12,200,000,000 for domestic-civilian projects, with all of the exclusions just mentioned, as compared with $6,900,000,000 for domestic-civilian projects in 1948.

These figures show that domestic-civilian expenditure increases total more than the $5,100,000,000 deficit for the coming year as estimated by the President. It follows that the deficit may be attributed largely to increases in expenditures for activities and programs which are not related to past wars or future defense. Compilation of increases in the domestic-civilian categories explodes the President's contention that the budget cannot be cut because of fixed charges resulting from previous wars and the requirements of our defense in the future.

*Taxes*

The President told Mr. Krock that "there wouldn't be any (deficit) if the Republicans had not cut the income taxes in the Eightieth Congress." He said tax changes should not be made piecemeal at any time, but they should conform to a general plan. He told Mr. Krock "this was equally true when he approved the repeal of the excess-profits taxes and he wishes he had not done this." But, he said, he was new at the job.

In his February 16 speech, the President repeated his reference to the Republican tax cut and said "much of our present financial difficulty is the result of it."

This is not the first time the President has said deficits this year and next are attributable to tax reductions by the Eightieth Congress. He has also said the same thing about the deficit last year. This is another red herring of which he has made frequent use.

What are the facts?

He admits his own indorsement of a $6,000,000,000 reduction in excess-profits taxes on corporations enacted in 1945 when there was a $20,000,000,000 deficit, but he blames all recent, current, and future deficits on the Eightieth Congress, which followed up his corporation-tax reduction with a $4,000,000,000 to $5,000,000,000 reduction in individual income taxes made effective in fiscal year 1948 when there was a surplus of $8,500,000,000.

As to his February 16 speech, the President now says the 1948 income-tax reduction was ill-timed and irresponsible, but in his state of the Union message dated January 7, 1948, he justified a 1948 income-tax reduction proposal of his own, as follows: "During this period in which the high cost of living is bearing down on so many of our families, tax adjustments should be made to adjust their burden." No tax proposal could be more piecemeal or conform less to a general tax plan than his scheme to reduce each individual's income-tax bill by $40, with its $3,200,000,000 loss in revenue to be compensated by an increase in corporate profits taxes.

This proposal urged by the President instead of the 1948 tax bill, which he criticizes so bitterly, did not have a single advocate on the Senate Finance Committee, and it never mustered sufficient appeal to be presented in the Senate as an amendment or otherwise.

Let us recapitulate the President's tax policy.

What tax proposals by the President have not been piecemeal? What tax proposals by the President constitute a general plan to which we may conform?

With respect to corporation taxes: In 1945 he indorsed the $6,000,000,000 reduction in corporation excess-profits taxes. In 1948 he proposed to restore $3,200,000,000 by increased taxes on corporate profits. In 1949 he proposed in the winter to increase corporate taxes by $4,000,000,000. In the summer he withdrew the proposal. By autumn he was talking again about increasing them. Now in the winter of 1950 he proposes to increase corporation taxes by half the amount he proposed a year ago.

With respect to individual income taxes: In 1948 the President proposed his own reduction of $40 per taxpayer, opposed the formula which was approved by both the Ways and Means Committee of the House and the Finance Committee of the Senate, ignored the community-property amendment which had the support of both parties in Congress, and vetoed the 1948 tax bill, as passed, including the community-property-tax provision.

With respect to social-security pay-roll taxes on individuals as well as business: He proposed last year to increase them by $2,000,000,000, and this year he is proposing an increase of $1,750,000,000. In neither case would the pay-roll taxes requested for socialized medicine even begin to finance the program he proposes.

As to excise taxes: He now proposes to withdraw some, but not all, of the wartime levies.

How can private enterprise plan its expansion under such inconsistent and constantly changing tax proposals by the President of the United States? How can investors calculate their risks? How can heads of families assure their security? How can the Government keep its fiscal affairs in order?

Is it logical for the President to excuse his own approval of a $6,000,000,000 tax reduction in a deficit year and at the same time blame past, present, and future deficits on the Eightieth Congress which reduced individual taxes by a lesser amount in a surplus year?

It would seem by the record that, if throughout future years we are to blame Federal deficits on the tax reductions in some prior year, the President must assume much of this responsibility.

*Expenditures*

The President told Mr. Krock: Senators GEORGE and BYRD call for a reduction of $6,000,000,000 in the budget. They know it can't be done. He said he is an old hand at budget making. He told Mr. Krock he has cut the budget for fiscal year 1951 as much as can be done in consideration of the basic needs of the foreign program and the dynamic domestic economy he seeks to create and maintain.

It is gratifying to learn that the President knows the economizers have a blueprint for the budget. For years he has been saying no one would tell him where to cut it. Now, the platitude is changed to say Senator GEORGE and I know our proposals can't be accomplished. As a former Senator the President knows how difficult it is for Congress to reduce Federal expenditures without at least a sympathetic attitude by the President, and he knows it is practically impossible against open opposition by the President such as he has voiced three times this year since he sent in his new budget. Perhaps the President had this fact in mind when he said Senator GEORGE and I know it can't be done.

To the contrary, I am confident that a majority of Congress believes the budget can and should be reduced to a balance now and the fact that he is the principal obstacle will not deter determined efforts in Congress to bring this about.

I have suggested how it can be done in a budget outline detailing expenditures totaling $36,000,000,000. This reduction would be at least $6,000,000,000 under the President's requests. Senator GEORGE, a hand of nearly 30 years' experience at Federal budget making, has announced his support for such a reduction.

A $36,000,000,000 budget would be $2,000,000,000 more than the budget of 1948, which was balanced by the Eightieth Congress, whereas in comparison with 1948 figures the President proposes to increase expenditures

by over $8,000,000,000, more than half of which—I repeat for emphasis—would be in domestic-civilian expenditures unrelated in all respects to wars or rumors of wars. In this period of less than 2 years what has developed on the home-front horizon to justify an increase in domestic-civilian expenditures of nearly 100 percent?

It is not enough to say these expenditures are less in proportion to the national income than they were 10 years ago. The fact that the Federal tax-take alone out of the national income has increased 500 percent in the same 10 years is only one of the many factors which must be considered along with such a statement.

The record shows that as such programs as foreign assistance begin to expire more domestic-civilian programs are added.

The prosperity we have is suspended dangerously from the unpredictable economics of a Federal debt already more than a quarter of a trillion dollars. The President proposes that we increase the debt at the rate of nearly a half billion dollars a month. Under such a policy how long can we expect to maintain the domestic economy, the private-enterprise system or our form of government?

Democracy and freedom here and throughout the world depend upon the preservation of our solvency which is being jeopardized by growing debt and chronic deficits.

*Suggested Byrd budget with comparisons*

[In billions of dollars]

| Expenditure categories | Fiscal year 1948 (which ended June 30, 1948), actual | Fiscal year 1950 (which will end next June 30), estimated (Jan. 9, 1950, revision) | Fiscal year 1951 (which begins next July 1) | |
|---|---|---|---|---|
| | | | Byrd 36-billion-dollar budget | President's Jan. 9 proposals |
| I. Domestic civilian (exclusive of veterans and interest) | 6.9 | 11.4 | 8.9 | 12.2 |
| Social welfare, health, and security | 1.9 | 2.3 | 1.9 | 2.7 |
| Housing and community facilities (including RFC secondary mortgages) | .1 | 1.0 | 1.0 | 1.3 |
| Education and general research | .1 | .1 | .1 | .4 |
| Agriculture and agricultural resources (including Commodity Credit Corporation) | .6 | 2.7 | 2.2 | 2.2 |
| Natural resources | 1.1 | 1.8 | 1.2 | 2.2 |
| Transportation and communication (including postal deficit) | 1.3 | 1.9 | 1.2 | 1.7 |
| Finance, commerce, and industry | .1 | .2 | .1 | .2 |
| Labor | .2 | .2 | .2 | .2 |
| General Government | 1.5 | 1.2 | 1.0 | 1.3 |
| II. National defense | 11.0 | 13.1 | 11.3 | 13.5 |
| III. Veterans | 6.6 | 6.9 | 5.3 | 6.1 |
| IV. Foreign | 4.8 | 6.0 | 4.8 | 4.7 |
| V. Interest on the Federal debt | 5.2 | 5.7 | 5.7 | 5.6 |
| Grand total expenditure budget [1] | 34.2 | 43.3 | 36.0 | 42.4 |
| Revenue | [2] 42.2 | [3] 37.5 | [3] 37.5 | [3] 37.5 |
| Deficit or surplus | [2] +8.0 | [4] −5.5 | [3] +2.0 | [4] −5.1 |

[1] Detailed figures may not add precisely to totals due to rounding and omission of reserves.
[2] Actual.
[3] Maximum estimate.
[4] Minimum estimate.

*What the taxpayers of each of the 48 States would save by the adoption of the $36,000,000,000 Byrd budget for the fiscal year 1951, as compared with the cost to each State of President Truman's proposed $42,400,000,000 budget*

| State | Percent of Federal taxes borne by State [1] | Cost of Truman budget | Cost of Byrd budget | Saving under Byrd budget | State | Percent of Federal taxes borne by State [1] | Cost of Truman budget | Cost of Byrd budget | Saving under Byrd budget |
|---|---|---|---|---|---|---|---|---|---|
| United States total | 100.00 | $42,439,000,000 | $36,000,000,000 | $6,439,000,000 | Nebraska | 0.86 | $364,975,400 | $309,600,000 | $55,375,400 |
| | | | | | Nevada | .13 | 55,170,700 | 46,800,000 | 8,370,700 |
| Alabama | 1.17 | 496,536,300 | 421,200,000 | 75,336,300 | New Hampshire | .29 | 123,073,100 | 104,400,000 | 18,673,100 |
| Arizona | .37 | 157,024,300 | 133,200,000 | 23,824,300 | New Jersey | 3.29 | 1,396,243,100 | 1,184,400,000 | 211,843,100 |
| Arkansas | .72 | 305,560,800 | 259,200,000 | 46,360,800 | New Mexico | .28 | 118,829,200 | 100,800,000 | 18,029,200 |
| California | 8.32 | 3,530,924,800 | 2,995,200,000 | 535,724,800 | New York | 14.67 | 6,225,801,300 | 5,281,200,000 | 944,601,300 |
| Colorado | .80 | 339,512,000 | 228,000,000 | 51,512,000 | North Carolina | 1.59 | 674,780,100 | 572,400,000 | 102,380,100 |
| Connecticut | 1.67 | 708,731,300 | 601,200,000 | 107,531,300 | North Dakota | .34 | 144,292,600 | 122,400,000 | 21,892,600 |
| Delaware | .40 | 169,756,000 | 144,000,000 | 25,756,000 | Ohio | 5.78 | 2,452,974,200 | 2,080,800,000 | 372,174,200 |
| Florida | 1.29 | 547,463,100 | 464,400,000 | 83,063,100 | Oklahoma | 1.17 | 496,536,300 | 421,200,000 | 75,336,300 |
| Georgia | 1.40 | 594,146,000 | 504,000,000 | 90,146,000 | Oregon | 1.04 | 441,365,600 | 374,400,000 | 66,965,600 |
| Idaho | .32 | 135,804,800 | 115,200,000 | 20,604,800 | Pennsylvania | 7.62 | 3,233,851,800 | 2,743,200,000 | 490,651,800 |
| Illinois | 7.59 | 3,221,120,100 | 2,732,400,000 | 488,720,100 | Rhode Island | .56 | 237,658,400 | 201,600,000 | 36,058,400 |
| Indiana | 2.29 | 971,853,100 | 824,400,000 | 147,453,100 | South Carolina | .76 | 322,536,400 | 273,600,000 | 48,936,400 |
| Iowa | 1.58 | 670,536,200 | 568,800,000 | 101,736,200 | South Dakota | .36 | 152,780,400 | 129,600,000 | 23,180,400 |
| Kansas | 1.15 | 488,048,500 | 414,000,000 | 74,048,500 | Tennessee | 1.37 | 581,414,300 | 493,200,000 | 88,214,300 |
| Kentucky | 1.20 | 509,268,000 | 432,000,000 | 77,268,000 | Texas | 4.38 | 1,858,828,200 | 1,576,800,000 | 282,028,200 |
| Louisiana | 1.22 | 517,755,800 | 439,200,000 | 78,555,800 | Utah | .34 | 144,292,600 | 122,400,000 | 21,892,600 |
| Maine | .44 | 186,731,600 | 158,400,000 | 28,331,600 | Vermont | .18 | 76,390,200 | 64,800,000 | 11,590,200 |
| Maryland | 1.68 | 712,975,200 | 604,800,000 | 108,175,200 | Virginia | 1.49 | 632,341,100 | 536,400,000 | 95,941,100 |
| Massachusetts | 3.40 | 1,442,926,000 | 1,224,000,000 | 218,926,000 | Washington | 1.65 | 700,243,500 | 594,000,000 | 106,243,500 |
| Michigan | 4.71 | 1,998,876,900 | 1,695,600,000 | 303,276,900 | West Virginia | .92 | 390,438,800 | 331,200,000 | 59,238,800 |
| Minnesota | 1.86 | 789,365,400 | 669,600,000 | 119,765,400 | Wisconsin | 2.10 | 891,219,000 | 756,000,000 | 135,219,000 |
| Mississippi | .71 | 301,316,900 | 255,600,000 | 45,716,900 | Wyoming | .18 | 76,390,200 | 64,800,000 | 11,590,200 |
| Missouri | 2.53 | 1,073,705,700 | 910,800,000 | 162,905,700 | District of Columbia, Hawaii, Alaska | 1.48 | 628,097,200 | 532,800,000 | 95,297,200 |
| Montana | .35 | 148,536,500 | 125,000,000 | 22,536,500 | | | | | |

[1] The formula used in estimating each State's share of Federal expenditures consists of 3 factors: (1) The percentage of individual income taxes collected from each State (2) the proportion of corporate income taxes borne by each State, measured by the State's percentage of the national income; and (3) the proportion of excise and miscellaneous taxes (excluding social security taxes), borne by each State, measured by the State's percentage of total population. Thus we get a picture of Federal taxes borne by, rather than collected from, each State, which we believe more nearly reflects the true distribution of the Federal tax burden. Each of the 3 factors is weighted according to the percentage each tax bears of the total Federal tax revenue (1949 figures)—individual income taxes, 47.52 percent, corporation taxes, 30.42 percent; and excise and miscellaneous taxes, 22.06 percent; total, 100 percent.

Source: Federal Spending Facts, prepared and published by Council of State Chambers of Commerce, Jan. 24, 1950.

## MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 204. An act for the relief of Eugenio Maisterrena Barreneche;

S. 229. An act for the relief of E. W. Eaton Coal Co.;

S. 309. An act for the relief of Gabe Budwee;

S. 321. An act for the relief of Lloyd D. Lyles;

S. 481. An act for the relief of the legal guardian of Clarence Herbert Hartman, a minor;

S. 563. An act for the relief of the P. S. Cook Co.;

S. 914. An act for the relief of Gladys Inez Greenwood;

S. 1449. An act for the relief of Robert B. Workman;

S. 1916. An act for the relief of Edna A. Bauser;

S. 1933. An act for the relief of C. L. Leffingwell and others; and

S. 2520. An act to authorize the sale of certain allotted devised land on the Winnebago Reservation, Nebr.

COMMUNISTS IN GOVERNMENT SERVICE

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from the previous day, which the Secretary will read.

The legislative clerk read the resolution (S. Res. 231), as follows:

*Resolved*, That the Senate Committee on Foreign Relations, or any duly authorized subcommittee thereof, is authorized and directed to conduct a full and complete study and investigation as to whether persons who are disloyal to the United States are employed by the Department of State. The committee shall report to the Senate at the earliest practicable date the results of its investigation, together with such recommendations as it may deem advisable.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. WHERRY. Mr. President, is the pending question the unanimous-consent request to proceed to the consideration of the motion?

The VICE PRESIDENT. It is not necessary. The resolution comes before the Senate automatically.

Mr. WHERRY. Very well.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. WHERRY. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

| | | |
|---|---|---|
| Aiken | Hendrickson | Malone |
| Benton | Hickenlooper | Maybank |
| Brewster | Hill | Millikin |
| Bricker | Hoey | Morse |
| Butler | Holland | Mundt |
| Byrd | Hunt | Myers |
| Capehart | Ives | Neely |
| Chapman | Jenner | O'Conor |
| Chavez | Johnson, Colo. | O'Mahoney |
| Connally | Johnson, Tex. | Robertson |
| Cordon | Johnston, S. C. | Russell |
| Darby | Kefauver | Saltonstall |
| Donnell | Kem | Schoeppel |
| Douglas | Kerr | Smith, Maine |
| Downey | Kilgore | Smith, N. J. |
| Dworshak | Knowland | Sparkman |
| East'and | Langer | Stennis |
| Ecton | Leahy | Taft |
| Ellender | Lehman | Taylor |
| Ferguson | Lodge | Thomas, Utah |
| Flanders | Long | Thye |
| Frear | Lucas | Tobey |
| Fulbright | McCarran | Tydings |
| George | McCarthy | Watkins |
| Gillette | McClellan | Wherry |
| Graham | McFarland | Wiley |
| Green | McKellar | Williams |
| Gurney | McMahon | Withers |
| Hayden | Magnuson | |

The VICE PRESIDENT. A quorum is present.

The question is on agreeing to Senate Resolution 231.

FISCAL POLICIES AND THE ADMINISTRATION'S LEGISLATIVE PROGRAM

Mr. McCLELLAN. Mr. President, I wish to extend my congratulations to the very able junior Senator from Maryland [Mr. O'CONOR] for the splendid manner in which he read the immortal Farewell Address of George Washington. Other Senators have already commented upon some of the passages in that address. It is always inspiring to hear it read or to read it.

Mr. President, I agree with those who feel that many of the admonitions of Washington's Farewell Address apply to our present-day problems. The advice contained in that Address is sound and wise and should well serve as a guide to us in our present-day deliberations and decisions.

I wish to refer to only one part of the Farewell Address, which has a very persuasive appeal as related to our present situation, and I quote:

> As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear.

In view of the fiscal situation which we confront today, Mr. President, I think it is well for us to contemplate and deliberate upon some of the proposals pending at this session of Congress.

I should like to remind my colleagues and the people of the Nation that in a speech at Pittsburgh, Pa., October 18, 1932, candidate for the Presidency, Franklin D. Roosevelt, said:

> If a nation is living within its income, its credit is good. If in some crisis it lives beyond its income for a year or two, it can usually borrow temporarily on reasonable terms. But if, like the spendthrift, it throws discretion to the winds, is willing to make no sacrifice at all in spending, extends its taxing up to the limit of the people's power to pay, and continues to pile up deficits, it is on the road to bankruptcy.

Mr. President, I subscribe to the wisdom of that philosophy. If it was true when Mr. Roosevelt said it—and it was—it is truth now, and it cannot be lightly brushed aside by a shrug of the shoulders, relegated to oblivion by any process of mental acrobatics, or dethroned by the false ideologies of bamboozling do-gooders and reckless spenders. Any who assert that this philosophy can be so treated, in my judgment, speak with a confusion of tongues and irresponsibility. Those who are now trying in our fiscal policies to ignore and refute it may be able to crush it to earth for a season, but it will surely rise again. It cannot be destroyed. If by wanton disregard and with impudent indifference we attempt to trample beneath our feet this irrefutable and indestructible truth, we can rest assured that such an offense carries with it certain severe retributions and inescapable penalties.

We are now in the midst of a world crisis of a scope and magnitude that challenges the stability and ingenuity of our civilization. The fate of human freedom is inextricably interwoven with the destiny of our own Nation and our power and ability to meet and surmount this crisis. The responsibility is ours to provide the intelligent, dynamic leadership that will inspire and command the confidence of other nations and peoples to follow and support us in our efforts. We cannot win or make secure the peace of the world standing alone, but if, as a government and as a nation we falter and fail, human liberty will surely perish. To meet these fateful responsibilities that have been thrust upon us, we must be strong and we must keep strong by being prepared and willing to mobilize all of the moral, material, and spiritual forces that we can command. To do this, it is first necessary that we have a proper concept of what makes us strong and what are the principal ingredients or elements of our strength.

I shall not attempt to enumerate all of the factors involved, but among the few and important ones are love of freedom, eternal vigilance, fortitude, and willingness to make the sacrifices that the price of freedom requires. In another category I would place our material resources, our productive capacity, and our numerical strength. Next, but not least, is faith in God and the righteousness of our cause.

Surely the complete marshaling of all these forces would give us terrific striking power against any enemy aggressor. In the past that has been sufficient; we have succeeded in defeating all enemies who have attacked us, and we have won the final victory in every military conflict in which we have ever been engaged. But, Mr. President, we cannot complacently rely upon our past achievements and military victories for our future peace and security, nor can we safely assume that we shall always be able to mobilize all of those forces and elements of potential strength in time or sufficiently to be equal to any emergency that may confront us. Nor can we, Mr. President, keep available to us this great reservoir of power if, in flagrant disregard of the natural laws of economics and common sense, we dissipate our strength by pursuing fiscal policies that lead inevitably to insolvency.

It is in recognition of these self-evident truths, that some of us in this Chamber, along with millions of sound-thinking Americans, now entertain grave concern regarding present-day fiscal policies of our Government and the Administration's legislative program that is now before the Congress.

In some quarters of high sources and from the pen and tongue of certain columnist and radio commentator propagandists—who find a ready market for their product—those of us who are daring to advocate a reduction of Federal expenditures and warn of the dangers of continuous deficit spending and its attendant consequences are branded as "reactionaries"—whatever they mean by that term. In attempts that are made to hold us up to public ridicule as being "obstructionists" to social gains and progress, we are frequently maligned and slandered. But these indignities, coupled

with implied threats of political reprisal, will not deter or prevent us from speaking out and warning the American people of the dangerous road we are traveling and its fateful, disastrous end.

For 16 of the last 18 years our Federal Government has run a heavy deficit. In only 2 of those 18 years have Federal revenues exceeded expenditures. That means that we have continuously and tremendously increased the national debt from about $20,000,000,000 to some $256,000,000,000. We may readily concede that most of those deficits and our increased debt were occasioned by war and by the acute economic depression that preceded it. The necessity for such expenditures in a period of real crisis is not challenged; but in this postwar period of high-level national income and prosperity, spending on a scale and to the extent of creating huge annual deficits can neither be justified nor long pursued if we are to possess and maintain the economic strength and power that is essential and indispensable to our survival.

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

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Oregon?

Mr. McCLELLAN. I am glad to yield.

Mr. MORSE. Does the Senator from Arkansas agree with the Senator from Oregon that in discussing the matter of economy, irrespective of what labels may be attached to people, even every liberal, if he is a true liberal, ought to be standing in these days for a balanced budget, elimination of deficit spending, and a sound tax program which will return the value of the dollar to somewhere near 100 cents?

Mr. McCLELLAN. I agree with the able Senator, except that I would not restrict it to men with labels. I would simply say that every real American who loves his country ought to be imbued with that desire and purpose.

Mr. MORSE. I made the comment I did because the Senator from Arkansas said those who were standing for elimination of deficit spending are deemed to be reactionaries and conservatives. I happen to be one who believes that every liberal, too, ought to be standing for a balanced budget and the elimination of deficit spending and a sound tax program. The Senator from Arkansas and I may disagree as to the procedure by which we should accomplish it; we may disagree as to whether we should give the President of the United States certain arbitrary powers to cut the budget at his discretion after we get through with it in the Senate: but we do not disagree, I may assure the Senator from Arkansas, as to the duty of the present session of the Congress to proceed to do those things which are necessary in order to balance the budget.

Mr. McCLELLAN. Mr. President, I am very glad indeed to have this expression from the Senator from Oregon. I hope the general sentiment and conviction expressed will prevail among all Members of the Senate, irrespective of whether they style themselves liberals or whether they are branded as reactionaries.

When the President's budget for the present fiscal year of 1950 was submitted, on a basis of anticipated revenues and recommended expenditures, an $873,000,000 deficit was expected to accrue. The Secretary of the Treasury, however, has since reported that the deficit for the present fiscal year will probably be six times greater than was anticipated at the time the 1950 budget was submitted. Instead of the deficit being only $873,000,000 for this fiscal year, it will be $5,523,000,000.

The budget now before the Congress estimates on the basis of anticipated revenues and the President's recommended expenditures a deficit of $5,133,000,000 for fiscal 1951. That is probably an understatement of what the deficit will actually be if the Congress conforms to the budget and makes appropriations in the amounts recommended by the President.

So, Mr. President, on the basis of appropriations necessary and requested to administer existing laws and provide the governmental services they require, we have what appears to be a fixed annual deficit of $5,000,000,000 or more. Obviously then, we cannot possibly meet current obligations and balance the budget, unless we are willing to dispense with some of the governmental services that are now provided, discontinue some programs we are now supporting, and drastically reduce the costs of others.

Mr. President, that is a reasonably correct and accurate statement of the situation now existing. In other words, without our enacting any new laws, without instigating, authorizing, or appropriating for any new service or function of the Government or any new program, and without raising taxes, the prospects are that our Government under present spending policies is destined year after year to spend more than it collects in revenues, and by that process pyramid the national debt higher and higher rather than to reduce it.

But, Mr. President, that is not the whole picture. That is only one phase of our fiscal problem. There is another aspect that not only accentuates our present difficulties but which makes doubly certain they will be both enlarged and aggravated beyond any hope of solution. I refer and invite attention to the administration's legislative program which we are asked to consider and urged to enact at this session of the Congress. In view of its scope and the impact it would have upon our already strained fiscal condition, I can well understand why the President of the United States in his messages to the Congress and in public addresses to the Nation is unwilling and unable to give any reliable assurances that the budget can or will ever be balanced again. Mr. President, as I see it, we are being irrevocably committed to a program and policy of deficit spending that can have but one ending—economic collapse and national disaster.

Mr. President, in order to get as much factual and authoritative information as is presently available, I recently had the staff of the Committee on Expenditures in the Executive Departments make a survey and estimate of probable costs of some but not all of the measures now pending in the Congress to carry out the administration's legislative program. After making the study I requested, the staff prepared and submitted to me a table listing the estimated annual cost of some 15 new programs and expanded governmental services, for which legislation is now pending in the Congress and which is in conformity to and in implementation of the legislative program of the President, as submitted to the Congress in his state of the Union and other messages to it. The aggregate annual cost of these new services and programs is more than $25,000,000,000. That means, Mr. President, if the Congress carries out this legislative program and enacts these measures into law, that within the next 4 or 5 years when these new programs and services get into full operation the cost of operating the Federal Government will increase by at least $25,000,000,000 annually. The incurring of new and increased obligations to that amount will compel an annual budget in excess of $65,000,000,000 within the next 5 years. The prospect of this is frightening. It is simply a tragic example of throwing all discretion to the winds, and embarking on a fool's paradise highway to bankruptcy and destruction.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the table to which I have referred.

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

*Potential cost of new program legislation proposed by the President (fiscal years 1950–51)*

| Proposed program | Estimated initial annual cost of program | Estimated annual cost of program in full operation |
|---|---|---|
| SOCIAL SECURITY, HEALTH, AND EDUCATION | | |
| National health insurance | $15,000,000 | $7,000,000,000 |
| Expansion of social security | 250,000,000 | 6,000,000,000 |
| Industrial safety program | 3,000,000 | 5,000,000 |
| Aid to education | 300,000,000 | 500,000,000 |
| National Science Foundation | 15,000,000 | 100,000,000 |
| National Commission against Discrimination in Employment (FEPC) | 600,000 | 5,000,000 |
| Special assistance for rental and cooperative housing | 10,000,000 | 50,000,000 |
| Labor Extension Service | 3,000,000 | 27,000,000 |
| NATIONAL DEFENSE | | |
| Universal military training | 600,000,000 | 3,000,000,000 |
| Housing and public works | 600,000,000 | 1,400,000,000 |
| St. Lawrence seaway: | | |
| Operating costs | 8,000,000 | 30,000,000 |
| Construction costs | 100,000,000 | 100,000,000 |
| INTERNATIONAL AFFAIRS | | |
| Technical assistance to economically underdeveloped areas (point 4 program) | 35,000,000 | 500,000,000 |
| AGRICULTURE | | |
| Farm parity program (Brannan plan) | 5,000,000,000 | 6,000,000,000 |
| NATURAL RESOURCES | | |
| Commercial production of natural resources | 11,000,000 | 400,000,000 |
| Incentive payments for development of minerals | 70,000,000 | 70,000,000 |
| Total | 7,020,600,000 | 25,187,000,000 |

Mr. McCLELLAN. Mr. President, I am not here undertaking to discuss or pass final judgment upon the merits or lack of merits of each and all the above-proposed measures, and the additional services they would provide. Some of them I already know I am definitely opposed to. The desirability of others might well be established, the necessity for some in connection with our national defense and security may be established. But where they are only shown to be desirable, their enactment and the placing of them into operation should be deferred until such time as our fiscal condition will reasonably and safely permit us to assume the additional financial obligations that their enactment will incur. Only those, if any, that we conclude are imperative to the general welfare and indispensable to national security should be undertaken until we have been able to set the financial affairs of our Government in order and are again living within our revenues.

The foregoing table and estimates of cost of these proposed new and expanded governmental services may be assailed as being inaccurate and misleading by those who favor the program. Of course, Mr. President, everyone is entitled to his own opinion, but I accept and present them as being the best estimates of cost that can be determined at the present time.

The committee staff did not simply take these figures out of the air, and they by no means represent the highest estimates that have been made by competent authority.

In arriving at these figures the staff made a study of estimates of cost given in committee hearings by both the proponents and opponents of these measures together with estimates compiled and submitted from impartial sources. These figures do not represent either the highest or the lowest, but in most instances they range closer to the lowest than they do to the highest estimates submitted in hearings on the different bills. To enable those who are interested in evaluating these estimates, I shall ask at the conclusion of my remarks to have printed in the RECORD the identity and number of bills that are pending, covering each of the above items, together with a summary of estimates that have been submitted to committees having jurisdiction of those measures. These data, Mr. President, will reveal the source of some of the staff's information and will indicate the computation made to arrive at the annual cost of these new services and programs when in full operation.

Mr. President, it is perfectly obvious that the 15 proposals listed in the foregoing table do not cover, by any means, the entire legislative program. The table I have submitted excludes potential Federal expenditures under the various guaranty and loan programs recommended to the Congress such as the 20-year housing program, aggregating approximately $5,000,000,000 on loans to be guaranteed through the FHA and the RFC, and Federal guaranties of bank deposits through the FDIC. It also excludes the cost of the Columbia Valley Authority and the Missouri Valley Authority. In addition to these measures there are possibly hundreds of other bills now before the Congress which would add to the annual operating cost of government if they should be enacted into law.

It would be very easy, Mr. President, for Congress to increase the annual cost of government up to $65,000,000,000 or $75,000,000,000 by simply enacting at this session of Congress the legislative program which the President of the United States has submitted to us. If we do that, the Congress must assume the responsibility for the inevitable results and consequences that it will entail. There is no pressing necessity or circumstances to justify or warrant us in taking such a course. We shall not find exoneration at the bar of public opinion by attempting to invoke any alibi of excuse in mitigation of such folly.

A simple arithmetical calculation reveals that if this $25,000,000,000 program is to be enacted into law and operated on a pay-as-you-go basis, our tax burden will be increased by $166 annually for every man, woman, and child of the 150,000,000 American people. This new program of $25,000,000,000 annually, added to our present operating cost of more than $40,000,000,000, will bring the annual expenditure budget of the Federal Government up to $65,000,000,000. Another simple calculation, Mr. President, and we find that to support such expenditures on a pay-as-you-go basis will impose a tax burden of $433 anually for every man, woman, and child in America. That means, on the basis of our present national income, 30 percent of all of the earnings of the American people would be the tax take required to support the Federal Government. This, added to the amount of taxes already levied for the support of State, county, and municipal governments throughout the Nation, will make the annual tax obligation of the American people more than 40 cents out of every dollar they earn. So far as I know and can ascertain, Mr. President, only one other nation today, among the free peoples of the world, has a tax obligation in comparison, and that is England—and England, as we all know, now has an austerity standard of living which we, by gratuities of a billion dollars a year, are helping her to support.

The prospects of our traveling the road that England has taken are appalling. The Congress has the power, but I hope it does not have the will to do it. The lessons of history reject such a course. I sincerely hope the Congress will exercise courage, statesmanship, and common sense in dealing with this vital issue and will refuse to saddle upon the economy of this country and upon the already tax-burdened wage earners, producers, and consumers of this Nation this crushing burden of new legislation and taxation.

Mr. President, I ask unanimous consent that there be inserted in the RECORD, immediately following my remarks, the calculations made and the sources of the information, through the staff of the Committee on Expenditures in the Executive Departments, to which I have previously referred.

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

*National health insurance*

S. 1679:
Initial cost ..... $15,000,000
When in full operation ... 7,000,000,000

Information concerning this program was obtained from the Senate Committee on Labor and Public Welfare, the Bureau of the Budget, and the Federal Security Agency.

According to the various estimates that have been submitted to the Committee on Labor and Public Welfare, the cost of the program, when in full operation, will vary from a minimum of $7,000,000,000 to a maximum of $15,000,000,000. Usually, the lower figure was submitted by proponents of the legislation, while the opposition's estimates were much higher.

Studies made by the Federal Security Agency, and information contained in the August issue of the Social Security Bulletin of the FSA of August 1949, indicates that this program will cost from $7,000,000,000 to $10,000,000,000 a year. The Council of State Chambers of Commerce estimated that national health insurance, as proposed, would cost from $5,000,000,000 to $6,500,000,000 per annum. Senator DOUGLAS estimated that the President's compulsory medical-insurance plan would cost $5,300,000,000 per year. (Washington Post, November 25, 1949.) In order to attempt to strike a conservative average, the total annual expenditure under this program has been estimated at $7,000,000,000.

*Expansion of social-security program*

H. R. 6000, H. Rept. No. 1300:
Initial cost ..... $250,000,000
When in full operation ... 6,000,000,000

There are so many unknown factors involved under this program that a reliable estimate is difficult to obtain. According to estimates available, the annual cost of the program, provided it includes extension of benefits, disability insurance, coverage for farm and domestic employees, self-employed persons, etc., will run approximately $6,000,000,000.

The staff of the House Ways and Means Committee estimates that expansion of the Social Security Act to provide additional assistance for old-age and survivors insurance, child welfare, and other purposes will cost about $256,000,000 the first year and increase to over $7,000,000,000 per annum when fully effectuated.

The Federal Security Agency has compiled figures which estimate the program cost at approximately $4,000,000,000 in 1951 and $5,000,000,000 by 1960; whereas the Bureau of the Budget estimates that with the extension of coverage proposed, including the health-insurance program and the continuation of public assistance on a more liberalized basis, would cost $2,500,000,000 in 1950, of which $1,600,000,000 comes from trust-fund accounts, and by 1960 the cost would have increased to $12,200,000,000, of which $10,000,000,000 would be paid from the trust funds established under the program and $2,200,000,000 would be paid from general revenues. The $6,000,000,000 total in the summary is, therefore, only a conservative estimate.

*Industrial safety program*

S. 1432, S. Rept. No. 850:
Initial cost ..... $3,000,000
When in full operation ..... 5,000,000

The Industrial Safety Section of the Department of Labor submitted an estimate of $6,000,000 for the operation of this program, based on the President's recommendations for appropriations. The staff of the Committee on Labor and Public Welfare estimates that the program, as proposed under S. 1432, would cost approximately $5,000,000, and indicated that the program could be

very broadly extended into unlimited activities which would far exceed this figure, but the Department of Labor indicated that local and State agencies would carry on these activities at no additional cost to the Federal Government.

*Aid to education*

S. 246, H. R. 4643:
Initial cost ..... $300,000,000
When in full operation ..... 500,000,000

The estimates submitted in connection with this program were procured from the Bureau of the Budget and verified through the Federal Security Agency as being the best available at the present time. The Legislative Reference Service of the Library of Congress estimates, based on an article in the National Education Association Journal, that the higher-education program, not included in the estimated initial cost, would aggregate $53,000,000 in the initial year, increasing annually by the same amount through the following 3 to 4 years, for the purpose of assisting the States in maintaining and expending publicly controlled institutions of higher education. In addition, the capital outlay is estimated at $200,000,000 per annum. The President's budget estimates included only elementary and secondary education programs, estimated at $300,000,000 for the first year.

The Senate bill (S. 246) would authorize annual grants to State educational systems of $300,000,000, whereas the House bill (H. R. 4643) would authorize $314,000,000 per year. The Office of Education advises that if the administration's proposal became law $261,000,000 would be allocated to the States. This Office further advised that in subsequent years under present economic conditions the cost should decrease about $25,000,000. If unemployment should increase and the States are unable to increase their support, Federal aid would increase substantially.

The Council of State Chambers of Commerce reported that this program would cost $750,000,000 annually, with a potential top figure of $2,000,000,000.

*National Science Foundation*

S. 247, S. Rept. No. 90:
Initial cost ..... $15,000,000
When in full operation ..... 100,000,000

The President estimated that an appropriation of $2,500,000 and $12,500,000 of contract authority would be required to establish the organization. Sponsors of the legislation creating the NSF find it difficult to forecast what the annual expenditure will be after the program gets under way, since there are several important intangibles to be considered.

The estimate of $100,000,000 is ultraconservative, but was supplied by the Bureau of the Budget as being the most accurate estimate that could be procured. The President's Scientific Research Board recommended annual appropriations of $50,000,000 for basic research, outside of the Foundation's own laboratories, in the initial stages of the program, and estimates that the total annual cost of this phase of the program would exceed $250,000,000 by 1953. The extent of the scholarship phase will depend on authorizations granted by Congress, and the figures shown in the summary are estimated to cover the present proposed program. Including scholarships, research expenditures, and other phases of the program, the total will approximate $350,000,000 annually.

*National Commission Against Discrimination in Employment (FEPC)*

S. 1211:
Initial cost ..... $600,000
When in full operation ..... 5,000,000

The potential operations cost figure included in the summary, of $5,000,000, is based on information obtained from the Committee on Labor and Public Welfare, the Bureau of the Budget, and other sources. It is based on the cost of the old FEPC program, and on the further assumption that operation of the law will be effectuated without enforcement set-ups and necessitating only isolated prosecutions. The amount indicated will be required to meet the needs for establishing State and local offices, legal and investigating staffs, etc., and if opposition is encountered to the operation of the law, the cost may go as high as $10,000,000 and, under serious stress and actual general opposition, any estimate of annual cost would be a mere guess.

The cost of administering the Wages and Hours Act, a somewhat comparable operation to the enforcements proposed in the FEPC bill, carries a budget request of $10,587,000 for fiscal year 1951.

*Special assistance for rental and cooperative housing*

S. 2246:
Initial cost ..... $10,000,000
When in full operation ..... 50,000,000

This program is intended to provide additional housing for the middle income group of American wage earners. It provides for establishing a corporation in the Housing and Home Finance Agency empowered to issue capital stock to be purchased by the Secretary of the Treasury in amount of $100,000,000, and to issue capital stock to cooperative borrowers in the amount of $50,000,000 but not to exceed $300,000,000. The President may increase the capital stock issued after July 1, 1951, to $1,700,000,000.

No estimates are available as to how much will be obligated or expended during fiscal year 1951 but if this proposal becomes law it is quite likely that from ten to fifty million dollars will be expended from the United States Treasury each year without giving any consideration to administrative costs, or losses which may accrue by an increase in unemployment, or a slump in real-estate values.

*Labor Extension Service*

S. 110, H. R. 1380:
Initial cost ..... $3,000,000
When in full operation ..... 27,000,000

The President, in his state of the Union message of January 4, recommended the establishment of a Labor Extension Service in the Department of Labor which would administer a program providing for the training of wage earners in the principles of writing collective-bargaining agreements, labor-management relations, research, and other related subjects.

The program is intended to operate in the same manner as the Agricultural Extension Service of the Department of Agriculture. Certain colleges and universities would be given Federal aid for providing classroom study and lectures in these subjects, to be conducted at night, or on Saturdays, to aid in the education of wage earners. Using the appropriation for the Agricultural Extension Service as a basis for estimating similar operations proposed under this program, the cost would approximate $28,000,000 per annum.

*Universal military training*

S. 66:
Initial cost ..... $600,000,000
When in full operation ..... 3,000,000,000

Information obtained from the Bureau of the Budget, Senate Appropriations Committee, Committee on Armed Services, and the Congressional Aviation Policy Board, and other sources, indicates that this program will probably reach a total annual expenditure of $3,000,000,000, depending on the extent of the program, length of the training period, and the equipment provided. The estimates vary all the way from $1,500,000,000 to $3,000,000,000, but when the establishment and operation of military training facilities in connection with the program are included, it appears that the $3,000,000,000 figure is conservative. That, I believe, is the accepted figure as to the potential annual cost of this program when fully activated.

This program has been temporarily suspended and a policy of selective-service registration adopted instead, but it still remains as a part of the President's program.

*Military housing and public works*

S 2440, S. 960, etc.:
Initial cost ..... $600,000,000
When in full operation ..... 1,400,000,000

This program was intended to authorize the construction of multiple and other dwelling units for housing military personnel on duty at Army, Navy, and Air Force stations throughout the United States, its possessions, and at certain overseas stations.

The construction and alteration of buildings at Army, Navy, and Air Force stations for storage purposes, research and development work, and various other public-work projects, such as wind-tunnel buildings, radar- and air-warning sirens, long-range proving grounds (for guided missiles), Alaska housing, Okinawa housing and repair, National Guard armories, and the Alaska communications system.

The Army, Navy, Air Force public-works bill recently approved by the Senate authorizes $504,000,000. Other related projects are estimated to involve annual expenditures approaching $1,500,000,000.

*St. Lawrence seaway*

S. J. Res. 99:
Initial cost:
Operating costs ..... $8,000,000
Construction costs ..... 100,000,000
When in full operation:
Operating costs ..... 30,000,000
Construction costs ..... 100,000,000

The staff of the Senate Committee on Foreign Relations advises that the cost of this project will depend on several factors such as the depth and width of the canal, the size and number of power units installed, etc. Some of the witnesses, including prominent engineers, have estimated that the total cost would run to approximately $1,000,000,000 and would require an estimated 10 years for completion. It has also been estimated that the operating costs after completion would run as high as $50,000,000 annually.

The Council of State Chambers of Commerce has estimated that the project would cost $8,000,000 in the first year and $100,000,000 annually thereafter until completion. The Bureau of the Budget estimates that the total cost will not exceed $573,000,000.

*Technical assistance to economically underdeveloped areas (point 4 program)*

H. R. 6834:
Initial cost ..... $35,000,000
When in full operation ..... 500,000,000

This program of technical assistance to economically underdeveloped areas of the world will enable the peoples of these areas to learn, and to adapt to their own needs, modern technological and scientific knowledge in such fields as agriculture, health, education, transportation, and industry.

The Department of State estimated that if this program is approved $65,000,000 will be expended during the first year, and about $100,000,000 per annum when in full operation.

The staff of the House Committee on Foreign Affairs advised that an amortization of $35,000,000 for the first year, and its annual cost thereafter cannot be determined with any degree of accuracy. This is equivalent to a world-wide WPA project, and may run into billions of dollars, and the estimated potential cost of $500,000,000 per annum is considered to be conservative.

*Farm parity program (Brannan plan)*

S. 2318, H. R. 5345 (Public Law No. 439):

| | |
|---|---|
| Initial cost | $5,000,000,000 |
| When in full operation | 6,000,000,000 |

Opponents of the Brannan plan indicated that it would cost the American taxpayers $20,000,000,000 a year. Secretary Brannan countered in a speech before the Farm Grange that this amount was too high, but did not state what he thought it would cost.

He testified before the House Committee on Agriculture that the Brannan plan would not cost any more than the price-support plan which is presently in effect. Other authorities on farm parity have indicated that the Brannan plan would cost from five to ten billion dollars per annum, and former Secretary of State Byrnes indicated that socialized medicine and the Brannan farm plan would cost $12,000,000,000 annually. Technicians and specialists employed by the Legislative Reference Service have estimated that from studies conducted by them it is believed that the Brannan plan would cost between five and ten billion dollars each year.

*Commercial production of natural resources*

S. 6 (1950 budget, p. M70):

| | |
|---|---|
| Initial cost | $11,000,000 |
| When in full operation | 400,000,000 |

The Department of the Interior indicated that the bill may be amended to authorize advance of public funds for operating expenses in order to obtain for Government use special products not available commercially, or to bear the cost of plant operations during an emergency.

It is intended to encourage and facilitate the production of synthetic liquid fuel so that in the event of a national emergency adequate supplies will be available for both military and civilian use.

This proposal is intended to authorize the RFC to make loans to persons proposing to construct synthetic liquid fuel plants with a daily capacity of at least 5,000 barrels. It requires the Secretary of the Interior to study and appraise the action taken by private industry in the construction of such plants; if they fail to conform to the program, he will certify to the RFC, with approval of the National Security Resources Board, that additional plants of 30,000 barrels daily be constructed, and the RFC shall undertake, under contracts with private industry, to construct and operate such plants as the Secretary of the Interior may specify.

The first year cost is estimated at $11,000,000, increasing successively each year until the fourth year when it is expected to reach $400,000,000. The Department of the Interior further estimated that $650,000,000 will be expended during the first 6 years of activation of the program, of which about $1,000,000 will be required for administrative expenses.

*Incentive payments for development of minerals*

S. 2105 (1950 budget, p. M70):

| | |
|---|---|
| Initial cost | $70,000,000 |
| When in full operation | 70,000,000 |

This program provides for the establishment of a Minerals Conservation Board consisting of the Secretaries of Interior, Defense, Commerce, and Treasury.

The program is intended to stimulate exploration for, and conservation of strategic and critical ores, metals, and minerals. If enacted into law, a producer could apply to the Secretary of the Interior for financial assistance to facilitate exploration and production of strategic and critical minerals.

The Department of the Interior estimated that $70,000,000 would be expended during the first year for both administrative and direct aid to explorers and developers.

## COMMUNISTS IN GOVERNMENT SERVICE

The Senate resumed consideration of the resolution (S. Res. 231) to investigate whether there are employees in the State Department disloyal to the United States.

The VICE PRESIDENT. The question is on agreeing to Senate Resolution 231.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

| | | |
|---|---|---|
| Aiken | Hendrickson | Malone |
| Benton | Hickenlooper | Maybank |
| Brewster | Hill | Millikin |
| Bricker | Hoey | Morse |
| Butler | Holland | Mundt |
| Byrd | Hunt | Myers |
| Capehart | Ives | Neely |
| Chapman | Jenner | O'Conor |
| Chavez | Johnson, Colo. | O'Mahoney |
| Connally | Johnson, Tex. | Robertson |
| Cordon | Johnston, S. C. | Russell |
| Darby | Kefauver | Saltonstall |
| Donnell | Kem | Schoeppel |
| Douglas | Kerr | Smith, Maine |
| Downey | Kilgore | Smith, N. J. |
| Dworshak | Knowland | Sparkman |
| Eastland | Langer | Stennis |
| Ecton | Leahy | Taft |
| Ellender | Lehman | Taylor |
| Ferguson | Lodge | Thomas, Utah |
| Flanders | Long | Thye |
| Frear | Lucas | Tobey |
| Fulbright | McCarran | Tydings |
| George | McCarthy | Watkins |
| Gillette | McClellan | Wherry |
| Graham | McFarland | Wiley |
| Green | McKellar | Williams |
| Gurney | McMahon | Withers |
| Hayden | Magnuson | |

The VICE PRESIDENT. A quorum is present. The hour of 2 o'clock having arrived, the resolution goes to the calendar.

Mr. LUCAS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 231.

The VICE PRESIDENT. The clerk will state the resolution by title.

The CHIEF CLERK. A resolution (S. Res. 231) to investigate whether there are individuals in the State Department disloyal to the United States.

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

There being no objection, the Senate proceeded to consider the resolution.

Mr. MORSE. Mr. President, I make a parliamentary inquiry as to whether, if I ask to have my amendment considered, it would be in order.

The VICE PRESIDENT. Amendments are in order.

Mr. MORSE. I wish to proceed with a very brief discussion of my amendment, and I desire to have it considered at this time.

The VICE PRESIDENT. The Secretary will state the amendment.

Mr. MORSE. I should like first to make a statement with regard to certain modifications in the amendment.

In my discussion of the amendment yesterday I said that all hearings conducted by the committee should be public hearings. I used the term "hearings" as a lawyer would use it. I took it for granted that it would be assumed to mean the taking of evidence and testimony in regard to any charges of disloyalty leveled against any particular individual. That, of course, is the meaning of the word "hearings" as a matter of law when used in a resolution such as the one under consideration.

There is nothing in the amendment intended to prevent the Foreign Relations Committee from meeting in executive session to decide on the procedure it wishes to follow in conducting the investigation. There is nothing which would prevent the Foreign Relations Committee, to use the analogy mentioned yesterday by the distinguished Senator from Louisiana [Mr. LONG], from functioning in executive session as a sort of grand jury. What my amendment seeks to do—and I think it is fundamental—is to guarantee that any charges of disloyalty brought against an individual shall be heard in public when it comes to taking evidence and testimony in respect to those charges.

The revised wording of my amendment as I should like to submit it, Mr. President, is this:

On line 6, before the word "The" insert the following: "All hearings conducted by the committee for the purpose of taking evidence and testimony on any charges of disloyalty against any individual shall be public hearings."

Since I have been a Member of the Senate I have been involved in debates and controversies on some very important issues, but I should like to say for the record that I do not believe I have ever raised my voice since I became a Senator on any matter so fundamental to the preservation of the liberties and the freedoms of the American people as the amendment for which I am fighting in this instance.

As I indicated yesterday afternoon, I am greatly alarmed over certain trends in this country. The road we are following will lead to limiting more and more the basic judicial guaranties of American citizens, one of which is that charges leveled against them shall be proved in public hearings, so the great public can be the judge. After all, it is the public behind the court system of America which makes our system of American justice work. Our free press should always have available to it a public record of the evidence and the testimony on the basis of which any tribunal is asked to convict a citizen of a crime or a wrong. In turn every citizen should have the right to present his defense and rebuttal evidence in public. In this instance fellow citizens are being charged with what I consider to be as heinous a crime as there can be, because when we boil the charge down to its real meaning, these persons are in fact being charged with treason. If there are traitors or disloyal workers in the Federal Government, I want them weeded out. But I am such a firm believer in American judicial processes that I am convinced that innocence or guilt can be established by the existing procedures and under the existing rules of evidence which characterize the great American judicial system. I cannot think of any sound reason for saying that any citizen of this country accused of being disloyal or traitorous

to the Government should not be heard in public.

The resolution in fact amounts to the establishment of a special committee, because the Foreign Relations Committee in this instance would function as a special committee under the direction and mandate of the Senate. In my view, we not only have the right but we have the duty to say to the Foreign Relations Committee: "Because these charges are so serious and because they are so vital to the security of the American people, we, the Senate of the United States, insist that a procedure be followed whereby the taking of evidence and testimony on any charges brought against any person under this resolution shall be in a public hearing, as we use that term in the law."

Mr. President, I shall not take the time to read from the legal dictionary which I have in front of me. I believe Senators will take my word for it. A "hearing" means in this instance the taking of evidence and testimony in connection with charges leveled against persons accused of crime, as applied in this instance——

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

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Illinois?

Mr. MORSE. I will yield in a moment.

Mr. President, it is not an unfair limitation on the Foreign Relations Committee, if we say, "After the Committee has met in executive session, and has become convinced that it should go forward with the investigation of specific charges against Mr. X or Miss Y, the taking of evidence and testimony on that particular case or those particular cases shall be in a public hearing, so that the gentlemen of the free press, so that the American public, so that those representing the American radio, can bring the information to the American people, who then will be in a position to judge for themselves whether the Government of the United States is being termited and undermined by disloyal persons."

I now yield to the Senator from Illinois.

Mr. LUCAS. As I understand, the position now taken by the able Senator is just a little different from what I understood it to be last evening when he submitted his amendment. He has now made a fuller explanation of what the amendment means.

I appreciate the argument he is making now, because he says to the Foreign Relations Committee, as I think is correct, that it has the right, under his amendment, to go into executive session and, in executive session, consider the charges, and if the Foreign Relations Committee feels that some person is guilty of being disloyal to the Government, then the hearings should be held in the open, after the committee makes that decision.

Mr. MORSE. That is exactly what I meant by hearings yesterday. I believe the Senator is correct. I did not make my position clear as to the type of hearing I had in mind. What I am saying is that the Foreign Relations Committee can hold all the meetings it wants to hold in executive session respecting what procedure it is going to follow in getting the hearings started. But I assume, and I believe not wrongly, that as the result of the serious charges made by the Senator from Wisconsin [Mr. McCARTHY] the Foreign Relations Committee is going to proceed to take evidence and testimony with respect to certain individuals in the State Department and elsewhere in the Government who it may find should be charged with disloyalty. I say that when the committee decides that it should proceed with an investigation of such charges in respect to any individual, and begins to take evidence and testimony in respect to the formal charges, we should make it clear that the committee must proceed in the sunshine of open publicity so that all of us can pass judgment on whether or not there is even probable cause for believing that a particular individual charged with disloyalty is guilty, and also so that every person who may be charged in such hearings may have the right—and I insist it is a precious right—to stand up before the American public and present in public his case in reply and answer those who seek to make out of him a disloyal and traitorous person.

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

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from California?

Mr. MORSE. I yield.

Mr. KNOWLAND. Apropos of the question raised by the majority leader calling the attention of the junior Senator from Oregon to the amendment which he has offered, I will say that the wording of the amendment, I believe, confirms the original understanding of the majority leader, rather than the more complete statement which is now being made by the Senator from Oregon, because the wording of the amendment is "before the word 'the' insert the following: 'all hearings conducted by the committee shall be public hearings'."

That wording of the amendment would indicate that there need not be executive hearings of the type which the Senator has now pointed out, quite properly, in his judgment should be held to consider the preliminary phases of such an investigation.

Mr. MORSE. I thank the Senator from California. I believe he is correct in stating that the junior Senator from Oregon last night should have defined what he meant by "hearings," and should have made clear that he was using the term "hearings" in its legal sense, and its dictionary sense. In that sense it is the taking of evidence and testimony in respect to charges leveled against an individual, as in this instance, in regard to which a committee has taken jurisdiction. It is only that type of hearing that I insist ought to be public.

I have modified my amendment, I say again for the record, and so that the Senator from California may understand the modification, it is as follows:

All hearings conducted by the committee for the purpose of taking evidence and testimony on any charges of disloyalty against any individual shall be public hearings.

That language in no way limits the committee in its executive sessions to deciding how it wants to proceed with its investigations, and against whom it wishes to proceed with its investigations.

So there may be no misunderstanding, let us suppose that in executive session the committee decides that it is satisfied there is not even any probable cause for proceeding against Mr. X. That ends it. But if the committee decides that there is probable cause to proceed against Mr. X, or Miss Y, then I say that individual ought to be proceeded against in public hearings. The preliminary investigation can be made in executive session, but any hearing involving the taking of evidence and testimony insofar as formal charges are concerned must be a public hearing under my amendment.

Mr. KNOWLAND. Mr. President, will the Senator yield further?

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from California?

Mr. MORSE. I yield.

Mr. KNOWLAND. I wonder if the Senator in the course of his remarks is going to discuss the problem that may arise respecting the FBI. Let us assume that the FBI has an undercover man as it did in the New York Communist trial, which, of course, was a different situation because the individuals were being proceeded against for violating the laws of the country. Suppose the FBI has an undercover man who is currently working in a Communist cell. Is not the problem presented, that the causing of that witness to come before the committee in open session may destroy the effectiveness of the FBI in uncovering Communist apparatus that may be existing in a far more extensive fashion than it is involved in the respect to one particular person?

Mr. MORSE. I am glad the Senator from California raised the point. It is so fundamental that we simply have to face the issue. I think the findings of the FBI can be submitted in the public hearing, and the committee would be under no obligation or duty in that instance to bring the FBI informant before the committee. But I want to say to the Senator from California that we must be protected even from evidence submitted by the FBI that cannot be submitted to the test of cross-examination in an American courtroom. If the reports of the FBI are not in such evidentiary shape as to be usable in an open hearing then they should not be accepted by the committee as a basis for finding a person to be disloyal. I insist that treason and disloyalty should be established by evidence that can stand up under the rules of evidence essential to giving our citizens a fair trial withih the meaning of our Constitution.

I say here and now that I do not believe there is a single Communist or disloyal person in this Government whose communism and disloyalty cannot be established under existing American judicial procedures without relying upon evidence, the source of which cannot be disclosed, or upon witnesses who cannot be brought before an American

citizen accused of crime, and subjected to cross-examination. I do not believe it is the intention of the FBI—and no one has a greater admiration for the great director of the FBI than the junior Senator from Oregon—that any of its so-called information shall be used in the darkness of secrecy to convict persons of treason without giving them an opportunity to examine that evidence.

Mr. SALTONSTALL, Mr. KNOWLAND, and Mr. FERGUSON rose.

The VICE PRESIDENT. Does the Senator from Oregon yield; and if so, to whom?

Mr. MORSE. I will yield in a moment. I believe the Senator placed his finger on something which is going to determine whether or not in American judicial procedure we are going down the line of a police-state procedure, or whether we are going to keep open the courtrooms and the hearing rooms of America as contemplated by the procedures established by the founding fathers when the Constitution itself was penned. I cannot reconcile with the constitutional concept of a fair trial any position that will keep in the darkness of star-chamber proceedings of a Senate committee so-called information or evidence submitted to the committee, the source of which we cannot check. I say it is not fair to the accused. It is still pretty good American doctrine that it is better to have the guilty go free than to have one single citizen sentenced for a crime he did not commit.

Mr. President, there is a great danger in the way evidence is being used, particularly by congressional committees these days, in respect to protecting the innocent. I believe we can weed out Communists by a procedure that can stand the test of a cross-examination process carried on in a public hearing. I may say to my good friend from California [Mr. KNOWLAND] that I believe that what the FBI can offer which will be of help to the committee can be offered in an open hearing. If it cannot be, then I believe we had better use some other investigation process. We had better use some other means—means that can stand the test of an open hearing—of checking and testing Communists, so we can get them out in the open.

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

Mr. MORSE. I yield.

Mr. SALTONSTALL. I simply wish to call to the Senator's attention the fact that he used the words "the findings of the FBI." The FBI makes no findings. It has never made any findings. If I correctly understand the testimony of Mr. Hoover before the Appropriations Committee, he does not want ever to be placed in the position of making findings. All the FBI does is to collect evidence and submit it to its chief, I assume, the Attorney General, or to whomever it is to be submitted. It makes no findings and reaches no conclusions.

Mr. MORSE. The Senator from Massachusetts is correct. If I used the term "findings" in connection with the FBI, I used it in error. I am saying to the Senator from Massachusetts, however, that whatever evidence or statement the FBI thinks the Senate committee should use in reaching its findings in answer to the question as to whether a given employee is a Communist or is disloyal to the Government, should stand the test of a public hearing. If that kind of procedure is not followed, in my judgment we are going to play into the hands of those who in the not far distant future will be favoring some rather definite star-chamber proceedings, which, to me, spell a repetition of the type of police-state methods in Germany against which we so notably fought.

Mr. SALTONSTALL. Under the La Follette-Monroney Act, the law under which we are now proceeding, the committee is required to hold the hearings in public, except where the committee by a majority vote orders an executive session. Would not the Senator from Oregon trust the judgment of the committee or the subcommittee which hears this matter in determining that question for itself?

Mr. MORSE. I wish to say to the Senator from Massachusetts that it is not a question of trusting the judgment of a Senate committee. When we provide for an investigation such as this—which is going to be historic in nature, in my judgment—it is a question of whether we think it is in the interest of sound public policy to say it shall be the policy of the Senate in such cases to have a public hearing for the purpose of taking evidence and testimony.

As the Senate I think we have a right—I am sure the Senator from Massachusetts does not question it—to express ourselves on this question of public policy; and I think it would be salutary for the entire country to have the Senate go on record today in support of the proposition that when it comes to taking testimony and evidence against fellow citizens, in respect to their loyalty or charges of treason, the proceedings shall be conducted in open hearing.

Mr. FERGUSON, Mr. KNOWLAND, and other Senators addressed the Chair.

The VICE PRESIDENT. Does the Senator from Oregon yield; and if so, to whom?

Mr. MORSE. I yield first to the Senator from Michigan, who first asked that I yield to him.

Mr. FERGUSON. Mr. President, in order to have in the RECORD an interpretation of the Senator's amendment, let me inquire whether he would consider that an open hearing would be required in case the committee desired to see the file—only the file—of the State Department concerning a certain individual?

Mr. MORSE. I think that goes to a question of procedure which would not involve a public hearing at all.

Mr. FERGUSON. It would not involve a public hearing?

Mr. MORSE. No. What the committee does with the files afterward may involve a public hearing.

Mr. FERGUSON. Yes; I wish to have the RECORD clear on that point. Suppose that under the charges of the Senator from Wisconsin, who has indicated that the records of the State Department's security file show certain facts, the committee first wished to see that file, and subpenaed it. Would that hearing have to be an open hearing?

Mr. MORSE. That would not have to be an open hearing. But let us consider the situation after the committee obtained the file. Suppose the committee examined it, and the committee members concluded that we have in the State Department a person whom the file shows obviously has been guilty of such and such disloyal conduct, and that that person should not be employed further by the State Department. At that point the committee would be proceeding against that individual in personam, as we say; and I think at that point he is entitled to a public hearing to answer charges which the committee feels would, if proved, justify his dismissal from the State Department. When it comes to the point that an individual is involved, and action may be taken against him as an individual, he should have the advantage of being able to answer the charges in public.

Mr. KNOWLAND and other Senators addressed the Chair.

The VICE PRESIDENT. Does the Senator from Oregon yield; and if so, to whom?

Mr. MORSE. I yield now to the Senator from California, to whom I previously promised to yield.

Mr. KNOWLAND. Mr. President, I think the Senator from Oregon is clearing up somewhat, in answer to these questions, what has been in the minds of some of us in regard to his amendment.

But at the moment I still am not in agreement with the Senator from Oregon in respect to the way in which he compares as parallel cases the proceedings in a court of law where a person is subject to being sent to jail or heavily fined, or fined at all, and the investigative responsibilities of the Senate of the United States.

I wish to call the attention of the able Senator to the fact that, although it is not a parallel case, yet the Canadian Royal Commission proceeded in executive session until it had followed the entire Communist apparatus in Canada, before it had any public hearings—in fact, I doubt whether it had any public hearings at all—or before it released the testimony taken by it and its findings and a statement of what had taken place.

Had it proceeded on a basis of public hearings, it is quite possible that the Canadian spy ring might never have been uncovered, because of the fact that a chain reaction is set off. The fact that one person was brought before the committee might disclose to other persons who were connected with him that the committee was hot on the trail, and therefore they could either disappear or could make themselves unavailable.

Because I know the Senator from Oregon is as interested as anyone else is in uncovering anything improper which may exist, if anything of that nature does exist in the Government, I feel sure that he does not wish to have us obstruct at its inception the possibility of finding out just what the facts are.

Mr. MORSE. Mr. President, it is the last argument of the Senator from California, in respect to what might have happened in Canada if there had been a

public hearing, with which the Senator from Oregon does not agree.

Mr. HICKENLOOPER. Mr. President, on that point, I wonder whether the Senator will yield to me, in order to permit me to clear up that matter.

Mr. MORSE. First, I should like to complete my answer to the Senator from California.

I wish to say that the evidence in regard to the charges against these employees in the State Department referred to by number in the speech by the Senator from Wisconsin exists now; if it exists at all, it is in being now. The committee can proceed in executive session to consider what is presented to it, for the purpose of determining whether that information justifies the holding of a public hearing. The question whether the evidence which is brought to the committee or the evidence which, to their knowledge, is available, is evidence which should result in the filing of charges against a certain individual, will be for the committee to determine. It may reach those decisions in executive session under my amendment. However, I say that when the committee reaches the point of decision that probable cause exists for proceeding against a certain individual on a charge of disloyalty then let it conduct its hearing in public. Let it do so by way of taking testimony and evidence in public, in keeping with what I think is a rather fundamental right in this country, namely, the right to be protected from false accusations in so-called star-chamber proceedings, against which the accused has no way of protecting himself, unless he can draw out the charges in the full glare of a public hearing.

Mr. HICKENLOOPER. Mr. President, will the Senator yield to me now?

Mr. MORSE. I yield.

Mr. HICKENLOOPER. Let me say to the Senator from Oregon that exactly what the Senator from California suggested about the Canadian spy ring case did occur. One of the two chief malefactors in that case, one of the two chief criminals who sold out their country, goes scot free today because after publicity was given, the only connecting witness who could hook up the treacherous conduct of that man became unavailable, for various reasons; and the Canadian commission had to dismiss the case against a man who was clearly and palpably criminally negligent in regard to the Canadian spy ring.

I am not arguing the point one way or the other; but that exact situation occurred. One man was convicted of treason. The other man, who is equally guilty, goes free today because the witness to convict him became unavailable when publicity was given.

Mr. MORSE. I think the statement of the Senator from Iowa suggests its own obvious answer, in my judgment, namely, a rather inefficient trial group, a rather inefficient police group, a rather inefficient prosecutor group functioned in that case if they failed to hold their witnesses for public trial. The argument implied in the statement of the Senator from Iowa is, I think, very dangerous, in this respect: We are hearing justification advanced for the use in this country, of so-called undercover techniques for bringing persons to judgment outside of an open trial. Wire tapping is a perfectly good example of it.

Mr. HICKENLOOPER. Mr. President, if the Senator will yield further, I should like to clear up that point.

Mr. MORSE. I shall yield after I finish this statement.

I say that I think the weakness of the argument of the Senator from Iowa is that he should be supporting a stronger prosecuting system, a stronger police system, and a stronger investigating system in advance of the public trial.

But when we reach the point of preparing to pass judgment on the question of whether a certain individual is or is not guilty of disloyalty to his government, then I say that, in the name of the American public trial system, let us not go behind closed doors or adopt star-chamber proceedings. I do not accept the assumption of the Senator from California and the Senator from Iowa in regard to the Canadian situation at all. Apparently the Canadians did not do a very good job of getting their case prepared if they let witnesses slip through their fingers or get away from them.

Mr. HICKENLOOPER. Mr. President, will the Senator yield to me at this time?

Mr. MORSE. I yield.

Mr. HICKENLOOPER. I should like to clear up that point, because the Senator from Oregon is utterly misinterpreting what I said.

Mr. MORSE. If I did, I had no intention of doing so, I may say to the Senator from Iowa.

Mr. HICKENLOOPER. I specifically stated that I was not arguing the merits or demerits of that procedure; I was merely verifying the fact that in the Canadian spy ring case, a circumstance which was suggested by the Senator from California did occur, in fact. The merits or demerits of the conduct of that case, I may at some later date discuss. At the moment, I am not discussing the righteousness of their procedure or the particular methods by which they proceeded.

I was merely verifying the existence of the fact; I was not presenting an argument either for or against it. I have my own views in regard to wire tapping, and I have my own views in regard to investigative methods. At this time I do not care to discuss them or to be understood as discussing them.

Mr. MORSE. Mr. President, I wish to say to the Senator from Iowa that I had no intention of misinterpreting his remarks. I say to him that I think the preparation of the case is one thing; the procedure that is to govern the trial is quite another thing. It is with respect to the procedure governing the trial itself that I am raising my voice here today, because I want that procedure to be one which requires a public hearing. I do not want any secrecy or action behind closed doors, because to try these persons behind closed doors would, I think, jeopardize certain basic American freedoms.

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

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Minnesota?

Mr. MORSE. In a moment, Mr. President. I am also of the opinion that we can establish the guilt of these persons without secret hearings or secret trials. I have so much faith in our American system of justice as to be convinced that in America it is possible in the case of anyone who in fact is guilty of treason to proceed against him in an open courtroom, with proper investigation preceding the trial, and to convict him. I have tried to make it clear that I assume the investigation has been made or, if it has not been made, it will be made, in respect to the persons who have been charged by the Senator from Wisconsin [Mr. McCARTHY] with disloyalty, and that when the evidence is ready for presentation, it will be presented in an open public hearing. That is the weight of my argument, and that is all there is to my argument. My amendment in no way limits the committee in its investigation preceding the actual trial, but does provide that the taking of evidence and testimony in respect to the individual charged shall be in a public hearing.

Mr. LUCAS and Mr. MUNDT addressed the Chair.

The VICE PRESIDENT. Does the Senator from Oregon yield; and if so, to whom?

Mr. MORSE. I yield first to the Senator from Illinois, and then I will yield to the Senator from South Dakota.

Mr. LUCAS. I am sure I understand the Senator, but I want to make as clear as possible his view of the procedure he is discussing. If the Foreign Relations Committee should decide to hold an executive session on A, let us say, they would be permitted in executive session to take testimony against A on the question of his alleged disloyalty. Then, after having taken all the testimony they could find against A, if the committee reached the conclusion that A was guilty of disloyalty, it is at that point that the Senator says their verdict would not be sufficient, but that A must be given an opportunity to defend himself in public. Am I correct?

Mr. MORSE. If a Government official, X, brought a file to the committee in executive session, told the committee he believed that probable cause existed against A on the ground of disloyalty, and the committee in executive session looked at the file and a majority voted "we think so, too," then I say at that point—and that is the point where there arises the question of judging the innocence or guilt of an employee—at that point, evidence and testimony shall be taken in a public hearing in order to establish either the guilt or innocence of the accused.

Mr. LUCAS. I am sure I understand the Senator. Will the Senator yield for a further observation?

Mr. MORSE. I yield.

Mr. LUCAS. As I understand, the amendment would in no wise deny the Committee on Foreign Relations the right in executive session to take all the

testimony it wanted to take, in order to ascertain definitely——

Mr. MORSE. Whether the committee wants to proceed with the charge?

Mr. LUCAS. That is correct.

Mr. MORSE. Of course.

Mr. LEHMAN and Mr. MUNDT addressed the Chair.

The VICE PRESIDENT. Does the Senator from Oregon yield; and if so, to whom?

Mr. MORSE. I promised to yield to the Senator from South Dakota.

Mr. MUNDT. Mr. President, with that explanation of the amendment, it seems to me it may well be a procedure which could be generally supported by Members of the Senate. The thing which disturbs me is, I cannot make the language of the Senator's amendment conform with his explanation. It seems to me the amendment should be rewritten somewhat to make clear the position the Senator has now explained in answer to questions by the majority leader. What the Senator is endeavoring to do, as I understand, is to make sure no one who has been publicly accused, or whose name has been publicly brought into the matter as a result of the hearing, shall be denied the right to respond publicly. Is that correct?

Mr. MORSE. I think probably the difference between us is over the definition of the word "hearing" in contrast to the word "investigation." My amendment reads in terms of a hearing, and when I use the word "hearing," I am using it technically to refer to the hearing to be held with respect to an individual accused of a certain offense.

Mr. MUNDT. In the process, however, the committee is going to have to meet in executive session, is it not?

Mr. MORSE. Yes; for purposes of investigation.

Mr. MUNDT. Yes; for purposes of investigation. I do not think we should deny the committee that right.

Mr. MORSE. I do not deny it that right.

Mr. MUNDT. I completely agree with the Senator's statement of the principles, in the manner in which he has defined them in response to questions by the majority leader. It sounds like a very correct procedure. But I am afraid the language in the Senator's amendment itself does not make that clear.

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

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from New York?

Mr. MORSE. I yield.

Mr. LEHMAN. The proposal now made by the distinguished Senator from Oregon is quite different from that contained in the original amendment. I understand what the Senator is trying to accomplish. I think it is a laudable purpose. But I believe it is very important that the language of the amendment be very carefully scrutinized. I wonder whether the distinguished Senator, in line with what he has said to the majority leader in the last few minutes, would accept an amendment, or would rewrite his amendment, to read as follows: "Any person charged with disloyalty by or before the Foreign Relations Committee shall have the right to a public hearing by said committee." That, I believe, would take care of the actual taking of testimony directed to the charges. It would make it clear that the committee could have private hearings in connection with its study and investigation of the entire subject, and it would not drag into the public notice accusations, charges, and rumors which have no substantiation, because there is no proof to sustain them. Such a provision, however, would give the right to every man accused, by or before the Foreign Relations Committee, the right to be heard in public.

Mr. MORSE. I do not think the Senator from New York and the Senator from Oregon are apart at all in the objective we seek, but I wonder whether it would help clarify the RECORD if I put it this way: The committee has full authority to proceed with what in law we call a preliminary investigation or a preliminary examination of the question as to whether probable cause exists, or whether a prima facie case exists for bringing a charge against Mr. X or Miss Y. My only point—and that is why I used the technical term "hearing"—is that when a hearing is begun for the purpose of taking the evidence and testimony on a charge made against an individual, it should be in public. In my judgment, in this instance, a charge is not made until the Foreign Relations Committee brings out of its executive session a list of names of persons who, in the opinion of the committee, ought to be tried or heard on the question of their loyalty. It is at that point I say the hearings should be public, and I think it is only fair to the individuals to make the hearings public at that point.

Mr. LEHMAN. That is what I was trying to accomplish by this qualifying suggestion. I am afraid that unless the wording of the amendment is very clear, some question may arise with regard to the public character of the original hearings.

Mr. MORSE. May I read my revised amendment again to the Senator? Then, after I yield to the Senator from Minnesota, I shall take my seat and I shall then have a consultation with the Senator from New York, if we are unable to agree from the floor.

The revised amendment reads:

All hearings—

When I am referring to hearings, it should be remembered I am talking about hearings to take evidence and testimony on a charge made against an individual; that is the only kind of hearing I have in mind—

All hearings conducted by the committee for the purpose of taking evidence and testimony on any charges of disloyalty against any individual shall be public hearings.

If the Senator will keep in mind the sense in which I use the word "hearings," not covering the so-called preliminary examination or investigation into the question as to whether probable cause or prima facie evidence exists for bringing charges, then I think my amendment accomplishes the same purpose which he suggests. Certainly the RECORD in explanation of my amendment would by now accomplish the purpose for the benefit of the committee. My amendment would in no way estop the committee from going into executive session and looking into whatever records or information might be brought to the committee on the question as to whether the committee should bring charges of disloyalty against any particular individual. But, once it decides to bring the charges, then I think the hearings should be public.

Mr. LEHMAN. I thank the Senator.

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

The VICE PRESIDENT. Does the the Senator from Oregon yield to the Senator from Minnesota?

Mr. MORSE. I yield.

Mr. THYE. The first thing I should like to ask is, Is it the Senator's intention that all the records which would be available, whether held by one Federal agency or by another—and when I say one or the other, I mean that no file should be separated, but every document in the file should be made available to the committee having the responsibility of investigating—should be used by the committee in the preliminary investigation, in secrecy or in executive session, so that no one would become familiar with or have access to the file, except committee members and whoever may be their counsel, so none of the documents would be held out? The committee could do that in secret, and if they then determined that there was a justification on the part of the committee to hold official hearings, the hearing must be conducted in public. Is that the Senator's intention?

Mr. MORSE. I shall answer the Senator from Minnesota, and I want the Senators from Massachusetts and California to listen to me very carefully in my answer to that question because I think it is very fundamental.

Mr. THYE. I should like to make a further comment before the Senator answers. We are dealing with a philosophy and ideology. This is not like a criminal action, for example, a case involving murder or theft, in which the evidence may be connected with tangibles and physical things. We are dealing here with an ideology which justifies perjury and every conceivable method of concealing identity, such being considered an honorable and laudable thing in the society in which the witnesses may travel and associate themselves. For that reason, we have a different problem here.

Mr. MORSE. I understand.

Mr. THYE. It is different from what ordinarily would be found in a criminal case. So the thought I have in mind is whether any Federal agency could hold back any of the documents or factual material in the files when they were submitted to the Committee on Foreign Affairs for examination in executive session.

Mr. MORSE. I quite agree with the Senator from Minnesota. When we are dealing with communism we confront an

ideology so detestable that, as I have said before, there is not anything to which a Communist will not stoop in order to gain his ends. I hate it so much that I want to show that democratic processes are superior to it and that we can defeat it through democratic processes. I do not want to make even a gesture to the police-state methods of Russia. I do not want to use secret hearings in America to establish the communism of a disloyal person in this country. I do not think we have to do that. I think we are dealing with the type of situation which we frequently meet in criminal-law cases, when we know there is obtained from illegal sources which cannot be divulged in the open courtroom, some very important leads establishing the guilt of persons who have committed crimes. It has been said in case after case—and the number of cases is longer than my arm—that such evidence itself cannot be used in the courtroom to establish guilt, but we know it is constantly being used to get leads which can be used in the courtroom for establishing guilt.

In regard to the files which would be made available to the Committee on Foreign Relations on this subject, of course the committee has the right to go through the files, and I think it should have that right I have not shared the view of those who think that when it comes to the matter of protecting the security of the Nation, Government files should be protected from the study and analysis of the people's Representatives in the Congress of the United States.

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

Mr. MORSE. In a moment.

In those files, I imagine, as the Senator from Massachusetts [Mr. SALTONSTALL] has pointed out, there will be some information we know we cannot make stand up in a public hearing or in a public courtroom. I think it is only fair that when we reach the point of establishing the guilt or innocence of a person the committee should be required to use only evidence that can stand up. Evidence which cannot be presented in an open hearing should not be used by the committee to convict a person by finding that he in fact is a traitor or is disloyal if he has not had an opportunity to test such evidence by proper cross-examination and rebuttal. That is all I am saying. To me, it is such a simple and precious right that I am at a loss to understand why a fight has to be made for this principle. It is so obvious, so necessary, in protecting the rights of all American citizens, that I think we should unanimously say to the Foreign Relations Committee, "Of course, you can look into what the files show, but when you come to charging Mr. X or Mr. Y with treason or disloyalty to the Government, you must bring out into the open the evidence supporting the charge and permit the accused to present relevant evidence in answer, and also to be cross-examined.

I now yield to the Senator from Minnesota.

Mr. THYE. I share the same conviction the able Senator from Oregon holds as to the stage of the case in which a person is brought before the committee to answer questions or to be cross-examined. I share the conviction that that part of it might well be public. But when it comes to the committee's examining the records, the case history of a person—the case history which is naturally on file within the Federal agency—is it the Senator's contention that that stage of the examination should be public? If it is the Senator's contention that that stage of the committee's action should be public, then I cannot concur with him, because the committee would have to examine a great number of case histories in order to determine whether there was any legal reason to suspect the loyalty of the individual. If it was made public it could do irreparable injury. But once the committee has reached the conviction that a certain person is disloyal, then it is important that not even a half-page of the file should be removed, because that would leave a question in the minds of the investigating committee as to the contents of the file. I served on an investigating committee for two terms, and I know the question which was left in our minds when it was found that a serial number had been tampered with. So, for that reason, I say that if the files are made available to the committee, without any question as to whether any part of any document may be missing, the committee can go into executive session, and if it finds that the accused person is disloyal, it might cross-examine him in a public hearing. Then the public would have an opportunity to know his answers in the exact manner in which they are given, rather than in the manner in which they might be conveyed by someone who thought he was doing an excellent job of eavesdropping.

Mr. MORSE. It is the intention of the junior Senator from Oregon that the so-called preliminary part of the investigation shall be conducted in executive session. When the committee reaches the point in a given case where it believes probable cause exists for charging an individual with disloyalty to his Government, then the hearing must proceed in public and the committee must come forward in that public hearing with such evidence as it wishes to advance on which to base its finding of disloyalty.

Mr. THYE. I thank the Senator.

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

Mr. MORSE. I yield.

Mr. SALTONSTALL. I should like to invite the Senator's attention to this point, particularly in view of his colloquy with the Senator from New York [Mr. LEHMAN]. As I understand the suggested amendment of the Senator from New York, it goes far beyond the scope of the resolution submitted by the majority leader. I do not understand that this body, either through a recommendation of its committee, or through a vote in the body, has a right to discharge an employee of the executive department.

Mr. MORSE. It has a right to recommend discharge on the ground of disloyalty.

Mr. SALTONSTALL. It has a right to make recommendations.

Mr. MORSE. Yes. I am sure that the Senator would not question the fact that a recommendation of the Senate Foreign Relations Committee that Mr. X is guilty of disloyalty would constitute, in fact, a finding that he is disloyal.

Mr. SALTONSTALL. As I read the resolution, I would not say the committee would necessarily have to state names if it did not want to. I bring this up because I listened to what the Senator from New York said, and I do not agree at all with the language suggested by him, and I hoped that the Senator from Oregon would not agree, because I think it goes far beyond the scope of the resolution.

Mr. MORSE. I think the language of my amendment, with the explanation I have made as to what I mean by legal hearing, is adequate and will safeguard the particular principle for which I am arguing. If the very serious charges made by the Senator from Wisconsin are substantiated, he has rendered a great service to the country, because if there are disloyal persons in the State Department, let us get them out of there. But I want to say to my good friend from Massachusetts that I do not see how we can proceed under this resolution, in view of the question which has been raised across the country as to the possible extent of disloyalty within the Government, without dealing with specific cases and giving full public hearings to determine whether the accused persons are disloyal.

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

Mr. MORSE. I yield.

Mr. SALTONSTALL. If my memory serves me correctly, the Senator from New York used the words "charges against the individual." I do not understand that this resolution necessarily makes any charge against any one individual, X, Y, or Z. It is to authorize a full and complete study and investigation as to whether persons who are disloyal to the United States are employed by the Government.

Mr. MORSE. My amendment refers to charges.

Mr. SALTONSTALL. The Senator's amendment refers to hearings conducted for the purpose of taking evidence and testimony.

Mr. MORSE. Based on charges.

Mr. SALTONSTALL. On charges against any individual.

Mr. MORSE. Until the charges are made against some particular person we shall not be presented with the problem of taking evidence and testimony in the type of hearings about which I have been speaking.

Mr. SALTONSTALL. Does the Senator agree with me that the committee can make its study and recommendations without specific charges against any person?

Mr. MORSE. I say, for hypothetical purposes, only, it would be possible for the committee to meet some afternoon and listen to the Senator from Wisconsin [Mr. MCCARTHY]. I am sure the Senator will not read into this anything I do not intend. After listening to him the committee could vote unanimously to drop any further investigation. That is hypothetically possible. I do not think

it is very probable, but it is hypothetically possible. Of course, the adoption of the resolution does not mean that the committee will necessarily get to the stage of making charges of disloyalty against particular persons. It is possible that the committee might find in executive session that there is no basis in fact or any probable cause that would justify a charge against an individual. But once the committee reaches the point of charging a person with disloyalty, believe me, I want that person to be heard in public, and I want him to have the right to be heard in public.

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

Mr. MORSE. I yield.

Mr. McCARTHY. I should like to ask one question, which possibly may have been answered by the Senator in his last statement. As the Senator knows, Monday night I read from the recommendations made by the Security Division of the State Department that certain individuals should be discharged because of their communistic connections. I showed that those individuals were still on the State Department rolls, and that they were cleared for top-secret material after the Security Agency said, "These people have communistic connections." I made the statement that a sizable number of men in the State Department are disloyal to this Nation.

At that time the Senator from Illinois demanded that I make the names public on the floor of the Senate. The Senate will recall that I said I would not do that unless it was the judgment of the Senate that I should, for the reason that further investigation by the committee might possibly clear some of the individuals. At that time I said I would not make their names public unless the Senate so desired.

So that the Senate will know what the resolution does in that respect, I should like to ask the Senator whether or not it would require that at the initial hearing these names are to be made public; and I hope I shall be invited by the committee to come and give them the information I have, and give them the names. Of course, it is of no personal concern to me; I do not care, personally, whether the Senate says "Yes" or "No."

Mr. MORSE. The answer is "No."

Mr. McCARTHY. I thank the Senator.

Mr. MORSE. I should like to supplement my answer by saying that in executive session the committee will decide whether or not they think the material which the Senator from Wisconsin has filed establishes probable cause for believing that any particular individual should be charged with disloyalty. If it reaches a conclusion in the affirmative as to any individual, then at that point the hearing should be public, and at that point the Senator from Wisconsin would be invited to come to the hearing. If I were a member of the committee, at that point I would notify the Senator from Wisconsin to bring forth in public hearing the evidence and the material which he has.

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

Mr. MORSE. I yield.

Mr. WHERRY. I did not get an opportunity to read the amendment, and I should like to be clear as to what the Senator meant when he said that open hearings would be held after the charges were made. Of course, all legal proceedings would be in the open. After an indictment is found against anyone, there is a formal hearing. However, in order to make it a little clearer to me, I should like to ask whether prior to that time, in any investigation by the committee, it is the intention of the Senator to use the word "charges" against an individual? That stage would come after a formal charge was made against an individual.

Mr. MORSE. After the committee has formally charged an individual with being disloyal, he must have a public hearing.

Mr. WHERRY. Where there is a formal charge, an indictment against an individual. That is what the Senator has in mind, is it not?

Mr. MORSE. Would the Senator wish to insert the word "formal" in the amendment?

Mr. WHERRY. It seems to me that would help tremendously.

Mr. MORSE. "Formal charges"? I accept the Senator's suggestion that the word "formal" before the word "charges" makes clear that under my amendment no public hearing need be held until the committee finds that there is a probable cause basis for formally charging some particular employee with disloyalty.

Mr. WHERRY. If the Senator, in answer to the question, means what I am saying, that it refers to a case after formal charges are made against a person and he is indicted, I cannot see that there is much difference between our relative positions. What occurs prior to that is what worries me.

Mr. MORSE. Would the Senator prefer that we preface the statement with "after formal charges have been made"?

Mr. WHERRY. That would be better. I think it would help.

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

Mr. MORSE. I yield.

Mr. AIKEN. The Senator from Nebraska asked almost the same question I had intended to ask the Senator from Oregon. If a person is accused of disloyalty and he is haled before the committee and he does not desire to have his appearance before the committee made public, would the Senator require that the hearing before the committee be made public?

Mr. MORSE. Believe me, if anyone in fact is disloyal, I certainly should like to have it established in a public hearing. I will not give sanctuary, secrecy, or privacy to any person to hide his guilt. If the committee finds any person to be in fact disloyal, I would have the committee drag him out in public. What the junior Senator from Oregon is fighting for is a public hearing procedure to prove the innocent innocent and to prove the guilty guilty.

Mr. AIKEN. Suppose the man is innocent and his name has not been made public, and he says to the committee, "I can explain this to you, but I do not want to talk about it to the whole world." Would he have the right to be protected?

Mr. MORSE. That illustrates one of the risks of citizenship in a free country. After all, a person must be ready and willing to prove his innocence, too. If a committee of the Senate really believes that probable cause exists for leveling a formal charge against an individual, he must assume the risk as a citizen of establishing his innocence. I do not believe the committee should have the discretion in that instance of saying, "We are going to protect you in a secret hearing, and unless we become satisfied through secret hearing that you are disloyal, we will not say anything about it publicly."

Mr. AIKEN. My question assumed that the man was completely innocent.

Mr. MORSE. That would be established in the public hearing.

Mr. AIKEN. After an accusation is made against a person and it is spread all over the United States, he is seriously injured, even though he may be proved innocent later.

Mr. MORSE. The formal charge presumably is not going to be made, we have a right to presume, unless the committee is acting on the basis of probable cause. If the committee says, "We think there is probable cause to believe that Mr. X is disloyal," I think Mr. X should be tried in public.

Mr. AIKEN. May we not also assume that the guilt or innocence of a person would not be determined before the committee at all?

Mr. MORSE. I think it would be determined at the hearing.

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

Mr. MORSE. I yield to the Senator from Iowa.

Mr. HICKENLOOPER. Mr. President, if the Senator from Oregon will yield for a question or two, I shall ask him to clear up my understanding of his position. I may say at the outset that the question of the Bill of Rights is not involved in the resolution, though, of course, I find myself in agreement with the Senator's statement that no one should be deprived of life, liberty, or the pursuit of happiness without due and proper indictment and trial. I do not wish to argue that point with the Senator at the moment. He has made his position clear. I do not believe the question is at all involved in the resolution we are discussing. I believe I am in general agreement with most of the Senator's views, I may be in thorough agreement with all of them.

However, there are various grades of either guilt or suspicion which are involved. The public interest is involved. Sometimes it is in the public interest to make things public. Sometimes it is definitely to the public interest to refrain from making things public.

I should like to ask the Senator this question, if he cares to express his view on it: Let us assume that the Senator from Wisconsin [Mr. McCARTHY] makes the allegation that Mr. X is strongly suspected of being subversive, and let us assume he works in the State Department. I take it from what the Senator from Oregon has said that he

believes that the committee, if the resolution is adopted, should look into the background of Mr. X, and that the committee could do that.

Mr. MORSE. The answer is "Yes."

Mr. HICKENLOOPER. And the committee could do that in executive session.

Mr. MORSE. The answer is "Yes."

Mr. HICKENLOOPER. Let us assume, further, that the investigative file on Mr. X did not completely prove, with such evidence as could be sustained at a trial, that Mr. X was in fact subversive. However, let us suppose that the file strongly indicated that he was sympathetic with subversive activities, that he was in intimate association with known subversive persons, and that he had expressed himself from time to time as being sympathetic with subversive activities and unsympathetic with American ideals, but that there was no proof of criminality on his part, except as he thought and as he acted. Let us assume that the committee came to the full conclusion that Mr. X was a dangerous person because of his general tendencies and his associations and his known contacts; that therefore he was a dangerous person to be trusted with top-secret material, for instance, in the State Department. To go a little further——

Mr. MORSE. If I may interrupt the Senator, I do not wish to interfere with his trial of the case, as we say, but the Senator should have my answer at this point. Then he may supplement his statement.

The Senator is now talking about passing judgment on the loyalty or disloyalty of Mr. X. Whether it be done by subpena or otherwise, at that point I would bring him into the public hearing and establish on the public record that there was a basis for the suspicion that he was not the type of person who ought to be working in the State Department. I think he has that much coming to him.

Mr. HICKENLOOPER. I am talking about the province of an investigative committee of this body. Let us suppose we had gone that far. Let us suppose that the committee said, "There is serious cause for suspicion. We cannot prove everything in this file, but there is a great deal of smoke here that is bad, and we must now consider the public interest." Should this man continue on or should he be removed from this position of confidence and trust? Therefore we shall now say, either to the State Department or to this man himself, "Here is this strong suspicion. Here are the facts about which we make up our minds. We have come to the conclusion that the best interests of the public would be for you to be separated from access, if you please, to highly secret information." Suppose that man said one of two things. Suppose he said, "All right, I will quit."

Mr. MORSE. Common sense tells me that under those circumstances, if that is his position, the case should be dropped.

Mr. HICKENLOOPER. That is exactly what I wanted to find out from the Senator.

Mr. MORSE. Drop the case right there.

Mr. HICKENLOOPER. Because I can envision any number of cases, in fact I have knowledge of a number of cases, where that exact situation exists.

Mr. MORSE. That is what we call, as the Senator knows, "copping a plea." We very frequently present evidence in a criminal case in a hearing before a grand jury or before a prosecutor of one crime, and the defendant says, "I think this is hot enough, so I will plead guilty to a lesser degree of the same crime." Thus we find prosecutors accepting a plea of guilty to simple larceny instead of grand larceny when they think it is a fair disposition of the case or when they are not too sure that their evidence will convict of the greater crime. In the Senator's hypothetical if the employee says in effect to the committee, "I want to drop this whole thing by resigning my job," and the committee decides that such a solution to the case would be a satisfactory one without a public hearing, there is nothing about my resolution which would prevent the committee from handling the case that way. But if the employee denies the charges of disloyalty I think he should be given a public hearing for reply.

Mr. HICKENLOOPER. Suppose he is permitted to resign after he is consulted. Now, suppose a case of this kind: Suppose there was a very suspicious situation, and the head of the State Department, or his authorized representative, was called in by the committee, still in executive session. The man's name has never been mentioned. The case has never been brought out publicly. Suppose the committee says to the Secretary or his duly authorized deputy, "Here is the way we look at this matter. We do not know for sure whether this man is guilty of actual subversive acts or not, but the record is bad. The opportunity is there. His whole history is not good. We think perhaps you ought to get rid of this man administratively just for the good of the service. Now, if you want us to, we can go further, but if you want to get rid of him administratively we do not see enough here to go to a formal trial and charge but we think the overriding best interests of the country would indicate that he ought to separate himself from the service."

Would the Senator think that that would be unmoral or unfair?

Mr. MORSE. At that point I may say that the individual's rights come into the picture. He may be entirely innocent. It may be a great injustice to him to discharge him on the evidence which was before the committee in executive session. I think he is entitled to the chance to answer that evidence in a public hearing. I do not know how we are going to protect individual rights in any other way.

Mr. HICKENLOOPER. I understand. Let us go another step. Let us assume that in the file there is proof positive of subversive acts on the part of an individual—and I will say to the Senator that I know of cases where this exact circumstance has existed in the past—there is proof positive not only in the file but the proof can be produced of the fact that the individual has committed subversive acts which are traitorous, in the delivery of highly secret information. A public trial, however, cannot be had under the theory which has been pursued. A public trial cannot be had of this individual because to produce the evidence which laid the basis for the subversive act would be to give away very vital secrets affecting the security of the United States of America. Now, in a case such as that, if it were the administrative decision not to prosecute that individual at the moment because the evidence upon which he would have to be prosecuted could not be brought out into public light by reason of the public safety, would the Senator say that other means of separating that man from the service and other actions taken toward him would be justified, or would the Senator advocate the trial of that man under any circumstances, when the production of the evidence might be extremely dangerous to the safety and security of the United States? Perhaps that is a little complicated.

Mr. MORSE. Oh, no.

Mr. HICKENLOOPER. I do not mean——

Mr. MORSE. I know that argument is hypothetical. It is a good argument.

Mr. HICKENLOOPER. It is not an argument, I may say to the Senator. I am saying to him that there are instances where such a situation has actually existed.

Mr. MORSE. The Senator from Iowa knows of them; I do not; but I believe that if he knows of them we ought to proceed as far as we can to secure the kind of evidence which will stand up in a public hearing so we can put such disloyal employees where they belong.

Mr. HICKENLOOPER. I will say to the Senator that I have made efforts in the past to do just that. Up to this time it has not been done.

Mr. MORSE. I wish the Senator great success in his efforts. But let us take the Senator's hypothetical. If he gives me an extreme case which meets all the tests of that hypothetical, and it is correct to assume that the security of the country and the welfare of the people of the country would be put in jeopardy, if at that time formal charges were made against the individual, I would say, postpone the charges temporarily until we can get into a position——

Mr. HICKENLOOPER. But——

Mr. MORSE. Wait a minute. Into such a position that we can move in on him. In the meantime I certainly would say to the Secretary of State and, in such an instance, to the President of the United States, "It is necessary in this case to use discretionary powers in order to prevent this person jeopardizing the security of the Nation until we can get the evidence on him that we know is available and pending our securing it." But——

Mr. HICKENLOOPER. How about removing him from his job?

Mr. MORSE. But, in my judgment, the case is so exceptional that when it comes to a matter of principle I would never vote in the Senate of the United States

against a public hearing for any individual against whom formal charges of disloyalty are made by the committee. Of course there can be concocted a hypothetical set of facts so extreme in nature that I would be the first, or at least I would join with the Senator from Iowa in saying that in that particular hypothetical we must take extraordinary measures to protect the security of the Nation. In the case put in the hypothetical by the Senator from Iowa, I would agree that the Secretary of State should take the individual off his job or transfer him to a harmless one until all the evidence needed for a public hearing could be marshalled. I would not keep him on a job if I believed the security of the Nation was endangered by him to any degree whatsoever. However, I would bring him to public hearing just as soon as the evidence could be marshalled against him.

Mr. LUCAS rose.

Mr. HICKENLOOPER. If the Senator will yield further—I did not intend to give him a strained case——

Mr. MORSE. But it is.

Mr. HICKENLOOPER. Or a hypothetical case.

Mr. MORSE. But it is. By its own terms it is.

Mr. HICKENLOOPER. I beg the Senator's pardon. In my view it is not, because there are more than one, there today are several cases that meet those suppositions. So it is not a fantastic, imagined situation.

Mr. MORSE. They are highly extreme cases. They certainly do not fall within the two-hundred-and-some cases mentioned by the Senator from Wisconsin, and to which the committee is going to be devoting most of its attention.

Furthermore, let me say, the Senator having put a hypothetical to me, that I would not want to pass judgment on that hypothetical in terms of the facts the Senator from Iowa has in mind, because it is difficult for me as a lawyer to believe that in this country we are so weak from the standpoint of securing evidence on individuals that we cannot secure the evidence on the persons covered by the Senator's hypothetical and establish guilt in a public hearing. I believe we can. I would delay the hearing in that case until the facts were marshalled. I would have the Secretary of State suspend him until the evidence is ready for hearing.

Mr. HICKENLOOPER. But we have the evidence.

Mr. MORSE. Then I think it should be brought out.

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

Mr. HICKENLOOPER. But the evidence was such as to justify, in the minds of certain persons, failure of prosecution, because the evidence, if produced, would endanger the safety of the country.

I thank the Senator from Oregon for having yielded to me.

Mr. MORSE. Mr. President, I yield first to the Senator from New York [Mr. IVES]. I promised him some time ago that I would yield to him.

Mr. IVES. As the able Senator from Oregon will recall, the Senator from New York was at least somewhat apprehensive yesterday regarding the amendment proposed by the Senator from Oregon. However, by changing the verbiage, as the Senator from Oregon has indicated, the apprehension expressed by the Senator from New York has been somewhat removed. I understand the Senator from Oregon has modified his amendment even further, and in order that my understanding may be perfectly clear I should like to read the amendment as I now have it. Will the Senator from Oregon kindly listen?

Mr. MORSE. I am listening although looking at this paper. The Senator may be surprised, but I heard everything he said.

Mr. IVES. I read:

After formal charges have been made by the committee against any individual all hearings conducted by the committee for the purpose of taking evidence and testimony on such charges shall be public hearings.

Is that what the Senator has in mind?

Mr. MORSE. With the addition of two words, after the word "charges", the words "of disloyalty." After formal charges of disloyalty are made by the committee. I assume the resolution goes to the whole matter of charges of disloyalty.

Mr. IVES. The Senator from New York is fully satisfied now, after the explanation made by the Senator from Oregon.

Mr. MORSE. The Senator from New York is very kind.

Mr. LUCAS, Mr. McCARTHY, and Mr. SALTONSTALL addressed the Chair.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Does the Senator from Oregon yield; and if so, to whom?

Mr. MORSE. I promised the Senator from Illinois I would yield to him. Then after that I shall be glad to yield to the Senator from Wisconsin and the Senator from Massachusetts.

Mr. LUCAS. I am satisfied that the Senator's amendment will do exactly what we all want to have done. However, the Senator from Massachusetts [Mr. SALTONSTALL] has a substitute which I wish the Senator from Oregon would examine. The substitute language seems to me to clear up all the complications involved. I think the effect of the amendment would be perhaps a little different from what the Senator from Oregon interprets it, even with the modification made by him. I want to accept the amendment of the Senator from Oregon if he will accept the language of the Senator from Massachusetts, or I will accept the amendment of the Senator from Oregon, as modified. I want to have the argument settled.

Mr. MORSE. I do also.

Mr. President, the suggested modification of my amendment, offered by the Senator from Massachusetts would make it read as follows, and this is to follow the present printing of the resolution:

And if said recommendations are to include charges of disloyalty against any individual, then the committee before making said recommendations shall give said individual open hearings for the purpose of taking evidence or testimony on said charges.

Mr. President, I always try to be a good horse trader. I sometimes get licked in my trades, but if the language offered by the Senator from Massachusetts is not identical with the meaning and intent of the language of my amendment then I do not understand the King's English.

If the suggested modification will get more votes for my amendment, I am perfectly willing to accept it; and I do accept it. However, I wish it to be understood that the modifying languague of the Senator from Massachusetts, if it is accepted, means that after the committee reaches the point of presenting charges against the loyalty of a particular person, at that point the committee will go into an open hearing in taking testimony and evidence on those charges. If that is the meaning—and I am sure it is the meaning of the Senator from Massachusetts [Mr. SALTONSTALL]—I accept with pleasure and appreciation the language offered by my good friend, the Senator from Massachusetts [Mr. SALTONSTALL].

Mr. FERGUSON and Mr. BREWSTER addressed the Chair.

The PRESIDING OFFICER (Mr. HOLLAND in the chair). Does the Senator from Oregon yield; and if so, to whom?

Mr. MORSE. I yield first to the Senator from Michigan, who first requested recognition; and thereafter I shall yield to the Senator from Maine.

Mr. FERGUSON. Mr. President, before the Senator from Oregon accepts the amendment of the Senator from Massachusetts, I should like to have an explanation of one item, if the Senator will yield.

Mr. MORSE. I yield.

Mr. FERGUSON. I wish to refer to one statement the Senator from Oregon made in answer to the distinguished Senator from Iowa, namely, that if a person is called in, given an opportunity to resign, and he does resign, that should end the matter. I take it, then, that, under the resolution, the Senate and the people would never hear of that particular case. Is that correct?

Mr. MORSE. The Senator should not forget that the hypothetical, in connection with the question propounded to me, was that the committee was not satisfied that it had sufficient evidence to prove the disloyalty of the person.

I answered a previous hypothetical question by saying that if the committee is satisfied that it has evidence of the disloyalty of anyone who is serving in the Government, the committee will owe it to the American people, in my judgment, to call that person before it in open hearing and establish the evidence.

Mr. FERGUSON. That is what I wanted to establish.

Mr. MORSE. I answered that in my reply to a specific hypothetical question which raised those assumed facts.

Mr. FERGUSON. And a mere resignation would not end it. Is that correct?

Mr. MORSE. That is right. If I were a member of the Foreign Relations Committee in conducting this investigation, and if I and a majority of my colleagues became satisfied that Mr. X was guilty of disloyalty, he could not bargain with

me in executive session; he could not resign his job and thus go scot free. I would insist upon establishing his disloyalty in open hearing.

Until we do that, I do not think we can get very far in satisfying the puzzlement and the suspicion of the American people today as to what is going on, in connection with all the talk of disloyalty among Government employees. Today the American people are greatly confused about the matter. If there is any evidence in regard to any of these persons, they should be brought before a public hearing and the evidence should be established there.

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

Mr. MORSE. I yield.

Mr. McCARTHY. I temporarily left the floor; and when I returned, the Senator from Oregon was discussing with the Senator from Iowa some hypothetical questions in regard to disloyalty.

I should like to ask the Senator a question, which may not be completely apropos of what we are discussing, but I think it is worth considering at this point. Let us consider some of the actual cases which were covered the other evening here in the Senate. Let us consider the case of an individual who has been investigated by the investigative agency of the State Department, and thereafter the agency placed in the file a statement that that man is a bad security risk, and the agency showed his connections with members of an espionage ring, and showed the number of Communist-front organizations to which he belonged; and subsequently the Department said, "We will give this man top-secret clearance."

Incidentally, Mr. President, let me say that I am basing this question on material taken from the records; this is not simply a matter of conjecture.

Let us assume that man's case was presented to the committee in executive session, and let us assume that the committee felt that there was not sufficient evidence to prove that he actually joined the Communist Party on a certain date. Assume that the committee believed the investigative agency of the State Department was correct, however, when it said the man was a bad security risk and should be gotten out of the Government.

Is it the Senator's thought that that should never be made public, but that it should be hidden in the files of the committee; or does the Senator believe the public is entitled to know that John Jones, for instance, is still enjoying top-secret clearance, despite all his Communist connections?

Mr. MORSE. I would say that such facts should be brought out. They should be spread on a public record in open hearing. The hypothetical——

Mr. McCARTHY. This is an actual case.

Mr. MORSE. The question answers itself. I think that evidence should be brought out in a public hearing, and the associations and the conduct and the actions of the individual which spell, in accordance with the Senator's own premises, a danger to the security of the Nation, should be spread on the public record.

Mr. McCARTHY. Even though the committee does not feel that it can definitely prove that he joined the Communist Party on a certain date?

Mr. MORSE. I do not think proof of actual membership in the Communist Party is essential to proof of disloyalty to our form of government.

Mr. McCARTHY. I thank and heartily agree with the Senator from Oregon.

Mr. WHERRY. Mr. President, will the Senator yield to me for a question?

Mr. MORSE. I yield.

Mr. BREWSTER. Mr. President, if the Senator will yield to me——

Mr. MORSE. I beg the pardon of the Senator from Maine; I owe him an apology, for I previously promised to yield next to him. However, if the Senator will permit, I shall yield briefly to the Senator from Nebraska, at this point.

Mr. BREWSTER. Certainly.

Mr. WHERRY. I thank the Senator.

Mr. President, a while ago, when the Senator from Massachusetts had a colloquy with the Senator from Oregon, I suggested that if he would use the words "formal charges"——

Mr. MORSE. I agreed to that suggestion, and I think it has been accepted.

Mr. SALTONSTALL. Mr. President, will the Senator yield to me at this point?

Mr. MORSE. I yield.

Mr. SALTONSTALL. I wrote in the word "formal," and I told the Senator from Oregon we could accept it.

Mr. WHERRY. Who accepted it?

Mr. MORSE. The Senator from Texas [Mr. CONNALLY], chairman of the Foreign Relations Committee, suggested it, I think; so he has accepted it along with the Senator from Massachusetts [Mr. SALTONSTALL], and the majority leader [Mr. LUCAS].

Mr. WHERRY. Very well.

Mr. BREWSTER. Mr. President, will the Senator yield to me now?

Mr. MORSE. I yield, gladly.

Mr. BREWSTER. A question of procedure is always developed in congressional investigations. Customarily they are preceded, as the Senator indicated, by getting the evidence from records or from various other sources, and the committee examines the evidence. At some point during the course of that procedure, following the analogy of the grand jury and the trial jury, congressional committees very frequently have asked the person who is under suspicion to come before them in executive session and answer questions. I am very much interested to know the attitude of the Senator in regard to that point.

As a matter of fact, two men are now in prison because of their betrayal of their Government, and they were convicted primarily because of the falsification of their replies at such an examination.

What is the view of the Senator from Oregon as to procedure of that character?

Mr. MORSE. In my opinion, in that particular case the individual should have the right to say, "I will appear in a public hearing and will answer charges brought against me."

Mr. BREWSTER. But if he elects to say that, instead of saying, "I do not care to come before an executive session of the committee and reply," the Senator feels that he would be entitled to take that position. Is that correct?

Mr. MORSE. I feel that he should have the right to be heard in public on that matter.

Mr. BREWSTER. But the Senator would not criticize the committee if it did ask him in executive session for replies, if he saw fit to make them?

Mr. MORSE. No. The Senator from Maine and I know what judgments we sometimes form when a man stands mute in the courtroom. When a man does that, we are suspect that he may be afraid to testify.

I know how I would feel, as a member of the committee, if such a person refused to come before the committee and answer questions within the committee. I know what I would think under such circumstances. I would not have any hesitancy in holding him for a public hearing on a question as to his loyalty unless no evidence at all existed against him.

Mr. BREWSTER. I am fearful that the phrase "formal charges" may render the procedures extremely difficult. I think that has been the experience of committees which have proceeded in such matters in the past.

Mr. MORSE. In what way?

Mr. BREWSTER. I think the Senator appreciates that, aside from an impeachment trial which we may conduct here, the committees of investigation are primarily, not for trial or conviction, but for legislative purposes.

Mr. MORSE. But that is not the immediate purpose of this resolution.

Mr. BREWSTER. I conceive that the only ground on which we can constitutionally justify it is from the standpoint of whether the safety of the Government is being endangered. That is our primary purpose.

Mr. MORSE. Out of our findings in these cases, we may come to legislation; but our first and immediate concern is to ascertain whether there are disloyal persons in the Government.

Mr. BREWSTER. That is an incidental purpose of these investigations, but not the primary and the overriding problem. The overriding problem is whether the negligence of the executive departments has been such that that sort of thing has been permitted to develop; and that sort of conclusion might come out of a very widespread inquiry. In fact, during the war that was continually the experience of the Truman investigating committee; and although in many instances individuals were found guilty, that was always incidental to the far broader problem of trying to bring home to the executive agencies their majority responsibility to see that things of that character did not develop.

Mr. MORSE. I will not quarrel with that analysis, except I think it is perfectly clear that we are moving into this matter as a result of the charges, brought by the Senator from Wisconsin, to the effect that there are a large number of disloyal persons ir the State Department. We want to find out whether

those charges are true or false; and if they are true, I want to get rid of those persons.

Mr. BREWSTER. As to that, I think we could appropriately point out the contempt with which the original suggestion of these charges was treated by those high in executive authority; and even after the conclusion of an extended judicial hearing and court trial, the next to the highest official still insisted that he would not turn his back on the person who had been convicted.

Certainly both those things, while perhaps they have little to do with the individual responsibility of the persons who have been referred to in the debate here by numbers, have a very great deal to do with our determination as to whether the public security is being adequately maintained; and that brings us to the question of whether we shall have the right to get the records from the executive department. As I understand, the Senator from Oregon thinks that should be well within our powers, although the Senator from Illinois [Mr. LUCAS], the majority leader, has apparently indicated some doubt regarding that.

Mr. MORSE. I think we have the duty, in protecting the security of the Nation, to get the records of any evidence that will help us in determining whether there are disloyal persons within the Government.

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

Mr. MORSE. I yield to the Senator from South Dakota.

Mr. MUNDT. I should like to call a particular point to the attention of the Senator from Oregon, who is working toward a goal which I think is shared in common by virtually every other Member of the Senate, but which seems to be exceedingly hard to define in terms of an amendment.

Mr. MORSE. It is not hard to adopt the principle.

Mr. MUNDT. That is true.

If I understand the Senator's purpose, it is solely to make sure that no one will be deprived of his job or be convicted of disloyalty or be accused publicly without being given an opportunity to make a public rejoinder. Is that correct?

Mr. MORSE. That is correct.

Mr. MUNDT. Certainly I concur 100 percent with that.

It seems to me the language suggested or offered by the junior Senator from New York [Mr. IVES] provides for that almost exactly.

Let me point out what worries me about the present language of the proposal, as I understand it. As I understand it now, before a public hearing would be held at all, the committee would have to make a formal charge of disloyalty against the individual. Is that correct?

Mr. MORSE. If the committee finds that probable cause exists for believing that Mr. X is disloyal to the Government, he ought to be given a chance to meet the charges.

Mr. MUNDT. But would not that be done only after the committee has made a formal charge?

Mr. MORSE. The committee is not going to bring a charge, unless it finds there is a basis for making it. It is not going to act in a vacuum.

Mr. MUNDT. No, but I think the amendment goes so far as to say that the committee must make a formal charge first, before there can be a public hearing.

Mr. MORSE. All the amendment does is provide that in case the committee decides in executive session that probable cause exists for believing that Mr. X is disloyal the committee must convene a public hearing so that Mr. X can face the charges, hear the evidence against him, and defend himself in public in answer to the charges.

Mr. MUNDT. Does not that place a heavy burden on the committee, requiring that its decision be made in executive session prior to a gathering of all the evidence in an open session? I mean, the committee almost has to arrive at a verdict, first.

Mr. MORSE. No. It is only a question of whether, as we lawyers would say, before going to trial—a question of whether there is sufficient evidence on which to go to trial. It is a question of the existence of probable cause.

Mr. MUNDT. But there again we come to the purpose we have in mind, with which I agree. The language it seems to me would have to be incorporated, that the committee would have to make a charge before a formal hearing.

Mr. MORSE. That is what a formal hearing involves. We do not go to a formal hearing unless we think there is enough evidence to establish at least a prima facie case against the accused. There would be no purpose in having a formal hearing, if in the executive session the committee was satisfied there was no basis for going ahead with the case involving Mr. X. It would be dropped. That would be the last that would be heard of it. But if the committee were to say, "This case looks pretty bad, we had better find out what a full hearing will show as to the loyalty of Mr. X; we had better hold this fellow for a hearing," then my amendment for the first time would become applicable.

Mr. MUNDT. The Senator is a great deal more persuasive, a great deal more lucid, in his explanatory remarks, than in the amendment. I seem unable to get the two together. May we have the amendment read again?

Mr. MORSE. Mr. President, will the clerk read the amendment as modified by my good friend from Massachusetts?

The PRESIDING OFFICER. The clerk will read the amendment.

The LEGISLATIVE CLERK. On line 6, before the word "The", it is proposed to insert the following: "All hearings conducted by the committee shall be public hearings, and, if said recommendations are to include formal charges of disloyalty against any individual, then the committee, before making said recommendations, shall give said individual open hearings for the purpose of taking evidence or testimony on said charges."

Mr. MUNDT. The amendment retains the original language, then, that all hearings are to be public, does it not?

Mr. MORSE. I thought that language had been stricken, I may say to my good friend from Massachusetts. I do not think the clerk read the language submitted by the Senator from Massachusetts in modification of my language in just the form submitted by the Senator from Massachusetts.

Mr. FERGUSON. Mr. President, that would place in the discretion of the accused the right to a public hearing, would it not? Is that what the Senator from Oregon understands?

Mr. MORSE. No, that is not my understanding of the language which was handed me by the Senator from Massachusetts [Mr. SALTONSTALL]. There is some mistake in language as contained in the clerk's copy.

Mr. FERGUSON. That is the understanding I have from what was read.

Mr. MORSE. I agree with the Senator from Michigan but the clerk has the wrong slip from which he is reading.

The VICE PRESIDENT. Did the clerk read the right amendment?

Mr. MORSE. He did not read the one I thought the Senator from Massachusetts showed me. Let us get the original language as offered by the Senator from Massachusetts in modification of my amendment. Mr. President, the Senator from Massachusetts will hand to the clerk the original statement, which he will ask to have read.

The VICE PRESIDENT. The Secretary will read it again.

The LEGISLATIVE CLERK. On page 1, line 8, after the word "desirable", it is proposed to strike out the period, insert a comma, and the following: "and if said recommendations are to include formal charges of disloyalty against any individual, then the committee, before making said recommendations, shall give said individual open hearings for the purpose of taking evidence or testimony on said charges."

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

Mr. MORSE. I yield.

Mr. MUNDT. That pretty well substantiates the point I was trying to make. The only way in which public hearings will eventuate at all is after the committee has made charges of disloyalty against an individual. Let me cite one "liberty" case as an example of how that would work. Let us take the case of Alger Hiss, a "liberty" case which we know something about. The Committee on Un-American Activities, after first having heard in private or executive session the testimony of Whittaker Chambers, concluded that the evidence was substantial, and was sufficient to justify an open hearing. Chambers then testified in an open hearing. Alger Hiss then requested the right to be heard, and we heard him the next day. That would conform to the pattern, I am sure, which the junior Senator from Oregon has in mind. But had the committee of the House been in a position similar to the one in which the Senator's amendment would place the Committee on Foreign Relations, at that stage of the game we certainly never would have concluded that there was substantial evidence, sufficient to launch a charge of disloyalty against Hiss. There would have been no public hearing. There would have been no disclosure, and no conviction.

Mr. MORSE. I think all it means is that the committee would not have completed its investigation at that time. But I do not think the point has application to the resolution which is before the Senate. This committee is going to go ahead. It is going to listen to the Senator from Wisconsin; it is going to look into whatever files may be submitted to the committee in order to decide whether it should proceed in a hearing on formal charges of disloyalty against X, Y, and Z, or whomever the committee might bring charges against.

Mr. MUNDT. Under the terms of the amendment, the House committee would have been required to arrive at a verdict of disloyalty against Hiss before a public hearing was held.

Mr. MORSE. It would have been a question of whether probable cause existed for thinking there was sufficient smoke to justify their looking for the fire.

Mr. MUNDT. It was the public hearing which disclosed the evidence. By virtue of the fact that it was a public hearing, it enabled the committee to arrive at its conclusion. The Senator's amendment would require the Senate committee to reach the conclusion before having a public hearing.

Mr. MORSE. I see what is troubling the Senator. The resolution does not say that the Foreign Relations Committee must make the finding, as a matter of fact, before a public hearing, that Mr. X is disloyal; not at all.

Mr. MUNDT. Is it not required to so find before making recommendations with respect to the charge of disloyalty?

Mr. MORSE. Not at all. The committee has to be satisfied only of the existence of probable cause, by reason of which any given accused ought to be given a public hearing at which to defend himself. That is all my amendment seeks to guarantee.

Mr. MUNDT. Then I may have to request the Senator to read the amendment again. It does not so state, as read by the clerk, unless my hearing of it was entirely erroneous.

Mr. SALTONSTALL. Mr. President, the point I attempted to make was that before any recommendations could be presented to the Senate, naming X, Y, and Z, a public hearing would have to be given them. In the case cited by the Senator from South Dakota, had the committee been convinced reasonably by the testimony of Mr. Chambers that further evidence should be taken on the subject, it could have proceeded further perhaps in executive session. When the committee reached the point where it thought recommendations should be made against Mr. Hiss, then, before making a recommendation, it would have had to hear Mr. Chambers' evidence in public. The committee would have to have heard Mr. Hiss in public, and they would have had to have the whole thing aired in public, because of the charge against Hiss. That is what it means.

Mr. MUNDT. The only difference between us is, I want to give the committee the right to conduct public hearings before arriving at a conclusion.

Mr. MORSE. Oh, the committee has that right. Under the Legislative Reorganization Act, the committee has the right, on the face of the resolution, I may say, to proceed with no executive sessions at all, if they want to do that. They can proceed from the beginning with public hearings. Everything done by the committee could be done in a public hearing, if the committee desired. There is nothing in my resolution to prohibit the committee from having all its sessions in public. All we are saying is, when it comes to the stage where the committee feels that probable cause exists for believing an individual to be disloyal, he must be given a chance to be heard in public. That is all the resolution as proposed to be amended says. After all, are we not now almost getting to the point where we are of common mind as to the principle we are trying to protect? The record we have made here this afternoon is itself an instruction to the chairman of the Foreign Relations Committee and his colleagues as to what our objective is. I submit the language offered by the Senator from Massachusetts, as I have accepted it, carries out the principle. I do not think there is any danger that the committee is in any way going to be hamstrung in its procedure, either before or after the public hearing in view of the prolonged and thorough discussion we have had here this afternoon.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Oregon.

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

Mr. MORSE. I yield the floor, but I shall be glad, in the Senator's time, to answer questions.

Mr. HOLLAND. I may say to the Senator from Oregon I recall that when the Senator from Wisconsin was going into this matter the other night, he referred in his remarks to several employees of the State Department, who he stated were Foreign Service employees. I recall that in one case he said a particular Foreign Service employee was stationed at Madrid. I am not sure but that the amendment as revised may probably take care of the point to which I refer, but it seems to me that in addition to the question of providing for proper protection of the rights of the individual, there is in connection with public hearings always the question of safeguarding against the disclosure of improper matters, from the standpoint of the national interest. I am asking the Senator from Oregon therefore whether he would mind relating what would be the course taken, in the event there should come to the attention of the Committee on Foreign Relations, through the Senator from Wisconsin, or otherwise, matters causing the committee to question the loyalty of a Foreign Service officer in the Embassy or consulate at Madrid. What would be the course of the investigation? My purpose in asking is so that the RECORD may show clearly that the interests of the Government in its relations with friendly countries will be safeguarded.

Mr. MORSE. If the committee decided that probable cause existed for believing the person to be disloyal, they would ask to have him brought into a public hearing and ask to have him returned to this country for that purpose. Why not?

Mr. HOLLAND. I ask the Senator, Is there any machinery provided, with respect to questions which may be thought by the State Department to be of great importance to the Nation and to its relations with a friendly foreign power? Would the committee be free to go into such matters in executive session?

Mr. MORSE. I have no doubt that under the able leadership of the Senator from Texas [Mr. CONNALLY], the matter could be worked out without in any way jeopardizing the interests of the State Department or the Foreign Service of the United States. But if we got to the point—I do not want any doubt to exist as to where I would stand on this final step—if we got to the point where the Foreign Relations Committee of the Senate actually believed it had found someone belonging to the Foreign Office of the State Department, in Madrid or elsewhere, who was disloyal, the committee should do what it could, within its jurisdiction, to bring that person to a public hearing. If it were discovered that the committee did not have the power to do that, the publicity of that fact alone, I think, would force the administration to take a necessary course of action which would protect the American people against the wrongdoings of such a person.

Mr. HOLLAND. If the Senator will yield for one further question——

Mr. MORSE. I yield.

Mr. HOLLAND. Am I to understand that regardless of how important the friendly relations between our country and another power might be, in order to go into such matters that person would have to be brought into a public hearing and could not be brought into a private or executive session?

Mr. MORSE. Insofar as the rights of the individual are concerned in respect to a charge of disloyalty against him I think he should be given a public hearing. I believe, however, the Foreign Relations Committee would handle the other problems which are inherent in the Senator's question, without a public hearing. But so far as the rights of the individual are concerned, it makes no difference to me whether he works in a foreign office, in the State Department, or works somewhere as a janitor, he is still an American, and is entitled to all the guaranties of a public hearing for which I have been fighting all afternoon.

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

Mr. MORSE. I was about to yield the floor, but I shall yield for a question.

Mr. WHERRY. In the colloquy between the junior Senator from South Dakota [Mr. MUNDT] and the junior Senator from Oregon, I understood the junior Senator from Oregon to say that the committee has a right to hold open hearings right up to the point of formal charges. Under the Reorganization Act, I understand it has the right to hold either closed or open hearings. Does not the resolution override and supersede that?

Mr. MORSE. I do not think the resolution or my amendment overrides the

rights of the Foreign Relations Committee under the Reorganization Act. The effect of the resolution, with my amendment in it, is to say to the Senate Foreign Relations Committee, "Whenever you reach the conclusion in your deliberation that probable cause exists for believing that any particular employee is disloyal to our Government, the committee shall then conduct a public hearing on the charges and evidence of disloyalty and give to the employee accused of disloyalty a full opportunity to be heard and defend himself in a public hearing." That is all the resolution, with my amendment, means. We should not overlook the fact that in this instance the Foreign Relations Committee is functioning as a special committee of the Senate, carrying out the mandates of this special resolution. There is nothing in the Reorganization Act that takes away from the Senate its right and prerogative to instruct one of its committees as to the type of procedure which should be followed in conducting an investigation into the loyalty of Government employees. The Foreign Relations Committee is a creature of the Senate, subject to the instructions of the Senate as a whole in regard to the procedures which are to be followed in carrying out such an investigation as is called for by this resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

Mr. FERGUSON. Mr. President, I have three amendments which I shall send to the desk, and I wish to speak on them at this time.

First, I wish to read the resolution without the last amendment which is going to be accepted by the majority leader:

*Resolved,* That the Senate Committee on Foreign Relations, or any duly authorized subcommittee thereof, is authorized and directed to conduct a full and complete study and investigation as to whether persons who are disloyal to the United States are employed by the Department of State. The committee shall report to the Senate at the earliest practicable date the results of its investigation, together with such recommendations as it may deem desirable.

Mr. President, it will be noted that the resolution reads "who are disloyal to the United States are employed."

That is in the present tense and would mean as of the time of making the examination.

I have an amendment, to insert, on line 5, after the word "are", the words "or have been." The charges made by the distinguished Senator from Wisconsin indicated that some of these persons were leaving the Department or had left the Department, and that the investigation should be made as to those who were in the Department. So the language would be amended to read "or have been employed by the Department of State."

Will the Senator from Illinois accept such an amendment?

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

Mr. FERGUSON. I shall be glad to yield.

Mr. LUCAS. Of course, that would cover a long period of time.

Mr. FERGUSON. It will be within the discretion of the committee. The charges were made, and they are in the RECORD at the present time, as to certain persons. I think that is what the Senate wants to know about, and that is what the public wants to know about.

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

Mr. FERGUSON. I yield.

Mr. KNOWLAND. I hope the able majority leader will accept the amendment. The matter will still be under the control of the committee. But I want to say that it is my judgment that the people of the United States are not very happy about the statute of limitations which apparently runs under our law, in regard to disloyalty to the United States. In the Alger Hiss case, the statute had run, and the only thing for which he could be tried was perjury in answering questions as to whether he had turned over documents from the Government of the United States to an espionage ring. I do not think we should have a statute of limitations running in cases of disloyalty to the Government of the United States. The committee will still have control over the situation, but, in my opinion, we should foreclose ourselves, because I cite to the able Senator from Illinois the fact that it might happen that someone had left the Department of State and had been disloyal during the period he had been there, perhaps had resigned, and is now in a position in some other department and doing equal damage to the Nation which he purports to serve.

Mr. LUCAS. I do not have any particular objection, Mr. President. It seems to me that the amendment might go back 25 or 30 years.

Mr. FERGUSON. It would be merely in the discretion of the committee.

Mr. LUCAS. It would be solely within the discretion of the committee as to how far back it should go.

Mr. FERGUSON. The amendment would so authorize the committee.

Mr. LUCAS. I shall modify my amendment in line with the suggestion of the Senator from Michigan.

Mr. FERGUSON. The second amendment is to insert in line 5, after the word "State," the words "or any other agency of the Government concerned with the intercourse of the United States with other nations."

The reason for that, Mr. President, is that the distinguished Senator from Wisconsin indicated there were persons directly employed by the State Department who were disloyal to the United States and were transferred, or permitted to be transferred, or who removed themselves to some other agency which is directly connected with the relations of the United States with foreign nations. As I understand, the purpose of the investigation is to bring out the facts as to those persons who are disloyal to the United States and who have an opportunity of harming the United States in its relations with other nations.

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

Mr. FERGUSON. I yield.

Mr. TOBEY. The Senator might add "whoever they may be and wherever they may be."

Mr. FERGUSON. I think that is included in the amendment.

Mr. TOBEY. The Senator's mind works along with my own to that extent, does it not?

Mr. FERGUSON. Yes.

Mr. TOBEY. That is the desideratum, is it not?

Mr. FERGUSON. Yes.

We have an amendment which merely says "or any other agency of the Government concerned with the intercourse of the United States with other nations."

I wonder whether the distinguished Senator from Illinois would accept that amendment.

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

Mr. FERGUSON. I yield.

Mr. McMAHON. What other agency does the Senator have in mind as being encompassed by that definition?

Mr. FERGUSON. I have in mind the officers of the Commerce Department which embrace men who are in the Division of Export Control, whose activities are directly related to those of the State Department. The Departments work very closely together, and I think they have an over-all board. I would say that there would be certain services having to do with foreign matters. I do not know whether some of these are under the direct control of the State Department or not. There is the matter of immigration, for instance.

Mr. McMAHON. Does the Senator include such an agency as Mr. Hoffman's organization?

Mr. FERGUSON. Yes; where they deal directly with another nation. The Senator's committee for instance, has been conducting hearings on ECA. That organization deals directly with other nations, just as the State Department does. It has an over-all or roving ambassador.

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

Mr. FERGUSON. I yield.

Mr. LUCAS. It seems to me that the Senator is branching out into every agency of Government. We started out originally with the charge of disloyalty in the State Department. Practically every so-called charge made by the Senator from Wisconsin was leveled against persons in the State Department. I should like to say that if in the course of its investigation the Foreign Relations Committee should discover any ramifications which would lead into another department of the Government, they would certainly have the right, even without authority of the resolution, to investigate. It seems to me that adoption of the proposal would be adding an amendment which is not really needed. If this amendment were adopted, every agency of Government would be brought under the investigation. It was the idea of the Senator from Illinois and of other Senators on this side of the aisle, when

we started the discussion of the investigation, that we should follow more or less the idea presented by the Senator from Wisconsin [Mr. McCARTHY], and confine the investigation to the State Department. As the majority leader, I assure the Senator that if the investigation to be conducted by the Foreign Relations Committee shows that the examination leads into another department of the Government, certainly the members of the committee would not hesitate for a moment to go into that department. They would have the right to do that under the Reorganization Act. Surely the members of the committee would do it. However, I dislike very much to accept the amendment and place the burden upon the Foreign Relations Committee to investigate every department, so to speak. In other words, it would be a catch-all amendment which would give the committee the right to go fishing into every department of the Government. I do not believe that should be done.

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

Mr. FERGUSON. I yield.

Mr. TOBEY. What I have to say bears on what has been said by the Senator from Illinois [Mr. LUCAS] and by the Senator from Michigan [Mr. FERGUSON]. The Senate Committee on Interstate and Foreign Commerce at its meeting this morning had before it a resolution, proposed by the Senator from Nevada [Mr. MALONE], to investigate a man connected with the Commerce Department.

Mr. FERGUSON. Mr. Lee?

Mr. TOBEY. Mr. Lee. He is with the Export Division of the Commerce Department. Lee is his present name. His name used to be of Russian origin. I believe he was born in Russia. He is in charge of exports in the Department of Commerce. The committee voted unanimously to make an investigation, and we asked for an appropriation of $10,000 in order to conduct the investigation. That is an instance of one standing committee which is going ahead on its own initiative on one phase of a subject which comes within its purview.

Mr. LUCAS. It is perfectly within the province of the committee to do that. It seems to me that the amendment should not be adopted, because it would give the Foreign Relations Committee the exclusive power to investigate all branches of the Government. As in the case of the Department of Commerce, if the amendment were adopted, the investigation could be broadened to include other departments. Such investigations should perhaps be made by other committees. The charges which have been leveled by the Senator from Wisconsin deal strictly with the State Department, and I should like to confine the investigation of charges to the State Department.

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

Mr. FERGUSON. I yield.

Mr. McCARTHY. The Senator will recall that on Monday night, when I cited cases for the RECORD, I noted that some of the individuals had left the State Department, and are now in other branches of the Government. If the committee finds that John Jones, for example, who had been in the State Department up to 6 months ago, with top-secret clearance, is now in some other department of the Government, in order to do a thorough job the committee should have the right to follow him, to find out whether he was a part of an espionage ring. Unless we broaden the scope of the resolution, I believe the hands of the committee will be too thoroughly tied.

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

Mr. FERGUSON. I yield.

Mr. LUCAS. The amendment offered by the able Senator from Michigan, which was accepted by the Senator from Illinois, covers the situation of any individual who has ever been connected with the State Department and who has gone to some other agency. The committee can go after such a person under the amendment which has just been accepted.

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

Mr. FERGUSON. I yield.

Mr. KNOWLAND. I agree with the statement just made by the majority leader. I do not know whether the Senator from Wisconsin was in the Chamber at the time, but I believe that the amendment which had been offered just prior to the amendment offered by the Senator from Michigan covered the point which the Senator from Wisconsin raises. Any person who in the past has been connected with the State Department and who has moved into some other agency is now covered under the terms of the amendment which has already been accepted.

Mr. McCARTHY. When I left the Chamber about 3 minutes ago the Senate was debating the amendment. Do I understand the amendment has been accepted?

Mr. FERGUSON. Yes. Mr. President, this is what was brought out by the distinguished Senator from Oregon. This is in effect new authority being given to the Committee on Foreign Relations. The authority given by the rule in general is an authority which the committee could have exercised without any resolution of this body. But it is now proposed that we confer upon the committee certain authority which it may not have under the general rule.

Let me read the matters which would come within the province of the committee under the rules laid down without the pending resolution. I read from page 33 of the Senate Manual:

(i) Committee on Foreign Relations, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Relations of the United States with foreign nations generally.
2. Treaties.
3. Establishment of boundary lines between the United States and foreign nations.
4. Protection of American citizens abroad and expatriation.
5. Neutrality.
6. International conferences and congresses.
7. The American National Red Cross.
8. Intervention abroad and declarations of war.
9. Measures relating to the diplomatic service.
10. Acquisition of land and buildings for embassies and legations in foreign countries.
11. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
12. United Nations Organization and international financial and monetary organizations.
13. Foreign loans.

Mr. President, the amendment proposed is designed to give the committee jurisdiction of related matters which would be under agencies of Government other than the State Department concerned with intercourse with foreign nations. It concerns itself with those who are working for agencies which could give vital assistance and aid to foreign countries. It is not the purpose of the amendment at all to cover local domestic agencies; it relates only to those dealing with foreign nations.

I am satisfied that the Senate and the public are interested in knowing about those who may be disloyal in the State Department. There is likewise a desire for knowledge as to whether there is any disloyalty in any other department of the Government which deals directly with foreign nations. It is in order that we may satisfy the public once and for all, that the amendment is offered. I think that both the Democratic and the Republican sides of the Senate should be interested in having it brought out that we do have or do not have disloyalty among those who are dealing directly with foreign nations. I hope that the Senate will later adopt the amendment.

Mr. CONNALLY. Mr. President——

Mr. FERGUSON. I yield.

Mr. CONNALLY. No; I desire the floor in my own right.

Mr. FERGUSON. I have not concluded. I began by saying that I had three amendments to present.

The last and final amendment is the one which I wish to have voted on first, and I offer it in behalf of myself and the junior Senator from Nebraska [Mr. WHERRY].

It is, on line 8, after the period, to insert the following:

In the conduct of this study and investigation the committee is directed to procure, by subpena, and examine the complete loyalty and employment files and records of all the Government employees in the Department of State and such other agencies against whom charges have been heard.

Mr. President, I think it is vital that the Senate go on record as being of the opinion that the only way the record can be made complete for the people of the United States and for their representatives in the Senate, is that the files of the departments relating to the loyalty of those persons who are to be investigated should be turned over to the committee.

When the junior Senator from Michigan served upon the War Investigating Committee, the now President of the United States was the chairman of that committee and on two occasions it was necessary that the chairman of the committee issue subpenas to the Attorney General of the United States, who had refused to give up certain papers and

records to the committee. As soon as he was subpenaed, the Attorney General of the United States delivered those papers to the investigating committee.

As I have said, this language is a direction to the committee by the Senate of the United States which represents the public in general. It, in effect, says to the committee that the Senate is of the opinion that it should speak out and say that the departments should turn over to the committee all the records and files needed in order that a complete investigation can be made. If the committee ever undertakes to make an investigation of the matter and does not subpena the records and the files of every department of Government, I say that then the Senate of the United States will not be satisfied and the public will not be satisfied, because there can be no complete investigation made unless all the files are turned over to the committee.

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

Mr. FERGUSON. I will yield in a moment.

Mr. HICKENLOOPER. I believe the Senator's statement may be misunderstood. The Senator said the investigation could not be complete unless the committee subpenaed all the files of all the departments of Government, which is a pretty broad statement.

Mr. FERGUSON. The amendment provides:

> The complete loyalty and employment files and records of all the Government employees in the Department of State and such other agencies—

And so forth.

Mr. HICKENLOOPER. I wanted to clear up that point. I thank the Senator.

Mr. McCARTHY and Mr. WHERRY rose.

The VICE PRESIDENT. Does the Senator from Michigan yield; and if so, to whom?

Mr. FERGUSON. In a moment I will yield first to the Senator from Wisconsin.

The Senator from Wisconsin indicated that he was reading into the RECORD from the files of the State Department charges of disloyalty against persons who were employed by the Government. If the files of the State Department cannot be secured, then no effective investigation of the charges made by the junior Senator from Wisconsin can be made by the committee.

I now yield to the Senator from Wisconsin.

Mr. McCARTHY. I may say to the Senator that I believe that unless the committee has the power and exercises the power to subpena the files of all those individuals who are suspected of communistic activities, then the investigation will be completely useless, it will be a complete farce, and nothing but a whitewash. The only way we can have an investigation of any value whatsoever is to say to the President, "We want to examine those files. We want to see why you are giving top secret clearance to men who have been named by your own security agencies as Communists. We want to find out why you are retaining on Federal pay rolls men who have been listed by the top investigative agencies as members of espionage rings."

Unless we secure those files there is no use of even starting the investigation.

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

Mr. FERGUSON. I yield to the Senator from Nebraska.

Mr. WHERRY. It will be recalled that last night the junior Senator from Nebraska made certain statements respecting whether a standing committee now has the power to subpena the very records the distinguished Senator from Michigan is speaking of. At that time I made a parliamentary inquiry. My inquiry was whether a standing committee was given such a power of subpena under section 134 of the Reorganization Act. It is my understanding that the junior Senator from Michigan states that section 134 of the Reorganization Act authorizes each standing committee to require by subpena, or otherwise, the attendance of such witnesses and the production of such correspondence, books, papers, and documents, and to take testimony, and so forth. Even though section 134 of the Reorganization Act gives the committee power of subpena, as I have stated, the question arises whether the committee would choose to exercise the power. The Senator, by his amendment, would instruct the members of the Senate committee to procure by subpena the files in connection with cases in which charges are made. Is that correct?

Mr. FERGUSON. I think the Senator has stated it correctly.

Mr. WHERRY. I join with the Senator in what he proposes to do by his amendment. The committee is authorized, by section 134 of the Reorganization Act, to procure documents by subpena. The act does not require a committee to exercise that power. Therefore, I feel that if there is to be an exhaustive research into and investigation of the cases which have been mentioned the Senate should instruct the committee to procure the files in connection with the cases. I believe that to be a very vital point.

When, last night, that point was under discussion, and when I made inquiry about the matter, I thought the action we now seek to take would be taken under the provisions of the Reorganization Act. It is now my opinion that it is very doubtful whether that can be done. If there is to be an investigation, Mr. President, and all Senators seem to be willing to go along with the idea that an investigation should be had, I think the least we can do is to adopt the amendment proposed by the Senator from Michigan. If it is unnecessary to take such action it will not do any harm if we take it. However, such action would take care of the point I made last night. I said then I would not object to adoption of the resolution. I am just as anxious that it be adopted as is anyone else.

I now ask the Senator from Michigan whether in his opinion it is necessary to adopt his amendment, in order to procure the files in question, rather than to rely upon the authority given under the Reorganization Act, which is merely an authorization which gives power, but the power might not be exercised.

Mr. FERGUSON. My amendment if adopted, would be a directive to the committee.

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

Mr. FERGUSON. I yield.

Mr. SALTONSTALL. I most emphatically say to the Senator from Nebraska that I do not believe we should fool ourselves by what is now proposed to be done. I agree with the principle of what the Senator from Michigan is trying to do, but I call to his attention the fact that the La Follette-Monroney Act, in section 134, authorizes the committee to acquire by subpena or otherwise correspondence, books, papers, and documents.

Mr. WHERRY. Yes. I just read that.

Mr. SALTONSTALL. But that does not mean papers of the United States Government in the executive department. We want to get those papers. I hope they will be given to us. But we cannot pull ourselves up by our own bootstraps. When the committee issues a subpena directed to the Department of State, that does not necessarily mean that the committee is going to obtain those papers. We should not fool ourselves.

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

Mr. FERGUSON. I yield.

Mr. KNOWLAND. I might say to the Senator from Michigan that another reason why I think it is important that at the very start the direction by the Senate of the United States be given to the committee to subpena the records, is so that we can find out whether the executive branch of the Government is going to comply with the subpena of the Senate of the United States.

Mr. WHERRY. That is the point.

Mr. FERGUSON. That is correct, and it is vital.

Mr. KNOWLAND. If it is not going to comply with the subpena of the United States Senate and give us records which are necessary in order for any kind of an effective job to be done, then the Congress of the United States, in the exercise of its responsibilities under the Constitution, may be forced to take such other steps as are necessary with the power it has under the Constitution.

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

Mr. FERGUSON. I yield.

Mr. WHERRY. That is the second point I was going to bring out in my questioning of the Senator. I am wholeheartedly in agreement with the observation made by the junior Senator from California. I wish to say to the distinguished Senator from Michigan that when the question was asked last night I gave the impression that I felt that under the provisions of the Reorganization Act all the files necessary would be furnished to the committee. I am now of the opinion that they will not. I believe the files may not be obtained unless the amendment proposed by the Senator from Michigan is agreed to. Under its provisions the files necessary to make a complete and exhaustive research could

be obtained. Unless such files are obtained, no effective kind of investigation, such as the Senator from Oregon has been talking about, or that the majority leader has been talking about, can be made. An effective investigation cannot be made if we rely simply upon the authority granted under section 134 of the Reorganization Act.

I submit that the Senate should give the amendment favorable consideration. I hope the majority leader will accept it. Adoption of the amendment will give us the kind of investigation which I believe to be mandatory if we are to clear up the records of the 57 persons involved.

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

Mr. FERGUSON. I yield.

Mr. GEORGE. May I inquire of the Senator from Michigan again the exact language of his amendment on this point?

Mr. FERGUSON. Yes. In line 8, after the period, I proposed to insert the following:

> In the conduct of this study and investigation the committee is directed to procure, by subpena, and examine the complete loyalty and employment files and records of all the Government employees in the Department of State and such other agencies against whom charges have been heard.

In other words, if there is a charge made to the committee against a certain person, it will be the duty of the committee to direct a subpena to the department asking for the files and records of that employee.

Mr. GEORGE. If the Senator will permit me, I will say I am in thorough agreement with the statement that a special committee is being set up. A standing committee is being selected, but it is being charged with a specific duty and responsibility. Therefore it becomes a special committee. That can always be done. The Senate itself can appoint another special committee, or the Senate can select for that purpose any one of its standing committees.

I am also in agreement that, upon specific authority, the production of the confidential files of the State Department or of any other department would have to be ordered and directed by the Senate. I do not think that would be within the power of the Foreign Relations Committee or of the committee constructed under this resolution.

But would it not be better for the committee itself, if it saw fit to go into any of those records, to come back to the Senate and request specific authority to do so? If the committee were going to do its duty at all, presumably it would do exactly that. If it started to operate a dragnet of this kind in the beginning, a hopeless situation would be developed.

Mr. FERGUSON. In reply, let me say that very serious charges were made against certain employees of the State Department and against certain persons who had left the State Department and who had entered the service of other Government departments. Those charges were to the effect of disloyalty to the United States. The Senator from Wisconsin indicated that he had obtained his information in regard to such disloyalty from the files and records of the State Department and of other departments. If the Senate of the United States does not direct this special committee, which is the Foreign Relations Committee, having charge of matters concerning the Department of State, to subpena those files and records, how could we ever be said to have actually investigated the charges?

Mr. GEORGE. Mr. President, will the Senator permit me to ask a question at this point?

Mr. FERGUSON. Yes; I am glad to yield for a question.

Mr. GEORGE. Did the Senator from Wisconsin specify the persons; did he go into details?

Mr. FERGUSON. He did not specify them by name, but he did specify them by number.

Mr. GEORGE. Very well. Then, what the Senator is proposing is that the special committee begin to use a dragnet and bring in all the files. When that is done the committee and the Senate itself will be so involved that they will be able to get nowhere.

But if the committee, in investigating any of these charges and in looking into them, finds specific names of persons who are charged with disloyalty, then the committee can come to the Senate—and presumably would have to come on more than one occasion—and can ask for some specific direction and authority. I agree that it should do so. But I do not see any common sense in going into all the departments now and asking that all their personnel files and loyalty files be brought up here.

Mr. FERGUSON. I do not include any dragnet. I include only the files and records of the persons against whom charges are heard by the committee. The Senator from Wisconsin has indicated that he will voluntarily go before the committee or any other committee of the Senate and will give the names and the information he has. Therefore, this provision would apply only to those whom he has charged with some particular disloyalty. There is no intention to begin a dragnet or anything of that sort; the intention is merely to see that the charges now out in the public will be investigated by the Senate, and that the Senate will use every weapon it has, every agency it has, every authority it has, to investigate thoroughly and give to the public the answers to all the questions as to whether there is disloyalty.

Again I say that until that is done, until the public is satisfied that the Senate of the United States has aired every one of these charges and has used every weapon it has and every agency and every authority it has to air them for the benefit of the public, either in open or in closed session, the public will not be satisfied that we have done our duty.

Mr. President, I am in fact asking only for a thorough investigation. Having served on a number of investigating committees, I know how essential it is to get all the records and all the papers, in order to make a complete investigation.

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

Mr. FERGUSON. I yield for a question.

Mr. LUCAS. Would this involve the Federal Bureau of Investigation in any way?

Mr. FERGUSON. If that Bureau had loyalty files on a State Department employee, it would require the subpena of the committee to that agency to get that particular file on that particular person.

Mr. LUCAS. And whatever was in that file, regardless of what it was, would be spread before the committee. Is that correct?

Mr. FERGUSON. Yes. That is why I asked the junior Senator from Oregon whether that could be done in private. He said that under his amendment, and the one accepted by the Senator from Illinois, it could be done in private, and therefore no harm would be done to those records or to that agency.

Mr. LUCAS. The Senator has been a Member of the Senate a good while, and he knows how much privacy results from executive sessions of committees. I have attended a considerable number of them, and I have yet to find an executive session which I have attended from which the news did not subsequently appear in the headlines, either the same day or the following day, in regard to what went on in the executive session. There is always a leak.

So someone will obtain, somehow, or in some way, the information. It seems to me the information in the files will be bound to get out to the public. I am in favor of a full and fair investigation, but I am also in favor of protecting the Federal Bureau of Investigation, which, in my judgment, is the greatest agency of the Government operating today for the protection and safety of America.

I believe I know how Mr. J. Edgar Hoover feels about files, as a result of what happened in the Judith Coplon case. As the Senator from Michigan knows, in that case there was a question of whether all the files would be opened, with the result that a number of innocent persons would be smeared, or whether the files would not be opened, with the result that certain evidence relating to the person on trial might not be developed. The former course was pursued, and the effectiveness of the Federal Bureau of Investigation and certain of its sources of information was destroyed.

I raise this point because of what the opening of files may do to the Federal Bureau of Investigation. I should like to have the Senator reply regarding that point.

Mr. FERGUSON. I shall reply at once.

Mr. President, the public, the citizens of the United States, will never be satisfied that the Senate has performed its duty if it does not look into all pertinent files, including the files of the FBI in regard to the disloyalty charges which have been brought against State Department employees. Suppose that in the FBI records today there is clear and convincing evidence which would prove beyond a reasonable doubt that a certain person has been disloyal to the United States, and suppose the committee did not request those files. Would the public or would the Senate be satisfied that it had all the evidence in regard to whether the Department of State was free and clear from the

charges of disloyalty which have been made in the Senate against such persons if that file was not thrown open in this investigation?

For months, there have been charges of disloyalty on the part of certain State Department employees. We well remember that a charge was made by the Un-American Activities Committee, of the House of Representatives, against Alger Hiss; and we well remember that the United States Department of State did not open its mouth about the charges, even though in its files there was evidence of guilt.

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

Mr. FERGUSON. In just a moment.

Mr. President, not only that, but the President of the United States said, "All these charges against Mr. Hiss are nothing but red herrings."

Mr. President, in a court of justice—in the United States District Court for the Southern District of New York, in fact—a jury decided that Mr. Hiss was guilty of perjury, which in effect proved that he had been disloyal while serving in the Department of State, by passing out certain records and files. That proved beyond any doubt that the President of the United States was wrong when he said the charges against Mr. Hiss were nothing but red herrings.

I say that unless the people of the United States can have a thorough and complete investigation of every one of the charges which have been made by the junior Senator from Wisconsin, there will still be a cloud over the State Department of the United States. America cannot afford that. America will not stand for that. So everything should be done to complete the airing of that charge; and the only way that can be done is to see the loyalty files of the Department of Justice and the loyalty files of the Department of State.

The junior Senator from Wisconsin has said that the Loyalty Division of the Department of State recommended the discharge of certain employees on the ground of disloyalty. I say that those files should be subpenaed. The junior Senator from Michigan has served on the Appropriations Committee, and before the issuance of the Executive order preventing congressional committees from seeing such files, certain files were brought to the Appropriations Committee and were exhibited to it.

I say to the Senate of the United States that if it could see all those files, I am sure the Senate would find a situation of this sort: that a person's loyalty had been questioned—so much so, that the departmental agency in charge of security had put in the file itself a memorandum saying that person should not see top-secret papers.

The department head under whom the person worked was never notified of the order in the file. He stated to the committee that the person had access to all papers in his office, top secret and otherwise. Those are the kinds of files that must be subpenaed before the committee. They are the files which will show whether there are disloyal persons within the Department of State. Again I say there is but one way to clear up the matter. That is for the United States Senate to speak. It is for the United States Senate to say they will have a complete investigation; and, to be sure that the public will know it is going to be a complete investigation.

The amendment is a directive to the committee to subpena the file, and to let us have a show-down. Let us have a show-down once and for all as to whether in a matter so important as the one now before the Senate and before this great country, a committee of the Senate can see the records and files and ascertain whether there is disloyalty within our Government. We must satisfy the people, because ours is a Republic. I say, Mr. President, it is no more nor less than a direction by the Senate to its committee, to seek, through the avenue open to it, which is the avenue of subpena, to obtain the files. It is not that the committee should make a request, but that it be authorized to issue a subpena, the highest authority of the Senate, to obtain records from the Department of State and all other agencies. It has been said by the junior Senator from Massachusetts that rule 134 may apply only to individuals outside the Government of the United States. The rule reads:

COMMITTEE POWERS

SEC. 134. (a) Each standing committee of the Senate, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures (not in excess of $10,000 for each committee during any Congress) as it deems advisable.

The Senator has indicated it is very possible that that applies only to witnesses not in the employ of agencies of the Government. I do not share that construction of its language. I think the language clearly covers all witnesses. But we do not want the State Department or any other department or agency of the Government to hide behind the language of the general rule. The amendment now proposed would leave no doubt that a subpena would apply to Government witnesses and Government records and files. For that reason we should have a vote upon this important amendment, if it is not accepted by the Senator from Illinois.

Mr. LUCAS and Mr. McCARTHY addressed the Chair.

The VICE PRESIDENT. Does the Senator from Michigan yield; and if so, to whom?

Mr. FERGUSON. I yield first to the Senator from Illinois. I will yield after that to the Senator from Wisconsin.

Mr. LUCAS. I want to get back to the Federal Bureau of Investigation. I am satisfied every Senator has the utmost confidence in that agency of the Government.

Mr. FERGUSON. I have. I want to say publicly I have such confidence.

Mr. LUCAS. I do not want to do anything that is going to injure the effectiveness or the efficiency of that great institution of Government, and if I read the amendment correctly, there is no limit to the number of files that may be brought in. In other words, the records of all Government employees within the State Department and within other agencies, against whom charges have been made may be subpenaed under this amendment.

Mr. FERGUSON. That is correct.

Mr. LUCAS. If the charges were made against someone in the State Department, I suppose there would be a hearing.

Mr. FERGUSON. And it would be necessary to get the files.

Mr. LUCAS. It would be necessary to get the files. Since there is no end to the number of people who can be brought in, there would also be no end to the number of files which could be subpenaed for production before the committee, if charges had been made.

The Senator from Illinois is just as anxious as is anyone else to root out the Communists, if there are any, in the State Department or any other agency of Government. But at the same time the Senator from Illinois does not want in any way to break down the efficiency of the Federal Bureau of Investigation. I should like to know whether the Senator from Michigan has ever obtained the opinion of J. Edgar Hoover on this very thing?

Mr. FERGUSON. No; the junior Senator from Michigan has not spoken to Mr. Hoover. Mr. Hoover is entirely under the direction of the Attorney General.

Mr. LUCAS. I was coming to that.

Mr. FERGUSON. I say again, if we cannot in this investigation examine the files and records of the one agency whose duty it has been, and which has received millions of dollars of the public taxpayers' money for the purpose of obtaining evidence of any disloyalty on the part of people within the United States, if an executive session of the great Foreign Relations Committee of the United States Senate cannot see those files, then I say the public will never be convinced that we have looked into the question of the loyalty or disloyalty of persons within the State Department.

Mr. LUCAS and Mr. McCARTHY addressed the Chair.

The VICE PRESIDENT. Does the Senator from Michigan yield, and if so, to whom?

Mr. FERGUSON. I will yield to the Senator from Wisconsin after I have yielded to the Senator from Illinois.

Mr. LUCAS. This is extremely important, and I am trying my best to go along with the Senator from Michigan.

Mr. FERGUSON. I hope the Senator can do so.

Mr. LUCAS. I feel the investigation is very necessary. On the other hand, I cannot get away from the value of the Federal Bureau of Investigation to the country, to its safety and security. When the Committee on Foreign Relations, in executive session, after hearing all the testimony, and having before it, the file which has come from the FBI, has finally determined a certain man to be disloyal and a man who ought to be tried, then, under the Morse amendment, the man

will be given a public hearing. Is that correct?

Mr. FERGUSON. That is correct.

Mr. LUCAS. Then the file of the FBI, regardless of what is in it, becomes open to the public, regardless of what anyone says.

Mr. FERGUSON. No; that is not the idea of the Senator from Oregon [Mr. MORSE]. He limited it to such competent evidence as may be in the file.

Mr. LUCAS. Anyway, with the file before it, it is up to the committee to make a determination as to what is to be made public, and what is not.

Mr. FERGUSON. Yes.

Mr. LUCAS. Supposing the committee decided all of it should go in?

Mr. FERGUSON. Presumably, then, it should.

Mr. LUCAS. It should all go in?

Mr. FERGUSON. Yes.

Mr. LUCAS. Then it would make no difference how many persons might be involved or might be mentioned in the file; just as in the Judith Coplon case, they would be smeared by the opening of the file, regardless of whether they were guilty or innocent.

Mr. FERGUSON. The Senator from Illinois has been a lawyer all his life.

Mr. LUCAS. I was, until I came to the Senate.

Mr. FERGUSON. Well, all his adult life. [Laughter.] But, Mr. President, the Senator knows that in every trial—yes, in every civil trial and every criminal trial—there is evidence that people would not like to have disclosed, but which justice, as it is administered in the United States in open court, requires be brought out to establish certain facts, and therefore it is essential. The distinguished Senator from Iowa has indicated that today there are men in America who are guilty of crimes, who are not being tried, because the United States Government feels it cannot prosecute them without laying the evidence before the public, evidence which the Government does not want the public to know. Mr. President, if the United States Government does not want to produce such evidence, it will never seek an indictment by a grand jury. But the evidence showed that the secret files of the United States, files in the Department of Justice and the FBI, were being seen by Judith Coplon. She has been convicted of having removed from those files certain records. Then Senators stand here to say the Foreign Relations Committee, headed by the distinguished Senator from Texas, should not see a file of the United States Department of Justice.

Mr. LUCAS. Mr. President, if the Senator will yield, I do not like to have him place me in a position which is not justified.

Mr. FERGUSON. I have sought to interpret the position in which the distinguished Senator has placed himself.

Mr. LUCAS. The Senator from Illinois has not placed himself in any such position as that suggested by the Senator from Michigan. All the Senator from Illinois is trying to do is to obtain the viewpoint of the able Senator from Michigan.

Mr. FERGUSON. That is correct.

Mr. LUCAS. I have been trying to get the Senator's viewpoint with respect to what the production of the files will do to the effectiveness of the Federal Bureau of Investigation. The Senator cannot put words into my mouth, in an argument of that kind. That is all I am trying to do, and I think it is a legitimate and fair approach the Senator from Illinois is trying to make on the floor of the Senate.

Mr. FERGUSON. I am trying to answer the Senator.

Mr. McCARTHY and Mr. KNOWLAND addressed the Chair.

The VICE PRESIDENT. Does the Senator from Michigan yield, and if so, to whom?

Mr. FERGUSON. I yield first to the Senator from Wisconsin, who has been on his feet for some time.

Mr. McCARTHY. Mr. President, I think there is a very easy way of meeting the objection of the Senator from Illinois. As the Senator from Michigan knows, there are two parts of a file. There is the part containing the evidence and the conclusions. There is also that part which divulges the sources of information. I am sure neither the Senator from Michigan, the Senator from Wisconsin, nor any other Senator wants to obtain the latter part of the file, which deals with the sources of information. So, I think it should be made clear at this time that it is not the desire of any Senator to require the production of any part of the file other than that having to do with the evidence itself and the conclusions. That is all that is needed. We do not need to inquire into the sources of information, the tip-offs, within the State Department or anywhere else.

Mr. FERGUSON. Mr. President, the amendment is clear. The amendment says the Foreign Relations Committee shall have the right to see the file. As indicated by the Senator from Oregon, who proposed an amendment to require public hearings, the committee may sit in executive session, and I am assuming the subcommittee, or the committee as a whole, which is to conduct the examination, will use such portions of the file and in such way as will not harm the security of the United States. But it will assure the public that a committee of the Senate has seen the file and that the committee knows all about the employees of the State Department who have been charged with disloyalty, and that the committee will determine whether charges should be made. Then, and then only, will the public be satisfied that the Senate has discharged its duty.

Mr. McMAHON and Mr. KNOWLAND addressed the Chair.

The VICE PRESIDENT. Does the Senator from Michigan yield, and, if so, to whom?

Mr. FERGUSON. I yield to the Senator from California, who was on his feet first.

Mr. KNOWLAND. Mr. President, I am glad the Senator from Michigan clarified the point which may have been in the mind of the Senator from Illinois, and perhaps also in the minds of some others of us. In his earlier statement, it appeared as though perhaps the production of all the records of all the employees would be required. Obviously the Senator never had that in mind. What he has in mind, as I understand, is that when charges have been made, when the Senator from Wisconsin or anyone else comes before the commitee to say, concerning Mr. X, Mr. Y, or Mr. Z, "We have evidence and indications that those persons have been active against the best interests of the United States," the committee, then, acting in its capacity as a representative of the Senate of the United States, will, under the amendment offered by the junior Senator from Michigan, subpena, by direction of the Senate, the specific records and the specific persons.

Mr. FERGUSON. That is correct.

Mr. KNOWLAND. It is not a general dragnet. It will be applied only as against those persons who have been named before the committee.

Mr. FERGUSON. That is correct.

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

Mr. FERGUSON. I yield.

Mr. McMAHON. Assuming the committee decides to place a charge against X, and does so on the basis of information which is in the files furnished by confidential informants of the FBI, and the committee is now ready for an open hearing, in what position is the committee, I would ask the Senator, as to whether it should call the FBI to disclose the confidential informants so that they could be placed on the stand to give testimony against X in his open trial?

Mr. FERGUSON. The committee itself would determine its position in such a case. This is only a directive to procure the file and to examine the file.

Mr. McMAHON. Yes; but I want to point out to the Senator——

Mr. FERGUSON. It does not say that the committee shall call J. Edgar Hoover or any other particular witness. That will be solely within the discretion of the committee. The thing the Senate would do by this directive is to see that the committee gets the file. The Senator from Michigan is of the opinion that if the Senate speaks by this amendment, the committee will get the files. There is no doubt about that.

Mr. McMAHON. The Senator from Michigan is not interested in his amendment merely for the purpose of getting some files so that they may be examined. He wants those files so that the committee may proceed upon the basis of the information contained therein. Is not that correct?

Mr. FERGUSON. That is correct. I expect the committee to act with diligence.

Mr. McMAHON. Let us suppose the case of Mr. A—we have before us in executive session the FBI file on Mr. A, and we find 10 confidential informants listed. The Senator has seen the files and knows how they are listed. They are listed as one, two, three, four, and so forth, as having informed the FBI that Mr. A is disloyal; he has been reading the Daily Worker, and so forth. We say, "All right; we shall put Mr. A on trial." We then put him on trial. Do we then

say to the FBI, "Produce one, two, three, four, your confidential informants, for the purpose of making a case against Mr. A"? At that point, how does the Senate Committee on Foreign Relations proceed?

Mr. KNOWLAND. Mr. President, will the Senator yield? Because I think this is in point——

Mr. McMAHON. The Senator from Michigan is getting himself a lawyer.

Mr. FERGUSON. I yield.

Mr. KNOWLAND. No; the Senator from Michigan is as able a lawyer as can be found in the Senate Chamber, and the Senator from California happens to be a newspaperman. I have served on the Joint Committee on Atomic Energy with the able Senator from Connecticut, and I think I am somewhat familiar with some of the problems which the Senator has in mind. It seems to me that the committee will deal with each case based on the importance of the case. If, after examination of the record of the FBI, it shall determine there is another Alger Hiss holding a position of responsibility in which he can do great damage to the Government of the United States, it may call in Mr. Hoover and say to him, "Mr. Hoover, this is a matter of such paramount importance to the Government of the United States that we feel the informants should disclose themselves, and the public service will be better served if they do."

If, on the other hand, it is a matter of a chauffeur in the Department and the disclosing of the informants would not be worth while, the committee, in its judgment, might determine it would not be worth the effort and the damage which might result. I would say that each case must stand on its own feet.

Mr. FERGUSON. There is no doubt that each case would stand on its own feet. This debate is bringing out the fact that unless the committee gets the records, it will have nothing on any of these persons as to disloyalty, because the evidence of disloyalty is in the files. The committee is not going to make an independent check; it is not going to start from scratch to make an investigation of a particular person. It is first going to say, "What is shown by the records of the departments which have already investigated the subject?" If we are to start at scratch, we shall get nowhere in the examination.

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

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from Michigan yield to the Senator from Massachusetts?

Mr. FERGUSON. I shall be glad to yield.

Mr. SALTONSTALL. I know the Senator disagrees with the point which was made that there is no authority to get records by subpena from a department official if the President orders to the contrary.

Mr. FERGUSON. That is correct.

Mr. SALTONSTALL. What the Senator is attempting to do by this amendment, and is clearly doing by it, is to put the burden of proof on any department head who refuses to give the Senate committee the records. Is that a fair statement?

Mr. FERGUSON. It is.

Mr. SALTONSTALL. In other words, the Senate committee will be trying its best to make just as full an investigation and as fair an investigation as it is possible to make, but it can only do so if it gets the records.

Mr. FERGUSON. That is correct.

Mr. SALTONSTALL. If the records are refused, the burden of proof is on the executive branch which refuses the records, is it not? Is that a fair statement?

Mr. FERGUSON. I think that is a fair statement. That is why I think the committee would want this amendment.

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

Mr. FERGUSON. I yield.

Mr. WHERRY. If the resolution should be agreed to and the committee should proceed to carry out the intention of the resolution to find out about the charges made by the Senator from Wisconsin, is it not a fact that under section 134 there is no authority for a senatorial committee to get the files of one of these disloyal persons?

Mr. FERGUSON. I would not go that far.

Mr. WHERRY. The committee has the authority to get them, provided the agency which has the files will give them to the committee.

Mr. FERGUSON. That is correct.

Mr. WHERRY. If the agency refuses, then there is no authority unless it be established under this amendment.

Mr. FERGUSON. I think it is at least a special committee being created, and we should, in the creation of the committee, provide for the power of subpena.

Mr. WHERRY. Is it not necessary that this amendment be placed in the resolution to accomplish the very purpose about which I have just asked the Senator?

Mr. FERGUSON. I think that is correct.

Mr. WHERRY. Why should not the Senate committee see the files?

Mr. FERGUSON. I know of no reason, if it is going to make an investigation.

Mr. WHERRY. Are not Members of the Senate entrusted by agencies of the Government with information, such as atomic-energy information, the hydrogen bomb, top military strategy, and things of that nature? Are not the Members of the Senate entrusted with such information? If so, why in the world cannot the members of the Foreign Relations Committee see what they want to see in the files?

Mr. FERGUSON. There is no reason why the Foreign Relations Committee should not see the files.

Mr. WHERRY. Does the Senator feel that if a representative of some Government agency presents himself before a committee and says, "Now, here is the file; ask me questions about it, and if there is anything that is of interest I will answer them"—does the Senator feel that is a sufficient examination of a file to prove the charges which the Senator from Wisconsin has made against 57 persons?

Mr. FERGUSON. It does not go to prove them at all.

Mr. WHERRY. Certainly, it seems to me, if we are to have the kind of investigation which has been suggested by the majority leader, which is to go to the bottom of the question and clear those who are innocent and, if possible, secure evidence to place charges against those who are guilty, the committee must have the authority to demand of any department its files, so as to make a complete examination of them.

I wish to ask the Senator one more question. When I joined with the Senator it was to say that, so far as I was concerned, I believed the Senate had a right to examine any file. Hundreds of employees examine the files. They have a right to look at the files. Why should not 96 Senators have a right to look at them? If we do not wish to look at all the files, we can look at the files of those against whom charges have been made. Certainly the files should be forthcoming as to those against whom charges have been made, if the committee wishes to examine them to see whether the charges of disloyalty can be proved.

Mr. FERGUSON. I do not believe that I shall have to answer the question propounded by the distinguished Senator, because I believe he has answered it himself.

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

Mr. FERGUSON. I yield.

Mr. MAGNUSON. I appreciate the objectives of the Senator, and I should like to ask him a question. Like the Senator from Nebraska, I do not believe that there is any question about entrusting a file to the Committee on Foreign Relations. Top secrets have been entrusted to many committees. During the war the topmost secret of all was entrusted to a committee. But I wonder what would happen in a case I have in mind. We are talking about an open hearing, and about being fair. Let us assume that in connection with its investigation of Mr. A the committee looks at all the files, including confidential files, FBI files, and top-secret files, and the committee either charges him, or feels that there is enough evidence to warrant charging him.

They bring Mr. A in, and he says, "Well, I would like to know what the basis of these charges is." The committee says, "We have read it in certain files." They make that general statement, without divulging anything further. Suppose the accused says, "I think I should be confronted with the files from which you accuse me." What would be the situation? Suppose the person were to say, "I would like to know who said it. I would like to know where it came from. I would like to know who accuses me." And so on, and so forth. Would not the effect be, if the committee granted the request, to bring all the files out in the open, including the FBI files?

Mr. FERGUSON. Mr. President, the Senator answers his own question. What he says to the committee is, "Please don't look at any files, because if you have any knowledge someone may

come in and ask you what knowledge you have."

Mr. MAGNUSON. Oh, no.

Mr. FERGUSON. How can a person be investigated if the files are not obtained?

Mr. MAGNUSON. I did not mean that. I did not say the committee should not see the files. Suppose the accused says, "I would like to know who said it. I would like to know who told the FBI that."

Mr. FERGUSON. The distinguished Senator from Connecticut [Mr. McMAHON], I understand, will be the chairman of the subcommittee. If that be true, he being the head of the Atomic Energy Committee, I take it for granted that he has used a good deal of discretion in that committee, and that he will use discretion in the investigating committee.

Mr. MAGNUSON. We are not in disagreement. Do I understand the Senator to say that if the accused were to say, "I would like to see the files from which I am accused," the committee would have to use its discretionary power if it involved an FBI file, and say, "We cannot give you that information?"

Mr. FERGUSON. The committee may do that.

Mr. MAGNUSON. Is that correct?

Mr. FERGUSON. Yes; the committee may do that. They could say, "In the interest of security, we cannot tell you that." Or they may say, "We simply cannot tell you that."

Mr. MAGNUSON. I come to my last question. They will have to use a great deal of discretion, because these persons have been accused of selling top secrets. When files are brought into an open hearing, and sometimes even in an executive hearing, I wonder where our top secrets go.

Mr. FERGUSON. If we do not wish to look at the files and do not wish to get the evidence, we will never satisfy the public that an investigation has been made.

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

Mr. FERGUSON. I yield.

Mr. BREWSTER. I very much regretted that the majority leader was called upon to refer to the possibility that committees of the Senate were not able to retain confidences. I know he spoke rather facetiously. Sitting a little behind the majority leader is the distinguished chairman of the Committee on Appropriations [Mr. McKELLAR], who, along with several of his colleagues, possessed the most vital secret during the entire course of the war. They not only had knowledge regarding it, but they provided funds for it. I think it was one of the best-guarded secrets in history, so far as the American people were concerned. As a matter of fact, the Truman Committee, of which the President, when he was a Senator, was chairman, and of which I was a member, in trying to find out what in the name of heaven the Senator from Tennessee was doing with so many billions of dollars, fell upon the same information, and again, so far as I know, the secret was never disclosed to any unauthorized soul; although we now learn that Russia was apparently fully informed regarding it for a long period.

I see the distinguished Senator from Connecticut [Mr. McMAHON] in the Chamber. I have always supposed, until this moment, that the Atomic Energy Committee, of which he is the chairman, possessed a vast fund of secret information. Certainly, he has repeatedly referred to the great care with which the committee must move. I assume that there are a vast number of things they know about atomic energy which perhaps no other Members of the Senate know. I believe the majority leader, in arguing the question of this extension of power, would do well to consider whether or not any Members of the Senate—and I do not confine it to the Committee on Appropriations, or the Committee on Atomic Energy, or the Committee on Foreign Relations, which certainly has a vast amount of information regarding our foreign relations—should be brought under suspicion because of the unfortunate fact that unquestionably there have been leaks. There have been leaks in the House and elsewhere. I believe the Senate has confidence, and I see no other way of having constitutional processes and functions unless we seek to build with confidence, as I believe would be warranted by the procedure here contemplated.

Mr. LUCAS. Mr. President, will the Senator from Michigan yield?

Mr. FERGUSON. I yield to the Senator from Illinois.

Mr. LUCAS. I do not like to remain silent after what the Senator from Maine has said. I cast no reflection on any Senator. I merely know what has happened since I have been in the Senate. I have been in many executive sessions considering different matters, and seldom have I been able to find that a secret was kept. Someone heard about the subject of the meeting in a short time, and the newspapers usually got the news before I got out of the room. I think that is pretty generally understood around the Senate.

I, of course, realize that no doubt some of the top secrets have been kept. There is no question about that. If they are right at the top, it may be possible they are kept. But there is nothing too serious about most of the executive sessions, which keeps some of the participants from talking, or the clerks occasionally talk, and somehow commentators and reporters get the news after executive sessions are held. I am merely speaking from long experiences I have had with executive sessions. Perhaps I have been in the wrong group during those sessions.

Now let me ask the Senator a question with respect to his amendment. He says in the amendment "and such other agencies," so that it would read "records of all the Government employees in the Department of State and such other agencies," and so forth. Would the Senator be willing to add there, "so far as the committee deems advisable"? The phrase "such other agencies" takes in a great deal of territory.

Mr. FERGUSON. The Senator from Michigan does not see how he can accept that modification. Under the wording "such other agencies" the committee itself would be allowed to determine the agencies which might have the records it desired.

Mr. LUCAS. Let me get the amendment straight. The amendment applies directly to employees of the State Department?

Mr. FERGUSON. That is correct.

Mr. LUCAS. It applies directly to the employees of the State Department against whom charges have been filed?

Mr. FERGUSON. That is correct.

Mr. LUCAS. The amendment applies only to those employees of the State Department against whom charges have been filed which have been heard by the Committee on Foreign Relations?

Mr. FERGUSON. That is correct.

Mr. LUCAS. In the event it is determined that some former employee of the State Department was at one time accused of being guilty of disloyalty to the Government, and he has moved to some other department, that is the individual the Senator is after when he says "other agencies"?

Mr. FERGUSON. That is correct.

Mr. LUCAS. In other words, the Senator is really confining the amendment to State Department employees, whether they are employed there now or have been employed there heretofore?

Mr. FERGUSON. That is correct.

Mr. LUCAS. I have no objection to the amendment. I shall accept the amendment, but I say, in accepting it, that I am sure the Senator is fully familiar with what has been observed since the days of George Washington with respect to the battle between the legislative branch of the Government and the executive branch.

Mr. FERGUSON. I am familiar with that.

Mr. LUCAS. It is all in the law books. I remind the Senator of a current event, to show how jealous the legislative branch of the Government is of its rights. Recently in the trial of one Cristoffel indicted for perjury, the judge of the court issued a subpena duces tecum on the Clerk of the House of Representatives to bring in the confidential records of a special committee of the House, and the House of Representatives on three different occasions voted to tell the judge where to go. By their action they said they were not going to deliver up the secret minutes of the committee which they had in their possession in the House of Representatives. In other words, the House of Representatives flouted the judiciary. That is what has been going on through all the history of this great Republic. The legislative flouts the judiciary. The judiciary flouts the legislative branch. So it goes. I merely mention that in passing because the latest example of how seriously the legislative branch of the Government is guarding its rights and keeping its records from going to another branch of the Government can be found in the action taken by the House of Representatives.

Mr. FERGUSON. Mr. President, following the discussion which has taken place between the distinguished Senator from Illinois and the Senator from Michigan and other Senators on the

floor, and since it is the purpose under the resolution only to investigate those who are charged, and particularly those who are charged under the evidence offered by the distinguished Senator from Wisconsin, I ask to withdraw my second amendment which provides "or any other agency of the Government concerned with the intercourse of the United States with other nations."

I understand that the Commerce Committee is making an investigation of its own, and any other committee which is concerned with any other department of the Government, can make investigations of its own. While we wish to have an investigation of all those charged who are or have been in the State Department, including those who may once have been in the State Department but are now employed by another department or agency, we want to avoid any conflict with a possible investigation by another committee. It is for that reason that I ask to withdraw my second amendment.

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

Mr. FERGUSON. I yield.

Mr. KNOWLAND. I simply would like to ask the Senator from Michigan if he is not a little concerned over the statement just made by the majority leader, who represents on the floor of the United States Senate the administration in control of the White House? It seems to me that while it is true that historically there has been this difference of opinion, yet in the case of ferreting out those who may be disloyal to the Government of the United States, the executive branch of the Government and the legislative branch of the Government should act as members of the same team together. They should not act at arm's length. The executive branch should not attempt to throw technicalities in the way of the Senate of the United States doing its job to help clean out any subversive elements that exist in the Government of the United States. I cannot believe that the distinguished President of the United States, a former Member of this body, will interpose any obstacles, based on technicalities, to prevent a full and complete investigation so that once and for all we may determine whether there are any subversive elements in the executive branch of the Government of the United States.

Mr. FERGUSON. I thank the distinguished Senator from California for his statement. I think it will impress the President and all concerned that this is the time and place for teamwork between the executive branch and the legislative branch. There is no better place to have bipartisanship. I want to thank the distinguished Senator from Illinois for accepting the two amendments, because that shows a spirit of cooperation in the attempt to have a thorough and complete bipartisan investigation in order to satisfy the public.

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

Mr. FERGUSON. I yield.

Mr. LUCAS. I am very glad the Senator made that last statement, in view of what the Senator from California just said. I do not say that there was an implication, but there is a possible implication on the part of the Senator from California that the Senator from Illinois, because he happened to make a statement of fact concerning what existed throughout the history of the country from the beginning of the Republic in respect to quarrels between the executive and the legislative branches, was telling someone in advance as to what is going to happen.

So far as I am concerned, I will tell my distinguished friend the Senator from Texas [Mr. CONNALLY] now that I will do everything within my power to cooperate with the committee to see that whatever is necessary is done in order to ferret this thing out. I want the Senate to know that and I want the country to know that. I want to have investigated the charges which have been made by the Senator from Wisconsin. I want the Senator from Wisconsin to go before the committee and give the names. I want him to tell the committee where he obtained his information. I want him to tell the committee what it is. I want him to go into details before the committee, because the responsibility on the Senator from Wisconsin is a heavy one as a result of the speeches he has made throughout the country and as a result of the speech he made here on the floor of the United States Senate. It is his duty and his obligation to lay before the committee every fact, regardless of what it may be, respecting where he obtained the information, and to lay everything that is in his files before the committee. I am sure the Senator from Wisconsin will do that.

Mr. FERGUSON. The Senator from Michigan wants the same thing.

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

Mr. FERGUSON. I yield.

Mr. McCARTHY. I do not know why the Senator from Illinois continues to repeat exactly the same thing I have previously said respecting what I will do. I do not need his advice. I have said that I would give all the information I have. The Senator from Illinois has heard me say that the names are available. Therefore, why he continues to advise me to do what I have a dozen times said I would do, I do not know.

Mr. LUCAS. Mr. President, I am not advising the Senator from Wisconsin to do anything. I doubt whether any Senator on this side of the aisle or on the other side of the aisle can effectively advise the Senator from Wisconsin.

What I am trying to do is to help the Senator from Texas. However, I am sure he does not need it, because he is no green hand in such investigations, having had such a long and distinguished career in this body.

Mr. FERGUSON. Mr. President, before I yield the floor I want to say that the hypothetical case I cited earlier actually was an instance of what a file showed in relation to a certain State Department employee. However, that employee is no longer with the State Department. So far as the Senator from Michigan knows he is not connected with any Department. It follows that no reflection is cast upon the State Department by the reference to that disloyal employee.

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

Mr. FERGUSON. I yield.

Mr. McCARTHY. I should like to notify the Senator from Illinois about one thing. I notice that he said that he hoped I would go before the committee and tell exactly where I received all the information I have. I know the State Department is very eager to know how some of us now know about the unusual activities in that Department. For example, I know they are curious to know how we know that in their files there are recommendations that certain individuals be dismissed, and that after those recommendations were made those individuals were given top secret clearance.

I want to assure the Senator from Illinois and the Senate that I do not intend to so enlighten the State Department. If I went before any committee and gave the names and said, for example, "John Jones from the State Department has given us access to certain information" that man's job would not be worth a tinker's damn. I am going to give out nothing to satisfy the curiosity of the State Department officials or the Senator from Illinois by telling how I developed or where I developed all the information I have. All the information will be made available. Everything I make available will be confirmed by the State Department files.

Mr. FERGUSON. I yield the floor.

Mr. LUCAS. Mr. President, I wish to make a statement in reply to the Senator from Wisconsin. We now find that the Senator from Wisconsin is not going to give to the committee the sources from which he obtained the information with respect to those against whom he has made charges. Yet the Senator from Illinois has just accepted an amendment offered by the Senator from Michigan which seeks to bring in FBI files with all the information therein. We want Mr. Hoover and his men to tell everything to the committee. Yet the Senator from Wisconsin now says he is not going to give the committee any information respecting the sources of the information he obtained, and which he gave to the country and to the Senate the other night.

Mr. President, I hope the Senate committee will insist that the Senator from Wisconsin gives to the committee the sources of his information. If a committee of the United States Senate is going to do an effective job it must know exactly where the information came from. The committee must know that. The Senator from Wisconsin is the one individual more responsible for the investigation than any other individual, by reason of the charges he has made. He cannot hide behind the sources of the information, which, if true, threatens the security of our country. If all the individuals he charges with disloyalty to the Government are guilty, it is his duty as a United States Senator and as a citizen of the United States to tell exactly where he obtained the information. He has as much responsibility in

that respect as the FBI would have. It was stated by the Senator from Michigan that the FBI should lay its files before the committee. If its files are laid before the committee and charges are made against A, and there are four informants or a dozen informants, and it becomes necessary to put those informants on the stand in order to prove disloyalty to the Government, they ought to be placed on the stand so as to let the people know who informed the country with respect to the disloyalty of a certain individual or certain individuals. The Senator from Wisconsin is in the same position with respect to his informants as we may find the informants in the FBI file.

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

Mr. LUCAS. I yield.

Mr. McCARTHY. Let me tell the Senator from Illinois that it is of no concern to him or anyone else as to how I secured the information from the State Department files. It is information to which the Senator from Wisconsin or any other Senator should be entitled. To obtain the information which I read to the Senate I succeeded in penetrating the iron curtain, Truman's iron curtain, of secrecy. I have freely given this information to the Senate, and under no circumstances would I give the names of any Government employee who may have aided me in securing that information. If such there were and I were to give their names, their jobs would not be worth that much.

Mr. President, so that there will be no question in the minds of any Senators or in any other citizens, the Senator from Wisconsin will not ever give the names of any Government employees who may have helped him secure the information which he presented to the Senate.

Mr. LUCAS. I am not surprised that the Senator will not give up the information. Yet every Senator knows that we are now proceeding into an investigation which the Senator from Oregon [Mr. MORSE] said would probably be a historic one. Yet the Senator from Wisconsin, who is responsible for bringing on this investigation, who knows the facts with respect to those who are charged, says now he will refuse to give to the committee any information respecting the source of his information.

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

Mr. LUCAS. I yield.

Mr. KNOWLAND. Mr. President, it seems to me it is very important for the Senate to distinguish between the type of information the Senator from Wisconsin says he does not intend to reveal and the type of information coming from persons who have information regarding disloyalty in the Government of the United States.

I have no knowledge of the documents the Senator from Wisconsin has or the facts upon which he made his charges; but it seems to me that the basic matter for the committee to investigate is whether there is available in the files of the State Department or in the files of the FBI information indicating that there are in the State Department persons who are disloyal to the Government or who are bad security risks.

It does not seem to me that it is the duty of the Senate or of the committee to leave that issue and go to the question either of trying the Senator from Wisconsin or of closing up the source of the information he has.

I think that every Member of the Senate and, I am certain, every newspaperman in the country, recognizes that on many occasions there have been available to them sources of information whereby the press has for the first time disclosed to the Congress and to the public information which the Congress and the country otherwise would not have had. The newspapermen have always taken the position that they would not disclose the source of their information. Why have they done so? Because once they did disclose it, they would dry up that source of information.

I think the Senator from Wisconsin in this particular is in the same position that a newspaperman would be in.

Mr. LUCAS. Mr. President, I thank the Senator from California for his contribution.

I wish to make this closing statement, and then I shall be through: Whoever may be the persons, either in the State Department or in any other agency of the Government, who are charging various individuals with disloyalty to their Government, and are going through the back door in order to get that information out, they should have the intestinal fortitude, if they are the right kind of Americans, to come forward themselves and give such information to the committee and to the people of the United States. I hope that, somehow, in some way, we shall be able to learn of the identity of these informants.

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

Mr. LUCAS. In a moment.

Mr. President, I am not attempting to try the Senator from Wisconsin, as has been indicated by the Senator from California. But if we are going to get all the facts and if everyone wishes to be on the square with this investigation, if we are going to drag in the FBI files, we should have all the information available from every source. Certainly, as the Senator from Wisconsin well knows, in a court of law the information he has presented here so far would not stand the legal test. In other words, those who are the fountainhead of that information would be compelled to come before a court and to give that testimony.

I know we are not serving as a court; but, Mr. President, the charges are so serious and far reaching that we should not overlook or withhold anything in attempting to learn the facts from everyone who has been interested in this matter from the beginning. If we can discover the employee——

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

Mr. LUCAS. I yield.

Mr. McCARTHY. Let me make myself absolutely clear: When I say that I will not divulge the source of any information, the Senator can rest assured that if I give any hearsay evidence that was received from anyone, obviously those names will be given to the committee.

However, I will not under any circumstances give to the committee the name of anyone who has furnished me with documents, because a document speaks for itself, and it is no business whatever of the committee where I got such documents.

I do know that as of today the State Department is very curious to know whether someone in the State Department has given me any documented information on any communistically inclined employees. Any documented information which I supply the committee can be checked with the original State Department files.

That is one reason why the Senator from Michigan has offered to the resolution the amendment providing that the original files shall be available.

Again, Mr. President, when I say that I will not divulge the source, I repeat that I have no intention of giving the name of any person who may have furnished me with any document, because, as I have said, the document will speak for itself.

On the other hand, if I give any hearsay evidence that has been received from some person, the Senate can rest assured that I will give the names of such persons to the committee.

Mr. LUCAS. Mr. President, we find ourselves in a very anomalous situation, namely, that we will open to the committee everything in the FBI files, but the McCarthy files are sacred.

I yield the floor.

The VICE PRESIDENT. Does the Senator from Illinois agree to modify the resolution by accepting the two Ferguson amendments as modifications of the resolution?

Mr. LUCAS. Yes; I agree to those modifications.

The VICE PRESIDENT. The question, then, is on agreeing to the resolution as modified. [Putting the question.]

The resolution (S. Res. 231) was agreed to.

The resolution, as agreed to, is as follows:

*Resolved*, That the Senate Committee on Foreign Relations, or any duly authorized subcommittee thereof, is authorized and directed to conduct a full and complete study and investigation as to whether persons who are disloyal to the United States are or have been employed by the Department of State. The committee shall report to the Senate at the earliest practicable date the results of its investigation, together with such recommendations as it may deem desirable, and if said recommendations are to include formal charges of disloyalty against any individual, then the committee, before making said recommendations, shall give said individual open hearings for the purpose of taking evidence or testimony on said charges. In the conduct of this study and investigation, the committee is directed to procure, by subpena, and examine the complete loyalty and employment files and records of all the Government employees in the Department of State and such other agencies against whom charges have been heard.

## REHABILITATION AND BETTERMENT CONTRACTS ON RECLAMATION PROJECTS

Mr. O'MAHONEY. Mr. President, there is pending on the calendar, No. 1280, Senate bill 3001, to expedite the re-

habilitation of Federal reclamation projects in certain cases. The bill was introduced by the two Senators from Colorado [Mr. MILLIKIN and Mr. JOHNSON]. The Committee on Interior and Insular Affairs was unanimous in reporting the bill favorably, with an amendment.

Since it was reported to the Senate, on February 14, the House of Representatives has passed and sent to the Senate an identical bill, calendar 1285, House bill 7220. That measure amends a law which was enacted at the last session of Congress with respect to rehabilitation and betterment contracts on reclamation projects. A provision of that law is to the effect that when a contract for rehabilitation or betterment is made between the Secretary of the Interior and the water users upon a project, it shall be submitted to the Congress and shall remain there for 60 days before anything can be done regarding it.

In the State of Colorado an emergency situation has arisen by reason of damage to a tunnel. It is essential that the contract which has been agreed upon shall not have to wait for the 60-day period required by the law.

So the bill will merely authorize the committees to act within that time.

I have consulted the majority leader and the minority leader regarding this matter, and I find there is no objection to the bill.

Mr. WHERRY. Mr. President, I should like to ask one or two questions. Is it the purpose of the Senator from Wyoming to request unanimous consent for the immediate consideration of the bill?

Mr. O'MAHONEY. Yes. Mr. President, I now ask unanimous consent that the Senate proceed immediately to the consideration of the bill.

Mr. WHERRY. Mr. President, reserving the right to object, let me inquire whether a bill similar to the Senate bill has been passed by the House of Representatives.

Mr. MILLIKIN. Mr. President, will the Senator yield to me?

Mr. O'MAHONEY. I yield.

Mr. MILLIKIN. In reply to the Senator from Nebraska, let me say that a similar bill has been passed by the House of Representatives, and is now on the Senate calendar.

Mr. WHERRY. Mr. President, further reserving the right to object, let me say that I understand that authorizations for this matter have already been made; is that correct?

Mr. MILLIKIN. Yes.

Mr. WHERRY. I further understand that because there is an emergency in Colorado, it is desired to advance the date, without waiting the full 60 days, in order that the emergency may be taken care of.

Mr. O'MAHONEY. The purpose of this measure is to amend the existing law merely by adding the words:

Except that any such determination may become effective prior to the expiration of such 60 days in any case in which each such committee approves an earlier date and notifies the Secretary, in writing, of such approval.

Mr. WHERRY. Very well.

Mr. President, there is no objection to the immediate consideration of the bill.

Mr. O'MAHONEY. Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of House bill 7220.

The VICE PRESIDENT. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 7220) to expedite the rehabilitation of Federal reclamation projects in certain cases.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. O'MAHONEY. Mr. President, I ask that Senate bill 3001 be indefinitely postponed.

The VICE PRESIDENT. Without objection, Senate bill 3001 is indefinitely postponed.

### ELIMINATION OF OVERLAPPING, DUPLICATION, AND WASTE IN GOVERNMENTAL OPERATIONS

Mr. HENDRICKSON. Mr. President, in the first session of this Congress, I introduced what I deemed to be a highly important measure which appears in the RECORD as Senate bill 810. Its purpose was to create a commission to study the whole question of intergovernmental relations, with a view to the elimination of overlapping, duplication, and waste in governmental operations at all levels.

This measure was properly referred to the Committee on Expenditures in the Executive Departments, and, as a result of lengthy hearings, was reported as Senate bill 1946, on June 13, 1949.

Despite the merit of the measure, Mr. President, despite the fact that it carries out one of the Hoover report recommendations, despite the distinguished list of cosponsors who joined with me in this worthy effort to attain a better balance in our governmental structure, the bill was repeatedly objected to by the majority at each call of the calendar from the date it was reported to the present time.

Now, Mr. President, I have no pride of authorship in this measure, but I sincerely hope that either this bill or some appropriate counterpart thereof will have consideration by the Senate at this session.

I have referred to its importance. Why, Mr. President, it could well be that the recommendations of the agency which the bill would create, would bring to the Congress of the United States, or might well bring to the Congress of the United States, a complete solution of such major issues as Federal aid to education, because the whole subject of grants-in-aid and Federal subsidies generally is involved in the studies contemplated under this measure. And so, Mr. President, as I indicated in my remarks earlier today, I hope that in the course of the next few weeks we are all given a chance not only to discuss thoroughly our views on this important issue but also to vote our convictions on what I consider to be one of the most vital measures before the Senate today.

### DOOMSDAY BOOK FOR SCOTLAND—LETTER OF GEORGE WASHINGTON TO SIR JOHN SINCLAIR

Mr. O'MAHONEY. Mr. President, this being Washington's Birthday, I desire to read briefly into the record a letter which was written by George Washington on the 15th day of March 1793, to Sir John Sinclair, of Scotland, a former President of the Board of Agriculture of Great Britain, commenting very favorably upon the statistical account which Sir John initiated in Scotland in 1791. The object of the statistical account, in the words of its author, was to find out "the state of the country, for the purpose of ascertaining the quantum of happiness enjoyed by its inhabitants and the means of its future improvement." George Washington was so impressed with the object and purpose of the inquiry that was carried on by Sir John Sinclair—who, by the way, sent out about 850 questionnaires containing 200 questions each to every parish in Scotland—that, on March 15, 1793, he wrote the following letter:

I cannot but express myself highly pleased with the undertaking in which you are engaged (that of drawing up the Statistical Account of Scotland), and give my best wishes for its success. I am full persuaded, that when enlightened men, will take the trouble to examine so minutely into the state of society, as your inquiries seem to go, it must result in greatly ameliorating the condition of the people, promoting the interests of civil society, and the happiness of mankind at large. These are objects truly worthy the attention of a great mind and every friend to the human race, must readily lend his aid towards their accomplishment.

Mr. President, I think it rather significant that the first President of the United States, the man who presided over the Constitutional Convention, was moved to write such a letter to the sponsor of what was in effect the first inquiry into the condition of society in Scotland as long ago as 1793.

### COTTON AND PEANUT ACREAGE ALLOTMENTS

Mr. LUCAS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1283, House Joint Resolution 398, to amend the Agricultural Adjustment Act.

The VICE PRESIDENT. The Secretary will read the joint resolution by its title.

The LEGISLATIVE CLERK. A joint resolution (H. J. Res. 398) relating to cotton and peanut acreage allotments and marketing quotas under the Agricultural Adjustment Act of 1938, as amended.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to the consideration of the joint resolution (H. J. Res. 398) relating to cotton and peanut acreage allotments and marketing quotas under the Agricultural Adjustment Act of 1938, as amended, which had been reported from the Committee on Agriculture and Forestry, with amendments.

RECESS

Mr. LUCAS. Mr. President, I move that the Senate stand in recess until 12 o'clock noon tomorow.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate took a recess until tomorrow, Thursday, February 23, 1950, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 22, 1950:

UNITED STATES ATTORNEY

Patrick J. Gilmore, Jr., of Alaska, to be United States attorney for division No. 1, district of Alaska. He is now serving in this office under an appointment which expired February 7, 1950.

IN THE NAVY

Vice Adm. John D. Price, United States Navy, to have the grade, rank, pay, and allowances of a vice admiral while serving as Chief, Naval Air Training.

Vice Adm. Donald B. Duncan, United States Navy, to have the grade, rank, pay, and allowances of a vice admiral while serving as Deputy Chief of Naval Operations (Operations).

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# HOUSE OF REPRESENTATIVES

WEDNESDAY, FEBRUARY 22, 1950

The House met at 12 o'clock noon.

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

Almighty God, we thank Thee for this day when we unite to commemorate the life of George Washington, whom we reverently and affectionately call the Father of his Country.

Our hearts expand with pride as we think of his spirit of adventure, his fortitude in times of hardship, and his fidelity to the principles of righteousness and justice which inspired him to champion the cause of the oppressed colonists.

We rejoice in his testimony to a lofty idealism when he urged his fellow men to labor to keep alive within their breast that little spark of celestial fire called conscience.

We thank Thee above all for his humble spirit and devout faith which sent him down upon his knees in prayer in order that he might know how to march in step with the eternal will and wisdom of God.

Grant that the memory of his life may strengthen the soul of our Republic and inspire us to labor in faith, in faithfulness, and in the fear of the Lord for the blessedness of all mankind.

Hear us in the name of the Prince of Peace. Amen.

CALL OF THE HOUSE

Mr. MURRAY of Tennessee and Mr. RANKIN made the point of order that a quorum was not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 75. An act authorizing the construction, operation, and maintenance of a dam and incidental works in the main stream of the Colorado River at Bridge Canyon, together with certain appurtenant dams and canals, and for other purposes.

CALL OF THE HOUSE

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 53]

| | | |
|---|---|---|
| Allen, Ill. | Gilmer | Poulson |
| Allen, La. | Gregory | Powell |
| Arends | Hall, | Rabaut |
| Bailey | Edwin Arthur | Ramsay |
| Bates | Harden | Sabath |
| Blatnik | Hedrick | Sadowski |
| Boykin | Herter | Shafer |
| Bulwinkle | Jacobs | Smith, Ohio |
| Chatham | Jones, Mo. | Thomas |
| Chiperfield | Moulder | Towe |
| Davies, N. Y. | Murdock | Van Zandt |
| Dingell | O'Neill | Withrow |
| Fellows | Patterson | Woodhouse |

The SPEAKER. On this roll 393 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE JOURNAL

Mr. WILLIAMS. Mr. Speaker, I demand that the Journal be read in full.

The SPEAKER. The Clerk will read the Journal.

The Clerk read the Journal.

Mr. FULTON (interrupting the reading of the Journal). Mr. Speaker, I move that further reading of the Journal be dispensed with.

The SPEAKER. That can only be done by unanimous consent.

Mr. STEFAN (interrupting the reading of the Journal). Mr. Speaker, I ask unanimous consent that further reading of the Journal be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

Mr. WILLIAMS. Mr. Speaker, I object.

CALL OF THE HOUSE

Mr. NICHOLSON. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 54]

| | | |
|---|---|---|
| Allen, La. | Harden | Pace |
| Arends | Hedrick | Rabaut |
| Blatnik | Herter | Sadowski |
| Bulwinkle | Hope | Simpson, Pa. |
| Burdick | Jacobs | Smith, Ohio |
| Byrne, N. Y. | Jennings | Towe |
| Case, S. Dak. | Jones, Mo. | Van Zandt |
| Chatham | Macy | |
| Davies, N. Y. | Marsalis | |
| Gilmer | Miller, Md. | |
| Hall, | Norton | |
| Edwin Arthur | O'Neill | |

The SPEAKER. On this roll call 401 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE JOURNAL

The Clerk continued reading the Journal.

The Journal of the proceedings of yesterday was approved.

ANNOUNCEMENT

The SPEAKER. The Chair understands there is a camera in the gallery. Whoever has that camera will remove the camera or remove themselves and the camera immediately. That is a violation of the rules of the House.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

In that case, is it not the rule to clear the gallery?

The SPEAKER. Not necessarily.

Mr. RANKIN. To clear them of those who are violating the law.

The SPEAKER. The Chair has just made that suggestion.

GEORGE WASHINGTON'S FAREWELL ADDRESS

The SPEAKER. Pursuant to the order of the House of February 16, 1950, the Chair recognizes the gentleman from Ohio [Mr. McSWEENEY] to read George Washington's Farewell Address.

Mr. RICH. Mr. Speaker, we ought to have the membership here. I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and eighteen Members are present, a quorum.

The gentleman from Ohio [Mr. McSWEENEY].

Mr. McSWEENEY. Mr. Speaker, I am greatly honored by the opportunity that the Speaker has given me to read to the Congress of the United States the prophetic as well as the immortal words of the immortal George Washington.

As I grow older I am more and more of the belief that a gracious providence has blessed America in many ways. Among his greatest blessings has been the gift to us of men, unselfish men, like George Washington, to serve us in the crucial and critical periods of our history.

Charles Phillips, the great Irish orator, in going over the famous leaders of the past, attributed to them each their special abilities, and their special contributions to mankind, but he adds in these words:

> In individual instances, no doubt, there are splendid exemplifications of some single, peculiar qualification, but it is reserved for George Washington to blend them all in one; and like the lovely chef d'oeuvre of the Grecian artist to exhibit in one glow of associated beauty, the pride of every model, and the perfection of every master.

I think you and I here as we are today would like to put this great question to the peoples of the world relative to Mr. Washington: "How shall we rank thee upon glory's page, thou more than soldier and just less than sage?"

Mr. Speaker, Mr. Washington's Farewell Address to the people of the United States:

*To the people of the United States:*

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by service faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, suffering and successes.

But these considerations, however powerfully they addressed themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south* in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and

water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and maintaining within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of the party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be involved, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit

of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, soonor or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasion of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes, that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessary parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties

from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collusions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe; my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy,

the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
*17th September, 1796.*

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 75. An act authorizing the construction, operation, and maintenance of a dam and incidental works in the main stream of the Colorado River at Bridge Canyon, together with certain appurtenant dams and canals, and for other purposes; to the Committee on Public Lands.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 204. An act for the relief of Eugenio Maisterrena Barreneche;

S. 229. An act for the relief of E. W. Eaton Coal Co.;

S. 309. An act for the relief of Gabe Budwee;

S. 321. An act for the relief of Lloyd D. Lyles;

S. 481. An act for the relief of the legal guardian of Clarence Herbert Hartman, a minor;

S. 563. An act for the relief of the P. S. Cook Co.;

S. 914. An act for the relief of Gladys Inez Greenwood;

S. 1449. An act for the relief of Robert B. Workman;

S. 1916. An act for the relief of Edna A. Bauser;

S. 1933. An act for the relief of C. L. Leffingwell and others; and

S. 2520. An act to authorize the sale of certain allotted devised land on the Winnebago Reservation, Nebr.

MOTION TO ADJOURN

Mr. COX, Mr. Speaker, I offer a privileged motion.

The Clerk read as follows:

Mr. Cox moves that as a further mark of respect to the memory of George Washington the House do now adjourn.

The SPEAKER. The question is on the motion.

Mr. SMITH of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 127, nays 278, not voting 26, as follows:

[Roll No. 55]

YEAS—127

| | | |
|---|---|---|
| Abbitt | Brooks | Davis, Ga. |
| Abernethy | Brown, Ga. | Davis, Tenn. |
| Albert | Bryson | Deane |
| Allen, Ill. | Burleson | DeGraffenried |
| Andrews | Burton | Dolliver |
| Barden | Camp | Doughton |
| Bates | Carlyle | Durham |
| Battle | Chelf | Elliott |
| Beckworth | Colmer | Evins |
| Bennett, Fla. | Combs | Fernandez |
| Bentsen | Cooley | Fisher |
| Boggs, La. | Cooper | Frazier |
| Bolton, Md. | Cox | Fugate |
| Bonner | Crawford | Gary |
| Boykin | Curtis | Gathings |
| Gillette | Meyer | Sims |
| Gore | Miles | Smathers |
| Gossett | Mills | Smith, Kans. |
| Grant | Morrison | Smith, Va. |
| Gregory | Murray, Tenn. | Stanley |
| Hardy | Nicholson | Sutton |
| Hare | Norrell | Tackett |
| Harris | Pace | Teague |
| Harrison | Passman | Thomas |
| Hays, Ark. | Patman | Thompson |
| Hébert | Peterson | Thornberry |
| Herlong | Pickett | Trimble |
| Hobbs | Plumley | Underwood |
| Hoffman, Mich. | Poage | Vinson |
| Jensen | Preston | Vursell |
| Jones, Ala. | Priest | Wheeler |
| Jones, N. C. | Rains | Whitaker |
| Kerr | Rankin | Whitten |
| Kilburn | Redden | Whittington |
| Kilday | Regan | Williams |
| Lanham | Rich | Willis |
| Larcade | Richards | Wilson, Tex. |
| Lucas | Rivers | Winstead |
| Lyle | Rogers, Fla. | Wood |
| McMillan, S. C. | Shafer | Woodruff |
| Magee | Short | Worley |
| Mahon | Sikes | |
| Mason | Simpson, Pa. | |

NAYS—278

| | | |
|---|---|---|
| Addonizio | Eberharter | Kelly, N. Y. |
| Allen, Calif. | Ellsworth | Kennedy |
| Andersen, H. Carl | Elston | Keogh |
| | Engel, Mich. | King |
| Andresen, August H. | Engle, Calif. | Klein |
| | Fallon | Kruse |
| Angell | Feighan | Kunkel |
| Aspinall | Fellows | Lane |
| Auchincloss | Fenton | Latham |
| Bailey | Flood | LeCompte |
| Baring | Fogarty | LeFevre |
| Barrett, Pa. | Forand | Lemke |
| Barrett, Wyo. | Ford | Lesinski |
| Beall | Fulton | Lind |
| Bennett, Mich. | Furcolo | Linehan |
| Biemiller | Gamble | Lodge |
| Bishop | Garmatz | Lovre |
| Blackney | Gavin | Lynch |
| Blatnik | Goodwin | McCarthy |
| Boggs, Del | Gordon | McConnell |
| Bolling | Gorski | McCormack |
| Bolton, Ohio | Graham | McCulloch |
| Bosone | Granahan | McDonough |
| Bramblett | Granger | McGrath |
| Breen | Green | McGregor |
| Brehm | Gross | McGuire |
| Brown, Ohio | Gwinn | McKinnon |
| Buchanan | Hagen | McMillen, Ill. |
| Buckley, Ill. | Hale | McSweeney |
| Buckley, N. Y. | Hall, Leonard W. | Mack, Ill. |
| Burdick | | Mack, Wash. |
| Burke | Halleck | Madden |
| Burnside | Hand | Mansfield |
| Byrne, N. Y. | Hart | Marcantonio |
| Byrnes, Wis. | Harvey | Marsalis |
| Canfield | Havenner | Martin, Iowa |
| Cannon | Hays, Ohio | Martin, Mass. |
| Carnahan | Heffernan | Merrow |
| Carroll | Heller | Michener |
| Case, N. J. | Herter | Miller, Calif. |
| Case, S. Dak. | Heselton | Miller, Md. |
| Cavalcante | Hill | Miller, Nebr. |
| Celler | Hinshaw | Mitchell |
| Chesney | Hoeven | Monroney |
| Chiperfield | Hoffman, Ill. | Morris |
| Christopher | Holifield | Morton |
| Chudoff | Holmes | Moulder |
| Church | Hope | Multer |
| Clemente | Horan | Murphy |
| Clevenger | Howell | Murray, Wis. |
| Cole, Kans. | Huber | Nelson |
| Cole, N. Y. | Hull | Nixon |
| Corbett | Irving | Noland |
| Cotton | Jackson, Calif. | Norblad |
| Coudert | Jackson, Wash. | Norton |
| Crook | Jacobs | O'Brien, Ill. |
| Crosser | James | O'Brien, Mich. |
| Cunningham | Javits | O'Hara, Ill. |
| Dague | Jenison | O'Hara, Minn. |
| Davenport | Jenkins | O'Konski |
| Davis, Wis. | Johnson | O'Neill |
| Dawson | Jonas | O'Sullivan |
| Delaney | Judd | O'Toole |
| Denton | Karst | Patten |
| D'Ewart | Karsten | Patterson |
| Dingell | Kean | Perkins |
| Dollinger | Kearney | Pfeifer, Joseph L. |
| Dondero | Kearns | |
| Donohue | Keating | Pfeiffer, William L. |
| Douglas | Kee | |
| Doyle | Keefe | Philbin |
| Eaton | Kelley, Pa. | Phillips, Calif. |
| Phillips, Tenn. | Scott, Hardie | Vorys |
| Polk | Scott, Hugh D., Jr. | Wadsworth |
| Potter | | Wagner |
| Powell | Scrivner | Walsh |
| Price | Scudder | Walter |
| Quinn | Secrest | Weichel |
| Ramsay | Shelley | Welch |
| Reed, Ill. | Sheppard | Werdel |
| Reed, N. Y. | Simpson, Ill. | White, Calif. |
| Rees | Smith, Wis. | Wickersham |
| Rhodes | Spence | Widnall |
| Ribicoff | Staggers | Wier |
| Riehlman | Steed | Wigglesworth |
| Rodino | Stefan | Wilson, Ind. |
| Rogers, Mass. | Stigler | Wilson, Okla. |
| Rooney | Stockman | Withrow |
| Roosevelt | Sullivan | Wolcott |
| Sabath | Taber | Wolverton |
| Sadlak | Talle | Woodhouse |
| St. George | Tauriello | Yates |
| Sanborn | Taylor | Young |
| Sasscer | Tollefson | Zablocki |
| Saylor | Velde | |

NOT VOTING—26

| | | |
|---|---|---|
| Allen, La. | Harden | Poulson |
| Anderson, Calif. | Hedrick | Rabaut |
| Arends | Jennings | Sadowski |
| Bulwinkle | Jones, Mo. | Smith, Ohio |
| Chatham | Kirwan | Towe |
| Davies, N. Y. | Lichtenwalter | Van Zandt |
| Gilmer | Macy | White, Idaho |
| Golden | Marshall | |
| Hall, Edwin Arthur | Morgan | |
| | Murdock | |

So the motion was not agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Gilmer for, with Mr. Van Zandt against.

Mr. Jones of Missouri for, with Mr. Davies of New York against.

Mr. Allen of Louisiana for, with Mr. Rabaut against.

Mr. Chatham for, with Mr. Sadowski against.

Mr. Arends for with Mr. Kirwan against.

Mr. Bulwinkle for, with Mr. Morgan against.

Until further notice:

Mr. Hedrick with Mr. Anderson of California.

Mr. White of Idaho with Mr. Lichtenwalter.

Mr. Marshall with Mr. Macy.

Mr. Murdock with Mr. Edwin Arthur Hall.

Mr. VURSELL changed his vote from "no" to "aye."

The result of the vote was announced as above recorded.

MOTION TO DISPENSE WITH CALENDAR WEDNESDAY

Mr. ROGERS of Florida. Mr. Speaker, I move to dispense for the day with the operation of clause 7, rule XXIV, providing for the call of committees on Calendar Wednesday.

Mr. MARCANTONIO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARCANTONIO. Must not the motion be in writing?

Mr. ROGERS of Florida. The motion is in writing.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. ROGERS of Florida moves to dispense for the day with the operation of clause 7, rule XXIV, providing for the call of committees on Calendar Wednesday.

Mr. ROGERS of Florida. Mr. Speaker, do the rules provide for recognition on the motion?

The SPEAKER. Yes; 5 minutes for and 5 minutes against. The Chair recognizes the gentleman from Florida for 5 minutes.

Mr. MARCANTONIO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARCANTONIO. Is not that motion subject to a motion to table?

The SPEAKER. The Chair would not think so.

Mr. ROGERS of Florida. Mr. Speaker, we have just heard read the Farewell Address of George Washington, the Father of our Country, who was first in war, first in peace, and first in the hearts of his fellow-countrymen. In that message he enjoined unity and harmony among the people of this Nation.

He called upon the North; he called upon the South; he called upon the East, and he called upon the West to cooperate and work together in harmony and unity for the perpetuity of this great Nation. Yet today we are attempting to call up FEPC, a measure that will bring dissension, that will bring turmoil, confusion, and hatred among our people at a time when we should have unity, when we should have harmony and cooperation. In the greatest law-making body in the world this measure embroils discord, engenders dissension, and brings about confusion. There is on the part of some an effort to jam down the throats of others a measure, a principle, that is contrary to American ideals, to American liberty, and to the American Constitution and our American way of life.

Mr. Speaker, the FEPC is a measure that will take away from that man who is in business the freedom and the liberty of choosing those who may work in his plant or who may get into his employment. It takes away a constitutional liberty which the employer should enjoy. It takes away from the employer the right and liberty to say whether he will employ one man or another. If this measure is passed, the employer's choice of selecting who shall work for him and be placed on his pay roll will be taken away. Is that right? Is that Americanism?

To me that is a step toward dictatorship. To me that is a step toward totalitarianism which all of us good Americans are supposedly fighting against.

Let me make the suggestion to you Members who are anxiously crying for FEPC for political purposes. Take it back to your State legislatures, for this is a State function for the legislatures of the various States.

If the people of Florida do not want this legislation, for God's sake do not put it upon them. Go back to your State legislatures. That is the place for this type of legislation. That would be democracy. Let the people of the various States say whether or not they want this legislation. If they do, put it into effect; Congress should not undertake to dictate to the several States in this type of legislation. If you will do that and the States pass it, that is up to them; that is local self-government.

Let me say now to those who are such stanch supporters of this legislation, if you will go back to the States with it you can give more employment than under this measure because this measure only applies to interstate commerce, or to those who produce goods by interstate commerce. Many thousand more employees will be taken care of if you go back to your States. So, if it is good at all, go to your State legislatures and let them do it. I think that should be done. If we are to be free, we must preserve State's rights against national power, and protect the rights of the States and the people in their freedom. Let us recall in this solemn hour what Thomas Jefferson said: "Were we directed from Washington when to sow and when to reap, we should soon want bread," and paraphrasing this—if Congress is to tell our people whom to hire in their own business, then sooner or later there will be no private enterprise, but only Government business.

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

Mr. ROGERS of Florida. I yield to the gentleman from Mississippi.

Mr. COLMER. If the gentleman's motion prevails, then this House will have done that which it has done from time immemorial, since the time when the memory of man runneth not to the contrary, and that is to adjourn after the reading of George Washington's Farewell Address.

Mr. ROGERS of Florida. This Congress has always adjourned in memory of the Father of our Country after the reading of his Farewell Address, and to refuse to adjourn now and take up this controversial and unconstitutional measure is a desecration of the memory of the Father of our Country, who stood for peace, unity, and harmony.

The SPEAKER. The time of the gentleman from Florida has expired.

Mr. BIEMILLER. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER. Is the gentleman a member of the committee?

Mr. BIEMILLER. I am not, Mr. Speaker.

Mr. MORTON. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER. Is the gentleman a member of the committee?

Mr. MORTON. I am, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. MORTON. Mr. Speaker, I rise in opposition to the motion that we dispense with Calendar Wednesday proceedings. Regardless of how any one of us may feel on the question of this legislation, it is high time that this body took action. The issues involved have been debated, not only in this well and on this floor but on every street corner of America, for several years past. These continuing arguments have been generating passions and emotions which are directly contrary to the elimination of prejudice. Every man in this body is interested in the elimination of prejudice and intolerance.

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

Mr. MORTON. I yield to the gentleman from Mississippi.

Mr. RANKIN. And everywhere that they have discussed it thoroughly they have taken it up in the legislatures and beaten the fire out of it.

Mr. MORTON. I thank the gentleman for his observation. I am not arguing the merits of this bill; I am arguing only this motion.

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

Mr. MORTON. I yield to the gentleman from Massachusetts.

Mr. NICHOLSON. Do not the States have a right to make their own laws and run their States as they please without the Federal Government doing it?

Mr. MORTON. I agree with the gentleman, and I am not arguing that point. I am arguing the point of whether here today and now we will settle this issue by voting one way or the other or whether we will continue this travesty on the greatest legislative body in the world.

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

Mr. MORTON. I yield to the gentleman from Wisconsin.

Mr. BIEMILLER. I think the RECORD ought to show that an offer was made by the majority leader to postpone Calendar Wednesday until Thursday of this week in deference to George Washington's Birthday anniversary, but such a move would have to be by unanimous consent, and the opponents of this bill objected.

Mr. MORTON. I am not interested in getting into the politics of the situation.

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

Mr. MORTON. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. Let those who would perpetuate this crime on the American Constitution——

Mr. MORTON. I yielded for an observation in connection with the motion, and not a speech.

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

Mr. MORTON. I yield to the gentleman from New York.

Mr. JAVITS. Is not what the gentleman is saying directed solely to the point that it is always said that a majority could control this House, and what the gentleman asks is that we act?

Mr. MORTON. That is exactly it. I think it is time that we face up to this issue and not hide behind parliamentary tricks, or the Committee on Rules, or anything else. You know, we raise a lot of horses and we race them down in Kentucky. It is a funny thing that this FEPC bill seems to be a part of that stable that runs so poorly at this time of year. The horses in that stable seem to run their best in November. Now, let us run FEPC one time during the winter while Congress is in session and vote it up or down.

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

Mr. MORTON. I yield to the gentleman from Indiana.

Mr. HALLECK. I think it might be an opportune time to point out to Congress and to the country that those of us who contend and have contended that the rules of the House, in respect to the Committee on Rules, need not be changed in order that matters reported by legislative committees be brought on for action have had our position justified in the

fact that today under the call of Calendar Wednesday the FEPC measure will be before the House for consideration and action if the majority of the Members of the House so desire and act in furtherance of that desire.

Mr. McCORMACK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCORMACK. It is my understanding that in order for this motion to prevail to suspend Calendar Wednesday, it must be by two-thirds vote.

The SPEAKER. That is correct.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. MORTON. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. As I recall, the gentleman from New York [Mr. JAVITS] made the observation that the majority of the House could control its actions. That is all very true, but every time I have heard him speak he has been speaking in favor of the minority ruling in business.

Mr. MORTON. Mr. Speaker, the accomplishments of this session of the Eighty-first Congress are just about zero. One reason is that we have spent most of our time ducking the issue of FEPC. Now let us quit stall walking and get to work.

The SPEAKER. The question is on the motion offered by the gentleman from Florida.

Mr. PICKETT. On that motion, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. NICHOLSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. NICHOLSON. Does it take a two-thirds vote on this motion?

The SPEAKER. It does.

The question was taken; and there were—yeas 121, nays 285, not voting 25, as follows:

[Roll No. 56]

YEAS—121

| | | |
|---|---|---|
| Abbitt | Fisher | Murray, Tenn. |
| Abernethy | Frazier | Nicholson |
| Albert | Fugate | Norrell |
| Allen, Ill. | Gary | Pace |
| Andrews | Gathings | Passman |
| Barden | Gillette | Patman |
| Bates | Gore | Peterson |
| Battle | Gossett | Pickett |
| Beckworth | Grant | Plumley |
| Bennett, Fla. | Gregory | Poage |
| Bentsen | Hardy | Preston |
| Boggs, La. | Hare | Priest |
| Bonner | Harris | Rains |
| Boykin | Harrison | Rankin |
| Brooks | Hays, Ark. | Redden |
| Brown, Ga. | Hébert | Regan |
| Bryson | Herlong | Rich |
| Burleson | Hobbs | Richards |
| Burton | Hoffman, Mich. | Rivers |
| Camp | Jensen | Rogers, Fla. |
| Carlyle | Jones, Ala. | Shafer |
| Chelf | Jones, N. C. | Short |
| Colmer | Kerr | Sikes |
| Combs | Kilburn | Simpson, Pa. |
| Cooley | Kilday | Sims |
| Cooper | Lanham | Smathers |
| Cox | Larcade | Smith, Kans. |
| Curtis | Lucas | Smith, Va |
| Davis, Ga. | Lyle | Stanley |
| Davis, Tenn. | McMillan, S. C. | Sutton |
| Deane | Magee | Tackett |
| DeGraffenried | Mahon | Teague |
| Doughton | Mason | Thomas |
| Durham | Meyer | Thompson |
| Elliott | Mills | Thornberry |
| Evins | Morrison | Trimble |
| Underwood | Whittington | Wood |
| Vinson | Williams | Woodruff |
| Vursell | Willis | Worley |
| Wheeler | Wilson, Tex. | |
| Whitten | Winstead | |

NAYS—285

| | | |
|---|---|---|
| Addonizio | Green | Morris |
| Allen, Calif. | Gross | Morton |
| Andersen, H. Carl | Gwinn | Moulder |
| | Hagen | Multer |
| Andresen, August H. | Hale | Murphy |
| | Hall, Edwin Arthur | Murray, Wis. |
| | | Nelson |
| Angell | Hall, Leonard W. | Nixon |
| Aspinall | | Noland |
| Auchincloss | Halleck | Norblad |
| Bailey | Hand | Norton |
| Baring | Hart | O'Brien, Ill. |
| Barrett, Pa. | Harvey | O'Brien, Mich |
| Barrett, Wyo. | Havenner | O'Hara, Ill. |
| Beall | Hays, Ohio | O'Hara, Minn. |
| Bennett, Mich. | Heffernan | O'Konski |
| Biemiller | Heller | O'Neill |
| Bishop | Herter | O'Sullivan |
| Blackney | Heselton | O'Toole |
| Blatnik | Hill | Patten |
| Boggs, Del. | Hinshaw | Patterson |
| Bolling | Hoeven | Perkins |
| Bolton, Md. | Hoffman, Ill. | Pfeifer, Joseph L. |
| Bolton, Ohio | Holifield | |
| Bosone | Holmes | Pfeiffer, William L. |
| Bramblett | Hope | |
| Breen | Horan | Philbin |
| Brehm | Howell | Phillips, Calif. |
| Brown, Ohio | Huber | Phillips, Tenn. |
| Buchanan | Hull | Polk |
| Buckley, Ill. | Irving | Potter |
| Buckley, N. Y. | Jackson, Calif. | Poulson |
| Burdick | Jackson, Wash. | Powell |
| Burke | Jacobs | Price |
| Burnside | James | Quinn |
| Byrne, N. Y. | Javits | Rabaut |
| Byrnes, Wis. | Jenison | Ramsay |
| Canfield | Jenkins | Reed, Ill. |
| Carnahan | Johnson | Reed, N. Y. |
| Carroll | Jonas | Rees |
| Case, N. J. | Judd | Rhodes |
| Cavalcante | Karst | Ribicoff |
| Celler | Karsten | Riehlman |
| Chiperfield | Kean | Rodino |
| Christopher | Kearney | Rogers, Mass. |
| Chudoff | Kearns | Rooney |
| Church | Keating | Roosevelt |
| Clemente | Kee | Sabath |
| Clevenger | Keefe | Sadlak |
| Cole, Kans. | Kelley, Pa. | St. George |
| Cole, N. Y. | Kelly, N. Y. | Sanborn |
| Corbett | Kennedy | Sasscer |
| Cotton | Keogh | Saylor |
| Coudert | King | Scott, Hardie |
| Crawford | Kirwan | Scott, Hugh D., Jr. |
| Crook | Klein | |
| Crosser | Kruse | Scrivner |
| Cunningham | Kunkel | Scudder |
| Dague | Lane | Secrest |
| Davenport | Latham | Shelley |
| Davis, Wis. | LeCompte | Sheppard |
| Dawson | LeFevre | Simpson, Ill. |
| Delaney | Lemke | Smith, Wis. |
| Denton | Lesinski | Spence |
| D'Ewart | Lichtenwalter | Staggers |
| Dingell | Lind | Steed |
| Dollinger | Linehan | Stefan |
| Dolliver | Lodge | Stigler |
| Dondero | Lovre | Stockman |
| Donohue | Lynch | Sullivan |
| Douglas | McCarthy | Taber |
| Doyle | McConnell | Talle |
| Eaton | McCormack | Tauriello |
| Eberharter | McCulloch | Taylor |
| Ellsworth | McDonough | Tollefson |
| Elston | McGrath | Velde |
| Engel, Mich. | McGregor | Vorys |
| Engle, Calif. | McGuire | Wagner |
| Fallon | McKinnon | Walsh |
| Feighan | McMillen, Ill. | Walter |
| Fellows | McSweeney | Weichel |
| Fenton | Mack, Ill. | Welch |
| Fernandez | Mack, Wash. | Werdel |
| Flood | Madden | White, Calif. |
| Fogarty | Mansfield | Widnall |
| Forand | Marcantonio | Wier |
| Ford | Marsalis | Wigglesworth |
| Fulton | Martin, Iowa | Wilson, Ind. |
| Furcolo | Martin, Mass. | Wilson, Okla. |
| Gamble | Merrow | Withrow |
| Garmatz | Michener | Wolcott |
| Gavin | Miles | Wolverton |
| Golden | Miller, Calif. | Woodhouse |
| Goodwin | Miller, Md. | Yates |
| Gordon | Miller, Nebr. | Young |
| Gorski | Mitchell | Zablocki |
| Graham | Monroney | |
| Granahan | Morgan | |
| Granger | | |

NOT VOTING—25

| | | |
|---|---|---|
| Allen, La. | Gilmer | Smith, Ohio |
| Anderson, Calif. | Harden | Towe |
| Arends | Hedrick | Van Zandt |
| Bulwinkle | Jennings | Wadsworth |
| Cannon | Jones, Mo. | Whitaker |
| Case, S. Dak. | Macy | White, Idaho |
| Chatham | Marshall | Wickersham |
| Chesney | Murdock | |
| Davies, N. Y. | Sadowski | |

So (two-thirds not having voted in favor thereof), the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Gilmer and Mr. Jones of Missouri for, with Mr. Van Zandt against.

Mr. Allen of Louisiana and Mr. Chatham for, with Mr. Davies of New York against.

Mr. Arends and Mr. Macy for, with Mr. Sadowski against.

Mr. Bulwinkle and Mr. Whitaker for, with Mr. Towe against.

Until further notice:

Mr. Hedrick with Mr. Wadsworth.

Mr. Chesney with Mr. Smith of Ohio.

Mr. Wickersham with Mrs. Harden.

Mr. White of Idaho with Mr. Case of South Dakota.

Mr. Murdock with Mr. Anderson of California.

Mr. Marshall with Mr. Jennings.

The result of the vote was announced as above recorded.

CALL OF THE HOUSE

Mr. GARY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and seven Members are present; not a quorum.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 57]

| | | |
|---|---|---|
| Allen, La. | Hedrick | Plumley |
| Arends | Herter | Sadowski |
| Beckworth | Hope | Smith, Ohio |
| Bolton, Ohio | Johnson | Thomas |
| Bulwinkle | Jones, Mo. | Towe |
| Cannon | King | Van Zandt |
| Chatham | Macy | Wadsworth |
| Combs | Mahon | Whitaker |
| Davies, N. Y. | Marshall | White, Idaho |
| Doughton | Meyer | Whittington |
| Engle, Calif. | Murdock | Young |
| Gilmer | Patman | |
| Harden | Phillips, Calif. | |

The SPEAKER. On this roll call 394 Members have answered to their names, a quorum.

Mr. DAVIS of Georgia. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. DAVIS of Georgia. Mr. Speaker, I make the point of order that proceedings under the call of the House have not been completed; and I ask that they be completed.

Mr. McCORMACK. Mr. Speaker, I move that further proceedings under the call be dispensed with.

Mr. DAVIS of Georgia. Mr. Speaker, on that motion I demand the yeas and nays.

The yeas and nays were ordered.

The Clerk called the roll, and there were—yeas 290, nays 115, not voting 26, as follows:

[Roll No. 58]

YEAS—290

| | | |
|---|---|---|
| Addonizio | Gore | Martin, Mass. |
| Allen, Calif. | Gorski | Merrow |
| Allen, Ill. | Graham | Michener |
| Andersen, H. Carl | Granahan | Miller, Calif. |
| | Granger | Miller, Md. |
| Anderson, Calif. | Green | Miller, Nebr. |
| Angell | Gross | Mitchell |
| Aspinall | Gwinn | Monroney |
| Auchincloss | Hagen | Morgan |
| Bailey | Hale | Morris |
| Baring | Hall, | Morton |
| Barrett, Pa. | Edwin Arthur | Moulder |
| Barrett, Wyo. | Hall, | Multer |
| Bates | Leonard W. | Murphy |
| Beall | Halleck | Murray, Wis. |
| Bennett, Mich. | Hand | Nelson |
| Bentsen | Hart | Nixon |
| Biemiller | Harvey | Noland |
| Bishop | Havenner | Norblad |
| Blackney | Hays, Ark. | Norton |
| Blatnik | Hays, Ohio | O'Brien, Ill. |
| Boggs, Del. | Heffernan | O'Brien, Mich. |
| Bolling | Heller | O'Hara, Ill. |
| Bolton, Md. | Herter | O'Konski |
| Bolton, Ohio | Heselton | O'Neill |
| Bosone | Hill | O'Sullivan |
| Bramblett | Hinshaw | O'Toole |
| Breen | Hoeven | Patten |
| Brehm | Hoffman, Ill. | Patterson |
| Brown, Ohio | Holifield | Perkins |
| Buchanan | Holmes | Pfeifer, |
| Buckley, Ill. | Hope | Joseph L. |
| Buckley, N. Y. | Horan | Pfeiffer, |
| Burdick | Howell | William L. |
| Burke | Huber | Philbin |
| Burnside | Hull | Phillips, Calif. |
| Byrne, N. Y. | Irving | Phillips, Tenn. |
| Byrnes, Wis. | Jackson, Calif. | Polk |
| Canfield | Jackson, Wash. | Potter |
| Cannon | Jacobs | Poulson |
| Carnahan | James | Powell |
| Carroll | Javits | Price |
| Case, N. J. | Jenison | Quinn |
| Cavalcante | Jenkins | Rabaut |
| Celler | Jennings | Ramsay |
| Chesney | Johnson | Reed, Ill. |
| Chiperfield | Jonas | Rees |
| Christopher | Judd | Rhodes |
| Chudoff | Karst | Ribicoff |
| Church | Karsten | Riehlman |
| Clemente | Kean | Rodino |
| Clevenger | Kearney | Rogers, Mass. |
| Cole, Kans. | Kearns | Rooney |
| Cole, N. Y. | Keating | Roosevelt |
| Corbett | Kee | Sabath |
| Cotton | Keefe | Sadlak |
| Coudert | Kelley, Pa. | St. George |
| Crook | Kelly, N. Y. | Sanborn |
| Crosser | Kennedy | Sasscer |
| Cunningham | Keogh | Saylor |
| Curtis | Kilburn | Scott, Hardie |
| Dague | King | Scott, |
| Davenport | Kirwan | Hugh D., Jr. |
| Davis, Wis. | Klein | Scrivner |
| Dawson | Kruse | Scudder |
| Delaney | Kunkel | Secrest |
| Denton | Lane | Shelley |
| Dingell | Latham | Sheppard |
| Dollinger | LeCompte | Simpson, Ill. |
| Dolliver | LeFevre | Spence |
| Dondero | Lemke | Staggers |
| Donohue | Lesinski | Steed |
| Douglas | Lichtenwalter | Stefan |
| Doyle | Lind | Stigler |
| Eaton | Linehan | Stockman |
| Eberharter | Lodge | Sullivan |
| Ellsworth | Lovre | Taber |
| Elston | Lynch | Talle |
| Engel, Mich. | McCarthy | Tauriello |
| Fallon | McConnell | Taylor |
| Feighan | McCormack | Tollefson |
| Fellows | McCulloch | Towe |
| Fenton | McDonough | Velde |
| Fisher | McGrath | Vorys |
| Flood | McGregor | Wadsworth |
| Fogarty | McGuire | Wagner |
| Forand | McKinnon | Walsh |
| Ford | McMillen, Ill. | Walter |
| Fulton | McSweeney | Weichel |
| Furcolo | Mack, Ill. | Welch |
| Gamble | Mack, Wash. | Werdel |
| Garmatz | Madden | White, Calif. |
| Gavin | Mansfield | Wickersham |
| Golden | Marcantonio | Widnall |
| Goodwin | Marsalis | Wier |
| Gordon | Martin, Iowa | Wigglesworth |
| Withrow | Woodhouse | Young |
| Wolcott | Worley | Zablocki |
| Wolverton | Yates | |

NAYS—115

| | | |
|---|---|---|
| Abbitt | Gossett | Rains |
| Abernethy | Grant | Rankin |
| Albert | Gregory | Redden |
| Andrews | Hardy | Regan |
| Barden | Hare | Rich |
| Battle | Harris | Richards |
| Beckworth | Harrison | Rivers |
| Bennett, Fla. | Hébert | Rogers, Fla. |
| Boggs, La | Herlong | Short |
| Bonner | Hobbs | Sikes |
| Boykin | Hoffman, Mich. | Simpson, Pa. |
| Brooks | Jensen | Sims |
| Brown, Ga. | Jones, Ala. | Smathers |
| Bryson | Jones, N. C. | Smith, Kans. |
| Burleson | Kerr | Smith, Va. |
| Burton | Kilday | Smith, Wis. |
| Camp | Lanham | Stanley |
| Carlyle | Larcade | Sutton |
| Chelf | Lucas | Tackett |
| Colmer | Lyle | Teague |
| Combs | McMillan, S. C. | Thomas |
| Cooley | Magee | Thompson |
| Cooper | Mahon | Thornberry |
| Cox | Meyer | Trimble |
| Crawford | Miles | Underwood |
| Davis, Ga. | Mills | Vinson |
| Davis, Tenn. | Morrison | Wheeler |
| Deane | Murray, Tenn. | Whitten |
| DeGraffenried | Nicholson | Whittington |
| D'Ewart | Norrell | Williams |
| Durham | O'Hara, Minn. | Willis |
| Elliott | Pace | Wilson, Ind. |
| Evins | Passman | Wilson, Okla. |
| Fernandez | Patman | Wilson, Tex. |
| Frazier | Peterson | Winstead |
| Fugate | Pickett | Wood |
| Gary | Poage | Woodruff |
| Gathings | Preston | |
| Gillette | Priest | |

NOT VOTING—26

| | | |
|---|---|---|
| Allen, La. | Engle, Calif. | Plumley |
| Andresen, August H. | Gilmer | Reed, N. Y. |
| | Harden | Sadowski |
| Arends | Hedrick | Shafer |
| Bulwinkle | Jones, Mo. | Smith, Ohio |
| Case, S. Dak. | Macy | Van Zandt |
| Chatham | Marshall | Vursell |
| Davies, N. Y. | Mason | Whitaker |
| Doughton | Murdock | White, Idaho |

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Van Zandt for, with Mr. Gilmer against.

Mr. Davies of New York for, with Mr. Jones of Missouri against.

Mr. Sadowski for, with Mr. Allen of Louisiana against.

Until further notice:

Mr. Hedrick with Mr. Case of South Dakota.

Mr. Whitaker with Mrs. Harden.

Mr. Murdock with Mr. Shafer.

Mr. White of Idaho with Mr. Macy.

Mr. Marshall with Mr. Mason.

Mr. Chatham with Mr. Reed of New York.

Mr. Bulwinkle with Mr. Vursell.

Mr. Doughton with Mr. August H. Andresen.

Mrs. BOLTON of Ohio changed her vote from "nay" to "yea."

Mr. AUCHINCLOSS changed his vote from "nay" to "yea."

Mr. GAVIN changed his vote from "nay" to "yea."

Mr. BEALL changed his vote from "nay" to "yea."

Mr. NICHOLSON changed his vote from "yea" to "nay."

Mr. ALBERT changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mr. SIKES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SIKES. I wonder if it will not be in order, in view of the lateness of the hour and the fact that we cannot during the remainder of the day possibly give due consideration to the measure it is proposed to bring up——

Mr. McCORMACK. Mr. Speaker, I demand the regular order.

The SPEAKER. The Chair will not listen to the gentleman make a speech. If the gentleman desires to propound a parliamentary inquiry, he should state it.

Mr. SIKES. Would it be in order to move that further proceedings under the call of the Calendar of Committees be dispensed with?

Mr. SABATH. That has been voted down twice.

The SPEAKER. That has just been voted on.

Mr. SIKES. Mr. Speaker, I move that the House do now adjourn.

Mr. SABATH. Mr. Speaker, that has been voted down twice.

Mr. KEEFE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KEEFE. Where a point of order of no quorum has been made and the Speaker directs the calling of the roll, and at the conclusion of the calling of the roll a quorum is established, what further proceedings under the call are contemplated that require the making of a motion that further proceedings under the call be dispensed with, and force another roll call on that issue?

The SPEAKER. It might be possible that the Members present would want to call other Members to the session; they might want to send out to get absent Members.

Mr. KEEFE. With all due deference to the Speaker, I am merely seeking information. I have been here 12 years and this is a matter that has always bothered me and bothered many other Members of the House. Is there any reason why further proceedings should be had once the call of the roll indicates the presence of a quorum?

The SPEAKER. That is a matter to be decided by the membership of the House. They may want other Members here for the consideration of certain business; they could have a further call of the House and send out and get the absent Members.

Mr. McCORMACK. Mr. Speaker, may I be heard?

The SPEAKER. The Chair recognizes the gentleman from Massachusetts.

Mr. McCORMACK. The Speaker is absolutely correct, but may I not add the further thought that when a quorum call is made the doors are closed, and the Sergeant at Arms is directed to notify absent Members. There are certain procedures that must be followed after the calling of the roll, such as the opening of the doors. Furthermore, when a quorum call is made it presumably continues or could continue until Members

are sent for. That motion is made to bring it to a definite conclusion.

Mr. KEEFE. Theoretically the doors are closed. That is what I have observed since I have been here.

The SPEAKER. The gentleman from Florida [Mr. SIKES] moves that the House do now adjourn.

Mr. MARCANTONIO. Mr. Speaker, a point of order on the motion.

The SPEAKER. The gentleman will state it.

Mr. MARCANTONIO. Mr. Speaker, I submit the motion to adjourn is dilatory. While I recognize that intervening business has been transacted, such as voting on the motion to dispense with Calendar Wednesday business, it seems to me that the House has expressed its will on this matter about an hour ago and the House refused to adjourn. I think it is obvious to the Speaker that the House has refused to adjourn and the motion, therefore, is dilatory.

The SPEAKER. The Chair has already entertained the motion. The question is on the motion offered by the gentleman from Florida.

Mr. BROOKS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 127, nays 284, not voting 20, as follows:

[Roll No. 59]

YEAS—127

| | | |
|---|---|---|
| Abbitt | Fugate | Poage |
| Abernethy | Gary | Preston |
| Albert | Gathings | Priest |
| Allen, Ill. | Gillette | Rains |
| Andrews | Gore | Rankin |
| Barden | Gossett | Redden |
| Bates | Grant | Regan |
| Battle | Gregory | Rich |
| Beckworth | Hardy | Richards |
| Bennett, Fla. | Hare | Rivers |
| Bentsen | Harris | Rogers, Fla. |
| Boggs, La. | Harrison | Shafer |
| Bolton, Md. | Hays, Ark. | Short |
| Bonner | Hébert | Sikes |
| Boykin | Herlong | Simpson, Pa. |
| Brooks | Hobbs | Sims |
| Brown, Ga. | Hoffman, Mich. | Smathers |
| Bryson | Jensen | Smith, Kans. |
| Burleson | Jones, Ala. | Smith, Va. |
| Burton | Jones, N. C. | Stanley |
| Camp | Kerr | Sutton |
| Cannon | Kilburn | Taber |
| Carlyle | Kilday | Tackett |
| Chelf | Lanham | Teague |
| Colmer | Larcade | Thomas |
| Combs | Lucas | Thompson |
| Cooley | Lyle | Thornberry |
| Cooper | McMillan, S. C. | Trimble |
| Cox | Magee | Underwood |
| Crawford | Mahon | Vinson |
| Curtis | Mason | Vursell |
| Davis, Ga. | Meyer | Wadsworth |
| Davis, Tenn. | Mills | Wheeler |
| Deane | Morrison | Whitten |
| DeGraffenried | Murray, Tenn. | Whittington |
| Dolliver | Nicholson | Williams |
| Doughton | Norrell | Willis |
| Durham | Pace | Wilson, Tex. |
| Eaton | Passman | Winstead |
| Elliott | Patman | Wood |
| Evins | Peterson | Woodruff |
| Fisher | Pickett | |
| Frazier | Plumley | |

NAYS—284

| | | |
|---|---|---|
| Addonizio | Bailey | Boggs, Del. |
| Allen, Calif. | Baring | Bolling |
| Andersen, H. Carl | Barrett, Pa. | Bolton, Ohio |
| | Barrett, Wyo | Bosone |
| Anderson, Calif. | Beall | Bramblett |
| Andresen, August H. | Bennett, Mich | Breen |
| | Biemiller | Brehm |
| Angell | Bishop | Brown, Ohio |
| Aspinall | Blackney | Buchanan |
| Auchincloss | Blatnik | Buckley, Ill. |
| Buckley, N. Y. | Hoffman, Ill. | O'Brien, Ill. |
| Burdick | Holifield | O'Brien, Mich. |
| Burke | Holmes | O'Hara, Ill. |
| Burnside | Hope | O'Hara, Minn. |
| Byrne, N. Y. | Horan | O'Konski |
| Byrnes, Wis. | Howell | O'Neill |
| Canfield | Huber | O'Sullivan |
| Carnahan | Hull | O'Toole |
| Carroll | Irving | Patten |
| Case, N. J. | Jackson, Calif. | Patterson |
| Cavalcante | Jackson, Wash. | Perkins |
| Celler | Jacobs | Pfeifer, Joseph L. |
| Chesney | James | |
| Chiperfield | Javits | Pfeiffer, William L. |
| Christopher | Jenison | |
| Chudoff | Jenkins | Philbin |
| Church | Johnson | Phillips, Calif. |
| Clemente | Jonas | Phillips, Tenn. |
| Clevenger | Judd | Polk |
| Cole, Kans. | Karst | Potter |
| Cole, N. Y. | Karsten | Poulson |
| Corbett | Kean | Powell |
| Cotton | Kearney | Price |
| Coudert | Kearns | Quinn |
| Crook | Keating | Rabaut |
| Crosser | Kee | Ramsay |
| Cunningham | Keefe | Reed, Ill. |
| Dague | Kelley, Pa. | Reed, N. Y. |
| Davenport | Kelly, N. Y. | Rees |
| Davis, Wis. | Kennedy | Rhodes |
| Dawson | Keogh | Ribicoff |
| Delaney | King | Riehlman |
| Denton | Kirwan | Rodino |
| D'Ewart | Klein | Rogers, Mass. |
| Dingell | Kruse | Rooney |
| Dollinger | Kunkel | Roosevelt |
| Dondero | Lane | Sabath |
| Donohue | Latham | Sadlak |
| Douglas | LeCompte | St. George |
| Doyle | LeFevre | Sanborn |
| Eberharter | Lemke | Sasscer |
| Ellsworth | Lesinski | Saylor |
| Elston | Lichtenwalter | Scott, Hardie |
| Engel, Mich. | Lind | Scott, Hugh D., Jr. |
| Fallon | Linehan | |
| Feighan | Lodge | Scrivner |
| Fellows | Lovre | Scudder |
| Fenton | Lynch | Secrest |
| Fernandez | McCarthy | Shelley |
| Flood | McConnell | Sheppard |
| Fogarty | McCormack | Simpson, Ill. |
| Forand | McCulloch | Smith, Wis. |
| Ford | McDonough | Spence |
| Fulton | McGrath | Staggers |
| Furcolo | McGregor | Steed |
| Gamble | McGuire | Stefan |
| Garmatz | McKinnon | Stigler |
| Gavin | McMillen, Ill. | Stockman |
| Golden | McSweeney | Sullivan |
| Goodwin | Mack, Ill. | Talle |
| Gordon | Mack, Wash. | Tauriello |
| Gorski | Madden | Taylor |
| Graham | Mansfield | Tollefson |
| Granahan | Marcantonio | Towe |
| Granger | Marsalis | Velde |
| Green | Martin, Iowa | Vorys |
| Gross | Martin, Mass. | Wagner |
| Gwinn | Merrow | Walsh |
| Hagen | Michener | Walter |
| Hale | Miles | Weichel |
| Hall, Edwin Arthur | Miller, Calif. | Welch |
| | Miller, Md. | Werdel |
| Hall, Leonard W. | Miller, Nebr. | White, Calif. |
| | Mitchell | White, Idaho |
| Halleck | Monroney | Wickersham |
| Hand | Morgan | Widnall |
| Hart | Morris | Wier |
| Harvey | Morton | Wigglesworth |
| Havenner | Moulder | Wilson, Ind. |
| Hays, Ohio | Multer | Wilson, Okla. |
| Heffernan | Murphy | Withrow |
| Heller | Murray, Wis. | Wolcott |
| Herter | Nelson | Wolverton |
| Heselton | Nixon | Woodhouse |
| Hill | Noland | Yates |
| Hinshaw | Norblad | Young |
| Hoeven | Norton | Zablocki |

NOT VOTING—20

| | | |
|---|---|---|
| Allen, La. | Gilmer | Murdock |
| Arends | Harden | Sadowski |
| Bulwinkle | Hedrick | Smith, Ohio |
| Case, S. Dak. | Jennings | Van Zandt |
| Chatham | Jones, Mo. | Whitaker |
| Davies, N. Y. | Macy | Worley |
| Engle, Calif. | Marshall | |

So the motion was not agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Gilmer for, with Mr. Van Zandt against.

Mr. Jones of Missouri for, with Mr. Davies of New York against.

Mr. Allen of Louisiana for, with Mr. Sadowski against.

Mr. Chatham for, with Mr. Hedrick against.

Until further notice:

Mr. Whitaker with Mr. Arends.

Mr. Worley with Mr. Case of South Dakota.

Mr. Engle of California with Mrs. Harden.

Mr. Bulwinkle with Mr. Macy.

Mr. Marshall with Mr. Smith of Ohio.

Mr. Murdock with Mr. Jennings.

The result of the vote was announced as above recorded.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

Mr. LESINSKI (when the Committee on Education and Labor was called). Mr. Speaker, by direction of the Committee on Education and Labor I call up the bill (H. R. 4453) to prohibit discrimination in employment because of race, color, religion, or national origin.

The Clerk read the title of the bill.

Mr. PICKETT. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. PICKETT. Mr. Speaker, I make the point of order that the chairman of the Committee on Education and Labor has not been properly directed to call up the bill under the rules and precedents that are required to be followed in keeping with the practice on Calendar Wednesday, and on that I should like to be heard.

The SPEAKER. The gentleman has been heard.

Mr. LESINSKI. Mr. Speaker, may I be heard on the point of order?

The SPEAKER. The Chair will hear the gentleman briefly.

Mr. LESINSKI. Mr. Speaker, I was authorized by the committee to use all parliamentary means to bring the bill before the House.

Mr. PICKETT. Mr. Speaker, may I be heard on the point or order?

The SPEAKER. The Chair will hear the gentleman very briefly. The Chair has the most recent rules of the House before him and desires to read them. The Chair feels that possibly their reading will satisfy the gentleman.

Mr. PICKETT. If I am not satisfied with what the Speaker reads may I be heard on the point of order?

The SPEAKER. The Chair will hear the gentleman briefly now.

Mr. PICKETT. My point of order is based on the precedents of the House annotated on page 460, paragraph 898, of the House Rules and Manual, where it is stated that authority to call up a bill on Calendar Wednesday must have been given by the committee, and a member not authorized to do so may not call up such bill. The annotations refer to Hinds' Precedents, volume 4, paragraphs 3127 and 3128; and the Hinds' Precedents, volume 7, paragraphs 928 and 929. I wish to call these paragraphs to the attention of the Speaker.

The SPEAKER. Those paragraphs have already been called to the attention of the Speaker.

Mr. PICKETT. Mr. Speaker, further in reference to the point of order, if it be contended that the Reorganization Act of 1946 which became effective on January 3, 1947, at section 133 thereof, paragraph (c), empowers the chairman of this committee to call up the bill, in view of the language that it directs him to take or cause to be taken necessary steps to bring the matter to a vote, then my response to that would be that one of the necessary steps to cause this bill to be brought to the attention of the House for a vote is to comply with the requisites and get his committee to give him specific directions to call this bill up on Calendar Wednesday.

The SPEAKER. The Chair is prepared to rule.

The gentleman from Michigan [Mr. LESINSKI] has already stated that the committee did give him this authority. The present occupant of the chair has read the minutes of the committee and thinks the gentleman from Michigan is correct.

Also the latest rule on this matter is section 133, paragraph (c), of the Legislative Reorganization Act, and there is very good reason for this rule because in times past the chairmen of committees have been known to carry bills around in their pockets for quite a while and not present them.

The rule is as follows:

It shall be the duty of the chairman of each such committee to report or cause to be reported promptly to the Senate or House of Representatives, as the case may be, any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote.

The Chair overrules the point of order.

Mr. SMITH of Virginia. Mr. Speaker, I raise the question of consideration of this bill.

The SPEAKER. The question is, Will the House now consider the bill?

Mr. SMITH of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 287, nays 121, not voting 23, as follows:

[Roll No. 60]

YEAS—287

| | | |
|---|---|---|
| Addonizio | Burdick | Davenport |
| Allen, Calif. | Burke | Davis, Wis. |
| Andersen, H. Carl | Burnside | Dawson |
| | Byrne, N. Y. | Delaney |
| Anderson, Calif. | Byrnes, Wis. | Denton |
| Andresen, August H. | Canfield | D'Ewart |
| | Cannon | Dingell |
| Angell | Carnahan | Dollinger |
| Aspinall | Carroll | Dolliver |
| Auchincloss | Case, N. J. | Dondero |
| Bailey | Case, S. Dak. | Donohue |
| Baring | Cavalcante | Douglas |
| Barrett, Pa. | Celler | Doyle |
| Barrett, Wyo. | Chesney | Eberharter |
| Beall | Chiperfield | Ellsworth |
| Bennett, Mich. | Christopher | Elston |
| Biemiller | Chudoff | Engel, Mich. |
| Bishop | Church | Engle, Calif. |
| Blackney | Clemente | Fallon |
| Blatnik | Clevenger | Feighan |
| Boggs, Del. | Cole, Kans. | Fenton |
| Bolling | Cole, N. Y. | Flood |
| Bolton, Ohio | Corbett | Fogarty |
| Bosone | Cotton | Forand |
| Bramblett | Coudert | Ford |
| Breen | Crawford | Fulton |
| Brehm | Crook | Furcolo |
| Brown, Ohio | Crosser | Gamble |
| Buchanan | Cunningham | Garmatz |
| Buckley, Ill. | Curtis | Gavin |
| Buckley, N. Y. | Dague | Golden |
| Goodwin | Latham | Potter |
| Gordon | LeCompte | Powell |
| Gorski | LeFevre | Price |
| Graham | Lemke | Quinn |
| Granahan | Lesinski | Rabaut |
| Granger | Lichtenwalter | Ramsay |
| Green | Lind | Reed, Ill. |
| Gross | Linehan | Reed, N. Y. |
| Gwinn | Lodge | Rees |
| Hagen | Lovre | Rhodes |
| Hale | Lynch | Ribicoff |
| Hall, Edwin Arthur | McCarthy | Richlman |
| | McConnell | Rodino |
| Hall, Leonard W. | McCormack | Rogers, Mass. |
| | McCulloch | Rooney |
| Halleck | McDonough | Roosevelt |
| Hand | McGrath | Sabath |
| Hart | McGregor | Sadlak |
| Harvey | McGuire | St. George |
| Havenner | McKinnon | Sanborn |
| Hays, Ohio | McMillen, Ill. | Sasscer |
| Heffernan | McSweeney | Saylor |
| Heller | Mack, Ill. | Scott, Hardie |
| Herter | Mack, Wash. | Scott, Hugh D., Jr. |
| Heselton | Madden | |
| Hill | Mansfield | Scrivner |
| Hinshaw | Marcantonio | Scudder |
| Hoeven | Marsalis | Secrest |
| Hoffman, Ill. | Martin, Mass. | Shelley |
| Holifield | Merrow | Sheppard |
| Holmes | Michener | Spence |
| Hope | Miller, Calif. | Staggers |
| Horan | Miller, Md. | Steed |
| Howell | Miller, Nebr. | Stefan |
| Huber | Mitchell | Stigler |
| Hull | Monroney | Stockman |
| Irving | Morgan | Sullivan |
| Jackson, Calif. | Morris | Talle |
| Jackson, Wash. | Morton | Tauriello |
| Jacobs | Moulder | Taylor |
| James | Multer | Tollefson |
| Javits | Murphy | Towe |
| Jenison | Murray, Wis. | Velde |
| Jenkins | Nelson | Vorys |
| Jennings | Nixon | Wadsworth |
| Jensen | Noland | Wagner |
| Johnson | Norblad | Walsh |
| Jonas | Norton | Walter |
| Judd | O'Brien, Ill | Welchel |
| Karst | O'Brien, Mich. | Welch |
| Karsten | O'Hara, Ill. | Werdel |
| Kean | O'Hara, Minn. | Whitε, Calif. |
| Kearney | O'Konski | White, Idaho |
| Kearns | O'Neill | Wickersham |
| Keating | O'Sullivan | Widnall |
| Kee | O'Toole | Wier |
| Keefe | Patten | Wigglesworth |
| Kelley, Pa. | Patterson | Wilson, Ind. |
| Kelly, N. Y. | Perkins | Wilson, Okla. |
| Kennedy | Pfeifer, Joseph L. | Withrow |
| Keogh | | Wolcott |
| King | Pfeiffer, William L. | Wolverton |
| Kirwan | | Woodhouse |
| Klein | Philbin | Woodruff |
| Kruse | Phillips, Calif. | Yates |
| Kunkel | Phillips, Tenn. | Young |
| Lane | Polk | Zablocki |

NAYS—121

| | | |
|---|---|---|
| Abbitt | Evins | Mills |
| Abernethy | Fernandez | Morrison |
| Albert | Fisher | Murray, Tenn. |
| Allen, Ill. | Frazier | Nicholson |
| Andrews | Fugate | Norrell |
| Barden | Gary | Pace |
| Bates | Gathings | Passman |
| Battle | Gillette | Patman |
| Beckworth | Gore | Peterson |
| Bennett, Fla | Gossett | Pickett |
| Bentsen | Grant | Poage |
| Boggs, La. | Hardy | Preston |
| Bolton, Md. | Hare | Priest |
| Bonner | Harris | Rains |
| Boykin | Harrison | Rankin |
| Brooks | Hays, Ark. | Redden |
| Brown, Ga. | Hébert | Regan |
| Bryson | Herlong | Rich |
| Burleson | Hobbs | Richards |
| Burton | Hoffman, Mich. | Rivers |
| Camp | Jones, Ala. | Rogers, Fla. |
| Carlyle | Jones, N. C. | Shafer |
| Chelf | Kerr | Short |
| Colmer | Kilburn | Sikes |
| Combs | Kilday | Simpson, Ill. |
| Cooley | Lanham | Simpson, Pa. |
| Cooper | Larcade | Sims |
| Cox | Lucas | Smathers |
| Davis, Ga. | Lyle | Smith, Kans. |
| Davis, Tenn. | McMillan, S. C. | Smith, Va. |
| Deane | Magee | Stanley |
| DeGraffenried | Mahon | Sutton |
| Doughton | Mason | Taber |
| Durham | Meyer | Tackett |
| Elliott | Miles | Teague |
| Thomas | Vursell | Wilson, Tex. |
| Thompson | Wheeler | Winstead |
| Thornberry | Whitten | Wood |
| Trimble | Whittington | Worley |
| Underwood | Williams | |
| Vinson | Willis | |

NOT VOTING—23

| | | |
|---|---|---|
| Allen, La. | Gregory | Plumley |
| Arends | Harden | Poulson |
| Bulwinkle | Hedrick | Sadowski |
| Chatham | Jones, Mo. | Smith, Ohio |
| Davies, N. Y. | Macy | Smith, Wis. |
| Eaton | Marshall | Van Zandt |
| Fellows | Martin, Iowa | Whitaker |
| Gilmer | Murdock | |

So the House decided to consider the bill.

The Clerk announced the following pairs:

On this vote:

Mr. Van Zandt for, with Mr. Gilmer against.

Mr. Davies of New York for, with Mr. Jones of Missouri against.

Mr. Sadowski for, with Mr. Allen of Louisiana against.

Mr. Hedrick for, with Mr. Arends against.

Mr. Plumley for, with Mr. Macy against.

Until further notice:

Mr. Gregory with Mr. Eaton.

Mr. Whitaker with Mr. Fellows.

Mr. Chatham with Mr. Martin of Iowa.

Mr. Murdock with Mr. Smith of Wisconsin.

Mr. Bulwinkle with Mr. Smith of Ohio.

The result of the vote was announced as above recorded.

## THE FEDERAL FAIR EMPLOYMENT PRACTICE ACT

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the State of the Union. The gentleman from Pennsylvania [Mr. WALTER] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 4453) to prohibit discrimination in employment because of race, color, religion, or national origin, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

Mr. FULTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FULTON. If the House were now to adjourn would the first order of business tomorrow be the consideration of this bill by the Committee of the Whole?

The CHAIRMAN. The parliamentary inquiry is directed to a state of facts that does not exist. The House has resolved itself into the Committee of the Whole, and the Committee of the Whole cannot adjourn.

The Clerk will read the bill.

The Clerk read as follows:

*Be it enacted, etc.—*

SHORT TITLE

SECTION 1. This act may be cited as the "Federal Fair Employment Practice Act."

FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress hereby finds that, despite the continuing progress of our Nation with respect to protection of the rights of individuals, the rights of some persons within the jurisdiction of the United States to employment without discrimination because of race, color, religion, or national origin are being denied, and that such infringements upon the American principle of freedom and

equality of opportunity are destructive of the basic doctrine of the integrity and dignity of the individual upon which this Nation was founded and which distinguishes it from the totalitarian nations, force large segments of our population into substandard conditions of living, foment industrial strife and domestic unrest, deprive the United States of the fullest utilization of its capacities for production, and thereby adversely affect the interstate and foreign commerce of the United States. The Congress recognizes that it is essential to the general welfare that this gap between principle and practice be closed; and that adequate protection of such rights of individuals must be provided to preserve our American heritage and prevent serious damage to our moral, social, economic, and political life, and to our international relations.

(b) The Congress, therefore, declares that the right to employment without discrimination because of race, color, religion, or national origin is a right of all persons within the jurisdiction of the United States, and that it is the national policy to protect the right of the individual to be free from such discrimination.

(c) The Congress further declares that the succeeding provisions of this act are necessary for the following purposes:

(i) To remove obstructions to the free flow of commerce among the States and with foreign nations.

(ii) To insure the more complete and full enjoyment by all persons of the rights, privileges, and immunities secured and protected by the Constitution of the United States.

(iii) To promote universal respect for, and observance of human rights and fundamental freedoms for all, without distinction as to race or religion, in accordance with the undertaking of the United States under the United Nations Charter, and to further the national policy in that regard by securing to all persons under the jurisdiction of the United States effective recognition of certain of the rights and freedoms proclaimed by the General Assembly of the United Nations in the Universal Declaration of Human Rights.

DEFINITIONS

SEC. 3. As used in this act—

(a) The term "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, or any organized group of persons and any agency or instrumentality of the United States, including the District of Columbia, or of any Territory or possession thereof.

(b) The term "employer" means a person engaged in commerce or in operations affecting commerce having in his employ 50 or more individuals; any agency or instrumentality of the United States, including the District of Columbia, or of any Territory or possession thereof; and any person acting in the interest of an employer, directly or indirectly; but shall not include any State or municipality or political subdivision thereof, or any religious, charitable, fraternal, social, educational, or sectarian corporation or association, not organized for private profit, other than a labor organization.

(c) The term "labor organization" means any organization, having 50 or more members employed by any employer or employers, which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, wages, hours, terms or conditions of employment, or for other mutual aid or protection in connection with employment.

(d) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States; or between any State, Territory, possession, or the District of Columbia and any place outside thereof; or within the District of Columbia or any Territory or possession; or between points in the same State but through any point outside thereof.

(e) The term "Territory" means Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

(f) The term "possession" means all possessions of the United States, and includes the trust territories which the United States holds as administering authority under the United Nations trusteeship system, and the Canal Zone, but excludes other places held by the United States by lease under international arrangements or by military occupation.

(g) The term "Commission" means the Fair Employment Practice Commission, created by section 6 hereof.

EXEMPTION

SEC. 4. This act shall not apply to any employer with respect to the employment of aliens outside the continental United States, its Territories and possessions.

UNLAWFUL EMPLOYMENT PRACTICES DEFINED

SEC. 5. (a) It shall be an unlawful employment practice for an employer—

(1) to refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to his terms, conditions, or privileges of employment, because of such individual's race, color, religion, or national origin; and

(2) to utilize in the hiring or recruitment of individuals for employment any employment agency, placement service, training school or center, labor organization, or any other source which discriminates against such individuals because of their race, color, religion, or national origin.

(b) It shall be an unlawful employment practice for any labor organization to discriminate against any individual or to limit, segregate, or classify its membership in any way which would deprive or tend to deprive such individual of employment opportunities, or would limit his employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, or would affect adversely his wages, hours, or employment conditions, because of such individual's race, color, religion, or national origin.

(c) It shall be an unlawful employment practice for any employer or labor organization to discharge, expel, or otherwise discriminate against any person, because he has opposed any unlawful employment practice or has filed a charge, testified, participated, or assisted in any proceeding under this act.

THE FAIR EMPLOYMENT PRACTICE COMMISSION

SEC. 6. (a) There is hereby created in the executive branch of the Government a commission to be known as the Fair Employment Practice Commission, which shall be composed of five members who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of 1 year, one for a term of 2 years, one for a term of 3 years, one for a term of 4 years, and one for a term of 5 years, but their successors shall be appointed for terms of 5 years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall make an annual report to the Fair Employment Practice Commission, which shall be its activities during the preceding fiscal year, including the number and types of cases it has handled and the decisions it has rendered; and shall report to the President from time to time on the causes of and means of eliminating discrimination and make such recommendations for further legislation as may appear desirable.

(e) Each member of the Commission shall receive a salary of $17,500 a year, except that the Chairman shall receive a salary of $20,000 a year.

(f) The principal office of the Commission shall be in the District of Columbia, but it may meet or exercise any or all of its powers at any other place and may establish such regional offices as it deems necessary. The Commission may, by one or more of its members or by such agents as it may designate, conduct any investigation, proceeding, or hearing necessary to its functions in any part of the United States. Any such agent, other than a member of the Commission, designated to conduct a proceeding or a hearing shall be a resident of the judicial circuit, as defined in title 28, United States Code, section 41, within which the alleged unlawful employment practice occurred.

(g) The Commission shall have power—

(1) to appoint, in accordance with the Civil Service Act, rules, and regulations, such officers, agents, and employees, as it deems necessary to assist it in the performance of its functions, and to fix their compensation in accordance with the Classification Act of 1923, as amended;

(2) to cooperate with regional, State, local, and other agencies;

(3) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(4) to furnish to persons subject to this Act such technical assistance as they may request to further their compliance with this Act or any order issued thereunder;

(5) upon the request of any employer acting in good faith, whose employees or some of them refuse or threaten to refuse to cooperate in effectuating the provisions of this act, to assist in such effectuation by conciliation or other remedial action;

(6) to make such technical studies as are appropriate to effectuate the purposes and policies of this act and to make the results of such studies available to interested governmental and nongovernmental agencies; and

(7) to create such local, State, or regional advisory and conciliation councils as in its judgment will aid in effectuating the purpose of this act, and the Commission may authorize them to study the problem or specific instances of discrimination in employment because of race, color, religion, or national origin, and to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population, and make recommendations to the Commission for the development of policies and procedures in general and in specific instances. Such advisory and conciliation councils shall be composed of representative citizens residents of the area for which they are appointed, who shall serve without compensation, but shall receive transportation and per diem in lieu of subsistence as authorized by section 5 of the act of August 2, 1946 (5 U. S. C. 73b–2), for persons serving without compensation; and the Commission may make provision for technical and clerical assistance to such councils and for the expenses of such assistance.

PREVENTION OF UNLAWFUL EMPLOYMENT PRACTICES

SEC. 7. (a) The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 5. This power shall be exclusive, and shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, code, law, or otherwise: *Provided*, That the Commission is empowered by agreement with any agency of any State, Territory, possession, or local government, to cede to such agency jurisdiction over any cases even though such cases may involve charges of unlawful employment practices within the scope of this act, unless the provision of the statute or ordinance applicable to the determination of such cases by such agency is inconsistent with the corresponding provision of this act or has received a construction inconsistent therewith.

(b) Whenever a sworn written charge has been filed by or on behalf of any person claiming to be aggrieved, or a written charge has been filed by a member of the Commission, that any person subject to the act has engaged in any unlawful employment practice, the Commission shall investigate such charge and if it shall determine after such preliminary investigation that probable cause exists for crediting such written charge, it shall endeavor to eliminate any unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be used as evidence in any subsequent proceeding. Any written charge filed pursuant to this section must be filed within 1 year after the commission of the alleged unlawful employment practice.

(c) If the Commission fails to effect the elimination of such unlawful employment practice and to obtain voluntary compliance with this act, or in advance thereof if circumstances so warrant, it shall cause a copy of such written charge to be served upon such person who has allegedly committed any unlawful employment practice, hereinafter called the respondent, together with a notice of hearing before the Commission, or a member thereof, or before a designated agent, at a place therein fixed, not less than 10 days after the service of such charge.

(d) The respondent shall have the right to file a verified answer to such written charge and to appear at such hearing in person or otherwise, with or without counsel, to present evidence and to examine and cross-examine witnesses.

(e) The Commission or the member or designated agent conducting such hearing shall have the power reasonably and fairly to amend any written charge, and the respondent shall have like power to amend its answer.

(f) All testimony shall be taken under oath.

(g) The member of the Commission who filed a charge shall not participate in a hearing thereon or in a trial thereof, except as a witness.

(h) At the conclusion of a hearing before a member or designated agent of the Commission, such member or agent shall transfer the entire record thereof to the Commission, together with his recommended decision. The Commission or a panel of three qualified members designated by it to sit and act as the Commission in such case, shall afford the parties an opportunity to be heard on such record at a time and place to be specified upon reasonable notice. In its discretion, the Commission upon notice may take further testimony.

(i) With the approval of the member or designated agent conducting the hearing, a case may be ended at any time prior to the transfer of the record thereof to the Commission by agreement between the parties for the elimination of the alleged unlawful employment practice on mutually satisfactory terms.

(j) If upon the record, including all the testimony taken, the Commission shall find that any person named in the written charge has engaged in any unlawful employment practice, the Commission shall state its findings of fact and shall issue and cause to be served on such person an order requiring him to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without back pay, as will effectuate the policies of the act: *Provided, however*, That interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. If upon the record, including all the testimony taken, the Commission shall find that no person named in the written charge has engaged or is engaging in any unlawful employment practice, the Commission shall state its findings of fact and shall issue an order dismissing the said complaint.

(k) Until a transcript of the record in a case shall have been filed in a court, as hereinafter provided, the case may at any time be ended by agreement between the parties, approved by the Commission, for the elimination of the alleged unlawful employment practice on mutually satisfactory terms, and the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

(l) The proceedings held pursuant to this section shall be conducted in conformity with the standards and limitations of sections 5, 6, 7, and 8 of the Administrative Procedure Act.

JUDICIAL REVIEW

SEC. 8. (a) The Commission shall have power to petition any United States Court of Appeals or, if the court of appeals to which application might be made is in vacation, any district court or other United States court of the territory or place within the judicial circuit wherein the unlawful employment practice in question occurred, or wherein the respondent transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court to which petition is made a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was entered and the findings and the order of the Commission. Upon such filing, the court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act.

(b) Upon such filing the court shall cause notice thereof to be served upon such respondent and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

(c) No objection that has not been urged before the Commission, its member, or agent shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, its member, or agent, the court may order such additional evidence to be taken before the Commission, its member, or agent and to be made a part of the transcript.

(e) The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings and its recommendations, if any, for the modification or setting aside of its original order.

(f) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals, if application was made to the district court or other United States court as hereinabove provided, and by the Supreme Court of the United States as provided in title 28, United States Code, section 1254.

(g) Any person aggrieved by a final order of the Commission may obtain a review of such order in any United States court of appeals of the judicial circuit wherein the unlawful employment practice in question was alleged to have been engaged in or wherein such person transacts business, by filing in such a court a written petition praying that the order of the Commission be modified or set aside. A copy of such petition shall be forthwith served upon the Commission and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding certified by the Commission, including the pleadings and testimony upon which the order complained of was entered and the findings and order of the Commission. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Commission under subsection (a), and shall have the same exclusive jurisdiction to grant to the petitioners or the Commission such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Commission.

(h) Upon such filing by a person aggrieved the reviewing court shall conduct further proceedings in conformity with the standards, procedures, and limitations established by section 10 of the Administrative Procedure Act.

(i) The commencement of proceedings under subsection (a) or (g) of this section shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

INVESTIGATORY POWERS

SEC. 9. (a) For the purpose of all investigations, proceedings, or hearings which the Commission deems necessary or proper for the exercise of the powers vested in it by this Act, the Commission, or any member thereof, shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before the Commission, its member, or agent conducting such investigation, proceeding, or hearing.

(b) Any member of the Commission, or any agent designated by the Commission for such purposes, may administer oaths, examine witnesses, and receive evidence.

(c) Such attendance of witnesses and the production of such evidence may be required, from any place in the United States, including the District of Columbia, or any Territory or possession thereof, at any designated place of hearing.

(d) In case of contumacy or refusal to obey a subpena issued to any person under this act, any district court of the United States as constituted by chapter 5, title 28, United States Code (28 U. S. C. 81 et seq.), or the United States Court of any Territory or other place subject to the jurisdiction of the United States, within the jurisdiction of

which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application of the Commission shall have jurisdiction to issue to such person an order requiring him to appear before the Commission, its member, or agent, there to produce evidence if so ordered, or there to give testimony relating to the investigation, proceeding, or hearing.

(e) No person shall be excused from attending and testifying or from producing documentary or other evidence in obedience to the subpena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

ENFORCEMENT OF ORDERS DIRECTED TO GOVERNMENT AGENCIES AND CONTRACTORS

SEC. 10. (a) The President is authorized to take such action as may be necessary (1) to conform fair employment practices within the Federal establishment with the policies of this act, and (2) to provide that any Federal employee aggrieved by any employment practice of his employer must exhaust the administrative remedies prescribed by Executive order or regulations governing fair employment practices within the Federal establishment prior to seeking relief under the provisions of this act. The provision of section 8 shall not apply with respect to an order of the Commission under section 7 directed to any agency or instrumentality of the United States, or of any Territory or possession thereof, or of the District of Columbia, or any officer or employee thereof. The Commission may request the President to take such action as he deems appropriate to obtain compliance with such orders.

(b) The President shall have power to provide for the establishment of regulations to prevent the committing or continuing of any unlawful employment practice as herein defined by any person who makes a contract with any agency or instrumentality of the United States (excluding any State or political subdivision thereof) or of a Territory or possession of the United States, or of the District of Columbia, in any amount exceeding $10,000. Such regulations shall be enforced by the Commission according to the procedure hereinbefore provided.

NOTICES TO BE POSTED

SEC. 11. (a) Every employer and labor organization shall post and keep posted in conspicuous places upon its premises a notice to be prepared or approved by the Commission setting forth excerpts of the act and such other relevant information which the Commission deems appropriate to effectuate the purposes of the act.

(b) A willful violation of this section shall be punishable by a fine of not more than $500 for each separate offense.

VETERANS' PREFERENCE

SEC. 12. Nothing contained in this act shall be construed to repeal or modify any Federal, State, Territorial, or local law creating special rights or preference for veterans.

RULES AND REGULATIONS

SEC. 13. The Commission shall have authority from time to time to issue, amend, or rescind suitable regulations to carry out the provisions of this act. Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

FORCIBLY RESISTING THE COMMISSION OR ITS REPRESENTATIVES

SEC. 14. Whoever shall forcibly resist, oppose, impede, intimidate, or interfere with a member, agent, or employee of the Commission while engaged in the performance of duties under this act, or because of such performance, shall be punished by a fine of not more than $500 or by imprisonment for not more than 1 year, or by both.

SEPARABILITY CLAUSE

SEC. 15. If any provision of this act or the application of such provision to any person or circumstance shall be held invalid, the remainder of this act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Mr. LESINSKI (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. SMITH of Virginia. Mr. Chairman, I object.

The Clerk continued the reading of the bill.

Mr. SMITH of Virginia (interrupting the reading of the bill). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Virginia. It is difficult for us to follow the reading. I would like to know where the Clerk is reading and when the offering of a substitute will be in order.

The CHAIRMAN. A substitute cannot be offered until general debate is completed. The Clerk is reading on page 2.

Mr. SMITH of Virginia. He is reading the bill the first time?

The CHAIRMAN. Yes.

Mr. McCONNELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCONNELL. Do I understand that after 2 hours of general debate and under the 5-minute rule will be the time to offer amendments?

The CHAIRMAN. The gentleman is correct.

The Clerk continued the reading of the bill.

The CHAIRMAN. Under the rule, there are 2 hours of general debate. The gentleman from Michigan [Mr. LESINSKI] will be recognized for 1 hour and the gentleman from Pennsylvania [Mr. McCONNELL] for 1 hour.

Mr. LESINSKI. Mr. Chairman, I yield myself 5 minutes; and the balance, 55 minutes, I will yield to the gentleman from New York [Mr. POWELL], who will control the time on this side.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. LESINSKI. Mr. Chairman, first I wish to say to the Members of the House that I hope they will stay on the floor in a number not less than 100 so that we may avoid all types of roll calls. I wish to assure the membership that I will stay here until 6 o'clock in the morning or until we pass the bill.

Mr. WHITE of Idaho. Mr. Chairman, a parliamentary inquiry.

Mr. LESINSKI. I am sorry; I cannot yield for a parliamentary inquiry.

The CHAIRMAN. The gentleman declines to yield.

Mr. LESINSKI. Mr. Chairman, it is with a feeling of real satisfaction that I bring this bill before the Members of the House of Representatives. FEPC is no newcomer to Congress. Besides appropriation measures for the wartime FEPC body, created by President Roosevelt's Executive order and continued by President Truman, FEPC legislation was introduced in the Seventy-eighth, Seventy-ninth, and Eightieth Congresses, as well as in this, the Eighty-first. With the additional reports from both Houses in the current session, this legislation has been reported seven times. However, to date we have not had the privilege of debating it upon the floor. Now after a total of 43 days of hearings since August 1944, 2,231 pages of testimony, and 254 witnesses overwhelmingly in favor, the House is getting a chance to vote on the FEPC bill. This latter fact is not surprising, since FEPC has been and is a platform promise of both political parties, and has the support of countless church, civic, business, labor, and fraternal organizations.

In speaking for this measure, I feel it important to stress that it is not aimed at any particular section of our Nation, nor is it a bill designed to benefit one or a few segments of our population. It is truly a national bill, and its benefits are widespread.

All minority groups in America are subject to discrimination of some sort at various times and places. Discrimination is not limited to the major portion of America's 15,000,000 Negroes, nor to her 5,000,000 Jews, 26,000,000 Catholics, 3,000,000 Spanish- or Mexican-Americans, nor even to her 34,000,000 foreign-born and children of foreign-born members of various sects that make up the so-called majority group in this land—white protestants—often find themselves in a minority, and subjects of discrimination. All of these manifestations of intolerance and bigotry must be removed. They must be removed not only for the sake of the immediate victims, but for the sake of those who discriminate, and for the sake of America as a whole. For the act of discrimination takes both a moral toll from the person practicing discrimination, and a multibillion annual burden upon our economy.

In hearings held by a subcommittee of the Committee on Education and Labor last May, economist Leo Cherne estimated a minimum annual loss from discrimination as $15,000,000,000. Other competent economists have arrived at varying figures—but all run into the billions. Whatever the exact figure, there can be no doubt that a huge amount is paid annually for discrimination. To name a few of the gutters down which this sum flows, there is the cost of training those whom we deprive of the opportunity to use their training; the cost of industry of selecting personnel from an artificially limited manpower pool; the creation of economically depressed islands in minority communities, which

ripple out to the surrounding communities; the break-down in morale—and the resultant drain on health services—among those who know that they will not be permitted to utilize their highest degree of skill in the Nation's economy. Even these few examples indicate what a body blow America receives from the un-American practice of job discrimination.

Let us not forget that throughout the world, and perhaps here at home, as well, the Communists eagerly await a breakdown in the free enterprise system, so as to prove the validity of their claim that capitalism is doomed. How well we play into their hands when we permit job discrimination to drain off our efficiency into nonproductive channels.

The Commies also like to point to discrimination in this country as an example of our failure to practice what we preach. As far back as 1946, Dean Acheson observed that the existence of discriminations against minority groups in the United States is a handicap in our relations with other countries. He explained that our opponents make much of these situations, causing an atmosphere of suspicion and resentment which becomes a formidable obstacle to the development of mutual understanding and trust between the United States and other nations. How ridiculous then for us to appropriate billions for the cold war, and then sink other billions into weakening our own side of that conflict.

We have seen the economic and foreign policy arguments for enactment of FEPC. Surely there can be no question of the moral persuasiveness of this measure which every leading religious body in the land—Catholic, Jewish, and Protestant—supports. What then, can be said against such a measure? All that I, for one, have heard have been arguments attacking some bill other than the one now before us—attacks on a radical, novel measure which would force an employer to hire workers he did not want, which would wreck the small-business man, which would subject private industry to government interference, and so forth. These critics must have some other bill in mind than H. R. 4453. Nothing in this bill makes any employer hire anyone he does not need or want, nor anyone who is not qualified for the job; all that is insisted upon is that capable, qualified workers shall not be denied the opportunity to compete for a job solely because of their color, religious belief, or origin. Nor does the bill contain features that would wreck any businessman; rather, it would help innumerable businessmen, by making available to them a wider manpower pool from which to choose employees. Also, since the FEP Commission would screen all allegations of discrimination and throw out unwarranted charges, the employer has additional protection for irresponsible attacks that he does not have today. As for Federal interference with business, it is traditional that the Government set certain minimum standards of health, welfare, working conditions, and so forth. Here is but another similar case—one which says that an American employer has a responsibility not to flout the Constitution in the running of his business.

One final point. Here in this body we represent the citizens of all the United States. We ourselves come from all the States of the Union and we, therefore, bring to the Congress the varying experiences of our States. Let us profit from these experiences. Let us note not only that wartime FEPC met with some degree of success, but that eight States now have FEPC laws similar to the proposal now before us. Nowhere has there been trouble. Officials in every case report the workability and success of their laws. The time for guesswork and experimentation has passed. The time has come for us to utilize the laboratory experience of our States—eight States which cover about a third of our population—and enact an FEPC law which will bring America closer to fulfillment of the democratic ideal of freedom for all, and success according to individual merit and ability.

Mr. POWELL. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I would like to express my thanks to the members of the FEPC subcommittee for the cooperation they gave me in the hearings on this bill. I would like to publicly thank our colleague from Ohio [Mr. BREHM], whose cold has been plaguing him and developed into laryngitis. His actions on the subcommittee were greater than any words he could utter today. Also I want to thank members of the full committee on Education and Labor, and I refer to Members on both sides, those who agreed and disagreed, for the cooperation and understanding that we had in committee. I trust that further debate on this bill will be in an atmosphere of dignity, even though we may oppose it bitterly or we may be in favor of it wholeheartedly.

I have allotted myself only 5 minutes because there are scores of Members who want to talk and I do not want to cover myself with any personal glory.

I would like to say one or two things concerning the bill so that we can remove from our minds anything that we may not know concerning the details.

A. GENERAL BACKGROUND

Bills before committee: S. 1728—Senator McGrath—and S. 174—Senator IVES. Senator IVES, testifying before a House subcommittee in favor of H. R. 4453, identical to S. 1728, said:

> There are a few differences between H. R. 4453 * * * and Senate bill 174 * * * [which] are not very vital. * * * I endorse specifically H. R. 4453.

Previous consideration of similar measures:

Senate: Seventy-eighth Congress, S. 2048; hearings in August and September 1944, Report No. 1109; Seventy-ninth Congress, S. 101; hearings, Report No. 290; Eightieth Congress, S. 984; hearings June and July 1947, Report No. 980.

House: Seventy-eighth Congress, H. R. 3986; hearings, Report No. 2016; Seventy-ninth Congress, H. R. 2232; hearings, Report No. 187; Eightieth Congress, H. R. 2824; no hearings; Eighty-first Congress, H. R. 4453; hearings May 1949, Report No. 1165.

Witnesses appearing at 1949 House hearings:

Opponents: Five Representatives and one private individual, a constituent of another Representative.

Proponents: Thirteen Representatives, three Senators, and the Secretary of Labor; various State commissioners of local fair employment practices commissions, and former staff members of wartime Federal FEPC; the Catholic Church, Federal Council of Church of Christ in America, National Baptist Convention, National Fraternal Council of Negro Churches, Friends Service Committee, Methodist Church, and the Synagogue Council of America; American Civil Liberties Union; CIO and AFL; NAACP; Urban League; Americans for Democratic Action and Students for Democratic Action; Improved BPOE of the World; American Jewish Committee; American Jewish Congress; American Veterans Committee and Jewish War Veterans; National Council of Jewish Women, Jewish Labor Committee; Japanese-American Citizens League; National Community Relations Advisory Committee, National Council for Permanent FEPC, and so forth.

Previous and present FEPC's: Wartime Federal FEPC, created by Executive Order 8802 and continued by 9346 and 9664. First established, June 25, 1941; final report dated June 28, 1946.

States: New York, Massachusetts, Connecticut, and New Jersey have for several years had laws similar to the proposed S. 1728; also, Indiana, Wisconsin, and Oregon had anti-discrimination statutes of a weaker nature. This year FEPC's were created in Rhode Island, New Mexico, and Washington, while Oregon changed its law so as to give it strength.

B. BRIEF ANALYSIS OF THE BILL

Declaration and findings: The bill declares a right to freedom from employment discrimination based on race, color, religion, or national origin—the House committee added ancestry—and finds that this right is being denied some persons.

Scope and outlawed practices: Violation of this right is made an unfair employment practice when committed by an employer of 50 or more individuals engaged in commerce. Such employers include labor organizations, but exclude other religious, charitable, fraternal, social, educational, or sectarian groups. Unfair practices include discharges, refusals to hire, and discriminatory terms, conditions, or privileges of employment; they also include union practices which would adversely affect the individual's employment opportunities.

Procedure: The named rights are protected by a five-man Commission which is empowered to investigate sworn written complaints; where preliminary investigation indicates probability of such charges, the Commission must attempt to secure compliance by informal methods of conference, conciliation, and persuasion. Failing in these, the Commission may proceed to formal hearings, which—in case of findings of violations—result in cease-and-desist orders, plus affirmative action where appropriate; these orders are enforceable in United States courts, to which appeals may also be

taken by persons aggrieved by such orders. The Commission also has authority to cede jurisdiction to appropriate agencies of any "State, Territory, possession, or local government."

C. THE SUBSTANTIVE ARGUMENTS INVOLVED

I. Does job discrimination exist?: There can be no serious question that employment discrimination is widespread. In its final report, the wartime FEPC predicted that even such gains as it had made were dissipating and predicted further, accelerated dissipation. Rather than provide an independent survey, there is hereto attached the findings included in the recent House report—see appendix.

II. Should it be eliminated?: Without going into the vast wealth of detail available in answer to this question, it should suffice here to indicate briefly some of the areas adversely affected by employment discrimination.

(a) The democratic principles on which the Nation was founded are flaunted by discrimination. Any violation of these principles has an adverse effect. Furthermore, the general moral code to which we pay allegiance, demands that all men be considered as individuals and rated according to their individual worth. As the bill states, "it is essential that this gap between principle and practice be closed."

(b) Our foreign relations are hampered by the publicity our enemies give to our discriminatory practices. Secretary of State Acheson describes discrimination as "a handicap in our relations with other countries." Senator Dulles, when a United States delegate to the UN said that FEPC is necessary to "erase what today is the worst blot on our national escutcheon." The United States is bound by its international agreements to eliminate discrimination—for example, the Inter-American Conference in Mexico City, 1945; the Charter of the UN; and the Universal Declaration of Human Rights proclaimed by the General Assembly.

(c) The economic waste of discrimination cannot be totally computed. One economist estimated before the House subcommittee that we send at least $15,000,000,000 annually down the drain because of discrimination. Contributing to this total is the cost of training those whom we will not allow to use their training; the cost to industry of using artificially limited pools in selecting what should be the most skilled manpower; the creation, in minority populations, of a disproportionate degree of unemployment, resulting in an island of depression which affects its surroundings—"a man who can't earn can't buy"; the break-down in morale among those who know that no matter what their skills, they cannot compete on an equal basis with those whom they are taught to believe are their equals; the personality difficulties resulting from lack of home life when mothers are forced to work to supplement inadequate income brought in by fathers.

The only remaining question, then, is—

III. Can S. 1728 properly do the required job? Since the testimony at the various hearings in support of FEPC, combined with the analysis of the S. 1728 above, seems to make out a prima facie case for an affirmative answer to this question, it would appear sensible to put the burden on the objections raised.

The chief ones are as follows:

(a) "The bill is unconstitutional; it violates States' rights."

But, first, the Federal Government has the right to impose any reasonable regulations regarding its own employment relations, including regulations against discrimination—United Public Workers against Mitchell.

Second. It can do likewise re employment relations of those who contract with it—Perkins against Lukens Steel Co.

Third. It may regulate the employment relations of private businesses engaged in commerce—NLRB against Jones & Laughlin Steel Corp.

Fourth. It can therefore impose regulations against discrimination in such businesses, (i) logically, from first, second, and third above, and (ii) on the basis of cases like New Negro Alliance against Sanitary Grocery Co.

(b) "Even if constitutional, this matter should be left to the States; it is a southern problem."

But, first, the problem is not a southern problem—nor a Negro, or Jewish, or Catholic, or Mexican problem. Discrimination exists in the North, South, East, West, and middle of America; it is an American problem.

Second. Cutting across State lines as it does, discrimination is of national legislative concern.

Third. In general, the greater number of discriminators in a given area, the more difficult to enact local antidiscrimination laws; so the areas which do practice the most discrimination will be just those with no statutory inhibition.

Fourth. Many large businesses have their affairs spread out into many States; where one sells may not be where it hires. Federal legislation is the only feasible way to meet this problem.

(c) "Maybe so, but it won't work in some areas, particularly the South."

But, first, wartime FEPC, much weaker than the proposal now before us, achieved some notable successes in the South. Public opinion in many cases actively supported FEPC. Alabama may be considered a typical State for this purpose: The leading newspapers in Birmingham, Montgomery, and Anniston editorialized in favor of the wartime FEPC, spring 1942.

Second. Many unions in the South have insisted upon and obtained integrated working conditions; many locals have Negro officers.

Third. Industry, too, has found integration can work; for example, International Harvester with 25 percent Negro workers in Memphis has absolute integration in all operations.

(d) Closely related to (c)—"Workers won't accept FEPC."

But, first, see answers to (c).

Second. State FEPC experience shows many instances of workers threatening to strike when informed of a new integration policy in their plant. But where the program has nevertheless been carried out, there has not once been a case of a strike or even of a worker quitting. Wartime FEPC reported a similar pattern.

Third. The railroad brotherhoods were perhaps the most intransigent violators of wartime FEPC, which was in the last analysis powerless to invoke effective sanctions. However, the brotherhoods testified before the House subcommittee that if S. 1728's enforceable FEPC becomes law, they will comply.

(e) "But what of the worker's right to pick his associates?"

First. No worker has such a right even without an FEPC: His only right is to quit if he doesn't like someone who is hired. FEPC does not affect this right.

Second. As above, no case of any worker quitting upon introduction of minority group members to the work situation.

Third. This argument carries a presumption of invalidity arising from fact that CIO and A. F. of L. support FEPC.

(f) "How about the employer's right to hire someone he doesn't want?"

First. FEPC does not make him hire anyone. No new jobs are created; no percentage of jobs for race, and so forth, is set up; no duty is created to hire anyone who does not meet whatever standards the employer may set, and such standards may be as strict as he desires, even may be completely irrelevant to the job's demands so long as such irrelevancies are not the particular few named in the act. No special privileges are conferred on any group.

(g) "Well, what about the general right to run one's own business?"

First. We regulate many business procedures for what we realize to be the best interests of the community.

Second. FEPC only affects business with over 50 employees, not including sectarian, and so forth, groups. This means big business, which generally does not have intimate and personal employer-employee relationships. The employer's interest is chiefly in obtaining the most efficient work force.

(h) "People naturally seek to segregate themselves"; "You are trying to force social equality," and so forth.

But, first, this bill deals only with employment discrimination. Nowhere does it mention, or sanction interference with, segregation or any social customs, or, in fact, discrimination any place but on the job.

(i) "You can't outlaw prejudice, look at prohibition," and so forth.

But, first, this is not a bill against prejudice, but only against the overt acts that prejudice leads to; it is therefore not like a bill to outlaw driking, but like one which outlaws driving while drinking.

Second. Although laws against murder do not eliminate murder, the punishment of most murders cuts down the incidence greatly.

(j) "This is just a communistic measure."

But first, the Republican Party and Democratic Party platforms have for several years endorsed FEPC. S. 1728 was written by the White House and the Justice Department.

Second. Many prominent industrialists and businessmen support FEPC—for example, William L. Bett, Allen W. Dulles, Paul G. Hoffman, Eric Johnston, Harry R. Luce, Dwight R. G. Palmer, Martin Quigley, Nelson A. Rockefeller, Beardsley Ruml, Spyros P. Skouras, Herbert Bayard Swope, Charles H. Tuttle, and so forth. See also the program of International Harvester, mentioned above.

Third. The Catholic Church supports FEPC, as well as leading Protestant and Jewish groups.

Fourth. The Communist Party would give special rights to minority groups—for example, a Negro nation in the South. This bill merely grants equal rights.

(k) "Why can't the problem be handled in the courts?"

First. Courts are overburdened already, and the additional load of FEPC cases would break them down altogether.

Second. The Commission is able to screen worthless complaints, which protect employers and saves them time, money, and so forth. The testimony before the House subcommittee by the various State commissioners discloses a high number of rejected complaints.

Third. Commission procedures and determinations are speedier than those in courts.

Fourth. Uniformity—1 agency instead of 94 Federal courts.

Fifth. Expertise—the Commission devotes full time to the problems and all its facets.

Sixth. Commission procedure avoids the necessity of criminal penalties, which juries hesitate to invoke.

(l) "Education is the answer, not legislation." This is the chief argument of those who propose eliminating the enforcement provisions of the act.

Agreed that education is necessary and desirable, but, first, note that the bill instructs the Commission to use informal methods. However, such methods lose their effectiveness without the existence of sanctions in the background. Wartime FEPC experience was that compliance was very often secured once the violator attended an informal session. But the most adamant violators refused to discuss the matter with the Commission, knowing that nothing could be done to them anyhow. The sanctions are needed to make the violator willing to come in and talk things over; once he does that, in a great majority of cases he will comply with the Commission requests.

The State commissioners before the House subcommittee testified that they had never used their sanctions, but that their informal methods would have failed without the existence of such sanctions.

As an impartial study made by the Library of Congress states, education alone is not sufficient to do the job.

APPENDIX I

A. Discriminatory employment practices based on race, color, religion, national origin, or ancestry are widespread throughout the United States, and increasing.

Discrimination in employment based on race, color, religion, national origin, or ancestry is practiced by government, by business, and by labor unions. It is manifested by a refusal to hire, by a denial of in-service training or upgrading opportunity, by wage differentials, by the formation of auxiliary unions lacking the usual benefits of union membership, or by blanket exclusion from such membership. Today, with unemployment at its highest level since before the war, the fear of discriminatory discharges weighs heavily upon all who have ever known the frustration and bitterness of job discrimination, notably upon the approximately 26,000,000 Catholics, 15,000,000 Negroes, 5,000,000 Jews, 3,000,000 Americans of Mexican or Hispanic origin, 11,000,000 foreign-born, and the 23,000,000 children of foreign-born, who have contributed so much to the building and to the defense of this country.

The familiar maxim "last hired and first fired" as applied to minority-group workers, unhappily, is once again proving itself all too valid. Data released by the Bureau of Census reveal that whereas unemployment among whites increased 176.4 percent between July 1945 and April 1949 there was an increase of 280 percent in unemployment among nonwhites during the same period. The Census Bureau concluded that because of the tendency to lay off Negroes before whites, and because of the relative lack of skill required in jobs usually assigned to them, Negroes will suffer an increasingly higher percentage of unemployment in any recession that may overtake us.

Contrary to the general impression, discrimination is not confined to any particular geographical area, industry, or group.

A survey of the Illinois labor market by the Illinois Interracial Commission revealed that private fee-charging employment agencies did not even list nonwhite applicants. Ninety-five percent of private employment agencies reported that Jewish applicants faced serious discriminatory barriers in attempting to qualify for jobs; substantial percentages reported similar discrimination against Catholic workers. The survey also revealed that over 100,000 discriminatory "help wanted" ads were published annually in newspapers in the State of Illinois; that of 1,600 Illinois business firms polled, over half reported no nonwhite employment; that 70 percent of all financial and 75 percent of all accounting, advertising, and other service firms in the State had no nonwhite employees; that only 3.6 percent of the employees of the public utilities of the State of Illinois are nonwhite.

In Missouri, a special committee of the House reported on March 2, 1949, to the general assembly on its investigation of violations of equal rights under the Missouri Constitution. Among these violations, the committee enumerated discrimination against colored workers in job placement in the metropolitan areas of St. Louis and Kansas City, exclusion of Negroes from membership by certain building trades and other craft unions, and other evidence.

A Minneapolis self-survey conducted by the mayor's commission on human relations found that Jews, Negroes, Japanese-Americans, and other minority group members are widely discriminated against by employers. Of 523 Minneapolis firms from which reports were tabulated, 63 percent hired no Jews, Negroes, or Japanese-Americans; 37 percent hired one or more Jews, Negroes, and/or Japanese-Americans; 13 percent hired Jews only; 5 percent hired Negroes only; 2 percent hired Japanese-Americans only; 9 percent hired Jews and Negroes; 3 percent hired Jews, Negroes, and Japanese-Americans.

Within the past 2 months, the Ohio State Employment Service reported that two out of every five job openings referred to its offices bore openly discriminatory specifications. A survey of employment opportunities for Jews in public accounting in Cincinnati revealed that the 15 largest public accounting firms employing a total of 286 accountants have only 3 Jewish employees, and have employed a total of only 11 Jews over the past 30 years.

The Michigan State Employment Service reported as of May 1948 that "about three-quarters of recent job listings for unskilled workers were not open to nonwhite workers."

Recent reports from the Colorado State Employment Service contain the following observations:

> No openings in professional or managerial jobs were found for minority applicants registered at the Denver office of the CSES in January 1949 * * *. Nationality is a factor explaining unemployment among persons under 40 * * *. Race stood in the way of jobs for one-fifth of all Denver veterans receiving unemployment compensation under the GI bill of rights.

A survey by the Salt Lake City Council on civic unity contains the following findings:

> Sixty-one of one hundred and sixty-seven employers who responded to a questionnaire excluded colored citizens from certain types of employment. Forty-seven out of one hundred and sixty-two employers said they were unwilling to give colored citizens the same seniority rights as other citizens. Twenty-seven out of one hundred and seventy-eight employers were unwilling to pay the same wages to colored people, even though the colored employees have equal skills with whites.

Since 1941 the school district of Philadelphia has been collecting data by race based on the records of its employment certificating service. These records show that prior to World War II only 2.7 percent of the employment certificates were issued to Negro boys and girls 16 and 17 years of age. According to a statement by the Philadelphia school system:

> The percentage of employed youth increased steadily during the war years until 1945 when 17 percent of all 16- and 17-year-old youths working full time in Philadelphia were Negroes. Then the employment of Negro youth began to decline. In 1947 only 5 percent of the 18,924 full-time employment certificates issued for 16- and 17-year-old youths in Philadelphia were for Negroes. This is especially pertinent since Negroes make up 17 percent of that age group.

This same statement went on to say:

We can assume from this that when wartime pressures and manpower problems decreased, discrimination against Negroes increased.

In a report on segregation in Washington, the National Committee on Segregation in the Nation's Capital revealed the shocking extent of all forms of racial discrimination here in this very city, the seat of our National Government. Here are but a few points in the indictment:

Negroes are excluded from most skilled trades by the craft unions, and from whole industries by management policy. In retail trade, utilities, communications, and transportation they have little chance. The telephone company employs no colored mechanics or linemen. The big department stores deny Negro women a chance to become clerks—even one large bargain store whose customers are two-thirds Negro. In 1940 three-quarters of all Negro job holders were employed as laborers, domestics, or service workers while only one-eighth of white employees were in these categories. Even in the city government, a Negro cannot get a job as a water-meter reader, a building inspector, a weights-and-measures inspector, or as a guard in a jail.

These various studies, together with the testimony presented during the hearings on H. R. 4453, demonstrate all too strikingly that in virtually every section of this country qualified workers are being denied an opportunity of making a living—and a life—solely because of their race, color, religion, or national origin.

Gentlemen, let us conduct this debate in dignity. Let us now proceed to the business of restoring integrity to this body. Both parties and Presidential nominees pledged this in their platforms and we will now show the world that at least the House of Representatives is a place that keeps its word.

Mr. McCONNELL. Mr. Chairman, I yield such time as he may desire to the gentleman from Illinois [Mr. SIMPSON].

Mr. SIMPSON of Illinois. Mr. Chairman, the exploiting of the Negro started when the first shipload of those unfortunate people were landed by force on North American soil. This occurred in 1619 when a Dutch man-of-war landed on the soils of Virginia bringing 20 Negroes which were captured or kidnaped on the African coast, recaptured in the West Indies, and sold to the Colonists.

Since the freeing of the Negro from human bondage and the thirteenth amendment to the Constitution, there has been an improvement in their lot. There is still room for much more uplifting in their case.

The lynching of any human being is wrong from every standpoint. Adequate laws can legally condemn any criminal violation. The poll-tax qualification and Jim Crow cars should be eliminated. The Negro and any so-called underprivileged group should be given every possible moral and educational uplifting. They should be given employment at good wages and under proper working conditions.

Mr. Chairman, it, to me, is a national disgrace that both major political parties and their leaders are trying still to exploit the Negro for political purposes. As 1 of 435 Representatives in Congress, I do not propose to be a party to it.

I do not believe the right-thinking Negro wants to be exploited by the two major parties. I think the Negro wants an educational opportunity for his children. He wants the same opportunity to purchase a decent home, to be in business, farm or become a professional person. He or she wants the same opportunity for advancement as any other American, and they do not believe you can legislate them into these positions. This or any other congress cannot legislate any American, regardless of race, creed, or color, into such a position either. These things must be worked for and not handed to anyone, notwithstanding race, creed, or color; otherwise, this republican form of government will fail.

H. R. 4453 has to me some serious defects. Under "Definitions," section B, page 4, the term "employer" means a person engaged in commerce having in his employ 50 or more individuals. This means if you employ 50 persons or less you are exempt if this legislation becomes Public Law. This is discrimination itself in the rankest form. If this legislation, as a whole is fair and good, why should there be any exemptions? The employer of 50 or less can hire or dismiss at will. The employer of over 50 must conform to regulations. So, the unfortunate person working with 50 or less is still discriminated against if such discrimination exists.

This situation I again do not propose to be a party to.

H. R. 4453 under "unlawful employment practices" defined under section 5 (a), paragraph 2, "To utilize in the hiring or recruitment of individuals for employment any employment agency, placement service, training school, or center, labor organization, or any other source which discriminates against such individuals because of their race, creed, color, or national origin" would make any employer responsible for acts of discrimination absolutely beyond his control.

Why should an employer seeking help through an agency be held responsible if that agency discriminated which under this section they could do?

H. R. 4453 on page 7 under the Fair Employment Practice Commission sets up a commission of five members for staggered terms at $17,500 per year with $20,000 for the chairman. This means another Government bureau in Washington with State set-ups employing more and more and more people.

H. R. 4453, under investigatory powers, page 19, section E, states:

No person shall be excused from attending and testifying or from producing documentary or other evidence in obedience to the subpena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-discrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

Mr. Chairman, this seems to be a violation of constitutional rights, and again I will not be a party to it.

The report to accompany H. R. 4453 on page 2 states, as follows:

Today, with unemployment at its highest level since before the war, the fear of discriminatory discharges weighs heavily upon all who have ever known the frustration and bitterness of job discrimination, notably upon the approximately 26,000,000 Catholics, 15,000,000 Negroes, 5,000,000 Jews, 3,000,000 Americans of Mexican or Hispanic origin, 11,000,000 foreign-born, and the 23,000,000 children of foreign-born, who have contributed so much to the building and to the defense of this country.

This, Mr. Chairman, by inference is a total of 93,000,000 people in this country who are discriminated against and which I do not believe exists. If it is the truth as stated in the report, then by the same inference the ones doing this discriminating in this country are the Protestants. This I do not believe for one moment.

Mr. Chairman, this legislation is un-American, I think, from many angles. An American should still have the right to work or not as he or she sees fit. An employer, under our form of government, should still have the right to hire, and for cause, discharge. For my part, I do not propose to change it.

Mr. McCONNELL. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. MORTON].

Mr. MORTON. Mr. Chairman, I realize that it is late in the day to make a plea for cool heads, and reason, and reality, but I feel that I should be derelict if I did not do so. I would like, if possible, to remove from our thinking some of the passions and emotions that have become injected into this picture and bring it down to its very basic reality.

This has become known as a bill to eliminate discrimination. Of course, in fact, it is a bill whose purpose it is to eliminate discrimination that is coupled with prejudice. One cannot attack discrimination, per se, for discrimination in itself is a part of freedom. A medical school selects 100 students out of perhaps 600 or 700 applicants. Of course they discriminate against the 500 who have not the academic preparation that the 100 enjoy.

First, let me state my own position and then give you the reasons. My position is this: I opposed the bill before us, the Powell bill, in committee. When the Legislative Committee, of which I happen to be a member, voted that bill out, I came to the conclusion that it was not my obligation or right to oppose the legislative processes by which that bill would come before this body. I have done nothing in the months since our committee voted this bill out to prevent its coming out on the floor. My votes have been in such a direction that would permit it to come up on this floor and to permit the Members of this House to say "Yea" or "Nay."

I favor the substitute that will be offered by the gentleman from Pennsylvania [Mr. McCONNELL] and shall vote for it in committee. I shall support it if it prevails in committee when we go back into the House, and vote for it on final passage if it is then the pending question. If the bill offered by the gentleman from New York prevails in committee, I shall vote against it on final passage.

I want this to be clearly understood, that I appreciate the sincerity behind those who are the proponents of this bill as well as the opponents of this bill in our committee and in this House.

Now, to reduce this to its basic realities, I think I will use the lyrics from a song in a very popular show today. I will not try to reduce today's travesty to its complete asburdity by singing that song, but I will attempt to quote the lyrics as I remember them. It comes from the popular show, South Pacific. If you are lucky enough to get tickets and you can afford them—they are pretty steep over there—I can recommend it.

The words to the song, as I remember them, are:

You've got to be taught to hate and fear,
You've got to be taught from year to year.
It's got to be drummed in your dear little ear,
You've got to be carefully taught.

You've got to be taught to be afraid
Of people whose eyes are queerly made,
People whose skins are a different shade;
You've got to be carefully taught.

You've got to be taught before it's too late,
Before you are six or seven or eight,
To hate the people your relatives hate;
You've got to be carefully taught.

The words of that song express what is so fundamental in this bill. We come into this world as God created us, without prejudice in our hearts and minds. We are taught prejudice. It is not part of our birthright, certainly not.

How will we develop tolerance and remove prejudice? By the same methods, by teaching, by leading men away from the hates and the prejudices of this world. That must be done. That is a fundamental, moral concept underlying this entire problem. That can be accomplished, and great good can be accomplished through a measure such as that offered by the gentleman from Pennsylvania.

I think that these things should be brought into the open. I think that employers should be required to submit records and show whether or not they are discriminating because of race or creed for the purposes of employment. I think we can carry the message to those employers and accomplish a lot of good.

Before I came to this body I made a living traveling in the South. I suppose I have been in as many counties south of the Ohio and Potomac and east of the Mississippi as any man here. I was traveling for a company out of Louisville, but traveling into the deep South. I think I know something, and perhaps objectively, of the problems there.

I tell you that if we approach this thing on any basis except a voluntary basis, the basis of education, the basis of taking men by the hands and leading them into the right path, then we are in deep water. If we try to force them into that path or kick them into that path, we are going to do great harm to the principal minority race in this country.

Therefore, Mr. Chairman, I oppose this bill introduced by the gentleman from New York on these two basic grounds: First, morally, I can see in it great danger to a people who constitute a substantial segment of our society, for the most part in the Southern States; and, second, that if we want to do something for those people, and I do, the only thing that will be done by this Eighty-first Congress, the only bill that can be passed—and we are political realists in this body—the only thing that can possibly be passed is a bill such as the substitute to be offered by the gentleman from Pennsylvania.

For these reasons I commend to you the substitute bill, and for these reasons I urge you to oppose the bill offered with all sincerity and good faith by the gentleman from New York.

Mr. Chairman, may we turn our hearts from votes and hate. May realism prevail. May we once more attain the courage of our heritage.

Mr. POWELL. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. BURKE], a member of the FEPC subcommittee.

Mr. BURKE. Mr. Chairman, it was with a great deal of satisfaction that I received my assignment from the Committee on Education and Labor to the subcommittee dealing with the fair employment practices legislation. I had some previous noticns on this legislation, because I had a great deal to do with employment generally in my vocation in life, so that I felt I had some knowledge which I could bring to the subcommittee, to the committee, and to the Congress. I was very happy to have the opportunity to listen to the testimony before the subcommittee and to evaluate the evidence which was submitted to the subcommittee on this piece of legislation.

My idea at the outset was that contrary to the belief of many people in this Nation this type of legislation is not the conferring of some new right. Some right which does not exist in people. But rather it is what I believe to be the real concept of law. That is that law has no reason for existence unless it protects and guarantees the free exercise of either natural or constitutional rights of people. I believe that this legislation would furnish necessary protection and guaranty of free exercise of natural and constitutional rights.

The barriers that have been set up, based on race, creed, color, and national origin, to me have always been artificial boundaries between people, boundaries that really have no logical reason for existence. To ask that people recognize those boundaries as a condition of employment I have always felt was trampling upon a natural and constitutional right that people have as citizens of a great country such as ours.

I have heard in the last few days many of the statements made against this legislation. I can understand the feeling of many people because of the conditions peculiar to the sections from which they come. But I want to assure all of those people that certainly the motives of most of those who are proponents of this legislation are such that they feel this legislation is not directed at any particular section.

Paradoxical as it may seem, the evidence submitted to our subcommittee seems to indicate that this legislation is needed, so far as the Negro people are concerned, as much in the North as in the South.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. McCONNELL. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. JACKSON].

Mr. JACKSON of California. Mr. Chairman, during the maneuvering which has taken place here in the House today I have voted on all occasions to continue consideration of this measure. I have felt that the part of true democratic processes would be best served if the membership of this House were permitted to express its will on the measure. I respect the deep convictions of the many Members of this body who have sought by every legislative device to delay that moment when FEPC would come to a vote. However, I do feel that this matter should be squarely confronted and that we should, out of the depths of our own personal convictions and out of our own sense of obligation and duty, come to the point very soon when we can all stand up and express our own beliefs with respect to the legislation.

In these days of confused social and economic thinking, it is one of the most difficult of tasks to determine on some occasions the will of the people whom we all have the great honor to represent in this body. We cannot in good conscience simply weigh the letters of those who oppose and those who endorse any given legislative proposal and cast our ballots in terms of ounces, pounds, and tons. Life would be much more simple if it were possible to follow this course of action.

However, after a short period of legislative responsibility in this House one comes to the certain knowledge that forces and pressures artificially stimulated and highly organized often create a clamor entirely out of proportion to actual numbers and, like the long line of soldiers marching around and around a hill in sight of the enemy, gives an impression of strength which is deceptive and misleading.

There has been a great deal said with respect to the action of the California electorate in repudiating at the polls a compulsive FEPC proposal in the general elections of 1946. It is well known that in spite of an all-out campaign to insure passage of the measure, every county in the entire State joined in sending the bill down to unqualified defeat. The voters of California did not want to delegate to the State government some of the constitutional rights which reside with the individual, and are a matter of personal conscience and responsibility.

Unlike Federal antilynch legislation and anti-poll-tax measures, which many of us have supported to the limit of our

individual abilities, Federal legislation on employment is a horse of another color.

In this field one departs from the well-defined area of minority rights and enters the even greater area of the legal civil rights of majorities. It is an area in which the social and economic aspects of American life become so inextricably intertwined as to comprise a bedlam of claims and counterclaims and of vexatious controversy.

It must be remembered that those who employ and are responsible for the conduct of millions of small-business enterprises in this country are also citizens with certain clearly defined rights and obligations. Having invested the finances necessary to the creation of any given enterprise, it then becomes necessary to make the business work. If it fails, both the employee and the employer lose, but the employer's loss may entail bankruptcy and many additional years of toil as he seeks to clear his name and reestablish his credit. True, until he can make other arrangements for employment the worker is idle, but no financial responsibility falls upon his shoulders.

It follows, then, that employment policies are not only a question of social and civil rights, but of economic considerations as well. If to be required to employ a member of any given minority group in a situation where the credit and the future of a small business is concerned is to mean in economic terms that the employer will suffer economic loss as a result, then any legislation which seeks to impose qualifications upon the employer is to place in jeopardy the employer's right to a fair exercise of his privilege of life, liberty, and the pursuit of happiness.

In repudiating, by an overwhelming margin the FEPC proposal the voters of California were simply restating an individual and collective belief in the rights of all Americans, majorities as well as minorities. It is unfortunate that other States which have adopted the restrictive practice have not given their citizens an equal opportunity to obtain the consent of the governed.

Now, what was the California law? What did it provide? In almost every major instance it provided exactly what is provided in the bill introduced by the gentleman from New York. It declared as a State policy, that all persons have the right of equal opportunity to secure employment. To effect such policy it made it unlawful to refuse to hire and discharge or to discriminate in conditions of employment against any person because of race, religion, color, national origin, or ancestry. It established a commission to prevent such unlawful practices by conciliation or order, and by education. It provided for judicial review of the commission's orders and appropriated a sum for the commission.

And what happened in the State of California? From the northern part of the State bordering on Oregon to the southern part of the State bordering on the Republic of Mexico, every county from north to south and from east to west in the sovereign State of California repudiated FEPC by a vote which varied from 2 to 1 to 5 to 1. What were the totals? Out of the total vote cast of 2,358,343 citizens of California, 1,682,664 voted "no" and 675,697 voted "yes" on FEPC, and that expression was given in the only referendum which has been held upon this important subject in which the basic rights of every citizen in this country stand at stake.

The Sixteenth District of California, which I have the honor to represent in this body, is a progressive and enlightened one. In economic and social respects it is perhaps as liberal a district as can be found anywhere. The population is comprised of many elements generally considered to be minority groups. Democrat registrants far outnumber Republicans. Every race, creed, color, religious faith, and economic group is represented in the district. To my mind it is a characteristic congressional district.

However, in that district, when the question of adopting FEPC legislation appeared on the ballot, an emphatic repudiation of the legislation was registered, and there is no reason for me to believe that the opinion expressed at that time has changed materially in the interim.

I do not intend to labor the academic question as to whether or not it is possible to legislate morals, or instill fraternity and brotherly love through the legislative process. The people of my own district and the people of California have answered this particular question to the extent that a compulsory Fair Employment Practices Act is concerned.

It is unfortunate that this measure does not come to us as a constitutional amendment. In that manner and only in that manner could we truly determine the wishes of the people of the United States as a whole. This is far too important a subject to be taken lightly or voted upon quickly, expressing as it does an entirely new, novel, and possibly dangerous concept of human relationships.

Mandates are generally fuzzy affairs. One person interprets a so-called mandate to mean one thing, while a second will interpret the same vote to mean something entirely different. In the present instance, however, the mandate is clear and impelling. Here was no political clash of opposing personalities, no involved or complex proposal. Here was simply a legislative proposal put before the people of the State of California for their answer in the American way. Their answer was unmistakable and clear. That answer was a resounding "no" to a compulsory and penalty-providing FEPC. I may be required to tell 24,814 voters why I voted against compulsion on this measure, but I can also tell 99,549 voters who opposed FEPC in my district that I have followed the explicit instructions given me in this connection.

I shall oppose any provision in this or any other measure which will jail an American citizen for an entirely proper exercise of judgment in the conduct of his affairs. I will not become a party to the bootlegging of employees under the counter nor force citizens to evasion of the law in employment matters. We Americans have come a long way toward true civil liberties since slaves were sold to the highest bidder from the auction block, and we still have a long way to go, but we are not going to progress through legislation of this type and character. You can lead a horse to water, but you cannot lead a free-born American citizen to the willing abdication of his constitutional rights.

Mr. POWELL. Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Mrs. DOUGLAS].

Mrs. DOUGLAS. Mr. Chairman, the question of fair employment is before us—this is not a question that affects the South only, and not a question to be decided by the South—the question of fair employment affects all of the United States. Mr. Chairman, we know that we have discrimination in some instances in the United States in our employment practices, discrimination because of race, color, creed and national origin. We know that. We know that when we found ourselves in war these practices of discrimination greatly hindered our war effort. We know that the President, therefore, issued an Executive order setting up a national FEPC. We know that it worked. Since the end of the war FEPC legislation has been introduced in Congress after Congress—I have worked for the passage of legislation to guaranty fair employment to all American citizens since I first came to Congress in 1945, the Seventy-ninth Congress.

The war is over but can we return to a situation where again we tolerate discrimination in our employment practices? Shall we idly sit by and ignore such discrimination now that the war is over? I do not think we can. Not only because discrimination undermines democracy here at home but because it seriously handicaps us in our efforts to help build a democratic world. Remember that the majority of the people of the world are colored and we do not endear ourselves to those people by talking out of one side of our mouth abroad and out of the other side of our mouth at home.

The gentleman from California [Mr. JACKSON] of the Sixteenth Congressional District has just informed you that in California a majority of voters voted against FEPC legislation. He is right. They did. Do you know how FEPC was discussed in California? There were billboards from one end of the State to the other—screaming that this was a communistic program. The majority of the people in the State in my opinion, misunderstood FEPC. Many of the people who are discriminated against in California, the Mexicans, the Filipinos and the Negroes did not understand what the FEPC was. How could they understand. Many thousands of dollars were spent to misrepresent the issue—wild statements were made and deliberately misled the voters—but these same people knew, when they went to get a job for which they were qualified but were turned down, why they were turned down—because of their national origin or because their skin was black—and they resented it. And to the degree they felt they had been unfairly used—democracy was weakened—and communism had struck a telling blow. Had they

understood that FEPC would guarantee them a fair chance to obtain employment for which they were qualified—they would have voted for it also. The reason FEPC was defeated in the State of California was the way it was presented, the fact there was a vast sum of money spent in the campaign to defeat it and that it was deliberately misrepresented to the people. The committee against FEPC was guided by such people as the Reverend James W. Fifield of spiritual-mobilization fame. It was stated throughout the State that the bill denied the right to fair trial, that no court review was possible and so forth.

I might also point out to the gentleman from California that the housing program that was presented to the people of California last election was also defeated.

Again this proposal was misrepresented—again vast sums of money were used—does that mean the majority of California voters are against decent housing? No. They were misled by the propaganda.

Housing was not defeated in my district, because I got out and explained to the people what the proposal before them was. And I want to say that some of the folks who voted against these things in Congress were defeated in the recent elections, and I do not think that I am overstating it when I say that some of those who will vote now against progress to strengthen democracy in this Congress will be defeated in the future. The voters have a way of catching us with bogus issues. Given time, a majority always endorses and votes for those proposals that are designed to strengthen and develop our democracy.

The direct objective of the bill before us is to prohibit discrimination in employment because of race, religion, color, national origin, or ancestry. This civil-rights objective—protection of the wage earner in his basic right to seek a livelihood without arbitrary discrimination—has more than ample justification. But I would contend that H. R. 4453 has a larger objective and an even wider justification.

It is a bill that provides for the common defense in an era of critical world tensions. It is designed to strengthen the conduct of American diplomacy by removing a blot of America's leadership in world affairs. It is designed to promote America's economic self-interest by raising living standards and by increasing market opportunities. It is designed to strengthen our free enterprise system by strengthening the most basic enterprise of earning a living against unreasonable, bigoted interference. Finally, the bill is designed to carry out the moral principles of our religious heritage in a practical program suited to our day. National morality and national conscience dictate that we close the gap between some American practices and American ideals.

When we are charged with catering to minority interests, with fishing for minority votes, we assert that this is a truly national program, as devoid of sectional gain or partisan interest as any legislation that ever came before the Congress.

The discrepancy between American ideals and American practice—between our aims and what we actually do—creates a moral dry rot which eats away at the foundations of our democratic faith. Democracy cannot thrive in a climate of hypocrisy. Democracy cannot prosper in a land where 40,000,000 people—members of one minority group or another—are denied the basic assurance of healthy community life, the assurance that they belong, the assurance that they count, the assurance that there is only one class of citizenship and that they enjoy it. Our national morality based on our religious heritage demands an end to discrimination rooted in bigotry. In the words of George Washington, "to bigotry, no sanction."

And I hope it is as significant to you, as it is to me, that every major church denomination in the United States has endorsed the provisions of this bill.

During the war, we found that we lacked skilled workers for many vital jobs. This dangerous shortage might have been avoided if minorities had not been denied opportunities for training and experience. Now we find that job discrimination continues to cripple business opportunities. Hundreds of business leaders have come forward to testify that fair employment practices are good business practices. They tell us that denying jobs to certain people denies markets for other people—and such a policy drags down the whole economic level in a vicious cycle. They have discovered that they cannot sell electric refrigerators to a family that cannot afford electricity because its principal breadwinner is denied an opportunity to work at any but the most menial trades. They understand that real economic progress requires that the whole nation move forward at the same time without artificial barriers erected by ignorance or intolerance. Prejudice produces no wealth. Discrimination is bad business. And so I insist that our fair employment practice bill is a real and significant contribution to America's productive capacity and to the preservation of our free enterprise system.

Today democracy as we know it is on trial throughout the world. In the last analysis that trial will not be won by our magnificent airlift, or unmatched industrial strength, or our stock pile of atom bombs. Ultimately, our way of life will win out only if its promise of moral and spiritual leadership is fulfilled.

Fair treatment for racial minorities in America is basic to our chance for a just and lasting peace. The world will not trust us if we talk out of both sides of our mouth—if we are on one side abroad and on another side at home. Two-thirds of the world's peoples are colored. We cannot expect that they will respect our good faith or our avowed purposes if we continue to practice an ugly discrimination here at home against our own minorities. We will have to fight a rear-guard battle in Europe and Asia so long as each lynching is carried in the headlines of foreign newspapers, so long as our enemies can point out the fact that so many millions of our people are not full partners in our democracy. For the sake of our national defense we must not permit prejudice and discrimination to become our Achilles' heel.

We are a Nation blessed by God with material riches beyond all others. Our mountains, our plains, our rivers, our harbors have given us industry and commerce, agriculture and mining resources, that are the envy and despair of the rest of the world. But our richest and our greatest resource is people—people living under free and fair institutions which permit them to develop fully the talents God gave them. We waste this resource if we sanction discrimination.

I. THE NEED FOR LEGISLATION

While there is no precise measure of the extent of employment discrimination, there is convincing evidence that discrimination is increasing. So the Committee on Fair Employment Practices reported to President Truman in June 1946 upon the completion of its task.

The United States Census Bureau survey reveals that in April 1947 the proportion of unemployed among white workers was 3.8 percent and among nonwhites 6.7 percent. Also significant is the fact that the unemployment ratio had increased since 1945 about 150 percent among white workers but more than 300 percent among nonwhites. An analysis of the report indicates that the problem is not confined to any one section of the country but is equally acute on the Pacific coast, in Detroit, Ohio, and New York.

A survey made by the Ohio State Employment Service indicated that 24 percent of the job requests received carried the condition "white only." Negro workers did not even have an opportunity to discuss with prospective employers their qualifications for doing the job which he needed done. Of course, the 23-percent figure must be considered a minimum since we know from ample experience that a substantial number of other job openings were discriminatory although not specified as such.

At the same time that discrimination increases at the hiring gate itself, we have noted that there has been a forced retreat by Negroes from skilled and semi-skilled jobs into the common-laborer classifications, and from production jobs to service jobs. The Labor Market Reports issued by the United States Department of Labor illustrates this point by quotations from surveys of industry after industry—agriculture, machinery, hosiery, prefabricated housing, telephone communications, bakeries, and so forth.

Employment discrimination is, of course, not limited to Negroes. The 1948 annual survey of the Anti-Defamation League of B'nai B'rith reports "a spot survey of private employment agency registration forms conducted during September 1948 in 33 of the 48 States showed that 60.6 percent of these asked questions about religion; 33.9 percent about nationality; 28.4 percent inquired into place of birth; 16.5 percent asked about descent; 11.9 percent asked about race."

Similar discrimination, often in more aggravated form, is suffered by countless other Americans whose mode of worship, national origin, or skin color served to disqualify them for securing employment commensurate with their ability—Jap-

anese Americans, Mexican Americans, Indians. Their story is set out in convincing detail in the report of the President's Committee on Civil Rights.

II. FAIR EMPLOYMENT LEGISLATION IS EFFECTIVE

"This form not to be used in the States of Connecticut, Massachusetts, New York, and New Jersey" reads the heading of a 1948 application blank of the Goodyear Tire & Rubber Co. The application for a position with this giant American corporation then goes on to ask such questions as religion, lineage, father's birthplace, and so forth, and says: "Please attach recent photograph of yourself. This is essential. Otherwise your application will not be considered." Here in dramatic summary form is an example of what has been accomplished by FEPC legislation. The four States listed at the top of the application are the States which for the past 3 years have had fair employment practice acts with enforcement provisions.

Prior to the passage of these State laws, statements were made to the effect that business would leave the State, white employees would quit their jobs, and employers would be harassed with irresponsible charges. These dire predictions have proven groundless.

We have the sworn testimony of the chairmen of the commissions of the three States with the longest experience with antidiscrimination laws. All report that there has not been a single instance of a business leaving a State, of a mass walk-out, or a complaint by any employer that compliance with the law has resulted in the loss of either customers or revenue. Quite to the contrary, they testified that a growing number of companies had come to the conclusion that antidiscrimination laws helped business by promoting a more efficient utilization of labor. As one executive put it, "Some of the people I have hired under the new law are outstanding. You ought to point out to employers the advantages they get from an increased labor market where they have access to so many qualified workers."

The three commission chairmen were unanimous in declaring that the FEPC laws in their respective States had resulted in a marked decline in discriminatory practices and in the virtual elimination of discriminatory advertisements and employment application forms. Especially significant is the fact that they reported a total of 1,220 cases, and in not a single case was it necessary to go beyond the processes of conferences, conciliation, and persuasion to effect a satisfactory adjustment. They were unanimous, too, in the opinion that enactment of a Federal statute would strengthen and facilitate the administration of their own laws. The experience of the States is fortified by experience on the Federal level by the record of performance of the wartime FEPC. During its most active 2 years, FEPC closed an average of 250 cases a month. About 100 cases a month were closed as having been satisfactorily adjusted. Some warplant gates were thereby opened to minorities hitherto refused admittance. Government and industry were persuaded to advance many minority workers to their established skills.

The effect of these cases on the morale of minority-group workers is not precisely measurable. That the effect was far-reaching and beneficial was shown by the minimum of interracial friction during World War II as compared with World War I. Vociferous threats to strike if minorities entered a plant evaporated when responsible workers and employers took a firm position against discrimination.

The record of the Federal FEPC is concededly not as successful as the State FEPC's. The reason is clear. The Federal Government program lacked enforcement powers.

The chairmen of the State commissions who have testified on the subject are unanimous in emphasizing that although no State had as yet found it necessary to invoke legal sanctions, the very fact that it is part of the procedure has had its effect and has helped make possible the really remarkable record of cases settled through conciliation alone.

We know of instances where State commissions have succeeded while the Federal Commission failed. In New York, for example, the commision successfully concluded an arrangement with a number of railroad unions to eliminate discriminatory clauses in their constitutions and bylaws. The Federal FEPC, lacking the reserve power of enforcement, failed to do this.

III. THE NEED FOR ENFORCEMENT POWERS

It is significant that the foes of this legislation have all joined with us in professing their oposition to discrimination, and that hardly a voice has been raised in defense of such practices. The attack is always on method. We are told that racial or religious prejudice can be eliminated only by education and that legislation in this delicate field will promote strife and conflict.

The opposition ignores a fundamental distinction between prejudice and discrimination. Prejudice is a state of mind and discrimination is an overt act. Our system can indulge a man's individual prejudice however wrongfully conceived, so long as they remain a state of mind. But our democratic system cannot permit a man to translate his prejudices into action which infringes the rights and liberties of others. This is a fundamental premise of our civil and criminal law. When prejudice is translated into active discrimination whereby men, solely because of their race, religion, color, or national origin are denied an opportunity of earning a livelihood for themselves and their families, it is the proper function of government to prevent such practices.

Nor does experience justify the fear that passage of this legislation will promote strife and conflict. Decency and fair play have never fostered strife. On the contrary, such tension and conflict arise more frequently when people feel they cannot obtain redress from their government for a recognized evil. We are more likely to have disorder and riot when a government disregards the demand for justice. We should not expect members of minority groups who have fought and bled for our democracy to sit by indefinitely when they are told in effect "you have won freedom for the peoples of all the world, but it is to be denied you here at home." The purpose of this legislation is in accord with traditional concepts of the role of government in promoting the general welfare—in providing an orderly official procedure for dealing with a recognized evil, employment discrimination.

To those who say that education rather than legislation is the answer, we reply that they have offered us false alternatives. There is no conflict between education and legislation. It is the educators who have told us that we learn best by doing. It is the legislators who tell us that law constitutes one of the most powerful instruments of education. The complementary character of education and legislation is aptly summed up in the fact that it became necessary to pass laws making school attendance compulsory before our education system itself was able to function effectively. As Bishop Francis J. Haas put it:

> Frankly, I become a bit impatient with persons who insist that the whole matter of securing fair employment opportunity is solely the business of education. In too many instances their position amounts to holding that a just social order is to be built brick by brick, but that only one brick is to be laid every hundred years. We may not resign ourselves to such a policy of defeatism and of doing nothing.

We are also told that the program of civil rights contravenes the principle of States' rights. Let us put the issue more accurately. The legislation before us is designed to protect the right of all Americans to earn a livelihood at any trade without discrimination because of race or creed. Surely this is a basic right. Surely this is one of the foundations of the dignity of the human person. And surely it must be preferred over the arid principle of States' rights—or, to be more accurate, the principle of States' wrongs. For what rights are involved in our opponents' program—the right of States to prevent people from finding jobs because of their color? If this were not a State's wrong—instead of a State's right—this issue never would have arisen.

Mr. McCONNELL. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. HESELTON].

Mr. HESELTON. Mr. Chairman, I have three amendments at the desk. I wish I could have made them available to all of my colleagues sooner, but they can be seen there, and in view of the time limitation I simply want to try to explain them in the hope that they may appeal to all of you.

We have an FEPC law in Massachusetts. It was enacted in 1946, and it is working, and well, and with the approval of practically everyone in Massachusetts. I was pleased to find that in subsection 7 of section 6 the committee adopted practically the identical language of the Massachusetts statute, but I was disturbed to find that although it is only

slightly different, it is still different from the Massachusetts statute when you consider subsection (b) of section 7. I believe that goes to the heart of this legislation. I believe that you have a clear precedent, and I believe it will be helpful, constructive, and certainly not destructive if this amendment is adopted.

I placed in the RECORD on February 2 an analysis and comparison of the committee bill, the bill offered by the gentleman from Pennsylvania, and the Massachusetts law. If this amendment is adopted, it is my considered opinion that the committee bill will be almost identical with the Massachusetts bill.

May I call your attention to certain statements made by the commission in Massachusetts with reference to the working of that bill. Their first report, the commission said in part:

> It has not chosen to conduct a punitive expedition in Massachusetts but has preferred to steer a conservative course of educating employers and workers alike as to their responsibilities and obligations under this law.

Their second report, filed in 1948, said:

> From the beginning, this commission has recognized that the elimination of discriminatory employment practices based upon individual and group prejudices could be accomplished most effectively by reason instead of force.

And I am pleased to state that in the last report filed in November of 1949 the commission was able to report that not a single complaint in Massachusetts has been taken to the courts, and they call attention once more to this significant statement of policy:

> Once more the commission acknowledges the wisdom of the provision of the law requiring that the first efforts to adjust complaints be made through conference, conciliation, and persuasion.

Those are the words in that subsection, and I suggest to you Members that where you have had 3 years of experience in a highly industrialized area and where a commission can make that sort of a report and add, "This process invites cooperation and is the antithesis of swinging a big stick," you will have an opportunity to write into this law the law that has been on the books 3 years and has been demonstrated in that fashion.

I hope you will support the amendment.

Mr. POWELL. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. LUCAS].

Mr. LUCAS. Mr. Chairman, first, as a southerner, I want to say I admire the good faith of the gentleman from New York in presenting this legislation to us for consideration. I have been treated with eminent fairness by him and his subcommittee in all the considerations we have had in our committee. I disagree with him, of course, on the legislation, and I oppose it most vigorously.

The question is whether or not we, acting as a national legislative body, can pass legislation which will change the customs and the traditions of the people of the country. That is the intention of this bill and there can be no denying it. Those who sponsor this legislation want to change the customs. They are desirous of creating social equality. They are desirous of bringing the minority races into every opportunity which exists for the majority races in this country. I do not criticize them for that but I do criticize them for the means which they are using in order to achieve this objective. It cannot be done by legislation.

The gentleman from Massachusetts spoke in high praise of his Massachusetts law. I happen to know of my own personal knowledge that the Massachusetts law is not effective in that State simply because employers up there will not advertise in the newspapers for employees. They will not go to an employment agency seeking employees. The reason they do not is that they want to select their own employees, and this FEPC there is preventing people of minority races from getting the jobs they would secure through want-ad pages or through employment services.

It should bear some significance to this debate that two of the three members who have spoken in favor of this legislation from the committee have mentioned the fact that this is not aimed at the South. "Methinks, my friend, that thou protesteth too much." It is aimed at the South and they cannot honestly deny it. It is aimed at the South because the preponderance of colored people in this country live below the Mason and Dixon's line. You want to change our customs down there and force us to follow a Federal law which directly violates all of our traditions and our customs in the South.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. LUCAS. I yield to the gentleman from Mississippi.

Mr. RANKIN. The proponents of this bill are merely using the Negro as a smoke screen; they are not trying to help him. That is bunk. They are not trying to help the Negro. They do not give a tinker's damn about it.

Mr. LUCAS. I am seriously afraid they are not helping the Negro. Actually they are hurting the Negro.

Mr. RANKIN. They are depriving him of a home.

Mr. LUCAS. I think the gentleman from California [Mr. JACKSON] has raised an excellent point in stating that this legislation should be handled at the State level. It should be. If it is not aimed at the South, then what objection would you have to letting each State determine whether or not such a law as this should be enforced within that State? I believe so strongly in that that I am going to offer an amendment, for which I ask your consideration. It reads:

> SEC. 16. This act shall take effect in each State on the date on which the State by law (1) declares that the rights of some persons within the jurisdiction of the State to employment without discrimination because of race, color, religion, ancestry, or national origin are being denied, and (2) establishes or designates an agency of the State to accept jurisdiction of cases under section 7 (a) of this act.

If this bill is not directed at the South, if it is not aimed at the South, will you support my amendment? If you believe this is not aimed directly at the South, then you will permit the Southern States and every State to determine, as has the great State of California, whether or not they shall have legislation of this character within the States.

Mr. MCCONNELL. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. BROWN].

Mr. BROWN of Georgia. Mr. Chairman, I hope the bill to establish a permanent Fair Employment Practice Commission will never be enacted because it strikes the very vitals of all free enterprise, without which our Nation could never have become the greatest and richest country in the world. It is a measure which would substitute the whims and dictates of a Federal bureaucracy for the judgment and common sense of the great people who have carried our Nation through nearly two centuries of progress to the pinnacle we now enjoy.

The FEPC was created during the war years by Executive order for the purpose, it was claimed, of obtaining full manpower strength and allegedly preventing possible discrimination in employment of any person because of his race, creed, color, or national origin. The record shows, however, that the FEPC often hindered instead of helping in war production, and caused a break-down in the race relations rather than building up better understanding. After the war emergency, this trouble-making agency died, but now it is proposed to bring it to life permanently with still greater jurisdiction over practically every kind of work and walk of life.

It is regrettable that there appears to be so many who are unable to understand that progress is attained through understanding and education—and not legislation. The past half century has been the most progressive period in history. Many changes have come about in the American way of life. This applies particularly to the South and my own State of Georgia. Negroes have advanced further in education, business, religion, science, and the professions in this period than in any other time in history. Approximately 4,000,000 people who were uneducated and unskilled in any trade except farming were set free to find gainful employment and make their living at a time when the whole country was suffering the aftermath of the Civil War. The southern whites and their former slaves, even then, had become reconciled and had worked out an understanding between themselves and jobs and homes were given the Negro by their former masters. There is a vast difference in the status of the southern Negro today from what it was at the turn of the century. Moreover, it should be noted that the South is attaining more and more a diversified and well-balanced economy—and is attracting industries from other areas because of its many advantages such as sufficient and satisfied labor, even weather, proximity to supply, and increased transportation facilities.

The constitutionality of the proposed measure is most doubtful. No case has been made for its constitutionality—and it attempts by the mere recital of words to make a legislative finding of fact that

the so-called ills it seeks to cure are now adversely affecting the interstate and foreign commerce of the United States. That is a surprising conclusion—especially in a period when our interstate and foreign commerce are at the highest peak in our history. It becomes the more amazing when one stops to trace our trade and business growth during the last 30 years. If the investigations, compulsory testimony, compulsory production of records, compulsory attendance at hearings conducted by incompetent clerks, and the other indignities that this measure would foster upon the taxpaying American citizen is constitutional for the purposes this measure sets forth, then it certainly becomes clear that the individual rights of the States and the people reserved in the Constitution are in actuality surrendered under the commerce clause.

The bill does not even purport to be exercised for the citizens of this country. It flatly states as a finding of fact that "the rights of some persons within the jurisdiction of the United States to employment are being denied"—it does not say "citizens," merely "some persons." That could mean that it is intended that every alien, no matter what his country of origin, is to be given all the Federal Government help and assistance possible to secure the job of Americans who have fought and won two world wars to make their homeland safe to live in. Is this a proposal to secure every Communist, not only a foothold in America, but gainful employment at the expense of the livelihood of the American veteran who is merely seeking to enjoy an economic status in which he may raise his family in the American way?

The Commission proposed in the bill is not limited to functioning in the United States or areas subject to the jurisdiction of the United States. Section 6 (f) of the bill specifically provides that—

> The principal office of the Commission shall be in the District of Columbia, but it may meet or exercise any or all of its powers at any other place and may establish such regional offices as it deems necessary.

Section 2 (c) states that one of the purposes of the bill is "To promote universal respect for, and observance of, human rights and fundamental freedoms for all." Section 6 (g) (6) further empowers the Commission "to make such technical studies as are appropriate to effectuate the purposes and policies of this act and to make the results of such studies available to interested governmental and nongovernmental agencies." It would seem clear that the Commission might devote its energies to investigating the undesirables of other nations and then assure them of employment when they came to America.

Although the bill purportedly is designated by its proponents to eliminate discrimination, its very terms are discriminatory themselves. It provides that where the Commission finds an alleged "unlawful employment practice" it may "petition any United States court of appeals or, if the court of appeals to which application might be made is in vacation, any district court or other United States court for the enforcement of such"—the Commission's—"order and for appropriate temporary relief or restraining order." But if a person is aggrieved by the Commission's order he can only obtain a review of the order in a United States court of appeals. The aggrieved party does not have jurisdictional access to a United States district court or other United States court, if the court of appeals is on vacation. He just has to wait until their vacation has ended—and in the meantime he must obey the Commission's order which could be to hire someone he does not want or need, or would not want because the person is incompetent even if he did need someone, and would have to pay that person back wages even though the person never worked during the period.

It is impossible to conceive of a measure which would so completely deter, burden, confuse, befuddle, add untold costs to, and even destroy American business and the American way of life as the proposed Fair Employment Practice Act would. In place of individual judgment based upon years of knowledge and experience, a Federal bureaucracy would be set up in every community in the Nation with every legal weapon conceivable available to it—including rendering its own binding orders—to tell every businessman whom he could hire, whom he could fire, what the terms of this one's employment should be, what the terms of that one's employment should be, and anything else they could think of. If an employer should find a few years later he hired someone when the Commission thought he should have hired someone else, he would have to pay the back wages to the one he did not hire, then hire him, probably have to fire the first man and lose his experience and skill, and wind up with an incompetent whom he had to continue to employ, contribute to his social security, provide medical services and the many other benefits that most employees receive. If this would not adversely affect the interstate and foreign commerce of the United States, it is difficult to conceive of anything that would. And all this so an alien could put an American veteran on the relief rolls.

Our American system of free enterprise has succeeded because it is flexible and provides rewards and promotions to those with skills and ability. People with talents and skills move to the higher places and the lazy and inept remain where they are until they decide to go to work. Under this proposed new system of regulating the employee and the employer by the FEPC a person's ability and competence would be incidental. There would be an endless chain of grudges and grievances and spying, and a man would be unable to operate his own business. There would always lurk in the shadows the fear of unlawful employment practices and every employer would hesitate to use his own judgment in the selection of those he thought could best fit in his business and successfully carry on the work.

In addition to the incalculable costs the measure would add to the price of goods and services to the consumer, there would be added to the already back-breaking tax load the average American is shouldering, the cost of a new Federal bureaucracy with agents in every part of the country, and possibly the world, their cost of travel, the immense costs of conducting hearings, trials, and lawsuits, and every other cost that a Federal Bureau incurs.

We in the Southland realize our problems; we have seen the progress that has been made; we feel that in time the South will work out its salvation through education and the increased spirituality of our people. We have a background of experience, knowledge, and understanding with which to deal with them for which legislation is not merely a poor substitute, but no substitute at all. Senator Borah, a brilliant statesman from Idaho, said many years ago that the southern people had met the race problem and dealt with it with greater patience, greater intelligence, and greater success than any people in recorded history dealing with a problem of similar nature.

This FEPC proposal if enacted on a Federal level would result in greater confusion in all areas, and in the South particularly its effect would be complete demoralization and utter devastation. The progress the South has made would be overturned and in place of the South's understanding and experienced approach to these matters would be substituted a coercive, threatening, blundering statutory program impossible to enforce and capable of only one net result—chaos.

Mr. HARRISON. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Georgia. I yield for a question.

Mr. HARRISON. Is this bill, as reported by the committee, based on the findings and report of the President's Commission on Civil Rights?

Mr. BROWN of Georgia. It is my understanding that it is.

Mr. POWELL. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey [Mrs. NORTON], former chairman of the Committee on Education and Labor.

Mrs. NORTON. Mr. Chairman, of course you know I am in favor of this bill. I have asked for this time to discuss a bill dear to my heart and to the heart of every American who believes in human rights and fair play—the bill to establish a Fair Employment Practice Commission. I have long been interested in legislation which would create through statute a permanent FEPC, and as many Members know, I have introduced in the past three Congresses bills which could create such an agency. Although one was reported to the floor of the House by the Labor Committee in the Seventy-ninth Congress, it was prevented from ever coming to the floor by the determined action of the House Rules Committee to pigeonhole it. Unfortunately, the House has never had an opportunity to vote on any FEPC bills and what has happened today is merely a repetition of the tactics which have been used in other Congresses to keep FEPC legislation from being considered by all Members of the House. There is before us today not only the question of whether FEPC should become law—although I hope that it does—but also the question

of whether the House should be denied the right to consider a bill such as this. The bill in essence prevents the same type of high-handed tactics which are being used today on the floor of the House, and I sincerely hope that all Members will have an opportunity to cast their vote on this legislation.

As I have said, I have been the author of several FEPC bills, all of them to prevent discrimination in employment because of race, creed, color, national origin, and so forth. In our America, where we are all striving to preserve our fundamental freedoms and liberties, we should not be afraid of any legislation which would give Americans the right to earn a living on an equal basis with all other Americans, regardless of race and creed. We preach tolerance for other peoples, but, unfortunately, we forget that, right in our own country, a minority of our own citizens must suffer discrimination. We are sending thousands of dollars to countries overseas to curb and prevent the spread of communism, while at home we foster the very conditions which lead to communism. Men will not turn to communism in America if they are given equal opportunities for employment, and through this employment secure for themselves and their families a decent standard of living.

I am not afraid of the consequences of a permanent FEPC. The original FEPC established through Executive order by President Roosevelt brought no dire results. In fact, records show that it was most successful in its operation, and I believe that its fair and just administration helped to spread in an effective way the idea of tolerance and brotherhood.

In these troubled times we may be again forced to ask the men and women of our country to serve in the armed forces and protect once more all that we hold dear—God forbid that this will happen—but if it does, how can we ask our young people to give of themselves, and perhaps even their lives, if we do not assure to them at home the very freedoms for which they may have to fight. That kind of service is not predicated on color or ancestry or any creed, but merely on a common love of freedom and justice and a determination to preserve these priceless gifts. If we are honest with ourselves, we will today show to those who suffer from discrimination at home and to those abroad who are looking to us for leadership that we truly believe in the ideals which Americans have espoused since the founding of the Republic—tolerance and liberty. There is one way to prove our good faith, and that is to consider FEPC legislation and vote in favor of it.

Mr. McCONNELL. Mr. Chairman, may I inquire how the time stands?

The CHAIRMAN. The gentleman from Pennsylvania has 32 minutes remaining; the gentleman from New York 36.

Mr. McCONNELL. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. JAVITS].

Mr. JAVITS. Mr. Chairman, we are fighting the very old struggle here today and we might just as well recognize it; for the United States is no longer a confederation of sections, nor is the United States a conglomeration of individual States; we are now a nation. We are not trying to legislate morals, which, I think, is an oversimplification of what we are trying to do here today; we are trying to implement a very old, a very honored, a very treasured right in our country—to protect a person inviolate in the possession of his life and his property and his right to the pursuit of happiness. Equality of economic opportunity is just such a right.

In this legislation we are trying to keep up with modern times which dictate that we have to pass a law which in its application, is only keeping up with modern times.

We must also pass a law which has teeth in it or we are saying to ourselves that the right to equality of economic opportunity which we are trying to assert and preserve and maintain is not dignified enough to have Government enforcement. That is the fundamental problem here. Everybody who wants FEPC, who wants it sincerely and deeply and understands what it means as an American, wants it effective. We know that you cannot have a policeman for every violation, and we know that enforcement powers is what makes for deterrence against violation. The Legislature of the State of New York knows that, too, for it has memorialized the Congress by Resolution passed concurrently, dated January 31, 1950, to pass this very bill, and I am going to put that memorial in the RECORD. It says and I quote:

> * * * the enactment of such legislation (H. R. 4453) is of the greatest importance to the people and will tend to unite the country and create greater respect for our institutions among the other peoples of the world * * *.

I am a member of the Committee on Foreign Affairs. We have heard a lot about the reverses which the United States has taken in the Far East in foreign policy; and we have taken serious reverses there, but let us not forget that we are asking Asiatic peoples to adopt democracy. We are asking them to learn the freedom that democracy means, this billion people in the Far East who have yellow skins, and the 140,000,000 people in Africa who have black skins. We ask these peoples to have faith that democracy is fair and just and honest and does exactly what it promises to do. We can say that so much better and without questioning whether we are deceiving ourselves if we extend this elementary measure of justice to our own colored citizens in the United States. Good faith in our acknowledged responsibility to spread the ideas of freedom to all peoples demands that we pass this bill and pass it today.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. McCONNELL. Mr. Chairman, I yield such time as he may desire to the gentleman from Mississippi [Mr. WINSTEAD].

Mr. WINSTEAD. Mr. Chairman, I am opposed to the bill.

Mr. Chairman, today another great American custom is being thrown aside to make way for FEPC, one of the most un-American bills which has ever been brought before the Congress of this great country. I do not have to remind anyone present that for over 100 years it has been the custom for the Congress of the United States to honor the birthday of George Washington, the Father of our Country, by assembling, reading his Farewell Address, and then adjourning in honor of his memory. But not so today. We must wrangle with this vicious measure which is designed as vote bait to serve the interest of selfish politicians—for this is election year. What a shame that this has to be with so many grave issues facing us at this time, when, for example, children, old people, and sick people everywhere are suffering from our inability to settle the coal strike which has this country practically paralyzed. What a shame that our President, who is leading the fight for passage of this legislation, has not used his authority to settle so grave a situation. And if he does not have authority to do this, the Congress is equally at fault for not having given him the authority necessary. It is a grave fact that children as well as adults look upon John L. Lewis as being all-powerful. Only this morning, for example, my 6-year-old son, who has been ill for approximately 4 weeks with measles and chicken-pox, called me, said he was cold and asked me if I would get in touch with John L. Lewis and see if something could not be done about heat for our apartment.

With the race our country is having with Russia for atomic-energy control, and the inability to get Communists off our Federal pay roll, with many other equally serious problems facing us, we still have to consider, on George Washington's Birthday and at the expense of pressing problems, legislation, which, if passed, will mean complete regimentation of business and the creation of more bureaucracy and add tremendously to the taxes now being paid by businessmen—both large and small.

Contrary to what the advocates of FEPC would have the people believe, this is not a matter which concerns only the Southern States, even though it is true that Representatives of the South have previously prevented this measure being enacted into law. It is true that the South was first to realize that something much more fundamental was involved than we were led to believe in the move to establish a permanent FEPC. Perhaps this is why this whole matter has come to be regarded by many people as a southern problem, inasmuch as the race question is involved and since a large percentage of the population of the South is Negro. Even the civil-rights program, which seeks to destroy the South's way of handling the race question, and which has been tested and proven to be the best method for both races, is not all there is to this measure, which its proponents are so frantically trying to force on the people.

This proposed FEPC legislation has correctly been called a violation of the traditional American system of free enterprise. In taking away from the employer the right which, under the Constitution, he has always enjoyed in selecting employees according to his own be-

lief in their qualifications, loyalty, and so forth, this legislation, if enacted, would invade deeper into the rights of the individual by dictating to the employee for whom he must work. I would like to quote from Donald R. Richberg, writing for the Washington Star, January 4, 1948, when he said:

Unless government is to destroy an economic system of competitive freedom and social system of free association, it cannot undertake to level down the inequalities that result from differing abilities and opportunities, or to interfere with the voluntary selection of one's associates in work or play.

Mr. Richberg goes further in his statement by saying:

No one would dare to propose that an employer be given the right by law to compel a man to work for him. That would be "involuntary servitude"—slavery. Yet it is solemnly proposed that an employer shall be forbidden the right to refuse to employ a "qualified" man because of his race, color, or religion. This means, in practical effect, that if a Government regulator says that a man is "qualified" and rules that he has been denied employment because of race, color, or religion, then he must be employed. It seems to be forgotten that an employer works for his employees just as they do for him. He is obligated by law to do a great many things for his employee. So the proposed law would force an employer into involuntary servitude to men who are under no obligation to work for him.

Taken in its broader sense, an employer must either comply with the regulations of the Fair Employment Practice Commission or be punished by fine or imprisonment without being able to claim the right of trial by jury. Think for a moment of our Atomic Energy Commission in the event of the passage of this legislation, the provisions of which make it unlawful to discriminate in Federal positions against any applicant for a job because of his natural origin or ancestry. This serious threat to AEC security alone is enough to show the danger of such legislation. As a matter of fact, it would be unlawful, under this proposed legislation, for the Atomic Energy Commission to ask any questions of the applicants as to his place of birth, citizenship, race or any question of that nature, which we have always regarded as necessary from the standpoint of national security.

To point out the effect this legislation would have on business in general, I ask you to imagine if you can an agent or agents whose job it is to travel over the country, interrupting the business day by questioning the employees with view to making charges against the employer because of his failure to employ, or failure to fire, someone because of his race, religious beliefs or national origin. As an example of what could happen if FEPC legislation is passed, I quote from a communication received from Mr. T. J. Priestley, Jr., of Philadelphia, Pa. In a pamphlet entitled "FEPC, the American Gestapo at Work," Mr. Priestley relates his experience with inspectors for the Wage and Hour Division of the United States Department of Labor during the war when his firm was engaged with the war effort. His statement follows:

During September 1943, there came to the office of the Priestley Printers, singly and in pairs, eight or nine able-bodied draft-deferred men, who demanded to see the payroll books of both the Priestley Printers and the Priestley Engineering Co. At different times they spent hours taking the names and addresses of employees. They pressed our typists into their service. They mailed questionnaires to the employees which encouraged them to oppose their employer, and when the workers failed to return them, others followed, so that no less than three questionnaires were received. * * * They annoyed the employees at their homes and called them on the telephone as late as 11:15 p. m., after they had retired. They worried the employees and interfered with our production. They entered, without permission, into our engineering department through a door having a sign "No admission" and endeavored to have a machinist break his contract with the Priestley Engineering Co. They demanded and took from our unsuspecting clerk samples of printed matter containing the names and addresses of our customers, to whom they addressed letters having the effect of belittling the prestige of the Priestley Printers.

Let it be borne in mind that, even though it appears that pressure for this legislation is aimed at the South as a punishment measure, such a law would mean that employers everywhere, regardless of the section of the country, would be drawn into line according to the dictation of Government regulators. I should like to call to your attention parts of a report of a vacation journey by youthful editors below Mason and Dixon's line which appeared in the New York Herald Tribune, August 6, 1949. In discussing the racial relationship in the South, these editors had this to say:

The racial relationship in the South is different from what we were led to expect. We thought we might find some kind of racial persecution and real misery among the Negroes. We can truthfully say that the Negroes we have seen and spoken to seemed, almost without exception, happy and on the whole the relationship between black and white in the South was more friendly, more cooperative, more understanding, and more constructive than many relationships between, say, white management and white labor in the North. * * * As one colored university professor said to us: "We are in a healthy and constructive process of evolution." * * * And strangely enough, while the Negroes themselves are anxious to have full economic and educational equality (but much less anxious than some of their white northern friends) they would certainly not welcome the abolition of racial segregation. This fact constituted, perhaps, our greatest surprise. Over and over again, Negroes said to us that they are proud of their race, that they would like to keep their race apart, and that while there should be other equality, while there should be the friendliest cooperation, they themselves would like to see the continuation of segregation.

Such findings must come as a great blow to the advocates of FEPC legislation who hope that by its passage to bring about social intermingling among the races.

From time to time, in this and past discussions of this proposed legislation, it has been pointed out that this measure is definitely un-American. Is it impossible to believe that either party would sponsor such a measure as this, under the terms of which every businessman in the United States would be told from Washington who to employ and who to fire, if it were not for their desire to obtain the votes of the radical groups who sponsor such measures, including the Communist? As you know, it is true that the Communist Party is and has always been active in support of FEPC legislation. We might well ask ourselves just why the Communist have such interest if indeed this legislation is not Communist-inspired.

May I bring to mind the reported words of the President himself, spoken in connection with criticism of one of his aides, when he said: "No ——— can tell me who to hire or who to fire." This, coming from the President of the United States, is one of the strongest statements one could imagine against this so-called fair employment practices legislation. Why, Mr. Chairman, would you want to force upon the people of this country a policy which you personally refuse to follow?

Mr. McCONNELL. Mr. Chairman, I yield such time as he may desire to the gentleman from Tennessee [Mr. MURRAY].

Mr. MURRAY of Tennessee. Mr. Chairman, I am opposed to the bill.

It is a sad commentary that this undemocratic, unconstitutional, unfair, and communistic-supported legislation is being considered on the birthday of the beloved Father of our Country, George Washington. It is highly unfortunate and regrettable that the House sees fit to celebrate the birthday of the immortal George Washington with the consideration of such ill-timed legislation. Article 123 of the constitution of the Union of Soviet Socialist Republics is the authority and forerunner for this type of vicious legislation.

I charge that the proponents of this measure are not interested in the welfare, well-being, and success of the minority races in the Southern States, but that they are directing this legislation at the South for political purposes. They are simply using the Negro in the South as a political football. The white southerner is the best friend the Negro race ever had. The great majority of the people of the United States are not supporting this legislation and the little popular support it has today comes mainly from pressure groups, radical organizations, Communist-front groups, and representatives of minority racial organizations.

The fair employment practice bill, H. R. 4453, is revolutionary, dangerous, and drastic legislation, which should not be enacted by Congress. In my opinion its enforcement would absolutely destroy free enterprise and private industry, as it would create intolerable conditions in the management of any business. It would mean bureaucratic control and regimentation of all private industry. It would be a serious blow to our present form of government and would finally result in a totalitarian form of government. It is the most far-reaching effort ever attempted to control and direct business. Not only would it subject private industry to dictatorship by our Government, but it would also strike a real blow to the freedom and control of labor unions by their members.

The bill would take away from private business its right and privilege of hiring and firing its employees. It would encroach upon the prerogatives of management to pass upon the qualifications of persons seeking employment and would deprive it of the right of selecting its own employees. The measure would control the selection or fitness of applicants for membership in our union labor organizations and would pass upon their right to discharge members from their unions.

This contemptible legislation is sponsored and supported by all radicals, left-wingers, Communists, and those opposed to our present form of government and to private enterprise.

It would set up a colossal bureaucracy with vast and dangerous powers of control and regimentation. It would deprive the employer of using his own good judgment of choosing qualified, capable employees and labor unions in selecting their own members.

NEW ERA OF RACKETEERING

Any dissatisfied applicant for a job could file a complaint with the FEPC, could force the employer to leave his business and submit to a kangaroo hearing as to why the disappointed job seeker was not hired. Any disgruntled person who has been discharged could likewise file a complaint with the FEPC and force the employer to submit to a hearing as to why he was fired.

The passage of the bill would set up a new era of blackmailing and racketeering. It would result in thousands of complaints and hearings by the FEPC due to shysters and agitators who would claim that they were either refused employment or were discharged in violation of the act. They will file ungrounded complaints with the hope that the employer will pay off to them rather than to go to the trouble and expense of a FEPC hearing.

This legislation would be a crushing blow to private enterprise, individual initiative, and to the freedom of labor unions in choosing their own membership. It is inimical to the best interests of our country.

Mr. POWELL. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. KELLEY] 3 minutes.

Mr. KELLEY of Pennsylvania. Mr. Chairman, regardless of what has been said here about this legislation being directed toward the Negro, there is the argument that it does not involve the Negro solely. There has been discrimination in this country amongst many groups. Anyone who has ever lived or traveled in an industrial area of this country certainly has observed that. We all realize today that something should be done about it. Many minority groups are still suffering from discrimination.

Mr. Chairman, there is another aspect that has been touched upon by a previous speaker. That is, in connection with our foreign relations we belong to many of the international organizations and we must associate with all of those nations, 60 or 61 of them, with people of different color, of different religions, and of various races in the world. We have voiced our admiration and our adherence to nondiscrimination against minority groups, then we proceed to violate those principles, and we are, therefore, thought by people over the world as being hypocrites. It is injuring our relationship with foreign nations, to say the least. It has been and is embarrassing to any United States citizen who is assigned to a principal position on one of our international organizations to sit with those people and pose as being something that we are not. Certainly we can enhance our prestige and our influence the world over with those people if we will do what we say we will do.

Mr. Chairman, I yield back the balance of my time.

Mr. POWELL. Mr. Chairman, I yield the minute that the gentleman from Pennsylvania [Mr. KELLEY] yielded back to the gentleman from Virginia [Mr. SMITH] for debate.

Mr. SMITH of Virginia. Mr. Chairman, we have been in session for a long time. It is now almost 7 o'clock, and it is obvious this bill cannot be seriously considered and concluded during this session of the House. I think most of the Members are very tired. It is about time we were getting away from here. I think a good many of them are ready to get away.

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from New York.

Mr. ROOSEVELT. I would like to ask the gentleman if he realizes I am feeling very wide awake and I have no desire to leave until we complete the business of the day.

Mr. SMITH of Virginia. The gentleman is a good deal younger than some of us and I congratulate him. I admire him, I like to see him up here jumping around and going on. But I think it is about time we quit. Therefore, Mr. Chairman, I move the Committee do now rise.

Mr. POWELL. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. POWELL. Mr. Chairman, I yielded 1 minute to the gentleman from Virginia only for debate.

Mr. SMITH of Virginia. Mr. Chairman, I ask recognition on my own to offer a preferential motion.

The CHAIRMAN. The gentleman from New York yielded to the gentleman from Virginia for a particular purpose. The motion offered by the gentleman from Virginia is not in order at this time.

Mr. SMITH of Virginia. Mr. Chairman, I now move, on my own time, that the Committee do now rise.

The CHAIRMAN. The gentleman from Virginia has no time. The gentleman from New York and the gentleman from Pennsylvania have control of the time.

Mr. POWELL. Mr. Chairman, I now yield 4 minutes to the gentleman from South Carolina [Mr. SIMS] for debate.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. SIMS. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. Mr. Chairman, having some time of my own, I now move that the Committee do now rise.

The CHAIRMAN. The gentleman from South Carolina was yielded 4 minutes time for debate. He in turn yielded to the gentleman from Virginia but he cannot yield to the gentleman from Virginia for the purpose of offering that motion.

Mr. SMITH of Virginia. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair be sustained?

Mr. RANKIN. Mr. Chairman, I make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RANKIN. Mr. Chairman, is that appeal debatable?

The CHAIRMAN. Under the 5-minute rule; yes.

Mr. RANKIN. Mr. Chairman, I would like to be heard.

The CHAIRMAN. The gentleman is recognized. The Chair will say that the discussion is now on the appeal.

Mr. RANKIN. Mr. Chairman, this is the first time that I ever knew Members of the House to have to edge in in this way to be recognized for a motion for the Committee to rise.

In my opinion that motion is privileged, and any Member has a right to make it at any time.

I do not propose to discuss this monstrosity at the present time. I will do that under the 5-minute rule. But I secured this time to support the appeal of the gentleman from Virginia [Mr. SMITH].

In the first place, we are going to be here all night, if this goes on.

I am sure that Joe Stalin heard that applause, because you are driving through here a piece of communistic legislation that Stalin promulgated in 1920, and you could not pass it in a single county in the United States by a popular vote, as was shown in California. You are trying to ram this thing through here by intimidation, in order to bring about a condition that the American people do not want. The gentleman from Virginia [Mr. SMITH] has made the motion that the Committee do now rise.

Mr. MARCANTONIO. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MARCANTONIO. I make the point of order that the gentleman from Mississippi must direct his remarks to the question of the appeal from the ruling of the Chair.

The CHAIRMAN. The gentleman is correct.

Mr. RANKIN. Mr. Chairman, I desire to comply with the request of the leader of this FEPC program the gentleman from New York [Mr. MARCANTONIO], and

I want to confine myself within the rules of the House.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. The gentleman from Mississippi is one of the most astute parliamentarians of the House, and he has had long experience here. Now, we frequently have bills come up here by rule on which there is general debate lasting for 2 and 3 days, on which time is allowed for those pro and con. The gentleman understands from the ruling of the Chair that we might now be placed in a position where we could never rise.

Mr. RANKIN. If the ruling of the Chair is correct, we could be held here for 3 days and nights.

Mr. SMITH of Virginia. Is it not the custom and the usual practice in this House, whenever they are ready to rise, that somebody does make a motion right in the middle of debate?

Mr. RANKIN. Absolutely, and that motion is privileged. That is what I am trying to tell the House. I do not want to irritate the leader of this movement, the gentleman from New York [Mr. MARCANTONIO], and that was not my intention at all.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from South Carolina.

Mr. RIVERS. He is not only the leader, but he is the father of this monstrosity.

Mr. RANKIN. I mean the father of this program.

Mr. RIVERS. "Monstrosity" is the word.

Mr. RANKIN. Father of this monstrosity. I have been in this body for some time. I have had as many parliamentary battles as any other man in this generation, and I am here to tell you that the gentleman from Virginia is correct. Unless this motion is privileged, we might go on here from day to day for the next week or 10 days, or the next month, and nobody would be permitted to make a motion that the Committee rise.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield further?

Mr. RANKIN. I yield.

Mr. SMITH of Virginia. I am sure the gentleman did not mean by his reference to the gentleman from New York [Mr. MARCANTONIO] to attribute legitimacy to this offspring, did he?

Mr. RANKIN. No, no. The gentleman misunderstands me.

Mr. RIVERS. He is the foster father. Stalin is the father.

Mr. RANKIN. The gentleman from South Carolina suggests he is the foster father.

But I want to talk about the motion of the gentleman from Virginia [Mr. SMITH]. Any Member has the right to move that the Committee rise, and it is privileged, and if it were not privileged, why, we could be compelled to sit here from day to day. We all know we will be here until daylight, at least, unless this motion is carried.

Mr. REDDEN. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from North Carolina.

Mr. REDDEN. If that were not true, then whether we would ever adjourn or whether the Committee ever rises would depend upon the one who has charge of the bill.

Mr. RANKIN. Certainly. We might just sit here from day to day. So I am supporting the appeal made by the gentleman from Virginia [Mr. SMITH], in the hope that the House votes on it and lets us go home and get a good night's sleep, and try to forget this crazy measure.

Mr. POWELL. Mr. Chairman, I rise in opposition to the motion.

May I just briefly state the situation, that if we do not support the Chair we will go back into the House, and when we go back into the House we will go through the same filibustering tactics, a motion to adjourn, which we will defeat, because we have the votes, and quorum calls, and then we will go back into the Committee of the Whole again. In other words, this motion is not offered sincerely because if it were offered sincerely it would mean that we were trying to expedite this matter. But this will prolong the situation for at least another hour and a half. We are going to finish debate according to the clock in 2 hours, not by the gentleman from Pennsylvania [Mr. MCCONNELL] or myself, who control only the division of the 2 hours. If this ruling is not sustained, we are merely going to prolong staying here and again go through the whole filibustering tactics which we have just defeated.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. POWELL. I yield to the gentleman from New York.

Mr. NICHOLSON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

Mr. NICHOLSON. May I ask what the parliamentary situation is?

Mr. POWELL. I do not yield for a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The debate is on an appeal from a decision made by the Chair.

Mr. RANKIN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RANKIN. We are under the 5-minute rule. No Member, no matter what his position is on the committee, has the right to yield of his time to anybody else. He may yield for an interruption, but he cannot yield time.

Mr. POWELL. I am yielding for an interruption.

The CHAIRMAN. The gentleman from New York has control of the time.

Mr. NICHOLSON. I am not making an interruption.

Mr. MARCANTONIO. I am not going to take much time to debate the point raised by the gentleman from Virginia nor to enter into a discussion of the bastardy proceedings in which the gentleman from Mississippi has engaged. The question is very simple. We are proceeding under the rules of Calendar Wednesday. Time is fixed for 2 hours of general debate. The gentleman from New York [Mr. POWELL] yielded to the gentleman from South Carolina [Mr. SIMS]. When the gentleman from South Carolina yielded to the gentleman from Virginia, he could not yield for the purpose of making that motion. Therefore, the ruling of the Chair is entirely in accordance with the rules and should be sustained, notwithstanding the objections of the gentleman from Virginia [Mr. SMITH] and the oration of the gentleman from Mississippi [Mr. RANKIN].

The CHAIRMAN. The question is, Shall the decision of the Chair be the judgment of the Committee?

The question was taken; and the Chair being in doubt, the Committee divided and there were—ayes 123, noes, 77.

Mr. SMITH of Virginia. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. POWELL and Mr. SMITH of Virginia.

The Committee again divided; and the tellers reported that there were—ayes 148, noes 83.

So the decision of the Chair stands as the judgment of the Committee.

The CHAIRMAN. The gentleman from South Carolina [Mr. SIMS] is recognized for 3½ minutes.

Mr. SIMS. Mr. Chairman, I am opposed to this legislation; I am opposed to any legislation of this type, because I do not believe that civil rights is an end in itself. I do not believe there is anything sacred about civil rights legislation; I think that whether civil rights legislation is right or wrong depends entirely on whether it accomplishes its ultimate end of attaining and preserving human rights. As I understand the enactment of civil rights is merely putting human rights into law; consequently, if by passing the law you do not attain and preserve human rights then I feel that civil rights legislation is wrong.

I feel the same way about States' rights legislation. Here again we have a means toward accomplishing an end. States' rights legislation is certainly not right if it does not attain that ultimate goal of reaching and preserving human rights.

It is my belief, Mr. Chairman, that this legislation will succeed only in setting up in the South irritants, will succeed in encouraging the Ku Klux Klan, will succeed in destroying liberalism in that section of the country which needs liberalism most. It certainly is not conducive to harmonious race relations.

Every liberal here today should vote against this FEPC measure. Liberals should not be tied to an FEPC slogan. They should look behind the slogan and see if the bill really accomplishes its objective.

I have been very much impressed by some of the arguments which many of the proponents of this legislation have urged before the subcommittee headed by the distinguished gentleman from New York [Mr. POWELL].

Senator PAUL DOUGLAS, one of the greatest liberal leaders in the Senate for whom I have the highest respect, points

out that "job discrimination against Negroes is directly weakening national unity and is giving other Communist opponents of our democracy a propaganda weapon"—1949 hearings, page 231. I certainly agree with Senator DOUGLAS that job discrimination against Negroes, as well as the race problem in general, is a Federal as well as a State problem and that Federal action as well as State action is necessary if we are to be successful in our efforts to solve the problem of two races living together harmoniously with human rights for all people.

Senator HUBERT H. HUMPHREY, considered by many to be the civil-rights leader of the Senate, in his testimony before the FEPC subcommittee last year, based his arguments for FEPC on the principle of government that the fundamental task of the Government is "to provide them with at least one thing—opportunity"—page 99. I agree with Senator HUMPHREY in his statement that the fundamental task of the Government is to provide the people with at least one thing—opportunity.

The distinguished gentlewoman from California, the Honorable HELEN GAHAGAN DOUGLAS, who is recognized as one of the most outstanding liberal leaders in this body, testified before the FEPC subcommittee and stated that—

> We are told that racial and religious prejudice can be eliminated only by education and that legislation in this delicate field will promote strife and conflict.

She continues by saying:

> The opposition ignores a fundamental distinction between prejudice and discrimination. Prejudice is a state of mind, and discrimination is an overt act. * * * Our system can indulge a man's individual prejudices. * * * When prejudice is translated into active discrimination, * * * it is the proper function of government to prevent such practices.

I agree with the distinguished gentlewoman that it is the proper function of government to prevent the overt act of discrimination if the Government can accomplish this good without accomplishing even more evil. But I wonder if the distinguished gentlewoman would not agree with me that it is also the proper function of government to attempt to eliminate the causes of prejudice and that through eliminating the causes of prejudice we may be able to eliminate more of the overt acts of discrimination than we can through legislation outlawing discrimination. In other words, I am not one of those that holds that racial and religious prejudice can be eliminated only by education. I believe, as does the distinguished gentlewoman, that we need education and legislation. But perhaps I differ with the distinguished gentlewoman in believing that the legislation should be designed to eliminate the causes of prejudice rather than to outlaw the overt act of discrimination.

Senator IRVING M. IVES, known as the father of FEPC in that he was the driving force behind the enactment of the first State FEPC law in New York in 1945, makes several statements before the FEPC committee which I think should be included in the record here, and which I personally agree with. First he states that—

> If you have to enforce this kind of undertaking by punitive measure, by legal compulsion, it is going to fail. Unless you can convince the rank and file of people that it is inherently right * * * and get them to cooperate in backing it up, your undertaking cannot succeed.

Senator IVES states further:

> And the success or failure of it—

Meaning FEPC—

> rests not primarily on the terms of the statute or the substance of the statute, but primarily on the type of administrator you get.

Now before going into the needs that exist in America which the proponents of this legislation are trying to meet and before going into what FEPC would actually do in attempting to meet this need, I would like to make several observations.

Fair employment practice legislation is new. As a matter of fact, the first acts of this specific character were adopted in the legislative session of 1945. It is common knowledge that it oftentimes takes a period of a generation of experience for an observer to make a fair appraisal of the effectiveness of this new law. As a matter of fact, we have operated in a tight labor market during the entire time the FEPC legislation has been law. The tendency to discriminate is obviously rather slight during a period of full employment as compared with the temptation to discriminate during a depression. I want to make the point that if it were conclusively proven—and it has not been—that State FEPC laws have worked successfully, that this is no indication that they will continue to work successfully during a period of widespread unemployment.

Another observation which I would like to make is this: In those Southern States where the minority group represents a very large proportion of the population, you have an entirely different problem than you have in a State where the minority represents a very small proportion of the population. It is entirely possible that the type legislation necessary in Minnesota, for example, where they have, according to the 1940 census, less than 10,000 Negroes, is not the type legislation that would be needed in Mississippi, where there are more than 1,000,000 Negroes. And it consequently follows that, even if FEPC legislation is proven to be desirable in the States in which it has been tried, it has not been tried in any State in which a single minority group represents a large percentage of the total population of that State.

In considering any legislation designed to help the members of a minority race it is necessary to consider the whole problem of two races living together harmoniously with human rights for all. This issue is of particular importance and significance to those of us who live in a section of the United States which is faced with this very real problem every day in the year. All through FEPC hearings we find the statement over and over again by the proponents of FEPC legislation that this measure is not pointed at the South. Almost without exception the proponents of FEPC have stated this measure is not pointed at the South. But I say to you that any legislation which is designed to help the members of a minority race should be pointed at the South because that is where the largest numbers of the members of minority races are located. In other words, any bill that is drawn up to help members of the minority race should certainly be drawn up so that it will work in the South because here is where the greatest opportunity for doing good exists. In any bill to help members of a minority race, the situation in Mississippi should be given more consideration than the situation in Minnesota because a law which would help members of a minority race would help over a million Negroes in Mississippi, while there are only about 10,000 that could be benefited in Minnesota.

I am not a traveling man. I am not familiar with the problem of discrimination as it affects most of the minority groups. I am fairly familiar with the problem of the Negro and the white man living together in the South, particularly in South Carolina. In five of the eight counties which I represent there are more Negroes than whites. I am very anxious to pass legislation that will help the Negroes in South Carolina and over the Nation but I am convinced that the proponents of FEPC fail to see clearly the real need that exists.

FEPC legislation, even if it were enforceable and we all know it is not going to work in the South but even if it did work all over the United States it would help a very few members of the Negro race. If we pass FEPC and if FEPC works, we as a government would still fail miserably in our effort to provide opportunity for all. Opportunity does not begin when a man becomes 21 years of age and is ready to go to work. There are millions and millions of members of the Negro race who have never been given an opportunity to receive an education. There are millions and millions of Negroes who have not been given the opportunity to receive adequate medical care. In other words, there are millions and millions of Negroes who have not been given an opportunity to develop their personalities and capabilities. What good does it do a man to say that you shall be given a job in line with your abilities, if he has not been given the opportunity to develop those abilities. FEPC is a farce as far as giving a man equal opportunity is concerned.

If the proponents of FEPC really want to give the Negroes in America equal opportunity, if the proponents of FEPC accept the minority problem as a national problem and I agree with you, it is a national problem, then the proponents of this legislation should step boldly forward with a program for providing basic needs to this minority group—basic needs so that they can properly develop their personalities.

The argument is used by proponents of FEPC that we cannot sell democracy and the idea of equal opportunity to the world

if we do not practice it at home—that we must close the gap between principles and practices. I agree with them completely that solving the race problem and providing equal opportunity is a national problem. Let us face it realistically.

Let us not make the same mistake that we made in America back in the nineteenth century when slavery was abolished. The problem then was exactly the same problem as it is today; that is, two races living together harmoniously with human rights for all. What was the situation then? We had many people from outside of the South shouting, "Pass a law that makes all people equal and then we will have political freedom and human rights." And on the other hand, within the South you had an equally loud group that were so busy shouting "States rights" that they did not have time to try and solve the race problems that did exist in the South. Neither group recognized the problem of the South for what it was, an economic problem.

Perhaps the War Between the States could have been avoided, if, instead of abolishing slavery, the slaves had been bought by the Government, and freed, and had been given education, and training, and land, and an opportunity to be economically independent individually. But Congress then did not recognize the problem as an economic one. They thought that by passing laws they would secure political freedom and human rights for the Negro. Let us not make that same mistake again.

Fair-employment practice legislation will not give to the Negro an opportunity to become economically independent. Let us give the Negro the opportunity to develop his personality and his capabilities. After all, the Christian religion uses as a standard the development of the personality, to determine right from wrong. The Christian religion is not nearly as concerned with the rewards that one receives on this earth, even if that reward be fair employment, as they are with the opportunity to develop one's personality.

Education is certainly one way toward solving this problem. But education is not enough. Education should be coupled with legislation and that legislation should be designed toward providing those basic needs for all people. Actually, legislation designed toward lifting up those people on the bottom rungs of the economic ladder will, in the long run, eliminate most of the causes for prejudice and will provide opportunities for millions and millions of Negroes who are not given an opportunity to develop their abilities.

However, if the proponents of FEPC legislation feel that we cannot wait on legislation designed to lift up all people who are on the bottom rungs of the economic ladder because of our position as the leading advocate of democracy in the world, I suggest that we pass legislation designed specifically to provide these opportunities to the Negro minorities.

I suggest, first, that we make a huge Federal appropriation to the States on the basis of their Negro population for the purpose of providing adequate educational, health, housing, and recreational facilities for the Negro. I suggest, secondly, that we establish a minority employment agency for the purpose of finding jobs for Negroes all over the United States. In other words, it would encourage voluntary migration of Negroes from the South to those parts of the United States where better employment opportunities exist. And, thirdly, that a national education program should be conducted with the objective of eliminating discrimination by education and publicity.

My suggestion of legislation to eliminate the causes of prejudice would help the common man within the Negro race. It is not designed like FEPC to help only a small percentage of the Negroes, perhaps 3 to 5 percent who could be classified as the elite members of that race.

My objection to FEPC is, first, that the Commission will, in my opinion, use its authority in an effort to end segregation in the South. Secondly, FEPC legislation, or the consideration of FEPC legislation, stirs bitterness and hatred among the races in the South. It does not work toward harmonious race relations and the rank and file of the people will not accept it—consequently, it will be unenforceable.

If this FEPC law were passed it is reasonable to assume that the President of the United States in appointing members for the Commission would appoint people genuinely interested in the success of the legislation. I think that it is also reasonable to assume that all of the members of the commission would feel that segregation is discrimination in itself and that, consequently, they would have no sympathy at all with the people in Southern States who are opposed to ending segregation. I think it is entirely reasonable to assume that these people would agree with the report of President Truman's civil-rights committee that the Nation should force the South to end segregation and that they would use what authority they have toward furthering this aim. I think that the activity of the wartime FEPC justifies these expectations.

President Truman's Committee on Civil Rights recommended that the Nation force the South to end segregation by withholding Federal funds. And, since the South would not end segregation, it would be bled economically—just as it has been bled by discriminatory freight rates, high protective tariffs, and so forth. This would destroy human rights by lowering per capita income, lowering ability to meet basic needs in a section of the country with an already low per capita income.

A vote for FEPC is not a liberal vote—it is a vote against human rights. I refuse to vote to throw a sop to minority agitators not genuinely interested in the Negroes in South Carolina. I shall continue to oppose vigorously this and similar legislation.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. McCONNELL. Mr. Chairman, I yield such time as he may desire to the gentleman from New Jersey [Mr. WOLVERTON].

Mr. WOLVERTON. Mr. Chairman, I am in favor of the enactment of the legislation now before the House in Committee of the Whole, a bill to prohibit discrimination in employment because of race, color, religion, or national origin.

This act known as the Fair Employment Practice Act, H. R. 4453, has been on the calendar of the House since August 2, 1949, when it was favorably reported with amendments by the Committee on Education and Labor.

Bills to establish a Federal Fair Employment Practice Commission have been before the House continually since 1944. These bills have been considered by committees of the House on three separate occasions, resulting each time in a favorable report and recommendation that the legislation be passed.

Both Republican and Democratic Party platforms have pledged enactment of such legislation. Major religious, labor, civic, veterans, and racial organizations have declared FEPC to be the most fundamental of all pending civil rights bills.

The bill comes before the House today only after every parliamentary tactic at the disposal of the opposition has been utilized. At times the efforts made by opponents to prevent this bill from being considered by the membership of the House have been a travesty on parliamentary law and procedure. This is especially true when it is considered that parliamentary law is designed to enable the majority to work its will. However, with reference to this bill the rules were used to prevent rather than facilitate action. It is gratifying, however, that at last the persistency of the Members in favor of the legislation has won and the bill comes before the House for action, and, what will in my opinion be favorable consideration.

The bill is designed to protect those rights of freedom and equality of opportunity which are guaranteed to every person by the basic principles upon which our Nation is built; to help make it possible for all our people to enjoy a decent standard of living, to remove from our social fabric a practice which weakens its foundations; to promote a better mutual understand and good will among our people, drawn as they are from many races and embracing as they do many creeds; to help assure that domestic tranquillity and industrial peace which is so necessary to the realization of our tremendous productive potential as a Nation; to elevate the level or our moral, social, economic, and political life; to preserve and enhance the dignity of the individual which chiefly distinguishes this Nation from the totalitarian nations of the world.

Because we all subscribe to these objectives, it should be possible to approach this problem without political partisanship. The enactment of Federal fair-employment practice legislation, as I have said, has been pledged in the platforms of both major parties. The presidential standard bearers of both parties have advocated the establishment of a Fair Employment Practice Commission. Members of both parties have introduced bills to accomplish this purpose in the

Senate and the House of Representatives.

It is my hope that this unanimity of purpose will make possible a bipartisan approach to the problem that will result in the speedy enactment of this bill.

Mr. McCONNELL. Mr. Chairman, I yield such time as he may desire to the gentleman from Mississippi [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Chairman, no people have ever had greater rights and liberties than our people reserved to themselves in the Constitution. Specious argument may try to show that Negroes and others are entitled to special consideration. But the instigators of the agitation intend, not to add to the rights of the American people, but to stir up friction, envy, hatred, and discontent. This is a cardinal aim of Communist strategy. It is designed to give small minorities special privileges at the expense of the majority. When these special privileges are granted—or usurped—the majority lose important rights, and most if not all of their freedom.

Those familiar with communism know it is based upon the theory of class struggle. The interests of the working class are supposed to be different from the interests of every one else. Therefore, they contend there is irrepressible enmity between the working class and every one else. Communism is dedicated to the ruthless suppression of individual rights, as well as destruction of any political or social system which respects them. But to weaken the unity of a free people, to destroy faith in the integrity of free institutions, Communists have found that agitation for civil rights can pay big dividends. It is perfectly adapted to stirring up conflict, setting race against race, employee against employer, one religious group against another. So Communists and fellow travelers, with pretended pious concern for civil rights undermine the only free society on earth in which civil rights are really respected.

FEPC legislation destroys the free market for goods and services upon which our economic system and our political liberty both depend. In a free market for services, both employer and employee are free to bargain and need not agree unless mutually satisfied. An FEPC law, by bringing the State as a third party into the market—a party who can say, "You must employ this man"—destroys the free market. Thus, a worker, instead of remaining as one of two free bargainers, becomes a slave in a market controlled by the State. Nothing more destructive of the rights of labor could be devised.

FEPC legislation assumes that any applicant for a job has acquired, by the sole act of applying, a vested interest in that particular job—an interest enforceable at law. A man may say, "You refused to hire me because I am colored," or "because I am a Jew," and if he can get a commission or court to believe him, then the State may order the applicant employed with full pay from the date of his first application.

The State thus becomes the final arbiter in all hiring. If the people once concede this right, then both employer and employee are bound by its inexorable consequences.

One of the basic human rights God has given man is the right to make his own estimates of others, to like them or to dislike them, to trust them or to distrust them, to associate with them or to avoid them, for any reason or for no reason. The moment that right is taken away, freedom becomes a mockery. And the civil-rights agitation is designed to destroy that element of freedom.

To attempt force is to threaten national unity and to invite disruption. To attempt it now, with communism overhanging the world, is to play straight into the hands of Moscow. I warn you that the people are tired—very tired—of unnecessary regulations and Government meddling. We are now overregulated by Government bureaus, commissions, and Federal snoopers. The old mantel clock no longer beats a soothing, restful "tick-tock, tick-tock," but a rapid "regulate, regulate, regulate, regulate." I repeat, our people have grown very tired of an overdose of Government regulations.

If private enterprise, or even governmental agencies, can be forced to employ a certain percentage of Negroes, or a certain percentage of any minority group, irrespective of seniority rights or qualifications, then in the not too distant future will we not be confronted with forced proportionate employment of minorities within a minority group, such as so many blacks, browns, tans, yellows, or so many halfbloods or even quarterbloods? If this is lawful, then those of the various religious faiths could demand equitable distribution of employment among their respective sects and there would follow the forced hire, in every business, shop, and office of a certain percentage of Protestants, Catholics, Hebrews, Mormons, Mohammedans, Buddhists, atheists, sun worshipers, moon gazers, and so on and on and on. Why even Communist Russia and Hitlerite Germany would bow in shame at such dictatorial orders.

Mr. Chairman, do you know that the FEPC would abolish trial by jury insofar as the FEPC is concerned? Do you know that FEPC legislation would destroy the GI bill of rights insofar as it gives preference to veterans? Do you know that a man who worked all his life to establish a business, using his money and toil in doing so would not be allowed to surround himself with employees of his own choice if the FEPC became a law?

Mr. Chairman, I am not speaking as a Democrat, I am not speak as a southerner, but I am speaking as an American. I am deeply concerned over the effect that this legislation would have upon every element of American society, on those true Americans who love local self-government. The FEPC proposal is class legislation. It is contrary to the fundamental principles of democracy which believes in equal rights for all and special privileges for none. The FEPC is nothing more than an arterial highway to regimentation and serfdom. Consult the American businessman, the American farmer, the American banker, the American merchant and see if they will submit to such regimentation and dictatorial powers as are proposed in this vicious FEPC legislation. It is time the American people knew just what this evil bill proposes to do. This bill would hound, badger, restrict, and discourage private enterprise; destroy local self-government; and, in my judgment, do more to Hitlerize and communize America than any legislation ever submitted to Congress. It is a wolf in sheep's clothing. The name of the commission is deceptive and the title misleading.

At this very hour the Nation is troubled with grave foreign problems, the spread of communism, an ever mounting national debt, high taxes, deficit spending, farm failures, mounting unemployment and scores of other problems of serious consequence and extreme emergency. It is rather ironical that the FEPC legislation should be treated with equal importance at this hour.

Mr. Chairman, I am truly concerned over the effect this proposed legislation would have upon our Nation—the greatest, richest country in the world—a nation to which thousands upon thousands of discouraged, despondent, hungry aliens migrate every year looking for a share of the riches and blessings and happiness which this great America holds for its peoples. I know of no proposal or program which would do greater harm to the freedoms now enjoyed by the American people—and which freedoms those from other countries come here to find—than the FEPC as proposed in this legislation.

The bill is not fair. On the contrary it is unfair. It will not create a single new job for a minority worker. On the contrary it will more than likely decrease his opportunty for employment. In the interest of the general public, including minority groups, the bill ought to be defeated and I trust that the Members of the House will so vote.

Mr. McCONNELL. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Chairman, on this day when we celebrate Washington's Birthday and listen attentively to his Farewell Address, I cannot understand why we take up legislation of this kind, for it certainly is not to the best interests of our country, something which Washington enjoined us all to keep close to our hearts.

Ever since I first heard of this legislation I have investigated and studied the subject. I have reached the conclusion with a great deal of conviction that we cannot legislate morality; it is an impossible thing to do; it is not the right thing to do. It will not work. For this reason I am against this legislation and shall oppose it in every way I possibly can, because I believe that it is going to do harm to our country. You cannot force righteousness on people. You must educate them to do the right thing.

The gentleman from Georgia [Mr. BROWN] a few minutes ago said that this was bad legislation for the South. If it is bad legislation for the South, then it is bad legislation for the North, and it is not going to help anybody.

I can best state the basis of my opposition to this legislation by reading the 15 reasons that French Jenkins, of Archbold, Ohio, gave against it. He said that the bill in its present form was objectionable for the following reasons:

WHY I OPPOSE A COMPULSORY FEPC LAW

(By French Jenkins, Archbold, Ohio)

1. It would create distinctions between citizens and set group against group, class against class, race against race, and sect against sect.

2. The sponsors deliberately ignored the fact that the elements of intolerance and prejudice are present in the minds of those who favor as well as those who object to the proposed legislation to further confuse and divide citizens.

3. It is discriminatory to the extent that constitutional rights would be denied employers in order to satisfy the demands of those who allege deprivation of rights.

4. The burden of proving that an applicant is not qualified for an available job would fall upon the employer. Charges of unfair employment practices would be easy to make but difficult to disprove.

5. An employer would be required to comply with interpretations and decisions made by partisan or prejudiced administrators.

6. The burden of expense in contesting allegations made by a claimant would fall upon the employer, whereas claimants would be dismissed without cost or prejudice.

7. An employee belonging to a self-styled minority group who is discharged for incompetence, insubordination or other just cause may accuse the employer of discrimination, thus subjecting the employer to harassment and costly litigation.

8. Such a law would not only irritate and aggravate, but also make both employers and employees acutely conscious of race, color, and religious differences.

9. It would deprive an employer of the right to select employees on the basis of experienced judgment and result in injustices, inefficiencies, and misunderstandings.

10. It outlaws free speech by prohibiting an employer from making any inquiry whatsoever about the character, ability, experience, or background of an applicant for an available job and also could jeopardize the security of our country in case of war.

11. It deprives an employer of the right to select employees while giving an applicant the right to pick and demand an available job.

12. It deprives employers of rights which are preserved or retained for unions, lodges, educational institutions, churches, political parties, government agencies and departments, bureaucrats, legislators, judicial bodies as well as Federal and State executives, officials and administrators.

13. It will impose burdensome expense on employers and cost the taxpayers more than the benefits that could be gained by those for whom it is proposed.

14. It is "class" legislation in behalf of a few people who may be correctly classified as deserving special consideration.

15. It is sponsored and noisily supported by the undercover agents of a movement that is determined to bankrupt industry and government for the purpose of establishing a foreign dictatorship.

You cannot do anything better for your country than to vote against this piece of legislation. It is morally wrong, unethical, and unsound. It is like sin—I am against it.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. POWELL. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, the Federal Fair Employment Practice Act now under consideration by the House is the most important of the four civil-rights recommendations set out by President Truman's Committee on Civil Rights.

The four essential rights which this committee recommended for congressional consideration were:

First. The right to safety and security of the person.

Second. The right to citizenship and its privileges.

Third. The right to freedom of conscience and expression.

Fourth. The right to equality of opportunity.

The fourth of these fundamental rights of American citizenship is the one that we are considering today in this legislation, H. R. 4453.

Any citizen, regardless to what minority group he belongs, is entitled to equal opportunity and nondiscrimination by reason of his American citizenship.

I personally believe that intolerance and racial discrimination against others cannot be cured by legislation, but I do think the legislation which will make it illegal for a person or group of persons to maliciously discriminate and inexcusably prohibit an American citizen from enjoying equal rights under the law, will be a great step forward and eventually cause the outlawing and banishing of so-called second-class citizens.

We all know that the opposition to FEPC is well-organized, and it will require constant application and diligence on the part of all people who believe in equality of citizenship to eventually succeed in their efforts.

To my mind, intolerance and prejudice are the basic reasons for the fact that this legislation is necessary. Intolerance and prejudice have done more to retard the progress of world civilization than any other one scourge. Intolerance and prejudice are the primary causes for discrimination. Discrimination is destructive not only to those who are on the receiving end but to the perpetrators of such evil. It should be clear to every American that when we erect barriers against individuals and groups on the grounds of race or religion, we hamper and retard our own progress both from a cultural and economic standpoint.

The essence of a free democracy is based on our recognition of the dignity of the individual regardless of national origin to which the people of our Nation dedicated themselves when both the Declaration of Independence and the Constitution were written. It is the spiritual value and citizenship equality of democracy which distinguishes us from totalitarian nations which subordinate the rights of the individual for a statism and materialistic philosophy.

I firmly believe that the four great citizenship rights which I set out at the beginning of this speech should be required reading in every high school and college of America. These four rights set out a goal which should be the desire for every true American to have our Government accomplish. Our great American heritage is based on the importance of the individual citizen. From the earliest moment of our history, we have believed that all American citizens have an essential dignity and integrity which must be respected and safeguarded. Moreover, Americans believe that the welfare of the individual is the final goal of group life. And furthermore, to secure these rights, each man must be willing to respect the rights of other men. We again come back to the basic moral principle that all men are created equal as well as free. If we follow this principle, we have an obligation as Members of Congress to guarantee equality of opportunity to all men. Without this equality, freedom becomes an illusion.

The question of civil-rights legislation, and especially FEPC legislation which we are considering today, should not be a partisan question. Both of our great political parties at their conventions in 1948 went on record endorsing civil-rights legislation, particularly FEPC legislation. The Republican Party in its platform was equally emphatic along with the Democratic Party in its declaration on this subject.

In the last paragraph of chapter 4 of the 1948 platform of the Republican Party, adopted at its Philadelphia convention, it said the following:

One of the basic principles of this Republic is the equality of all individuals in their right to life, liberty, and the pursuit of happiness. This principle is enunciated in the Declaration of Independence and embodied in the Constitution of the United States; it was vindicated on the field of battle and became the cornerstone of this Republic.

This right of equal opportunity to work and to advance in life should never be limited in any individual because of race, religion, color, or country of origin. We favor the enactment and just enforcement of such Federal legislation as may be necessary to maintain this right at all times in every part of this Republic.

On January 27, 1950, I mailed a letter to Guy George Gabrielson, chairman of the Republican National Committee; a letter including the above section from the Republican national platform. On February 2, 1950, I received the following letter from Chairman Gabrielson:

REPUBLICAN NATIONAL COMMITTEE,
*Washington, D. C., February 2, 1950.*

Hon. RAY J. MADDEN,
*House Office Building,*
*Washington, D. C.*

DEAR MR. MADDEN: This will acknowledge your letter of January 23 expressing your interest in the FEPC bill (H. R. 4453). I note you advise that the bill is being held up by the Rules Committee of the House of Representatives.

I appreciate your bringing this information to my attention, and I shall plan to discuss your suggestion with Congressman JOE MARTIN.

Sincerely yours,
GUY GEORGE GABRIELSON,
*Chairman.*

Had Chairman Gabrielson followed up on that letter, this legislation would be on the floor in the regular way and not filibustered on Calendar Wednesday.

It is indeed unfortunate that this bill did not come on the floor of the House through the regular legislative procedure by being favorably reported through

the Rules Committee. Unfortunately, through a bipartisan split, the vote to report this bill from the Rules Committee was 6 to 6. Therefore, we are confronted today with the considering of this important legislation under the handicap of the Calendar Wednesday procedure.

If the Members of both political parties will follow the dictates and recommendations of their party platform, this FEPC legislation will be passed by this body before adjournment this evening.

We realize that every legislative trick will be resorted to to defeat this bill. To my mind it is as much the duty of Republicans and Democrats who believe in their partly platform to remain constantly on the floor in order to prevent unnecessary quorum calls as it is to vote favorably on this legislation for final passage. I hope both the Republicans and Democrats cooperate on this nonpartisan and necessary piece of legislation.

Mr. McCONNELL. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. COX].

Mr. COX. Mr. Chairman, this is a weapon that is aimed directly at the heart of the institution of private property. It has as its aim the outlawing of private ownership. Mr. Chairman, I would not pay the price to go to heaven that the supporters of this monstrous fraud are paying to stay in Congress.

Mr. McCONNELL. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. Mr. Chairman, the gentleman from Indiana [Mr. MADDEN] just called attention to the Republican national platform. I want to say to him and to the Members on the other side that since Mr. Roosevelt was elected on a platform which promised a 25-percent reduction in national expenditures and employment and to which he did not adhere, there has never been a platform that his party has followed. Platforms, as many people know, are made to garner votes, not to guide the party after the election.

Mr. McCONNELL. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FULTON].

Mr. FULTON. Mr. Chairman, I am one of those Republicans that believes that it is a responsibility to live up to the party platform.

It is stated that one of the most effective selling points for communism is that it guarantees to every citizen in the Communist countries a first-class citizenship. It is time the United States of America made definite that we guarantee first-class unlimited citizenship to each and every citizen regardless of race, creed, or color. And I am strongly for it.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. POWELL. Mr. Chairman, would it be in order for me at this time to ask that all Members be allowed to extend their remarks at this point in the RECORD?

The CHAIRMAN. It is entirely in order, and without objection, it is so ordered.

Mr. RANKIN. I will have to object for the time being, Mr. Chairman.

Mr. POWELL. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. O'TOOLE]

Mr. O'TOOLE. Mr. Chairman, I wonder how many Members of this House know how it feels to be classified and treated as a second-class citizen. People of my faith and people of my blood have experienced that feeling and treatment for many, many years. The fact that people of my faith were among the earliest colonizers did not save them from the wrath of the bigot. The fact that Washington's army was made up of nearly 50 percent Irish was soon forgotten.

Every war and emergency throughout our history found the Irish and the Catholic rushing forward to defend the Republic. They built solid communities, erected hospitals, homes for the orphans, the blind, indigent, and infirm. They pushed the railroads across the prairies to make this a greater and stronger land. Yet all of these things were cast aside by those who lived in the blindness of intolerance.

We found it necessary to have laws passed in the early days before we could practice our religion and open our schools. We spent 10 years of fear, degradation, and shame during the know-nothing movement. During those days we saw our churches befouled, our schools and convents burned to the ground, and our fellows hanged from lampposts. In this century many of us lived in constant fear in many small communities of the depredations of the Ku Klux Klan.

The signs on places of employment, "No Irish or Catholic Need Apply," are not forgotten, although they have been forgiven. One Irishman, tired of reading signs of this nature, appended one of them with the lines:

> The man who wrote that
> Wrote it well,
> For the same is written
> On the gates of hell.

In my own lifetime I can remember the advertisements in New York newspapers in the help-wanted columns and by the resort hotels that had the inserted provision "No Irish or No Catholics." Twenty-five years ago it was necessary for the Catholic people in New York to threaten to close their accounts in certain New York banks before those institutions would employ Catholics. Even today there are communities that will not employ school teachers if they are of the Catholic faith.

Conditions such as these make it impossible for us to achieve the destiny planned by the founding fathers. The Republic cannot endure when great minorities are denied the privileges guaranteed by the Constitution. The contract of citizenship is not a unilateral one calling for sacrifices and not bestowing privileges. Our citizenship is a precious right which must not be profaned by restrictions because of race, creed, or color. The right to serve our country inherently begets the right of her blessings and gifts. The citizen who is anxious to love our land and share its responsibilities must not be denied all of its guaranties.

No Member of this body tonight can honestly say that all of the people within our borders are treated equally in the light of education, housing, and employment. Such lack of fairness is degrading to the character of every Member of this House. We profess to be Christians, but we forget the Sermon on the Mount.

If we believe in God we know that all human creatures were made in His image and likeness. Hence, we are bound to respect all of our fellow men and to treat them with the dignity that His likeness commands.

Whether we came into this world white or black, Catholic, Jew, Protestant, atheist or agnostic, we are His creatures and we are entitled to receive from each other the love He bade us give.

Tonight we have at last been given the opportunity to adjust an injustice that has endured too long. Tonight when we have the chance to make this the America it was meant to be, let us pass the bill that is before us so that all Americans regardless of faith, color, or creed may finally feel that they are first-class citizens.

Mr. McCONNELL. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. CASE].

Mr. CASE of New Jersey. Mr. Chairman, the gentlewoman and the gentleman from California a while back were speculating as to what the vote in California meant. Whenever I hear people try to figure out what a vote like that means, I am impressed by the fact that not everyone always understands what he is voting about.

I do not suggest that all the people of California did not know what they were doing, but I do believe the vote taken there was not a good expression of the will of the people even of that State, on this subject.

I do not believe the people of this country are opposed to eliminating discrimination in employment. I prefer to take as my guide to the will of the people the expression of the platforms of the two major parties for the last several conventions. Let me read again what the 1948 Republican platform said on that subject:

> This right of equal opportunity to work and to advance in life should never be limited in any individual because of race, religion, color, or country of origin. We favor the enactment and just enforcement of such Federal legislation as may be necessary to maintain this right at all times in every part of this Republic.

And more than that. Would any of us urge he had met his responsibility in respect of the issue before us, or any other issue, for that matter, merely by mechanically registering what he calculated would be the result of a vote taken in his district at any particular time. What Edmund Burke said to the electors of Bristol in 1774 applies with equal force to us today: "You are entitled not only to my industry but to my judgment as well." In my judgment, this legislation is vitally needed both to eliminate deep-seated injustice at home

and to maintain our prestige and leadership among the nations of the world.

Mr. McCONNELL. Mr. Chairman, I yield such time as he may desire to the gentleman from Tennessee [Mr. COOPER].

Mr. COOPER. Mr. Chairman, I regret that time is so limited that an opportunity is not afforded for a more adequate discussion of this important subject, but I want to make at least a brief statement clearly indicating my position.

I am strongly opposed to the pending bill, H. R. 4453, which is commonly referred to as the FEPC. I have always strongly opposed legislation of this type and I am still opposed to it.

It is my conviction that this legislation is unsound in principle and impracticable in application and it certainly should not be enacted into law.

To say by the strong arm of the Federal law to a free American citizen that he does not have the right to exercise his choice in the selection of his employees is a violation of some of the most cherished and time-honored principles of our system of government.

The enactment of this legislation would seriously disturb and in many instances destroy the friendly and cordial relationship existing between employers and employees.

It would likewise force many employees to work and associate with other employees who are very disagreeable to them.

In adopting this type of program the Federal Government would be extending a measure of control over our people that would be entirely untenable. To set up a Government agency as the arbiter of employment in private business would place a burden on the private enterprise system that it should not have to bear—this private enterprise system that has contributed so largely toward making this the greatest country in all the world.

It is certainly my intention to vote against this bill, and to continue to exert my best efforts to defeat all legislation of this type which strikes at the very heart of our glorious democratic way of life.

Mr. POWELL. Mr. Chairman, I yield such time as he may desire to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, I favor passage of this bill.

This week has been designated as Brotherhood Week. Throughout our Nation meetings are taking place to review our ways of democracy and to search for the means to promote a better understanding of human behavior and man's relationship to his fellowman.

It is particularly appropriate that this bill, H. R. 4453, the FEPC bill, should come up for consideration this week, for in our deliberation we must face frankly the question whether we shall continue to condone or correct discriminatory practices by which many of our people are deprived by other people of their constitutional right to earn a living without regard to race, creed, color, or religion.

The bill has been a long time in coming up. Since we convened about 7 weeks ago, this House has been literally in a state of siege, as proponents of the bill have struggled to capture the floor for its consideration. Its opponents, successful until now, have fought just as desperately to prevent it. It appears that the siege is now over.

Few measures have provoked such fervid emotionalism. During the past few weeks those of us who favored the bill's passage have been accused of forsaking principle and resorting to cheap political chicanery to attract votes from minority groups. A deliberate attempt has been made to damn the bill as communistic and its adherents an anti-American in the hope of thus deflecting support from the bill.

It seems incredible that these arguments should be advanced seriously. Those who accuse us of trafficking in votes cannot deny that they are the politicians in this matter, playing upon the strings of human prejudice in order to charm the votes of those whom they want to reelect them. Proudly and piously they clothe themselves in principle knowing full well that the principle they uphold is archaic, the relic of a decadent system which cannot be sustained in reason; that their principle is in conflict with the wishes of the great majority of the people in this country.

Their argument that only Communists are interested in protecting the civil rights of minorities is not only false, but grossly so. What a monstrous condemnation they impose upon the American people in their assumption that Americans are not genuinely devoted to our democratic ideals, and that the task of protecting and preserving our constitutional rights rests exclusively with a non-American, subversive element. The contrary is so true that their challenge scarcely needs denial. The American people as a whole will fight for the justice and the liberty proclaimed by our Constitution in order that its blessings may be assured to each of our citizens.

This argument is but another example of the effort of those who oppose necessary legislation to kill it by deliberately denouncing it as communistic, seeking to conjure up in our minds the horrors which the term "communistic" brings. Deception frequently walks in splendid raiment, and more and more we find patriotism being used to cloak private purpose. This approach is as insidious as that employed by the Communists themselves, in posing as liberals in order to exploit our weaknesses, to create doubts and suspicions, to develop dissension in our ranks.

As long as opponents of this bill insist upon preventing social reform, they will drive oppressed minority groups into the Communist orbit, for as the prejudices and hates which this bill seeks to curb are permitted to go unchecked, communistic propaganda designed to inflame those injured by such evil forces must of necessity find sympathetic appeal. No American enjoys relegation as an inferior to second-class citizenship.

From time to time much has been said on this floor of the enemies within our gates. No greater enemy lies within our gates, seeking to destroy our democracy than race hatred, prejudice, intolerance, and discrimination. How long can we expect swelling resentment against such forces to remain bottled up within those subjected to their influences before some explosion takes place? It cannot be denied that hate engenders hate.

A short time ago Jackie Robinson, the first Negro to be permitted to play in the major baseball leagues, was requested to testify before the House Committee on Un-American Activities in connection with the question of loyalty to the United States of large numbers of the Negro race. His testimony had real significance and substantiated completely the writing of one psychiatrist that—

> Even though their personalities seem well accommodated to the caste system, it should not be thought that the Negroes are too stupid to realize the nature of the situation. They understand it quite well, in fact much better than do members of the white caste who naturally wish to disguise and extenuate it out of loyalty to our democratic theory which does not countenance caste and class lines.

Listen to what Jackie Robinson said:

> Just because Communists kick up a big fuss over racial discrimination when it suits their purpose, a lot of people try to pretend that the whole issue is a creation of Communist imagination. But they are not fooling anyone with this kind of pretense, and talk about Communists stirring up Negroes to protest, only makes present misunderstanding worse than ever. Negroes were stirred up long before there was a Communist Party, and they'll stay stirred up long after the party has disappeared—unless Jim Crow has disappeared by then as well.

Let no one delude himself into believing that Negroes are not thinking these things through.

Those who oppose passage of this bill have advanced many arguments. They speak of States' rights—that this is interference by the Federal Government with the right of each State to determine the rights of its citizens and of administering its police powers, and they charge that this bill is unconstitutional.

Perhaps the best answer to this charge has been given by a group of southerners themselves in the statement issued by the executive committee of the Southern Regional Council on September 15, 1948, entitled "An Honest Answer in the Civil-Rights Controversy":

> "States' rights" has been a much abused term, and here again probably the courts must be the final authority. But one thing is clear. States' rights must not be used to defend indefensible violations of human rights, as has sometimes happened in the past. States' rights mean nothing without States' responsibilities, and it is on this score that the rest of the Nation is unconvinced. Every honest Southerner must admit that the Southern States have often been less than scrupulous in meeting their responsibilities to all citizens—and some of the States where the cry of States' rights has been the loudest have been the most at fault. Unfortunately, in the present controversy there has been almost no official public statement of the determination of Southern States to meet their responsibilities squarely.
>
> There would no doubt be disagreement as to just what "States' responsibilities" include. Without attempting the heroic task of defining the term completely, we might consider one of its more obvious aspects. The State government, like any government, is designed to be the servant of the people. Through it, the people can justifiably expect certain of their rights to be protected and

certain public services and facilities to be provided. The duty of the State is to serve not merely a segment of the population but the entire population. This duty is not met when the government represents only the interests of the dominant group. In many of the Southern States today, we see the spectacle of officials deciding matters affecting the colored population without making the slightest effort to determine the wishes or opinions of the group concerned. All too often, responsible Negro opinion is neither sought nor seriously considered when it is volunteered.

With respect to the constitutionality of this bill, let me point out the obvious fact that the Supreme Court of the United States is the only body which can determine that question, not representatives in this House.

This act will apply only to industries engaged in interstate commerce, undeniably the province of the Federal Government. Were we to speculate as to the constitutionality of the act, we would find much support in decisions of the Supreme Court. For instance, in the case of *Hirabayashi* v. *U. S.* (320 U. S. 81, 100), Mr. Chief Justice Stone wrote for the court: "Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality."

Again in *New Negro Alliance* v. *Sanitary Grocery Company* (303 U. S. 552, 651), Justice Roberts, speaking for the unanimous court, said:

> The desire for fair and equitable conditions of employment on the part of persons of any race, color, or persuasion, and the removal of discriminations against them by reason of their race or religious beliefs is quite as important to those concerned as fairness and equity in terms and conditions of employment can be to trade or craft unions or any force of labor organization or association. Race discrimination by an employer may reasonably be deemed more unfair and less excusable than discrimination against workers on the ground of union affiliation.

But in spite of the fact that many representatives from the South would have you believe that this bill is directed against the South, because of the great number of Negroes there, the problem with which we are concerned in this bill is not only a problem of the American Negro. The South has no monopoly on prejudice and discrimination. This is a national problem, applicable to every community which houses members of a minority group, hyphenated Americans who have met with frustration and futility in their efforts to obtain equality of opportunity in employment. German-Americans, Italian-Americans, Polish-Americans, Japanese-Americans, Mexican-Americans, Catholics, and Jews—peoples of every ethnic group and religion are affected, peoples who, while enjoying broad American citizenship, cannot break through the barriers of prejudices which deny them the opportunity to earn a living on the same basis of equality as other Americans. This act will be a weapon to fight those anti-American forces which would destroy interracial and religious understanding among the American people.

American democracy has flourished because of differences—differences of peoples, religions, and cultures, all fused in freedom and working together for the common good. The idea that opportunities for employment shall be predicated upon sameness in religion or color of skin or the shape of eyes, has no place in our society; otherwise we will have accepted the concept of a master race, a single superior race or religion. This bill does no more than recognize the fact that American citizenship belongs to no privileged group—that all citizens are entitled to equality of economic opportunity. This bill goes no further than to safeguard the right to work, free from discrimination because of race, color, religion, or national origin.

Another argument which has been advanced against passage of the bill is that racial prejudice cannot be eradicated by legislation. Perhaps it is true that passage of the act will not in itself abolish prejudice, but it cannot be doubted that it will help in this direction. Experience has shown that legislation can create conditions favorable to the disappearance of racial hatred, that it makes progress much less gradual. We do not here propose that this legislation is the sole cure-all. It must be supplemented by economic and educational advancements, for one approach without the others cannot make its mark within any reasonable time. We stand ready to assist in pressing for such economic and educational advancements. Can many of those who fight passage of this bill say the same in the face of their consistent opposition to legislation which would provide higher wages, better housing, and improved educational facilities?

One commissioner of the New York State Commission Against Discrimination has stated:

> Critics of fair-employment laws used to claim that long-established habits of discrimination could not be changed by legislation. Their argument has been unmistakably answered today. Nearly four years' experience in New York—and similar experience in New Jersey, Massachusetts, Connecticut, Washington, Oregon, New Mexico, and Rhode Island, all of which have passed antidiscrimination legislation modeled after the New York law—indicates conclusively that wise legislation creates a climate of opinion in which discrimination tends to disappear.

Equally convincing is the reaction of employers operating under such an antidiscrimination statute. And in that connection let us take the case of the Sperry Gyroscope Co. which began employing Negroes in 1941 and steadily progressed until 3 years later one-third of its Negro employees were in highly skilled occupations, one-third in semi-skilled occupations and the remaining one-third in other jobs. President Gillmor of the company had this to report on the company's experience:

> The initial employment of Negroes and each subsequent extension of their employment into new categories was received with doubt by the supervisors, and, in some cases, by rumblings and even threats of trouble from some groups of white workers. The threats never materialized, the doubts disappeared and were succeeded by friendliness and cooperation in helping the Negro to learn his new job and to progress to a better one. I know of no instance now where the Negro worker is not judged entirely on the basis of his competency and without consciousness of his race.

Those who indulge in racial prejudice do not dislike the individual members of the affected group. It is the group itself in the abstract, a broad blur, to which their prejudice is directed. They may on occasion find one or two individuals objectionable, and this offers reason to them for condemnation of the class to which the individuals belong. Where they admit and recognize talent and fine qualities in one or two individuals, they nevertheless refuse to permit them to emerge from the group. The fact that individuals may differ means nothing; all are ignominiously lumped together. Mr. Chairman, racial prejudice will disappear when appraisal is given on an individual basis, as it should be, rather than on the basis of class or group.

How can this be achieved? Normal contacts between peoples of varying ethnic backgrounds diminish prejudice; enforced segregation intensifies it. Race relations are improved by living together, working together, and getting to know people of different racial heritage. Prejudice is not instinctive or hereditary. It is kept alive by man-made barriers, and this act offers the chance to break some of those barriers. If this law is to be effective it must contain provisions for making it so. While much good has been done by conciliation and publication, and this act looks to these methods for eliminating discrimination in the first instance, enforcement is necessary when conciliation breaks down. Otherwise, the act may very well be meaningless.

Mr. Chairman, in a world where more than three-quarters of its people have eyes, religions, and skins different than ours, the paternalism which found general acceptance in the past as "the white man's burden" is being vehemently rejected, because paternalism is synonymous with exploitation. If we are to live in this swiftly moving world, if we hope to gain the confidence of its people whom we want to accept our democratic standards as their own, we must eliminate our own depressing paternalistic patterns. We cannot continue to be silent witnesses to social injustice if we are to retain responsible world leadership.

Discrimination in employment, a real barrier to economic opportunity, is such an injustice. This bill will help to correct it and I certainly hope it will be passed.

Mr. POWELL. Mr. Chairman, I yield 4 minutes to the gentleman from Oklahoma [Mr. STEED].

Mr. STEED. Mr. Chairman, it is to be regretted that we do not have the time to talk on the merits of the bill now pending. A great deal has been said about the sincerity of the Members. I want to make a case for my own sincerity. Although I am opposed to this bill, I happen to be a coauthor with the gentleman from Arkansas [Mr. HAYS] of an FEPC bill. It is too bad we do not have more time, but I think the time has come when we ought to forget what we have been talking about, which is something with a label called FEPC. The time has come when we ought to

forget the label for a minute and look at the law itself. This law is a long ways from being what the label would lead you to believe it is. I think the time has come when you Members ought to know a few things about this before you get to vote on it.

This bill is being represented to the people of the country as being a bill to help minority peoples get a better break in this country. The exact opposite is the truth, and I base that statement on the very language of the bill itself. No bill has ever come before this Congress which discriminates more against citizens of this country and particularly against a minority than does this bill, because by the language of the bill itself you will find that not only will they lose all the privileges they now have, but they will not be able to get any privileges at all except at the will and pleasure of the bureaucrats which this bill will set up.

This bill is selling these minorities down the river because the terms of the bill itself specify that it shall not apply to any factory employing less than 50 people.

In other words, if anyone has the misfortune to work where there are only 49 people or less, and you are saying to the people that you say you want to help, "It does not make any difference—you cannot be discriminated against until you get in a crowd of 50 or more people." In other words there cannot be any such thing as discrimination until there are more than 50 people in a plant.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield.

Mr. COLMER. In that connection the testimony before the Committee on Rules and at the hearing shows that the gentleman whose name is on the bill as its author, the gentleman from Michigan [Mr. LESINSKI] would have his own employees exempted from the provisions of the bill because he does not have 50 employees in his office.

Mr. STEED. Certainly. Anyone employing less than 50 people is exempted and that goes for all Members of Congress. We are here trying to tell the employers of this country whom they can hire and yet we do not want to practice what we preach when it comes to our own office staffs. You can find that out for yourselves.

I want to bring out another point. No member of a minority race can have any justice under this bill unless some bureaucrat says he can. He cannot file any charges if the bureaucrat says he does not have a case or does not have the evidence. Why, according to this very bill, if a bureaucrat wants to file a complaint for him against his will he can do that. In this bill, in subsection (c) of section 9, you have authority here which gives the bureaucrat the right to take a person from any place in the United States or its territories and can make him go to Bangor, Maine, or Honolulu to answer a charge. He could make a man appear there Tuesday and then compel you to be anywhere else they want you to go at noon the next day. There is such power in this bill that if the Commission so desires, they can bankrupt any company in the United States by forcing them to go all over the country to defend themselves against a bunch of frivolous complaints.

Furthermore in subsection (b), section 2 of this bill you have something here which discriminates against not only minorities in this country but against every decent American citizen. It says all persons in the jurisdiction of the United States shall have these rights. An enemy alien in this country is within the jurisdiction of this Government and automatically you here give him rights that he never has had before. You are setting up something here which would make the employment officer at the atomic energy plants subject to criminal prosecution.

Mr. Chairman, trying to eliminate discrimination through this bill is just as silly as a farmer burning down the barn to get rid of the rats.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. McCONNELL. Mr. Chairman, I ask unanimous consent that all Members may extend their remarks at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALSH. Mr. Chairman, today we have witnessed upon this floor a sight that will long remain in the memories of some of us newer Members of this body. A small group endeavoring to filibuster, delay, and defeat a bill that provides for the equal treatment of all of our citizens in the matter of employment; a bill that merely expresses into law the Golden Rule "Do ye unto others as you would have them do unto you." Yet upon this floor today we have heard the proponents of this measure accused of trying to force a communistic measure upon the country. They speak of constitutional rights; rights of the employers to discriminate, and so forth. Yet basically all the FEPC bill does is to guarantee to every worker the right of employment regardless of his color or his creed.

Ladies and gentlemen of this House, it is later than we think. America is looked to by the entire world for leadership and example; the governments of this world that would destroy our form of government are quick to point out our many mistakes and frailties, and we make many, and have many; we are spending billions of dollars to help this stricken world, yet today on a bill that is elementary in its basic principle of right, we hesitate, we filibuster, we delay, we speak harshly; and behind the iron curtain our enemies say, "See, they do not practice what they preach, they claim to be a Christian Nation, they claim to love their brothers; yet they do not do anything for the minorities of their own Nation." My friends, there is just no answer to such a statement; we know that it is not true in its entirety, but what can we say to the Indian, to the African, yes, to those countries behind the iron curtain. We cannot explain our conduct of today. It is unexplainable. We have, if we defeat this measure, destroyed the good will purchased by our blood, our resources and our money.

Not so many months ago one of the senior Members of this House and a leading opponent, if not the most vocal, of FEPC stated that some of the freshman Members of Congress were serving two terms in one, "their first and last." I think many of us today, in this group, agree with this gentleman; that it would be better to return to our homes and our families than to serve in this body where so many of its Members place racial prejudice above that of Christian precepts. If we fail in our efforts today, we will have failed our God, our country, and ourselves.

Mr. WHITTINGTON. Mr. Chairman, the provisions of the pending bill are substantially the same as those of H. R. 2232, Seventy-ninth Congress, first session, reported by the Committee on Labor but never passed by the House. I submitted the best arguments that I could in opposition to that and similar bills on July 5, 1945, and on July 12, 1945, as I had previously submitted the best arguments that I could on May 26, 1944, against similar legislation.

THE NAME

There is something in a name with which to conjure. It sounds all right to provide for fair-employment practice. All citizens want to be fair, but a name may be deceptive. The proposal is by regulation and by statute to require all employers with 50 or more employees and all Federal departments and agencies to eliminate discrimination in regard to hiring, and terms or conditions of employment because of race, color, religion, ancestry or national origin. The proposal sounds well, but a name may be misleading. The important matter is not the name but the purpose behind the name. The bill might better be called "Unfair Employment Practice Act."

THE PURPOSE

The purpose is to prohibit discrimination because of race or color. There are prejudices against creeds and there are prejudices against races. These prejudices are not created by law and they cannot be changed by law. The relation between employer and employee, like the relation between master and servant under the common law, is intimate. We like to select our associates. We like to employ those who are congenial. We want to know about their fitness. We are to be the judges. The liberty of choosing employees is a part of free enterprise. It is a liberty protected by the Constitution. Under the fifth amendment, a citizen cannot be deprived of his life, liberty, or property without due process of law.

TWO APPROACHES

There are two approaches to the difficult problem of employment. One is voluntary, is by mediation, is by education, and is by tolerance. The other, and that is the matter that is pending now, is rather in the nature of compulsion.

RACIAL AND RELIGIOUS PREJUDICES

I oppose religious prejudices. I oppose racial prejudices. I believe, however, in the freedom of religion. I believe in fairness for all races. Force and compulsion are the wrong way to correct. They will stir up racial and religious prejudices. The proposal strikes at the

fundamentals of liberty and of free enterprise. Racial feeling will be accentuated. The proposal is social and political dynamite. We are throwing the experience of the ages to the winds. The proposal plays into the hands of those who would remake and reform our institutions and our economy to conform to their social views. The purpose, to eliminate discrimination, can best be achieved by cooperation.

Through the ages, moral and ethical values have not been frozen at a new level by the passage of laws. The proposal will set the clock back and will hurt the people it is intended to help. It will make the life of every employer miserable. It will result in unhappy, if not violent disturbances everywhere.

History and experience prove that you cannot legislate tolerance and morals into people. Compulsion injures the cause to eliminate discrimination. Force will retard the educational progress now being made. Man has always responded more willingly to a plea than to a command. I know of no better ethics than the Sermon on the Mount. I know of no fairer philosophy than the Golden Rule. But I am not a Socialist. If a citizen believes in the principles of the Socialist Party, I accord to him the freedom of his conviction. I think it would be a mistake to force any creed, any ethics, or any philosophy on any people. The better way is freedom of choice and the tolerance of views.

Burning resentment from forced employment will furnish fuel for racial disturbances and will foment rather than eliminate racial prejudices.

BIG BUSINESS AND SMALL BUSINESS

Generally the large business firm is able to take care of itself. They are familiar with labor problems. They have their lawyers. But the small-business man has trouble enough with bureaucracy now. The pending legislation will further harass him. He already has to comply with too many rules and regulations. There are too many investigators. The crux of the pending bill is that it will absolutely paralyze small business.

HYPOCRISY

The argument that the bill implements fair-labor practices is pure hypocrisy. The bill takes away the right that every American enjoys of choosing his own employees. It subjects the employer to the charge of prejudice and discrimination every time he hires and discharges, but that is not all. The bill makes the charge a criminal offense and at the same time deprives the citizen the right of trial by jury. No bill ought to deprive the citizen of his right to trial by jury in a criminal prosecution.

PRIVATE ENTERPRISE

The bill is applicable to all employers, including merchants. It strikes a fatal blow at free enterprise. A man's success or failure in business and in farming depends upon his employees, upon a merchant's or a farmer's ability to select dependable, loyal, industrious employees to assist him in the operation of his business or his farm or his enterprise. Under the terms of the bill the commission could say: "You must hire this man. You must fire that man. You must promote the other man."

COMMUNISM AND SOCIALISM

Communists and many Socialists advocate compulsory Federal laws to compel men to associate, whether in work or play, with persons with whom they are unwilling to work or play. Communism thrives on strife and disorder. The Communists know that the pending bill will promote disorder. They know that it will foment strife. I am unable to see how those who favor the private enterprise or capitalistic system can support compulsory employment. Through the ages the moral right of free men to choose companions is so clear and the moral wrong of compelling him to accept an offensive companion is so apparent that it is difficult to conclude that those who believe in free enterprise can support the pending bill or similar legislation.

PROVISIONS

I shall not discuss in detail the provisions of the bill. I believe it to be thoroughly unconstitutional. I refer to only a few provisions of the bill. The proposed judicial review is a misnomer. I have always opposed the refusal of a trial by jury for a criminal offense. The Federal agents are both jurors and prosecutors. The citizen is denied, I repeat to emphasize, the right to trial. He may be in contempt for failure to pay back wages.

UNENFORCEABLE

A moment's reflection will convince a thoughtful man that the bill is unenforceable. How can a commission in Washington regulate and provide employees for all of the employers in the 48 States of the Union? It would be the super-duper bureaucracy of the age.

RACKETEERS

The enactment of the bill would provide a fertile field for racketeers, blackmailers, and shysters. Merchants and farmers would be subjected to harassment by troublemakers and disgruntled job seekers. The small-business man, rather than hire a lawyer, rather than go to court, rather than take up the matter with Washington, might choose to pay the disgruntled employee rather than be supervised by the Commission.

CONSTITUTIONALITY

There are grave constitutional objections. The bill declares that the right to work without discrimination is an immunity. The immunity and privileges of citizens can only be provided by the Constitution. They cannot be provided by statute. While the bill undertakes to relate employment to commerce, this is not the final hurdle. The fifth amendment to the Constitution still obtains. The right to employ, I assert, is a liberty within the meaning of the fifth amendment.

CONCLUSION

The bill will not provide a single job. There is no occasion for the legislation. The remedy is good will. The remedy is voluntary, not compulsory. All Americans believe in the Constitution. That Constitution protects the privileges and immunities of all citizens regardless of race, creed, or color. Any statute that undertakes to restrict or deprive a citizen of such privileges or immunities would be in violation of the Constitution.

Legislation regulating employment is for the State. Congress is without authority to regulate employment. The bill undertakes to implement employment with interstate commerce. I do not believe, however, the implementation will make the legislation constitutional. New York, New Jersey, Massachusetts, Connecticut, and Rhode Island, as I understand, have adopted so-called fair-employment acts. California, Ohio, Pennsylvania, and other States have declined to pass such acts. The jurisdiction is for the State and not for the Federal Government.

The bill, if passed, would do more harm than good. It would hurt business. It would be unfair to employers. It would not help employees. In fact, it would do employees a distinct disservice.

It is said that the pending bill will be of benefit to Negroes. The vast majority of Negroes live in the South. There is no material demand from the South, either from the white or Negro race for the passage of the pending bill. We know that all of the legislation conceived by man, implemented by police force and courts, cannot change man's thoughts, if he is not willing for that thought to be changed. We know that making laws is not enough. We know that there must be understanding. There must be tolerance. There must be cooperation. And in the South today there is understanding and cooperation between the white people and the colored people of the South. I emphasize that the pending bill would do the Negro race vastly more harm than good.

Under labor legislation it is a discrimination to refuse to employ a person because he is a member of a union. Why not extend and make it unlawful to refuse to employ a person merely because he is not a member of a union?

Commissions and associations whose aim is to prevent discrimination by cooperation is one thing, but commissions and associations to force employment and by compulsion to prevent discrimination is another thing. The pending bill is not only unconstitutional but it is unworkable. It would hurt the people it is intended to help. It is destructive to the American way of life and to the American system of free enterprise. It is destructive to American business. It is un-American and ought not to be passed.

Mr. GRANT. Mr. Chairman, here on Washington's birthday, we, of all times, are considering the notorious FEPC bill. I am sure that all of us listened intently to the reading of George Washington's Farewell Address. We find many warnings that should be heeded.

From the time of Washington down to this good hour, this Nation has been able to prosper and to become the envy of the world. This has been possible because of a minimum of Federal regulation. The more we regulate the individual citizen, the further we go along the road to socialism. There has been much said the past several years by employees of the State Department to the

effect that we must have this type of legislation in order to show the rest of the world that we believe in civil rights. I note that this declaration is written into the present bill under discussion. It does not seem sufficient for this Nation to burden future generations with a huge tax burden and deplete our national resources in keeping up the rest of the world, but now, in addition thereto, and in an effort to get the rest of the world to accept our benevolence, we must pass such legislation.

In other words, we must copy the totalitarian government's philosophy in order to combat communism. This is the wrong approach. No nation on earth today allows as much freedom of employment as ours. When our Government tells an employer just who he can employ and who he cannot employ, we are then following the nations whose philosophy we claim to be fighting.

I appreciate the fact that it is claimed in this legislation that it makes for security of the employee, but, as General Eisenhower correctly stated some months ago, if that is all we want, "security can be secured by going to jail." During the war, by Presidential order, a so-called FEPC was set up, something of a volunteer system. No one made any serious objections at that time, as there was a war to win. However, after the war, it was the same old story. A bureau had been built up and instead of folding up, as everyone expected, they began an agitation to build up a big organization and it was hard to kill them off, although there was no legislation by Congress establishing such agency.

This is dangerous legislation. I have heard some express themselves to the effect that it would be a good thing to pass this legislation and then let the country see just what shape it would place us in. I want to warn you right now against any such idea, for once you set up this measure it will grow by leaps and bounds, and it will be hard for us to get rid of it, no matter how bad it becomes, for once the people give up their liberties it is hard to get them back again.

This legislation is unconstitutional. However, I know how futile it is to argue this point today. I am not one to charge the proponents of this bill as being Communists. I yield to them that degree of sincerity that I know they yield to me. The tragedy of the whole thing is that the Nation is looking in the main to southern Representatives to defeat this legislation. I say this is tragic, because I believe that it is a great national question and not a sectional one. I know that the great majority of the southern Members of Congress are interested in the people that they serve, without regard to race, color, or creed. The best friend that the Negro has in the South is the white man. The destiny of each race is indelibly linked with that of the other. If one race makes progress so does the other. The Negro race has held down the South because of his economic status. We of the South have been intelligently attempting to raise the economic status of the Negro. We have been making progress in this effort. We need the help and cooperation of other sections of the country and not so-called do-gooders, who cannot separate social equality from economic equality. What chance does a Negro have to be a bellboy or waiter in the clubs and hotels of the North? I recall that when war was declared upon Germany, Italy, and their allies, that many of the waiters here in Washington had to be interned because they were aliens. Some of the proponents of this legislation will turn down a good Negro and then give a job to some alien who cannot speak English very well. Then they jump on the South for the treatment that we give the Negroes. Economic opportunities to the Negro in the South are opening faster and faster. They are employed in places in the South where you would not employ them in many other sections of the country. So do not criticize southern Congressmen for objecting to this bill. It will not help the Negro. I wonder what is behind it anyway when you provide that an employer shall not discriminate against anyone because of national origin? Does this mean that a foreigner can come to the shores of this country and stand on the same footing as an American citizen? This seems to be the intent of the legislation. This one thing alone should defeat the bill.

The enactment of this legislation would do more harm to the Negroes of the South than anything else. It is unfortunate that the South must bear the burden of opposition to the bill. A majority of the people of all other sections of the country are against this legislation. In many States where a referendum has been held similar to that in California, the people overwhelmingly voted against it. This bill makes many pious statements which are not based upon facts. What does it provide? First, it shall be an unlawful employment practice for an employer to refuse to hire, discharge, or otherwise to discriminate against any individual with respect to his terms, conditions, or privileges of employment, because of such individual's race, color, religion, ancestry, or national origin. Now, let us see what happens. The person who claims that he was aggrieved can file a charge, or someone else can file it on his behalf, or a charge can be filed by a member of the Commission. Now, that is taking in a lot of territory. You will note that it is not limited to the aggrieved person, but to any outsider who is interested in fomenting and stirring up race hatred. Not only that, but it provides that any member of the Commission, and for the purpose of this legislation, the term "Commission" means any employee or agent of the Commission, can file charges. This means that there would be thousands upon thousands of meddlers and agents continually stirring up trouble. It could become worse than the Gestapo. It could drive honest people out of business. It is cruel and despicable legislation.

Talk to me about civil rights, what civil rights does an employer have under this legislation? Absolutely none. Let us go a step further. When this charge has been filed, the Commission investigates and, after such preliminary investigation if it finds the proper cause exists for such charge, it shall endeavor to eliminate any unlawful employment by informal conferences, and so forth. If this does not secure the results required by the Commission, then the employer is given notice to appear before the Commission or an agent of the Commission for trial. Now, let us see where the trial is to be held. Is it in the county where the employer lives? Is it in the State in which he resides, or somewhere else? The employer can be hauled before an agent or the Commission at any place that it designates—in Washington, D. C., Los Angeles, Calif., or Portland, Maine. This is infamous legislation, adverse from every fundamental concept of Anglo-Saxon justice.

Say, for instance, that A is a man of bad repute. He is shiftless and lazy, or the employer believe that he is a man of bad character. A is refused employment. A or some agent of the Commission files a statement, stating that he was refused employment upon one of the grounds set out in the bill. The employer's defense is that A is a man of bad reputation, that he is shiftless and lazy, or that it is believed that he is a man of bad character. The burden of proof is upon the employer. He must prove that the reason that he turned the would-be employee down is based on some fact other than race, color, religion, ancestry, or national origin. In other words, the burden of proof is upon him and not upon the person who makes the charge.

We have prided ourselves in this Nation "that a man is innocent until proven guilty." Under this legislation, he is guilty unless he proves himself innocent, that is exactly what the bill says. Is the right to employment without discrimination a civil right? This word "discrimination" covers a lot of territory. Take for instance a man operating a business who has an opening for a secretary. He might object to a blond, a brunette, a redhead, or he might object to a fat person or a lean person or to a tall or short person, or to hundreds of other things that go to make up physical and personal appearance. Would any of these be a defense to a person who is turned down on account of any one of them? It certainly would not. No, the so-called ills that the proponents of this legislation claim to cure would make it a thousand times worse. If the proponents of this legislation want to argue that this is the moral way to prohibit discrimination, I want to say to you that you cannot legislate so-called morals into the people in this manner.

This bill, if carried to its final conclusions, would mean the closing of every business concern in the Nation. Instead of FEPC standing for "Fair Employment Practice Commission," I think it stands for "free enterprise perishes completely."

You ask for some information concerning the number of employees this outfit will have. Ten thousand—perhaps 100,000, or a million. The sky is the limit. How much will it cost the taxpayers—one million or one hundred million? No one knows or dares make an

estimate. There would necessarily have to be a large number of snoopers and investigators. Once the camel gets his head under the tent, he is going all the way under.

This should not be a government of oppression. There is no burden placed on the would-be employee. This legislation sets up a unilateral contract, and nothing else. I have always considered it fundamental that in a hiring, there must be a meeting of the minds. There is none here.

I cannot understand how some of the labor unions can be misled into supporting this legislation. When the time comes that the Federal Government says to a person who he can and who he cannot employ, as sure as the night follows the day, the time is also coming when the Federal Government will say to the worker where he can and where he cannot work. This is inevitable.

This legislation will lead us down the road from which there can be no turning. It is dressed up in flowery language, but just the same, it stinks and is dangerous, and should not and must not be enacted.

Mr. MITCHELL. Mr. Chairman, I speak in support of the FEPC bill, H. R. 4453. The principle of fair employment proposed in this bill is of the greatest concern to the people of our Nation. This proposal clearly has an eminent position in the American program of improved welfare and security for all. It is our obligation to meet this issue squarely, here and now. If we believe in the essential dignity and integrity of every human being, it is our duty to adopt this proposal before we conclude this legislative day.

In speaking in support of this FEPC legislation, I speak for the great majority of citizens of my State, for the Washington State Legislature adopted State fair employment practice legislation. The same is true of the Oregon State Legislature.

It has been argued here today that fair employment practices legislation would disrupt the economy of the South and cause untold damage and disaster. We cannot deny the vexing problems that would be presented to the South by such legislation. Neither can we deny that progress has been made in improvement of race relationships and in broader opportunities for Negroes. However, I wish to record my profound conviction that the South will make even greater progress, its people in the days to come will be happier and more prosperous, if its economy is grounded squarely on the principles of equal opportunity for all. No nation, no part of any nation, was ever destroyed by vesting in its government the responsibility for promoting greater equality among its citizens.

Our Nation was founded on the concept that all men are created free and equal, that they are entitled to seek their livelihood and pursue their callings to the fullest extent of their individual capacities. The Old South was destroyed by slavery, not by freedom. The South of today, a region of change and progress, will gain in the long run by utilizing to the utmost the talents, skills, and abilities of all its people.

What I say regarding the South applies equally well to any other part of the country. America is a land of people ever moving in search of greater opportunity, of better livelihood. The interchange of population among States creates special problems in the labor market and responsibilities on the part of Government to keep open the avenues of employment for all people regardless of the color of their skin, the way they worship, or the place they were born.

In the Pacific Northwest we pride ourselves generally on the fair-minded and democratic way in which we regard all people. As an area of rapid growth, accustomed to receiving large numbers of new settlers, we are eager to facilitate their adjustment and integration into community life. We recognized problems of discrimination in employment, some precipitated by the influx of recent newcomers, some of longer standing. We met these problems by creating a State agency to help bring about their solution.

A short 6 months following the enactment of the Washington State legislation the Reverend Fountain W. Penick, who is one of the members of the commission executing the law, wrote to me stating:

> The law against discrimination in employment in the State of Washington was enacted about 6 months ago and therefore cannot be evaluated so soon; however, I think it is quite significant that there has been no appreciable opposition on the part of the employer group. Neither has there been any opposition, worthy of note, during the period which the law was under consideration in the House and Senate. I believe the law is quite favorably accepted by the citizens of our State in general.

However, this generally favorable report on Washington State's FEPC laws should not be taken to mean that local measures, however well intentioned and valuable, will suffice to cope with this problem. The problem is a national one because of the national dimensions of the labor market, and legislation on that level is necessary, as with the problems of old-age security and labor relations. Local laws are perforce limited in their jurisdiction. The great interstate corporations recruit their personnel, the great national unions draw their membership, from all parts of the country. For personnel supervisor and union alike a national law is needed to insure adherence to the desired employment practices.

The bill recognizes that State or local agencies have an important place in promoting fair employment. But it is not enough to stop short with local agencies where national standards of decency and fair play must prevail. Just as collective bargaining is a national policy supported by commensurate legislation, so must we proceed in the case of fair employment practices, which likewise involve our economic and physical well-being, as well as our international security.

It is obvious that today many men and women are denied the opportunity of working in the jobs for which they are best fitted. This hurts them as individuals. Equally important, it hurts America. Its damage can be counted both in the direct economic sense of denying to American production the best available skills, and in the moral sense of weakening our claim to world leadership in the ways of democracy. Discrimination in employment is a wastage of human resources and a blight on the democratic spirit.

This is the hour when we must correct this weakness in our public character. We must move forward in such a way that there can be no question of our sincerity and good faith. The first step must be taken now by adopting the bill before the House, H. R. 4453.

Mr. ANDREWS. Mr. Chairman, the statement has been made by the committee reporting H. R. 4453 that it "is a bill designed to protect those rights of freedom and equality of opportunity which are guaranteed to every man by the basic principles upon which our Nation is built; that this bill will help make it possible for all our people to enjoy a decent standard of living."

Gentlemen, the people of this great country are presently enjoying the highest standard of living which this country, or any other country, has ever known. And let me emphasize that we are not presently operating under an FEPC law. The American standard of living has been on the upgrade ever since the pillars of our Government were laid about 200 years ago. There is no reason for thinking that it would not continue to improve without an FEPC.

Our progress can be directly attributed to our system of free enterprise. A person in the United States has always had the freedom to go into business, to use his own judgment in employing whomever he deemed best fitted for the job at hand. This freedom has made the United States the leader of nations. The proposed legislation will take away that freedom. It will extract a most vital organ of democracy.

FEPC will have a disastrous effect upon private enterprise. Under the provisions of this legislation the discretion of the individual will be supplanted by the discretion of the Government. An employer could have a dozen, or a hundred, or a thousand cases pending against him at one time. He could be subjected to a lawsuit before a Federal agency by every person who applied for and was denied a job of any sort. Thus, it appears obvious that any pressure group who decided to put a man out of business could do so by a multiplicity of lawsuits.

If this measure is made a law, it could be administered in ways which would shock those Americans who are not familiar with its far-reaching proposals. Those proposals are contrary to the American way of life because we do not believe in a totalitarian government. Those proposals are deceptive; they would serve as a yoke to fetter individual freedom. They would be a burden and imposition on the American people. Such proposals are contrary to the tenets of George Washington; they are contrary to the beliefs of Thomas Jefferson; and they are contrary to the teachings of Abraham Lincoln.

Among other things, this bill states that its provisions are necessary "to remove obstructions to the free flow of commerce among the States and with foreign nations." That statement is typical of the farcical and superficial character of the entire bill. The only obstacle to the free flow of commerce among the States and with foreign nations today is not discrepancies in employment practices, but rather the whimsical nature and practices of certain labor leaders. This bill will not correct those practices.

Let us be frank and practical about the matter. There are too many minorities who are today trying to capitalize on this word "discrimination." There are too many elements within those groups who are interested only in personal motives, completely ignoring the principles of constitutional government. If we cater to those groups forever and create a tempest every time the word "discrimination" is thrown in our direction, then we are certainly not upholding those sound principles upon which our predecessors have built and maintained the greatest Nation in the world.

We are here to represent the majority. If this bill were subjected to the vote of the American people, I am of the firm opinion that it would be overwhelmingly defeated. No one denies that it would receive a majority in certain areas infested with Communists. The advocates of FEPC should know that. Minority groups are endeavoring to use Congress as a means to invoke their selfish interests upon the American people. Let us not be a stooge for their vice.

Once, when a young attorney was about to begin the practice of law, his father, an experienced lawyer, said: "Son, I wish to give you some advice. In the trial of cases, if the facts are against you, argue the law. If the law is against you, argue the facts. If the law and facts are both against you, muddy the waters." The waters have certainly been muddied in considering this legislation. The picture is distorted and magnified. All American citizens who are capable of working, who are willing to work, and who make a sincere and honest effort in that direction, can obtain work. This advantage does not hold true for Communists, aliens, and their type. But, my friends, if FEPC is not defeated employers subjected to the act could be forced to give employment to such undesirables. That is not the American way.

Gentlemen, this House is a citadel for the preservation of the fundamental rights of the American people. It is natural to expect that attacks, secretly and in disguise, be made upon this fortress. All good Americans must be prepared to defend it. It is our duty to stand guard, to watch for the enemy, and to defend these fundamentals of freedom.

As a Member of this body, I have given much thought and studied consideration to this FEPC proposal. I have found it to be a wolf in sheep's clothing. It is an attack, a secret attack, directed at the ramparts of our freedom and designed to catch the American people off guard. It is made by those who appear as "friends bringing gifts." Many Americans have already been deceived.

The bugle is blowing; the time has come for us to stand up and turn back the enemy before liberty slips from our grasp. Vote for principles, not politics. If this measure becomes law, it will be the greatest blunder made by any Congress in the history of republican government.

Mr. TAURIELLO. Mr. Chairman, the civil-rights program was initiated by President Truman, based on the report of his Committee on Civil Rights. He sent the Congress his recommendations on civil rights, and among them are anti-poll-tax legislation and the Fair Employment Practice Commission. Last summer, we in the House passed the anti-poll-tax bill, but the Senate failed even to consider it in committee. Since the beginning of this session, we have been fighting for FEPC. The issue is very simple. Many people try to make it complicated.

It is ironical that we here in America—where we consider all men to be equal—that we should even have to have a bill of this kind. But it is necessary.

FEPC is simply a program to guarantee the right of every man, regardless of his race, creed, or color, the same opportunity to employment that everyone else has. Liberty is of little value to any man unless he can support himself, unless he can earn a decent living at the work for which he is best qualified by his natural skill.

The FEPC bill has as its primary objectives the fundamentals upon which our Nation is founded. As a true American who steadfastly believes in justice and protection of human rights, I would be derelict in my sworn duty to the people I represent if I did not support these ideals.

The United States of America is known throughout the world as a nation with the highest level of technological development and cultural achievement. It offers to the peoples of the world a realization of the dream for a better life, a guarantee of full freedom, and the pursuit of happiness. Yet these promises have fallen far short of their objectives when we consider the history of disgraceful and abusive practices of discrimination in granting equality of opportunity for all men who desire to earn a living and who seek to enjoy those inalienable rights of a human being.

In an enlightened nation such as ours no longer can we continue to boast about our democratic principles and forsake these ideals in practice. This measure before us is not untimely. It is presented as a practical means of eliminating oppressive abuses of the full use of manpower and productivity which has robbed our Nation of both utilization of human resources and full productive capacity. It is economically unsound to refuse employment to an individual because of the color of his skin, his religion, or his national origin.

A Government agency to eliminate unfair practices in employment has as its foundation years of practice during the war through the successful operation of the Fair Employment Practice Commission. During peacetime the patriotic spirit of fair play has lapsed into an attitude of indifference to a large extent. But the experiences in the four States which have created commissions for fair employment practices since the war has fulfilled more than the fondest hopes. In New York, New Jersey, Massachusetts, and Connecticut, as well as in other States and cities which have established these commissions, the reports show overwhelming approval and progress.

My own native State of New York, which pioneered State legislation in this field, has found that the operation of its commission against discrimination has won support and has been patterned by numerous States and cities. The fears of some persons that such a legislative body would lead to rioting and economic chaos have been proven to be baseless. The belief that the persons who are benefited by such a commission would flood the agency with complaints has been disproven by experience. In fact, every attack upon the principles set forth by the commission has been overcome by the wholehearted approval of the operation of the program.

The report of the Massachusetts Fair Employment Commission after 2 years of operation has reinforced the New York experience in pointing to its success in an attempt to substitute understanding for intolerance.

Massachusetts has not conceived the fair employment practices law as an instrument of compulsion—

The 1948 annual report states—

rather it has regarded the statute as presenting an opportunity to wipe out fears which men have of other men who are different with respect to color, religion, or national origin.

Thus all persons have today economic opportunities which they have never had before. These people are sharing now the benefits of American citizenship along with its obligations.

The administrators of the State commissions against discrimination in New Jersey and Connecticut as well as municipal commissions have reported that compliance with the provisions of the laws has been accomplished without recourse to the courts.

However, these successes are overshadowed by a desperate need for Federal legislation to deal with discrimination by interstate corporations. Although such situations might be reduced by interstate cooperation, there must be the authority exercised by the Federal Government under that provision of the Constitution granting it supreme power over interstate commerce.

No voluntary system will abolish this evil. Discrimination in employment is a cancer in our society. All over the world, the Communists can point to it as proof of the fact that we do not practice what we preach.

Another interesting fact to keep in mind is that witnesses have testified before House and Senate committees that an FEPC will save our economy from three to ten billion dollars in waste in employment which is now occurring.

Those estimates have been made by economists and industrial leaders. They know what discrimination means in dollars and cents.

It is incredible to me that legislation of this kind should not be allowed to come before the Congress to permit us to discuss it, to debate it, and then to act on it according to our best judgment.

This week is Brotherhood Week. It is the week which we have set aside to reaffirm our faith and trust in God and to rededicate ourselves to brotherhood under God through all the people of all races and all creeds.

In my mind, there would be no more fitting time in which to pass a bill which would guarantee the right of opportunity of employment to every man, regardless of his race, creed, or color. Such action would indeed be a demonstration of the true spirit of brotherhood.

Mr. PRESTON. Mr. Chairman, the culmination of a long effort to enact an FEPC law is a shining example of the power of a vociferous minority group. The consideration of this legislation today is concrete evidence of what a determined handful of people can bring to pass while an apathetic majority sits quietly by in the hope that Congress will have good judgment enough to reject this proposal. If the businessmen of America were as demanding and as noisy in opposition to this legislation as the minority group has been in favor, I dare say that there would not be 50 votes cast in favor of this bill on final passage. Almost every extreme measure enacted into law by Congress originated with a small body of people rather than with a great majority of the people. So I think it can be safely said that one of the greatest dangers to the free-enterprise system and to a constitutional form of government is the apathy of a majority of the citizens of this great Nation.

Despite what anyone may say to the contrary, we must in all frankness admit that the FEPC issue has been reduced to a racial issue. This is because advocates of the colored race have been in the forefront throughout the long effort to bring into existence an FEPC law. It is indeed a pity that this issue has been reduced to a racial level when, in point of fact, the real issue is whether American business people can continue to enjoy the constitutional right to conduct business in a free and unhampered manner. When we divorce from this bill all thoughts of race, creed, or religion and think of the law objectively, it simply says that the American merchant will no longer be free to hire persons of his own choice. The Congress of the United States has never gone this far even during periods of war. The Congress has never seen fit to conscript labor during wartime, yet we would today by this measure before us take a step in peacetime so drastic that it was not even employed in wartime except as an Executive order devoid of congressional approval.

One of the most disturbing thoughts about this whole matter is that there are many Members of Congress who will vote for this legislation today, if a vote is taken, who have privately admitted to other Members that they are personally against the bill in principle but that a vote against the measure would spell political doom for them in their districts. This does not necessarily mean that a majority of the people in their districts are for FEPC, but it does mean that the active minority through the process of block voting easily could bring about their defeat. If every Member of Congress voted his real convictions on this issue, the bill would be soundly defeated.

Mr. Chairman, I would like to read at this point section 5 of the Powell bill:

SEC. 5. (a) It shall be an unlawful employment practice for an employer—

(1) to refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to his terms, conditions, or privileges of employment, because of such individual's race, color, religion, ancestry, or national origin; or

(2) to utilize in the hiring or recruitment of individuals for employment any employment agency, placement service, training school or center, labor organization, or any other source which discriminates against such individuals because of their race, color, religion, or national origin.

(b) It shall be an unlawful employment practice for any labor organization to discriminate against any individual or to limit, segregate, or classify its membership in any way which would deprive or tend to deprive such individual of employment opportunities, or would limit his employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, or would affect adversely his wages, hours, or employment conditions, because of such individual's race, color, religion, or national origin.

(c) It shall be an unlawful employment practice for any employer or labor organization to discharge, expel, or otherwise discriminate against any person, because he has opposed any unlawful employment practice or has filed a charge, testified, participated, or assisted in any proceeding under this act.

The above section in addition to robbing management of many of its powers of control and free choice will also abolish segregation in labor unions and in all business establishments. I call your attention particularly to subsection (b) wherein it states that it shall be unlawful employment practice for any labor organization to discriminate against any individual or to limit, segregate, or classify its membership, and so forth. This, in effect, throws the doors of all labor unions wide open to every class or type of person and will strike at the very foundation of labor unions. It will, indeed, limit and impair its effectiveness as a bargaining agency.

Another objectionable feature of this bill is the power of subpena given to the Commission to require witnesses and parties to appear at any place in the United States or its possessions. It destroys our long-established system of jurisdiction designed to insure that complainants and parties might have issues settled in local courts. Every paragraph of this bill is packed and crammed with dangerous language usurping rights Americans have long enjoyed under the protection of our Constitution and Bill of Rights. It will, in my opinion, Mr. Chairman, be the saddest day in American history when and if the President affixes his signature to the FEPC Act. The consequences of this bill, if enacted, have not been considered and cannot be fully anticipated by many who plead for its passage. I say to you in all sincerity that this bill, if enacted, will do more to disturb racial relations in this Nation than anything that has been done since the Civil War. It will retard the advancement of the colored race in the South for many years. It will close the doors of many business firms in America operated by people who will refuse to accept the tyranny imposed by this legislation. Yes, Mr. Chairman, I fear that today we are modeling a weapon with which to destroy ourselves.

Mr. O'SULLIVAN. Mr. Chairman, I favor the passage of FEPC bill, H. R. 4453.

I am now and have always been heartily in support of FEPC bill, H. R. 4453, and shall vote against all crippling amendments to this bill as well as any substitute bill offered in this body.

I feel that I am obligated to do this because such legislation is contemplated by the 1948 Democratic platform in plain, understandable words. In the greatest Presidential campaign known to our Republic, our greatest Democratic champion, President Harry S. Truman, the real spokesman of the Democratic Party, boldly campaigned for FEPC.

Furthermore, during the national campaign the majority of the States of the Nation voted for President Truman who openly and everlastingly advocated the passage of such legislation.

From the election of President Truman we can truthfully say that the latest national vote shows that the majority of the people of the Nation in voting for President Truman and his program placed their stamp of approval upon this FEPC legislation.

As a Democrat I campaigned actively for FEPC legislation and my opponent who then had served three terms in this Congress did not so campaign, and he was roundly defeated for his fourth term.

Because the Democratic platform contemplates this bill, President Truman recommends it, his civil rights committee recommends it, and I have pledged myself to support it after I had in all good conscience thought it was right. I must support it today.

In answer to the point made by the distinguished gentleman from California [Mr. JACKSON], that California voters had turned a State FEPC bill down by a crushing vote, I say to him that in the last election President Truman, the vigorous champion of national FEPC, carried California, and consequently from that fact I feel that I can claim, and rightfully, that California voters have endorsed a national FEPC.

The claim is also made by the gentleman from Kentucky [Mr. MORTON] that the present bill with teeth in it, is not the proper approach to do away with bigotry and discrimination. He argues that a real educational program carried on preferably in the early formative years of boys and girls is the only way to proceed. This sounds good, but does he realize that there is a need right now for FEPC, and that we cannot wait all the long years for education to jell,

and my honest opinion is that we would have to wait forever to educate some of the bigots and discriminators of this Nation.

If the reasoning of the gentleman from Kentucky was correct, then all laws should be self-executing—all laws should be drafted without penalties—and a great educational program should be conducted to appeal to the consciences of the law violators. The Jewish and Christian religions recommend the keeping of the Ten Commandments, and thousands of years have been spent trying to educate people as to their correctness and the wisdom of observing them, but that was unavailing.

Human laws had to be passed with stiff penalties against such offenses as murder, theft, rape, false testimony, fornication, adultery, blasphemy, and laws relating to observing the Sabbath, all of which are contemplated by the Ten Commandments. No, my friend, a specific law denouncing discrimination, whether founded upon bigotry or not, is but an idle legislative gesture unless there is available in that very same law such civil and criminal penalties as will make prospective offenders stop, look, and listen, and reform before they offend.

The gentleman from Pennsylvania [Mr. RICH] and the gentleman from Minnesota [Mr. O'HARA] make the claims that you cannot legislate effectively concerning one's morals, which is, indeed, a strange pronouncement from such big and respectable Republicans. That is the same old claim which has oft been made by the red-light districts in many cities of the Nation, gambling institutions, and illicit liquor sellers and others who do not think constructively. No; I say that we must have human laws with real teeth in them to teach immoral people to be moral, Mr. RICH and Mr. O'HARA to the contrary notwithstanding.

Mr. WHITE of Idaho. Mr. Chairman, the advocates of this measure say that it is in the interest of labor and the Negro. I believe that my voting record in the 15 years I have been in Congress shows that I have been a consistent friend of labor; and I believe I can show that I have been a consistent friend of the Negro.

I was born in Baton Rouge, grew up in Mississippi and I believe I know and understand their problems better than the Northern advocates of this bill.

The bill to coin 5,000,000 Booker T. Washington Memorial half-dollars was written in my office and favorably reported by the Committee on Coinage, Weights and Measures of which I was then Chairman, to commemorate the birth and perpetuate the ideals and teachings of that great American Negro, Booker T. Washington. These coins are now being sold at a premium to establish trade and industrial schools for Negro youth through the Booker T. Washington Birthplace Memorial, a nonprofit organization to bring industrial training to Negro youth, thereby improving the economic status of the Negro as well as our entire national economy.

I have today written a favorable report on a bill to make a national monument of the birthplace of George Washington Carver, the eminent Negro scientist, whose agricultural experiments have added millions of dollars in value to southern agriculture.

I believe that adequate industrial training and education will make the Negro self-sufficient and able to hold his own in the labor market and build up a measure of economic security for himself and family. After that, and with the full approval of the white South, where the majority of Negroes live, an equitable place will be found for the Negro as a citizen. He is rapidly reaching that place now.

But this so-called Fair Employment Practice Act will not help him and it will not help our country. I believe it is an instrument designed by Communists to cause trouble and discord, and contribute to the destruction of our country.

As a friend of labor and a friend of the Negro, I cannot accept the principle of this bill.

Note: Five million coins are purchased from the United States Treasury at 50 cents each and are being sold for $1. Gross profit $2,500,000 less cost of selling.

Mr. EVINS. Mr. Chairman, I am strongly opposed to this bill and urged its defeat. I have listened with undivided interest to some of the specious arguments which have been advanced here today in support of this measure and I must confess that I am amazed at some of the proposals advanced. I suppose that certain Members should be congratulated upon their eloquence—but certainly not on their logic as they have argued for the most fantastic measure ever to come before the Congress.

There are many reasons why this measure should not be passed. I have my own bill of particulars—and they are many—and I am also sure that many more valid arguments can and will be cited—but I shall mention only a few—which I believe are sufficient and should carry weight with reasonable men.

First of all, Mr. Chairman, this proposed bill is unconstitutional and a violation of the Bill of Rights.

Secondly, such a bill, if enacted into law, is totally unenforceable. Sound law is based upon public acceptance and this bill is designed to upset and change the economic and social and moral pattern of the lives of our citizens—being unacceptable—it would be unenforceable.

Third, such a bill, if enacted, would disrupt the operations of business and creditable labor unions and keep them in a constant state of turmoil, insecurity, and fear. It would result in chaos, social and economic unrest, and perhaps bloodshed.

Fourth, Mr. Chairman, this bill would establish a set of intangibles beyond the power of the Government to interpret and administer except by mass coercion and by the total usurpation of the rights of our individual citizens—rights which we have always cherished and maintained in our country.

Beyond these, Mr. Chairman, I think there is an additional argument which is not rebuttable and answerable and that is this:

If we thus make this body a party to any scheme to give the state—the Federal Government—power to compel nondiscrimination, we have made ourselves a party to a tyrannical usurpation of freedom by granting the state the power to compel discrimination. If we could legislate legally nondiscrimination in a matter of individual employment, we could pass a bill directing discrimination in favor of a certain class, color, or creed. We would thus be laying the groundwork for totalitarianism of the most complete pattern—and I refuse to be a party to such an unheard of scheme—tyrannical in its inception and purpose.

It is a possibility which permits of no compromise, no substitute action—only defeat.

We have heard the Bill of Rights cited at every turn and twist of the multitude of the arguments in support of this so-called fair employment practices bill. I deny that such action as this is called for in the Bill of Rights. Rather than furthering the Bill of Rights, this measure makes a mockery of our Nation's inherent and written fundamental law. The Bill of Rights, as we have come to know it, is the assertion of the purposes set forth in the first 10 amendments of our Constitution. And the one thought and precept paramount in the first 10 amendments of our great Constitution is the strict prohibition—on both the Federal Government and the States—of interference with religion, life, liberty, and freedom of our citizens. This was our first and foremost assertion of the right of the individual over the State and throughout our history the same basic and fundamental concept has been restated in many different ways—but no more eloquently than by that great Democrat and great American—Thomas Jefferson—who said over and over again—that the path of progress towards true democracy does not consist in granting more power to the Government—but in vesting more power in the people. I say, therefore, that this piece of legislation which has been brought before us is not only unconstitutional but a mockery of our Bill of Rights.

To those who bring into play the Bill of Rights in setting forth the purposes of this legislation—I can only say that it proves the truth of the Shakespearean line that "the devil can quote Scripture to his own purpose."

In emphasizing the unenforceability of this proposal, I would like to cite a statement made not so long ago by Mr. Donald Richberg, of Illinois, who formerly lent his talents in Government service.

Of an FEPC—in any form—Mr. Richberg declared:

> Unless the Government is to destroy economic system of competitive freedom and social system of free enterprise, it cannot undertake to interfere with the selection of one's associates in work or play.

On another occasion—quite recently—Mr. Richberg, who, I remind you, is not a southerner, but a man who speaks from the fullness of legal knowledge and just plain common sense, stated:

> Under this act, as similar laws have been administered, no employer could exercise his freedom of speech or freedom of the press, even to inquire as to race, color, or religion

of applicants for work or of his employees. Under this act, Federal bureaucrats could override an employer's judgment as to whom he should hire or promote. The employer would be forced to accept this outside, arbitrary judgment, or else engage in expensive lawsuit—not to vindicate his freedom of choice—but to demonstrate that his motives were free from any taint of a politically created immorality.

This bill does not confine the question of employment strictly to the act of initial employment. It follows the employer and his employees throughout all relations of employment. It touches any advancement, transfer, change, or promotion that might be made within a business—it burrows down deep into the most intimate details of a man's business and would have the effect of denying to any businessman the right to speak freely about the management of his own affairs. It would provide an excuse for every incompetent and unruly employee to bring lawsuit—ruinous lawsuit—against an employer if he is not advanced in his job according to his own—not his employer's—estimate of his abilities. I say to you frankly that this measure could be the most completely ruinous thing that could conceivably apply to the economic life of our Nation—and I may add that businessmen everywhere—not just in the South—hold this to be a true evaluation of the situation.

Mr. Chairman, I think I do not have to delve too deeply into ancient history to cite a most devastating example of the arbitrary attempt to enforce laws that will not be enforced—that are impossible of enforcement. I refer to the tragic era of the reconstruction in the South. Anyone who cares to go back to reconstruction days will see what happened in the South as a whole when it was attempted by misguided zealots and by predatory and venial carpetbaggers and opportunists to enforce laws in which the people of the South did not believe. It is simply impossible—and from the time of the ancients it has been the accepted course—to build our statutes and our laws upon the reality of enforcement without public approval and acceptance.

I know that many of the proponents of this measure are sincere men espousing their honest convictions. I know also that this measure has become a thinly veiled cause around which have rallied many insincere men and women. We of the South who are proud to bear the burden of this fight to kill this measure or any measure like it come with clean hands. We know what is in this bill—we know what it will do—we have studied it—and we feel that anyone else who has studied it closely will recognize in it things which they little dreamed could possibly lie within a bill presented to this Congress.

Mr. Chairman, the true answer to the proposition which arises in connection with this legislation lies not in the passage of a force bill or penalty legislation, but in the influences of religion, tolerance, education, and the processes of culture. No law of human making can provide the answer—and we all know that, whether or not we sit on this side of the aisle or on the other side of the aisle—whether or not we represent the North or the South—whether or not our constituents are crowded into city tenements or are sparsely settled amid agriculture lands.

This bill will never pass—it should not pass—unless we choose to repudiate the basic freedoms of our forefathers and tear down our house of democracy—destroy our basic freedoms and rights—and thus create a situation whereby the disciples of a totalitarian form of Government can walk in and pick up the pieces.

I hope, Mr. Chairman, that reason will prevail in this body—and I am sure that it will—for I have unbounded faith in the temper and judgment of reasonable men—and as reasonable men we have each been accorded the honor and distinction of representing reasonable and temperate and just citizens.

Mr. DOLLINGER. Mr. Chairman, this House has a solemn duty to perform, and in good conscience, it can no longer ignore that duty. FEPC must be enacted into law now.

Because the people of this Nation demanded it, a permanent FEPC as well as other civil-rights measures, were promised by all political parties in their platforms. Definite pledges were made, and I, for one, will keep mine.

President Truman, in his state of the Union message delivered to Congress, stated that the surest guide in the days that lie ahead will be the spirit in which this great Republic was founded. He said we must make our decisions in the conviction that all men are created equal, that they are equally entitled to life, liberty, and the pursuit of happiness, and that the duty of Government is to serve these ends. In other words, he said that discrimination has no place in this country—it is undemocratic and un-American.

In his message, he reemphasized the need and urged the Congress to enact the civil-rights proposals he made in February 1948. He stated in his message that—

> As we go forward in achieving greater economic security and greater opportunity for all our people, we should make every effort to extend the benefits of our democratic institutions to every citizen. The religious ideals which we profess, and the heritage of freedom which we have received from the past, clearly place that duty upon us.

It is a sad commentary upon the workings of this great legislative body that we have ignored for so long the proposals submitted by our President, and the commitments we have made. We have appropriated many millions of dollars to reach persons abroad: to feed, clothe, and rehabilitate them. More important, our aim was to sell them our belief in democracy as opposed to any other ideology. How incongruous that at the same time Federal funds are spent in this country to maintain colleges and schools which discriminate against students by reason of race, color, religion, ancestry, or national origin.

One of the prime objectives of education is to promote understanding among men. From our institutions of higher learning come our professional men, statesmen, teachers, and leaders in our communities. Rank discrimination is practiced when any group has as one of its admission requirements that "members must be white persons of full Aryan blood." Such discrimination breeds lack of understanding—even hatred—and man commits crimes against his fellow men because of it. Yet we know that secret clauses such as the one quoted are contained in constitutions of many national fraternities, which have great influence in our colleges and which help mold the thinking of our youth. I was happy to note that Lafayette College of Easton, Pa., decided, after public pressure recently, to refuse a bequest of $140,000 left it, because of a clause that would have barred Catholics and Jews from obtaining Lafayette scholarships.

Our Federal Government in taking the stand it has abroad, cannot afford to be a party to this discriminatory and undemocratic system. The same is equally true with regard to the practice of discrimination in employment against properly qualified persons because of race, religion, color, national origin or ancestry. In my opinion, such practice has brought shame to our Nation. This practice is rampant—the results of it are tragic. Its victims are forced into substandard conditions of living; they are deprived of their equality of opportunity as guaranteed them under our Constitution. Since the United States is looked upon by all as the land of opportunity, our entire economic system is based upon the theory that a man shall be allowed to utilize his talents and training, and then reap the rewards of his industry and individual striving. We find that while these promises and assurances are taken for granted by many, and enjoyed by them—there are millions in this country whose ambition, training, studies, and qualifications avail them nothing. A young man may graduate at the head of his class and then find that because of the color of his skin—even though he may be a doctor of philosophy and wishes to teach—he is finally forced into menial employment. A young woman, qualified to be a good secretary, answers an ad in the newspaper, but is refused employment because of her religion or ancestry. There are many glaring examples of discrimination in employment—and they have come to the attention of all of us.

The effect of such discrimination is disastrous. Those who bear the brunt of it are unhappy and resentful, and rightly so. Initiative and ambition are lost, and the worker, refused his rightful chance to make good at his chosen occupation, becomes dispirited, and lacks that ambition which makes an efficient employee. In turn, production and business lose potentially valuable people, and the general welfare of the Nation is undermined.

For these reasons, I urge that the entire civil-rights program of the President be enacted into law during this session of Congress. I am not a newcomer in this fight. As a member of the New York State Legislature, I led in the fight in Albany, to wipe out such disgraceful practices. I have continued my efforts since becoming a Member of the Eighty-first Congress. In January 1949, I introduced an anti-Jim Crow travel bill;

an FEPC bill; an antilynching and anti-Jim Crow armed services bill. I also introduced a bill which would prohibit the use of Federal funds for housing where there is any discrimination against occupants on account of race, religion, color, ancestry, and national origin, as well as a bill providing that no Federal funds could be used for schools which discriminate between students by reason of race, color, religion, ancestry, and national origin.

H. R. 4453, the FEPC bill, is now before us for action. This would wipe out the un-American practice of discrimination in employment. Although nothing would have pleased me more than to have the bill under consideration bear my name, because of my deep interest in this problem, I am extremely happy to speak in favor of H. R. 4453.

At this time, we, as a Nation, are sending our emissaries throughout the world to say that our ideology is best, and that our people live under a true democratic system. Those who oppose us in our program of selling democracy to others, have a potent weapon against us when they point out how undemocratic we really are in our discriminatory practices, and that this land is indeed not one of equal opportunity. Our Government, engaged in its present struggle against communism, cannot afford to allow such discrimination to continue, and must take effective steps to end it. Our obligation as a signatory of the United Nation's Charter, "To promote universal respect for, and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion" are sacred. We should fulfill those obligations at once, and not be forced to observe them.

I quote again from the state of the Union message of our President, when he said:

> The ideal of equal opportunity no longer means simply the opportunity which a man has to advance beyond his fellows. Some of our citizens do achieve greater success than others as a reward for individual merit and effort, and this is as it should be. At the same time, our country must be more than a land of opportunity for a select few. It must be a land of opportunity for all of us. In such a land, all can grow and prosper together.

This is the ideal upon which this Nation was founded, and for which our forefathers sacrificed so much to achieve.

This House should consider it a signal honor that it has the opportunity to pass the bill now before it, which will insure true freedom and equal opportunity to all—but which now is only a myth to countless persons in the United States.

Let me make my views clear and unmistakable. Discrimination cannot be compromised. It must be eliminated. Our duty is obvious and can no longer be shirked; FEPC, demanded by our people, must be provided at once.

Democracy is on trial before the world, and we are being asked to practice what we preach. A vote for FEPC is a vote for democracy.

Mr. HOLIFIELD. Mr. Chairman, I shall vote for H. R. 4453, the fair employment practices bill, because I believe that it is a step toward the elimination of discrimination in the economic field of employment.

I do not believe that it is a final or perfect answer to prejudices and social taboos, which unfortunately are deeply imbedded in the minds of many of our people. I do believe that it will establish certain legal claims to employment by deserving people, who are now precluded from employment because of their race, color or religion.

By the establishment of legal claim to employment, as provided for in H. R. 4453, we do not thereby guarantee that all persons will be employed. We only say that no person shall be refused employment because of his race, color, or religion. There still remains many necessary qualifications for employment such as education, skill, experience, technical knowledge, and so forth.

This legislation, if enacted into law, will present many problems of administration because it lies in the uncertain area of human relations.

Human relations and attitudes cannot be changed suddenly by the enactment of a law. Such reversal or change can only occur gradually. However, the difficult objective of correcting the defects in our society—in this case, discrimination in the field of employment—should not deter us from making an attempt to reach a proper goal.

The merit of a law, in many instances, depends on the wisdom used in its administration. This is particularly the case in legislation which seeks to control or influence in the field of human relations, habits and attitudes.

Unless great wisdom is used in the administration of this law, the whole purpose of the proponents will be lost. If the intended beneficiaries of this legislation rely on legality alone to enforce their rights, I fear they will be grievously disappointed. Moderation in the pressing of claims to employment is equally desirable to wisdom in administration.

The most important justification in my opinion for passing H. R. 4453 is that it expresses clearly, and for the first time, our desire as a people to eradicate from our society one of its glaring and undemocratic defects.

We, in effect, admit that there has been, and continues to be, a withholding of economic rights which are basic for the full fruition of political democracy.

We admit that undemocratic prejudices, which still remain, are excluding certain groups in our society from part of the benefits of democracy.

Because we do believe that all of our citizens should have an equal right to life, liberty, and the pursuit of happiness; because we wish to reaffirm our belief in those rights; and because we wish to assure every individual, regardless of race, color or religion, that he shall have those rights, we, the proponents of this legislation, intend to vote, if given the opportunity, for the Fair Employment Practices Act, H. R. 4453.

Mr. HELLER. Mr. Chairman, the statements and testimony of the witnesses who appeared at the public hearings held before the House Subcommittee on Education and Labor last May in support of H. R. 4453 entitled "Federal Fair Employment Practices Act," bring to my mind vivid recollections of the work of the New York Temporary Commission Against Discrimination, which functioned under the chairmanship of Hon. IRVING M. IVES, our distinguished United States Senator from New York. It was my high privilege, as a member of the New York State Senate, to serve as the secretary to this commission, which held hearings in a number of cities throughout the State of New York. In all, a total of approximately 160 witnesses were heard from all walks of life. On the basis of the recommendations of the commission, the Ives-Quinn bill prohibiting discrimination in employment was approved by the State legislature on March 12, 1945. The act declared that the opportunity to obtain employment without discrimination is a civil right and emphasized education and conciliation as a means of remedying discriminatory practices. I would like to refer to the comprehensive provision of this pioneer measure later. Now, I wish to refer to certain economic and social aspects of this problem of discrimination in employment.

The right to equality of opportunity of each individual to obtain useful employment without regard to race, color, creed, and national origin is essential to the well-being of the individual and to the progress of our society. A witness before a congressional committee recently stated:

> Discrimination in employment damages lives, both the bodies and the minds, of those discriminated against and those who discriminate. It blights and perverts that healthy ambition to improve one's standard of living which we like to say is peculiarly American. It generates insecurity, fear, resentment, division, and tension in our society.

In private business, in Government, and in labor unions, the war years saw a marked advance both in hiring policies and in the removal of on-the-job discriminatory practices. Several factors contributed to this progress. The short labor market, the sense of security among the people, and the leadership provided by the Government all helped to bring about a lessening of unfair-employment practices. Yet, we did not eliminate discrimination in employment. The final report of the Federal Fair Employment Practice Committee, established in 1941 by President Roosevelt to eliminate discrimination in both Government and private employment related to the war effort, makes this clear. Four out of five cases which arose during the life of the Committee concerned Negroes. However, many other minorities have suffered from discriminatory employment practices. The FEPC reports show that 8 percent of the committee's docket involved complaints of discrimination because of creed, and 70 percent of these concerned Jews.

A survey conducted by the United States Employment Service reveals that of the total job orders received by the USES offices in 11 selected areas during February 1–15, 1946, 24 percent of the orders were discriminatory. Of 38,195

orders received, 9,171 included specifications with regard to race, citizenship, religion, or some combination of these factors.

The National Community Relations Advisory Council studied hiring practices since VJ-day. A 1946 survey of the practices of 134 private employment agencies in 10 cities disclosed that 89 percent of these agencies included questions covering religion on their registration forms. A companion study of the help-wanted ads conducted in eight major cities during corresponding weeks in 1945 and 1946 showed that while the total volume of help-wanted advertising had declined, there was an over-all increase of 195 percent in discriminatory ads for 1946 over 1945.

The minority job seeker often finds that there are fields of employment where application is futile no matter how able or well-trained he is. Many northern business concerns have an unwritten rule against appointing Jews to executive positions; railroad management and unions discourage the employment of Negroes as engineers or conductors. If he can get himself hired, the minority worker often finds that he is being paid less than other workers. This wage discrimination is sharply evidenced in studies made of individual cities. A survey by the American Federation of Labor shows that the average weekly income of white veterans ranges from 30 to 78 percent above the average weekly income of Negro veterans in 26 communities, 25 of them in the South.

While private business provided almost 70 percent of all cases docketed by the FEPC for the fiscal year 1943–44, about a fourth of the complaints were against the Federal Government itself. A case study, conducted in one Government agency by the National Committee on Segregation in the Nation's Capital, demonstrates a pattern of discrimination existing in Government service. It was found that the white workers had received 12 grade promotions in a total service of 22 years. This was an average of one promotion for each two man-years of service. The Negro workers had received two grade promotions in a total service of 28 man-years. This was one promotion for each 14 man-years of service. In other words, of the 503 whites and 292 Negroes inducted into the agency in the fiscal year 1946 from which 40 pairs were found perfectly matched for the variables of age, sex, marital status, educational level, length of service, division in which inducted, and job title and grade at which inducted, it took the average Negro seven times as long as the average white to get a promotion.

Finally, labor unions are guilty of discriminatory labor practices. Six percent of the complaints received by the FEPC were made against unions. It should, however, be noted that great strides have been made in the admission of minorities to unions. Both the A. F. of L. and the CIO have repeatedly condemned discriminatory union practices. But the national organizations have not yet fully attained their goals. Some railway unions have Jim Crow auxiliaries into which Negroes, Mexicans, or orientals are shunted, with little or no voice in union affairs. Furthermore, there is a rigid upper limit on the type of job on which these members can be employed. A witness, who testified as recently as last May before the House Subcommittee on Education and Labor, stated that five major railroad unions bar Negroes, Mexican-Americans, and Japanese-Americans from membership entirely.

As pointed out in the report of the President's Committee on Civil Rights, economic discrimination prevents full use of all our resources. During the war, when we were called upon to make an all-out productive effort, we found that we lacked skilled laborers. This shortage might not have been so serious if minorities had not frequently been denied opportunities for training and experience. In the end, it cost large amounts of money and precious time to provide ourselves with trained persons.

One of the principal economic problems facing us and the rest of the world is achieving maximum production and continued prosperity. The loss of a huge, potential market for goods is a direct result of the economic discrimination which is practiced against many of our minority groups. A sort of vicious circle is produced. Discrimination depresses the wages and income of minority groups. As a result, their purchasing power is curtailed and markets are reduced. Reduced markets result in reduced production. This cuts down employment, which of course means lower wages and still fewer job opportunities. Rising fear, prejudice, and insecurity aggravate the very discrimination in employment which sets the vicious circle in motion.

Minority groups are not the sole victims of this economic waste; its impact is inevitably felt by the entire population. Eric Johnston, when president of the United States Chamber of Commerce, made this point with vividness and clarity:

> The withholding of jobs and business opportunities from some people does not make more jobs and business opportunities for others. Such a policy merely tends to drag down the whole economic level. You can't sell an electric refrigerator to a family that can't afford electricity. Perpetuating poverty for some merely guarantees stagnation for all. True economic progress demands that the whole Nation move forward at the same time. It demands that all artificial barriers erected by ignorance and intolerance be removed. To put it in the simplest terms, we are all in business together. Intolerance is a species of boycott and any business or job boycott is a cancer in the economic body of the Nation. I repeat, intolerance is destructive; prejudice produces no wealth; discrimination is a fool's economy.

Mr. Chairman, there is a danger that some of our wartime gains in the elimination of unfair employment practices will be lost unless prompt action is taken to preserve them. In its final report, the FEPC pointed out that the wartime gains of Negro, Mexican-American, and Jewish workers are being lost through an unchecked revival of discriminatory practices. The committee urged that steps be taken by the Government to meet the evil of unequal opportunity among Americans. Although emphasis was placed upon the efficacy of informal negotiation, community educational efforts, and public hearings in dealing with instances of discrimination, the committee expressed the belief that "no device will solve the problem short of the enactment by Congress of fair employment legislation."

On July 29, 1949, H. R. 4453, which embodies the administration's fair employment practices program, was approved by the House Committee on Education and Labor. This bill, which stresses the voluntary compliance and educational approach, prohibits discrimination in employment because of race, color, religion, or national origin, and creates a permanent national commission against discrimination in employment to prevent such discrimination. The bill, which covers agencies of the Federal Government, employers of 50 or more persons whose operations affect interstate or foreign commerce, Federal contractors and subcontractors who employ 50 or more persons, and labor unions whose practices affect interstate commerce, extends protection against discrimination in employment to such principal minority groups as 13,000,000 Negroes, 5,000,000 Jews, 20,000,000 Catholics, 3,000,000 Americans of Mexican and Hispanic origin, and 11,000,000 persons of foreign birth. The Commission is empowered to investigate each written sworn charge of discrimination in employment, to consider the employer's or union's explanation, and to appraise all the surrounding circumstances in each case. The burden of proof is on the complainant and not on the party accused. If the Commission believes the charge has merit, it will take steps to adjust it by informal methods of conference, conciliation, and persuasion. A feature of the bill provides for the setting up of regional, State, and local conciliation councils to promote fair-employment practices by information, education, and conciliation. Where settlement is not possible by conciliation, the Commission will conduct a full and fair hearing in which the party charged has the right by counsel to present his version of the facts and to cross-examine witnesses. After the hearing, the Commission will issue a decision and order. If the order is not complied with, the Commission will appeal to the United States Circuit Court of Appeals to enforce it. Defiance of the court order will subject the respondent to penalties for contempt of court. The Commission's orders are enforcible only by the courts after full hearing. The bill itself provides no criminal or civil penalties, except a penalty from $100 to $500 for refusal to post in work places notices regarding the act, and a fine of up to $500 and imprisonment up to 1 year for forcibly interfering with a member or employee of the Commission in the performance of his duties.

The Commission is empowered to dismiss all groundless charges on its own initiative, without formal hearings and before there is any contact with the accused employer. The FEPC dismissed two-thirds of all the complaints filed with it. It thus served as a necessary safety valve for persons who thought they were discriminated against. The Commission, likewise, would fill this need.

The bill places no restriction on the employer's right to employ or to upgrade an employee on the basis of his own judgment of the candidate's training, experience, ability, personality, or whatever standards he may choose to set. Nor does the bill force business to hire any person or refrain from firing any specific person. On the contrary, it protects the employer in his right to choose the best candidate without regard to race, religion, color, or national origin.

To repeat, an employer may hire or reject anyone he pleases, on any basis and for any reason, so long as a needed and qualified person is not rejected because of his race, religion, color, or national origin. Nor does the bill require an employer to hire a particular percentage or quota of Negroes or of any other minority group since such a practice is itself discriminatory.

The bill helps to eliminate unfair price cutting by competitors who pay lower wages to members of minority groups. It will promote smooth working relationships, reduce labor turn-over and interruptions, and thereby promote efficient production at lower unit costs. Establishing fair employment will add, in the case of Negro wage earners alone, a new domestic purchasing power and market of approximately $10,000,000,000 a year, according to estimates by the National Association for the Advancement of Colored People.

It is not wishful thinking on my part when I state that the bill, if enacted into law, will prove very successful in operation. No better proof can be offered than the experience of my home State of New York and the experience of three other States—New Jersey, Massachusets, and Connecticut—which, since 1945, have banned discrimination in employment and labor-union membership. Two more States in the Midwest have passed anti-discrimination laws since 1945. A recent report of the Legislative Reference Service in the Library of Congress shows that 36 States and 5 cities as of May 1948 passed laws and ordinances providing for the elimination of discrimination in one or more fields of employment. Twenty-three State legislatures in all considered FEPC legislation this year.

In general, the laws in New York, New Jersey, Massachusetts, and Connecticut make it unlawful for employers to discriminate in hiring, firing, or conditions of employment, or for labor unions to exclude, expel, or discriminate, because of race, color, creed, or national origin. The use of discriminatory help-wanted ads and job applications by employers and employment agencies are prohibited. The State commissions are empowered to investigate complaints, to hold hearings, to attempt to conciliate, to issue cease-and-desist orders, and finally, to seek court enforcement of these orders. The progress that has been made in New York under its fair employment practice act is made very clear by the first annual report of the State commission against discrimination. In its introduction, the report states:

> The operation of the law has definitely resulted in progress in the elimination of illegal discriminatory practices. The testimony of people actually engaged in job-placement activities reveals that fields of opportunity previously closed to certain groups are now open to all, regardless of race, creed, color, or national origin. Resistance to the law has lessened as demonstrated by the fact that employees of all groups are being hired and upgraded into new occupational categories. Preemployment discriminatory inquiries are now the rarity, rather than the rule.

Conciliation proceedings conducted by the New York State Commission Against Discrimination in the first year of its operation met with marked success. During that time the commission passed upon more than 300 complaints charging discrimination in employment. It was not necessary in any case which reached the conciliation stage to advance beyond it to the next stage—that of a formal hearing. In this connection it is worth noting that a total of 1,200 cases a year are being settled under the fair employment practice statutes in the States of New York, Massachusetts, Connecticut, and New Jersey, but not once have they used their powers of enforcement. Not once have any of them gone as far as public administrative hearing on a complaint. As one observer of the operation of these fair employment practice statutes stated:

> Embarrassment, not harassment or punishment, is the chief sanction—embarrassment over being caught not living up in deeds to American principles of fairness we all acknowledge in words.

One employer of hundreds of workers, who made changes in his practice after a charge of discrimination, expressed satisfaction with the results in these words:

> Some of the new people I've hired are outstanding. This is a good law. I'm glad I've hired these workers. You ought to point out to employers the benefits they get from an increased labor market when they have access to so many more qualified workers.

In a detailed report on its operations and accomplishments covering the first 3½ years up to December 31, 1948, the New York State Commission Against Discrimination referred to a number of industries which were opened to employment for Negroes without the need for the commission to issue cease-and-desist orders. The commission also stated that 17 unions agreed to eliminate discriminatory membership policies.

This problem of prohibiting discrimination in employment cannot be handled by the States themselves. Federal action is needed to protect States having such laws against unfair competition in other States that do not have such laws. Federal action is also needed because most large employers or trade-unions have plants or locals scattered throughout the country in every State. The administration's bill does not impair or conflict with existing State laws, nor does it invade States' rights. In fact, the bill authorizes the Commission to turn complaints over to State and local authorities where there are parallel laws prohibiting discrimination. The bill does not apply to State or municipal employees or to any State agency, nor does it apply to small retail stores, small farms or domestic servants. In applying only to those employers who are engaged in interstate commerce or in operations affecting such commerce and who employ 50 or more persons, the bill supplements and dovetails with State laws. Furthermore, the bill does not repeal or impair veterans' preferences. All veterans' preferences are explicitly continued in effect.

The administration's bill has nothing to do with personal or social relationships. It is concerned only with equality of job opportunity. Will such a bill, if enacted into law, cause riots or bloodshed? On the contrary, it will lessen the danger of such violence because orderly governmental procedure will be substituted for mob action. After the last war there were 26 major race riots. A repetition must be avoided. If enacted, this bill will do that job.

As pointed out in the report of the President's Committee on Civil Rights, our position in the postwar world is so vital to the future that our smallest actions have far-reaching effects. We have come to know that our own security in a highly interdependent world is inextricably tied to the security and well-being of all people and all countries. Our foreign policy is designed to make the United States an enormous positive influence for peace and progress throughout the world. We have tried to let nothing, not even extreme political differences between ourselves and foreign nations, stand in the way of this goal. But our domestic shortcomings with respect to civil rights are a serious obstacle. In a letter to the Fair Employment Practice Committee on May 8, 1946, the Honorable Dean Acheson, then Acting Secretary of State, stated that—

> The existence of discrimination against minority groups in this country has an adverse effect upon our relations with other countries. We are reminded over and over by some foreign newspapers and spokesmen, that our treatment of various minorities leaves much to be desired. While sometimes these pronouncements are exaggerated and unjustified, they all too frequently point with accuracy to some form of discrimination because of race, creed, color, or national origin. Frequently, we find it next to impossible to formulate a satisfactory answer to our critics in other countries: the gap between the things we stand for in principle and the facts of a particular situation may be too wide to be bridged. An atmosphere of suspicion and resentment in a country over the way a minority is being treated in the United States is a formidable obstacle to the development of mutual understanding and trust between the two countries. We will have better international relations when these reasons for suspicion and resentment have been removed.
>
> I think it is quite obvious * * * that the existence of discriminations against minority groups in the United States is a handicap in our relations with other countries. The Department of State, therefore, has good reason to hope for the continued and increased effectiveness of public and private efforts to do away with these discriminations.

Mr. Chairman, I would like to repeat here what I stated before that the right to equality of opportunity of each individual to obtain useful employment without regard to race, color, creed, and

national origin is essential to the well-being of the individual and to the progress of our society. We abhor the totalitarian arrogance which makes one man say that he will respect another man as his equal only if he has my race, my religion, my social position. Our American heritage teaches us that to be secure in the rights he wishes for himself, each man must be willing to respect the rights of other men. We have the democratic opportunity and responsibility to build social institutions that will guarantee equality of opportunity to all men. Without this equality freedom becomes an illusion. As stated by a great American, President Franklin Delano Roosevelt, "The strength of this Nation shall not be diluted by the failure of the Government to protect the well-being of its citizens." It is for the Congress of the United States to implement this pledge with action by the speedy enactment of H. R. 4453 into the law of the land.

Mr. ADDONIZIO. Mr. Chairman, to date the record of the Congress of the United States on civil rights matters is one of dire inaction. The American people do not want it that way, Mr. Chairman. The American people voted for a President in 1948 who meant what he said about civil rights and for a party that had the courage to take an uncompromising stand on this most vital issue of the twentieth century.

If this Eighty-first Congress had a mandate for anything, it surely had a mandate to enact the President's civil-rights program. The platform of the Democratic Party in the 1948 elections stated clearly and specifically full support of fair employment practices legislation. However, it would be foolish for me to overlook the opposition to FEPC within my own party. I know the objections of my friends from the South. I respect their convictions, but I am equally convinced that they are dead wrong. Even though they may be liberal on many issues, they are afflicted with a sense of blind opposition to all measures designed to eliminate racial discrimination. I appreciate the historical background that lies at the base of their prejudices. If it were only a matter of prejudice, I would not be so concerned. As long as prejudice remains within the workings of a man's mind, it is an individual problem; and we may hope that someday the blot of prejudice will be wiped from the minds of Americans. However, when prejudice becomes an overt act of unfairness in employment against any person because of his race, color, or creed, it is no longer an individual's problem. When a citizen is denied a job only because he is a Negro, or a Jew, or a Catholic, or because he belongs to any other minority, we have a social problem—a problem for all of society against which we the people can and must act.

I will agree with the point that my southern colleagues have repeatedly brought out that discrimination is not only a problem of the South but that discrimination takes place in the North as well. It happens all over the country and that is even more reason for a Federal law to protect the individual's rights everywhere in this great Nation of ours.

Let us turn for a moment to look at the economic aspects of job discrimination. This can be done in cold dollar and cents terms. The last census showed that the median annual income for the white high-school graduate was $1,454 compared to $775 for the Negro high-school graduate. Twenty-three out of every 100 white high-school graduates had incomes of over $2,000. Only 4 out of 100 Negro high-school graduates had incomes that high. Here are Negro and white citizens with the same amount of education and training—but discrimination makes sure that the Negro citizen gets less money for this work. These are not the only fruits of discrimination; delinquency, criminality, illiteracy, social tension, poor health, and racial unrest all spring from this undemocratic process.

I have heard it said by many, Mr. Chairman, that we cannot solve this problem of discrimination by legislation. Many of my southern friends have said that education is the only way. Well, I am for education; it is easy to be for education, and many of us are too willing to make it a cure of all evils. But let us remember this: Racial and religious discrimination in employment are morally wrong. They are truly un-American. They make a mockery of all that we have praised so highly in the Brotherhood Week just concluded. They violate the ethics of fair play and equality as we were taught as children and which we teach our children today, and I say to you, my colleagues on both sides of the aisle, that we must make these wrongs illegal. We can make it clear that we disapprove of these practices by putting them outside the law. I have never heard anyone argue that a law against robbery stops robbery or a law against murder stops murder, but it makes robbery and murder illegal; and whoever commits these crimes is liable to punishment.

I do not deny the value of education. I say to you that we need more education, particularly in the field of human relations, but I say further that progressive liberal FEPC legislation which gives force to our moral principles is in itself educational. We must keep faith with the American people and vote FEPC today.

Mr. RODINO. Mr. Chairman, it is obvious that the conscience of the American people is aroused about the great moral and economic issue of FEPC—Fair Employment Practices. I know that the opinion and conscience of the citizens of my district favor enactment of FEPC. They believe, and I am sure that the American people believe, that enactment is long overdue.

More than 20,000,000 members of minority groups—Negroes, Jews, Catholics, Protestants—are daily suffering the discrimination, the humiliation, the hardship, and the bitter disillusionment of discrimination in employment. The hard fact is that today unemployment is twice as great among members of minority groups as it is among the population as a whole.

Every index of public opinion supports the conclusion that the American people want this legislation and want it now. All church groups are for it. The American Federation of Labor and Congress of Industrial Organizations are for it. Even the Gallup poll, which is not noted for overrepresenting the liberal position on any issue, has in recent weeks reported a majority for FEPC.

There is no use in beating around the bush on this issue. Procrastination and delay play into the hands of those who fear and fight FEPC. The victory for democratic processes won on January 20 must be followed through to victory for FEPC, at least on the floor of the House and on the record by which we shall be judged in the 1950 primaries and the elections.

FEPC means democracy in employment, democracy on the job. It means fairness in the hiring of qualified workers, in the upgrading and promotion of workers on the basis of performance and ability.

The misrepresentations that have been made about FEPC are many—too numerous to deal with in these brief remarks. Let me deal here only with one. It is stated that FEPC is an attempt to legislate against prejudice, that prejudice cannot be dealt with by legislation, and that any attempt to do so is as doomed to failure as was prohibition.

In the first place, FEPC is not addressed to prejudice; it is not aimed at prejudice; it does not pretend to abolish prejudice What FEPC is aimed at is discrimination in employment, which is the exercise of prejudice either by employers or by labor organizations. FEPC proposes to see to it that qualified workers are not discriminated against either in employment or in promotion because of their race, religion, color, national origin, or ancestry. It does not provide for the firing of individuals, or the hiring of individuals.

The FEPC bill provides that fair practices shall be observed by both employer and labor organizations. It is a tribute to organized labor that the two great organizations of labor, the A. F. of L. and CIO, have not only accepted this bill, but have been among its most active supporters. Many individual employers join with them and with all the organized religious groups in demanding enactment of this bill.

It is true that prohibition was a failure, but it is not true that laws against driving while drunk are a failure. They are effective. Similarly, FEPC, which does not attempt to act against prejudice, but only against the irresponsible, socially and economically harmful expression of prejudice in discrimination in employment, will work. It will be accepted by the American people, by employers, by workers and their organizations.

This is not a mere expression of faith and hope. It is based upon experience. It is based upon the experience of my home State of New Jersey, and on the experience of the States of New York, Massachusetts, Connecticut, even the experience of the city of Minneapolis which enacted a municipal FEPC years ago.

In most of these States, FEPC was not adopted and is not administered as a

partisan measure. It was adopted and is applied as a nonpartisan measure. That is the way it should be dealt with here. I believe it will be.

One more point before I conclude: The FEPC bill is an effective bill because it has provision for enforcement by judicial review and court order, and penalty for defiance of that order. This bill, like the model State laws from which it was adapted, prescribes preliminary steps which must be taken one at a time before the charge of discrimination can be either made the subject of a commission hearing or come before a court. Those steps are information, education, conciliation, and mediation. The experience in my own State and in the other States which have nearly identical laws shows that these preliminary steps are sufficient to reduce the work toward the complete elimination of discrimination in employment.

Some say, "Well, since it has not been found necessary to resort to formal public hearings and to court trials for enforcement, why keep them in the bill?" The answer is that if you take out of this bill the power of subpena, the power to require attendance at the conciliation and mediation sessions; the power to require the production of books and papers; and the ultimate power to hold public hearings and go to the courts for enforcement of commission orders, you will have observance of FEPC only by those who will be fair anyway. Those who practice discrimination would, in the absence of the power to require appearance and the power to enforce findings and orders, simply thumb their noses at even the most tentative suggestion that charges of discrimination should be discussed.

It is my deep feeling that this measure is just, it is long overdue; that it will meet the needs of many millions of our people, will satisfy the opinion of the conscience of the American people, and will strengthen the confidence of the American people in this House and its operation.

Three years ago, when hearings were being held on this bill, spokesmen for minority groups pointed out the daily injustices and hardships that were being suffered by members of those groups. They gave statistics. They gave examples. They pointed out that the establishment of FEPC would improve wages, would strengthen and sustain purchasing power, would morally and materially strengthen our national security in the global contest between the principles and practices of freedom and the unprincipled practices of totalitarianism.

It was said at that time, and it is truer now than then, that "Hope deferred maketh the heart sick."

Let us not longer defer the hope of the American people. Let us record our votes in favor of this proposal to establish justice in employment for all our people.

Mr. FRAZIER. Mr. Chairman, I would that I had the power to make you see and realize the injustice and irreparable injury that will be caused by the passage of this legislation.

The bill before the House, H. R. 4453 proposes to prohibit discrimination in employment because of race, color, religion or national origin.

This bill seeks to set up for the imaginary protection of a certain class—a new supposedly civil right, and, in order to do this, its proponents ask Congress to tear down and over-ride the Constitution of the United States and its amendments.

The act is unconstitutional, and in my opinion, no court would ever hold it constitutional. It takes away the rights of the individual as guaranteed by the Constitution, and attempts, by an act of Congress, to bestow upon other individuals' rights which do not exist and never should exist.

It denies to the employer the right to employ in his business or factory whom he desires and it brazenly tells him that he must employ a member of a certain class even if it means the disruption and final destruction of his entire business.

Section 5 (a):

It shall be an unlawful employment practice for an employer—(1) to refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to his terms, conditions, or privileges of employment, because of such individual's race, color, religion, ancestry, or national origin, or (2) to utilize in the hiring or recruitment of individuals for employment any employment agency, placement service, training school or center, labor organization, or any other sources which discriminates against such individuals because of their race, color, religion, or national origin. It seeks to tell labor organizations who shall or shall not be entitled to membership and employment benefits by providing as follows—

Section 5 (b):

It shall be an unlawful employment practice for any labor organization to discriminate against any individual or to limit, segregate, or classify its membership in any way which would deprive or tend to deprive such individual of employment opportunities, or would limit his employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, or would affect adversely his wages, hours, or employment conditions, because of such individual's race, color, religion, or national origin.

It is an invasion of the rights of the States to manage their own internal affairs. The proponents of this legislation entirely or purposely overlooked the first ten amendments to the Constitution known as the Bill of Rights which enumerate certain natural rights which Congress shall not abridge, including, in the first amendment, freedom of religion, freedom of the press, freedom of speech and freedom of assembly.

The ninth amendment makes clear that other rights than these enumerated do exist and are retained by the people.

The tenth amendment expressly limits the power of the Federal Government to those delegated to it by the Constitution and reserves all other powers to the States or to the people. The Supreme Court of the United States has held uniformly that any power to create a civil right, unless specifically delegated to the United States by the Constitution, has been reserved to the separate States.

In support of this position I call your attention to *Hodges* v. *United States* (203 U. S. 1); *United States* v. *Wheeler* (254 U. S. 281); *National Virginia Board of Education* v. *Barnett* (319 U. S. 638); *Douglas* v. *City of Jeanette* (319 U. S. 157). Numerous other cases can be cited.

They seek to avoid and get around these barriers by use of the frayed and time-worn interstate and foreign commerce subterfuge.

But I contend the problem dealt with in this bill is one with which the individual States should deal. If your State wants to set up an FEPC it has the power to enact such laws. But it is apparent the States want none of it.

In a number of States where the people had an opportunity to vote on such legislation it has been defeated. This includes California and other Western States. And where it has been adopted, I am told it has been a complete failure. While this legislation is sectional in part and you may feel that it will affect the South alone, in this you are sadly mistaken.

It is of such far-reaching proportions and will have such detrimental effect upon our country as a whole, that I feel it is my duty to appeal to you gentlemen from the North, the West, and the East to join with us from the South in defeating this bill.

No legislation brought before this House, since the days of reconstruction and the iniquitous force bill is so vicious in character and of such a nature as to create such dissension among citizens, and set group against group and class against class, race against race, as this bill.

What does the bill do? It arouses intolerance and prejudice in the minds of all involved. It injures those who its proponents claim to be interested in helping. It is class legislation of the extremist type. It abrogates the right of contracts. The constitutional rights of the employer are denied by this legislation. It is discrimination to the extent that constitutional rights would be denied employers in order to satisfy the demands of those claiming to have been deprived of their rights. It can be ruinous to the man who has spent a lifetime building up a business:

First. Charges of unfair employment practices would be easy to make by an unscrupulous and irresponsible applicant and hard and costly to disprove.

Second. The burden of proving that an applicant is not qualified for a job would fall upon an employer.

Third. Employers would be required to comply with interpretations and decisions made by a partisan or a prejudicial administration.

This bill provides for the appointment of a Commission composed of five members, the Chairman receiving $20,000 and the other members $17,500 each, and it further empowers this Commission to appoint such officers and as it deems necessary to assist in the performance of its functions—no limitation to the number of employees that could be retained, to send from one end of the country to the other to pry into the business of every free-born American citizen who happens to employ 50 persons or more. The cost to the taxpayers of this country can be tremendous. While its enforcement will

practically be impossible, it further proposes to pay witnesses whose depositions are taken, or who are summoned before the Commission, or any of its agents, the same fees and mileage paid in the courts of the United States.

Mind you, gentlemen, these fees are paid, not for the purpose of trial, when a law has been violated and an indictment returned as in the United States court, but also for the purpose of investigating to see if this act has been violated. It does away with the right of trial by jury. It compels the alleged violators to give evidence against himself, an unheard of procedure in American jurisprudence, and in direct violation of the sixth amendment to the Constitution of the United States.

Section 9 (e) provides:

> No person shall be excused from attending and testifying or from producing documentary or other evidence in obedience to the subpœna of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty of forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for, or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

While this section does provide that no individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction or matter he is compelled to testify or produce evidence. It does provide that the individual so testifying shall not be exempt from prosecution and punishment for perjury in so testifying and the immunity shall extend only to natural persons.

Under this act a swarm of Federal investigators could be employed to camp on the doorstep of every factory in America.

Bear in mind, my colleagues, that this act does not apply to the South alone. It applies to the great manufacturing plants of the North, East, the Middle West, and the West.

You Republicans who speak so often and so loudly of your love for free enterprise, stop and think before you vote for this legislation, for if you support it, you are sounding the death knell of all free enterprise in America.

Some of you may be laboring under the delusion that this act will not affect your section, but I say to you frankly and in all sincerity that, in my opinion your sections will suffer just as much by its enactment as the South.

There are many places in the United States where the Negro is not even permitted to stop, much less to seek employment or a place to live and educate his family, and that is not in the South. I know of no place in Tennessee, or Georgia, or Alabama, or Mississippi, or Louisiana, or any Southern State where a black man or a man of any other race or religion is not permitted to live in peace and in happiness and does not enjoy the opportunity to earn an honest and decent livelihood.

I think I can safely say to you, that the black man has received fairer treatment in the South where he is known and understood than he will ever receive anywhere else on earth. Our factories, our lumber mills, and farmers have employed and are employing him and have done so since he was freed. We have provided schools for him and have sought to educate him both morally and industrially. In the South, there exists an affection and loyalty between blacks and whites as in no other section.

While the white people of the South have paid 95 percent of the taxes, the Negro has received his full share of its benefits. We of the South have no grudge against the Negro. We know his faults and his weaknesses and we overlook both, and recognize his virtues. The Negro has made great progress in the past 85 years. In my section we have Negro doctors, lawyers, merchants, farmers, teachers, preachers, operators of trucking and taxi lines, architects, contractors, and carpenters. They have entered into all kinds of professions and businesses. They have prospered and are respected in the community. Only a few days ago I read in the paper of my home that a Negro lawyer had announced his candidacy subject to the Democratic primary for one of the judgeships on the session court of our county, and in doing so, he stated:

> Hamilton County has heretofore honored Negroes by electing them on justice of the peace courts, and since race relations here are fine, I believe that today is no exception.

I merely sight that instance to show that good feeling exists in the South between the two races, and it will continue to exist if we are left alone to work out our own salvation without interference from selfish propagandists from the North who know nothing of our problems and care less.

In the hope that you, my colleagues, on the left of this chamber will be influenced by the wisdom of one of your really great statesmen of the past, I quote from Senator Borah's speech in the United States Senate on January 7, 1938, when discussing another bill dealing with civil rights he said:

> Notwithstanding anything that has been said or that may be said, this is a sectional measure. It is an attempt upon the part of the States practically free from the race problem to sit in harsh judgment upon their sister States where the problem is always heavy and sometimes acute.

In my opinion, the southern people have met the race problem and dealt with it with greater patience, greater tolerance, greater intelligence, and greater success than any people in recorded history dealing with a problem of similar nature.

And in conclusion, the Senator from Idaho said:

> The progress, the development, and the advancement of the South, including the last 70 arduous years, her history from Washington and Jefferson down, rich with the names of leaders, orators, statesmen, her soil, her sunshine, her brave and hospitable people, her patient and successful wrestling with the most difficult of all problems are all a part of the achievement of our common country and constitutes no ignoble portion of the strength and glory of the American democracy.

I will cast no vote in this Chamber that reflects upon her fidelity to our institutions, or upon her ability and purpose to maintain the principles upon which they rest.

No manufacturer, no businessman, no employer, wherever he may be situated, is willing or wants the United States Government to tell him who he may employ or who he may discharge, and that is exactly what this bill undertakes to do.

I urge you to defeat this bill, for it can do naught but bring trouble and dissatisfaction to a reasonably happy people.

Mr. O'HARA of Illinois. Mr. Chairman, the distinguished gentleman from South Carolina [Mr. SIMS], whose sympathy with many liberal viewpoints has won him the friendship of liberals from the North, has sought in his presentment of the southern viewpoint on the pending bill to make a distinction between civil rights and human rights. His opposition to this bill he bases upon his conclusion that its effects would place civil rights in priority to human rights.

I am afraid I cannot agree with the distinguished gentleman. That which for convenience in reference we call a bill for civil rights stems from the human right of all men and women to live. Men and women in a complex industrial society, unless born of families of means, cannot live unless they have gainful employment. Shelter, food, clothing, everything necessary to keep body and soul together, must come from the proceeds of that employment.

This bill aims at affording all persons within the jurisdiction of the United States an equal opportunity in obtaining and holding such employment without any discrimination based upon racial and religious prejudices.

I fail to see where there could be any human right more fundamental than the right to live, and it is to establish that right to live on the part of millions of our countrymen now discriminated against that this proposed legislation has been presented. I don't care what you call it—civil rights, as is the easy term in the vocabulary of its proponents, or something sought to be forced upon us in priority of human rights, as the gentleman from South Carolina says. I do not think the good men and women in the galleries above us are interested in labels. No matter what you call it, this is a bill to give human beings the right to live and to enjoy equal opportunities in employment when possessed of equal qualifications.

I can conceive of a situation when a period of great unemployment, such as was visited upon us in the early thirties when the policies of reactionary government brought us to a wreck, those men and women in the groups discriminated against, being the first to be dismissed, and the last to be reemployed, would be doomed as individuals and as a group to unwarranted privations and in many instances to actual starvation.

No, Mr. Chairman, the right to live of all human beings, without regard to color

or race or religion, can never be inferior to any of the rights of a more fortunate and numerous group. I know of nothing in the Constitution of the United States, certainly nothing in the law of God, that establishes the right to discriminate against one's brother in priority to the brother's right to live.

Mr. Chairman, this day in this Chamber, where so many great battles have been fought and won for human rights, will long be remembered. Today an old and passing order made its last stand.

The galleries in this Chamber have been filled for the many hours that we have been here. Until the general debate began, 5 hours after we convened at noon, there was little of excitement to command the interest of those packed galleries. The monotonous calling of the hundreds of names on one roll call after another was all that we, the Representatives of the people in what has been termed the greatest deliberative body in the world, had to offer.

Yet, Mr. Chairman, those galleries have remained packed hour after hour, and they will be packed, I venture to say, all night and all day tomorrow if it takes that time to bring this bill to a vote.

I ask my colleagues to look upward at the faces of the men and women looking down at us. There is nothing of idle curiosity in those faces. I have never seen reflected in the faces of any gathering more sincerity of feeling, more intensity of emotion, the greater marked because restrained. With rapt attention from the galleries above they look upon everything which is transpiring.

If I read aright the expression in their faces it is one reflective of their joy that on this day and in this Chamber the good fight has been made and is on its way to triumph—the good fight to end discrimination in the opportunity to get and hold a job—the good fight for the human right to live if everyone, even those of other races, creeds, and color.

Mr. Chairman, I am happy to say that in the Second District of Illinois, which I have the honor to represent, the sentiment for the passage of this bill is overwhelming. In Chicago we do not like any sort of discrimination.

Mr. SMATHERS. Mr. Chairman, in the short time allotted to me I would like to make clear why I am opposed to the FEPC bill. It has been said before but I would repeat that you do not give one person more liberty by taking liberty from another. This bill would do just that. In taking the right of an employer to determine who he wants to hire, how he wants to promote them, or who he may want to fire, is in my opinion, destructive of his constitutionally guaranteed individual freedom.

At the same time such legislation is discriminatory toward all employees in that it attempts to coerce them into working along side of or with other persons with whom they may not be compatible. We know from long experience that you cannot make people like each other by passing a law saying that they should. The improvement of relations between various groups is going to come from education and not from the decrees of Congressmen. This bill would be destructive of the harmony now existing between the races in the South. Great strides have been made in education, job opportunity and living conditions in recent years; this bill would stop that. It would also interfere with the operation of labor unions.

Furthermore, the enforcement of the technical provisions of this bill would result in taking away from our American citizen his constitutional rights to refuse to testify against himself on the grounds of self-incrimination.

This legislation would establish a giant bureaucracy where the definition of discrimination would vary and change in accord with opinions of those individual persons administering the law.

This legislation, in my opinion, would be destructive of the powers reserved by the States in our Constitution and it is unfortunate that this impractical proposal should be used to make a political issue of the problem of racial relations. To impose these unwanted Federal regulations on the individual States would be to act in complete disregard of the certain consequences of discord, strife, and disunity.

Mr. BENNETT of Florida. Mr. Chairman, I oppose the enactment of the proposed FEPC bill. Regardless of the motivation for such a law, it will not accomplish its avowed objectives. There never has been a human being or a group of human beings with sufficient insight into the minds of men to determine whether or not unfair discrimination is present in any particular instance. Such a law would be impractical. It would be merely a source of litigation, strife, and harassment.

The South favors segregation. In the North there is apparently a desire by some people to enact laws against segregation, not only for the North but for the entire Nation. FEPC would seek to destroy segregation of the races, at least in the employment phase of social behavior. This would not improve the opportunities of colored people.

Segregation is a natural thing. Everywhere in nature we find it. It is manifest that there are not even approximately identical individuals, regardless of the question of race. In human nature segregation is natural. For example, young people who habitually attend Christian Endeavor meetings seldom find their usual companionship among young people constantly frequenting taverns and bars.

The laws of nature cannot be changed by human laws. Laws not first written in the souls of men, like tracings by finger tips in wet beach sands, dissolve by force of the superior laws of nature.

Aside from the impracticality of the FEPC bill, the objectives of better opportunities for all are more readily achievable in a segregated system of society. The northern approach of abolishing segregation has resulted in fewer opportunities for colored people than the southern approach of preserving segregation. This we can see from even a casual study.

Recently a colored man from the North visited the South and affirmed in widely distributed news releases that opportunities for Negroes are better in the South than they are in the North. He pointed out that Negroes could be taxicab drivers in the North but could not get franchises to run taxi companies as they could in the South.

The same can be said for opportunities in professional groups. For instance, out of every 1,000 Negroes in the South, 7 Negroes have professional jobs in education, while in the rest of the Nation the ratio is only 1 out of every 1,000 Negroes. The ratio—on a per capita population of Negroes basis—is 7 to 1 in favor of the segregated system of the South.

In the North there are today less than 100 Negroes in medical and dental schools, while in the South in two segregated medical schools alone there are 1,100 Negroes enrolled. For example, there are more Negroes from Pennsylvania in one of these southern schools than there are Pennsylvania Negroes in all of the medical schools in Pennsylvania.

In the South, where segregation in employment is practiced, Negroes traditionally do certain types of work; and if they have the desire to advance themselves they have a better chance to achieve employer status and professional types of work than they do in the North. There are Negroes in my home town who employ many other Negroes in such varied fields as construction and insurance. In my section of the country there are substantial numbers of Negro lawyers, doctors, preachers, and educators. From the observations and statistics available to me, this segregated pattern of the South seems to offer more opportunities to the colored people than the system urged by some people in the North.

There are many other objections to the contemplated FEPC bill. Besides denying the right of an employer to select agents and employees to handle his affairs, it would deny the rights of employees to choose their associates in business. It would deny employees the right to bargain collectively in this field. It would deny the employer the right to hire, promote, or discharge employees on the basis of efficiency or faithfulness, because the legal prohibition of discrimination could often be raised when the employer would have difficulty in explaining the intangible things which enter into a determination of confidence between employer and employee.

Under this proposed law, an employer could be compelled to pay wages to persons who had never been in his employment. The right to contract in this specific field would be abridged. The right of trial by jury is also destroyed in this field, and the employer would be required by law to give testimony against himself and to expose his private papers to public scrutiny. Employers would be subject to investigations, harrassment, fines, and penalties without end.

FEPC has been considered in about a score of States. Sixteen of these States have rejected the proposal. California recently turned it down by about a million votes. Clearly, intervention in this field is against the will of the vast majority of those who have spoken on the subject.

Who then seeks such a law? There are some misled idealists who have endorsed such legislation. There are some people who think that backing such legislation would be politically helpful to themselves. Finally, there are the Communists who welcome the disunity that is inherent in the agitation for this law. They also have the most to achieve by the passage of the bill. Because of the potential expansion of such a law into attempts to control thought by law and in the further regimentation of people through socialistic bureaucracy, the Communists would make the only real gains that would come out of such an enactment.

I submit that the proposed FEPC legislation is impractical, that better means are available for helping colored people and they are now being used in the South and that the bill violates fundamental American rights and would be just another step toward statism and totalitarianism.

Mr. BROOKS. Mr. Chairman, with the passage of this FEPC bill, H. R. 4453, a new era in Government affairs will have been ushered in. It will be known as the era of regimentation and red tape. It will be the era of complete Government control and domination over every phase of business and industrial life of this country. It will, in fact, be the era of totalitarianism. We can, in fact, bid our democracy good-by.

This measure provides for the creation of a board to enforce this law which will have full power and authority to enter into any business or industry and dictate the terms of employment, of hiring and firing, and even the conditions of work. It will make the members of the board for the enforcement of FEPC czars with an interest, fortified with a legal right, to meddle in every phase of our business activity. The days of the independent businessman will be at an end.

I have seen boards and bureaus operate here in Washington for many years. Most of the time they start out with fairly good intentions. After a while, with power and authority, the boards become aggressive and are prone to overstep even the authority which the Congress has given them. In points often distant from the seat of government, they work with the fortitude of a zealot and the misdirected energy of a crusader. The average citizen is sometimes powerless to resist them.

Thomas Jefferson, a great patriot and the father of the Democratic Party, once said, "The best-governed are the least governed." I subscribe to this philosophy. But the Jeffersonian philosophy as stated above is not the rule of this iniquitous FEPC bill. The FEPC rule is one of more government, more regulation, and more regimentation. Such inevitably will lead to centralization and concentration of power.

This bill is a bad one. It is a bill which will result sooner or later in changing the form of our government and it should not pass.

Mr. SABATH. Mr. Chairman, as everyone in this House and nearly all the people in the country knows by this time where I stand on this important question, and realizing that I cannot at this late hour change the views of those determined in their opposition to this meritorious and humane legislation, I shall briefly answer the statements of some of the gentlemen who find fault with our consideration of this bill on Washington's birth date and at this late hour.

Oh, these gentlemen know this late session today is not the fault of those of us who are in favor of this bill, but that it is due to the actions of these very men who raise these objections because they are the ones who have been delaying consideration of this measure, not only for hours and hours today, but for months—yes, for years.

The record is very clear that I endeavored to secure the consideration of this legislation in the Seventy-ninth Congress—again during the first session of this Eighty-first Congress, and that I have continuously endeavored, since this present session convened, to secure action for a rule for the orderly consideration of this bill, but due to the filibustering tactics that have been carried on in the Committee on Rules I have been unable to secure the approval of such a rule. I have tried and tried and tried to bring about the orderly consideration of this measure, providing sufficient time for each and every Member to express his views, but my efforts have been frustrated by these very gentlemen who now complain, and who have, during this entire day—for the past 6 or 7 hours—delayed its consideration by their frivolous actions and delaying motions requiring so many roll calls.

And though it is late in the day, and it may take until midnight or longer to secure a final vote on this measure, I shall insist that we remain until the final vote is recorded I shall insist on it because nearly every outstanding church, labor, liberal, fraternal, social, and humanitarian organization has urged and pleaded for the enactment of this legislation. Other speakers have mentioned these organizations by name and I shall not burden the record with repetition, but I wish to insert at this point five representative telegrams received from such organizations located in my home city of Chicago:

CHICAGO, ILL., *February 20, 1950.*
ADOLPH J. SABATH,
*House Office Building,*
*Washington, D. C.:*

On behalf of our 200,000 CIO members we urge your support FEPC bill (H. R. 4453) February 22. Urge you to remain in close attendance floor of House all day to prevent parliamentary delays and vote passage of bill without amendments.

ALBERT TOWERS,
*President, Chicago Industrial Union Council, CIO.*

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CHICAGO, ILL., *February 21, 1950.*
Congressman ADOLPH J. SABATH:

Chicago Federation of Labor is interested in having the FEPC bill (H. R. 4453) passed without further delay. We urge you to stay on floor of House tomorrow and do your utmost to stop filibustering speeches and vote for passage.

WILLIAM A. LEE,
*President.*
WILLIAM F. CLEARY,
*Secretary.*

CHICAGO, ILL., *February 21, 1950.*
Hon. ADOLPH J. SABATH,
*House Office Building,*
*Washington, D. C.:*

Local 194, FTA, with 4,000 members in Chicago urges you be present in House of Representatives on Wednesday, February 22, and vote "No" on adjournment. We further urge you use your influence and your vote for passage of Powell FEPC bill. Can think of no better way to honor memory of George Washington who led Revolutionary War to free all citizens of United States than to pass FEPC law on this date.

JOHN GALLACHER,
*President,*
ELIZABETH WROTON,
*Legislative Director,*
*Local 194, FTA.*

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CHICAGO, ILL., *February 20, 1950.*
Congressman ADOLPH J. SABATH,
*House Office Building,*
*Washington, D. C.:*

Urge you attend continuously House session Wednesday until FEPC is voted upon.

Rabbi MORTON M. BERMAN,
*Chicago Division, American Jewish Congress.*

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CHICAGO, ILL., *February 21, 1950.*
Hon. ADOLPH J. SABATH,
*House Office Building,*
*Washington, D. C.:*

Understand FEPC vote scheduled Wednesday 22d. We urge your close attendance to prevent parliamentary delays and your favorable vote for H. R. 4453 without amendments.

Bishop Bernard J. Sheil, Catholic Youth Organization; American Civil Liberties Union; Sidney Williams, Chicago Rabbinical Association; Catholic Labor Alliance; Japanese-American Citizens; League Independent Voters of Illinois; National Association for Advancement of Colored People; Young Women's Christian Association; National Council of Jewish Women; American Jewish Congress; Church Federation of Greater Chicago; Chicago Council Against Racial and Religious Discrimination; Bureau of Jewish Employment Problems.

As I stated in the letter I sent to many Members of this House yesterday, urging them to be and remain on the floor of the House until final action is taken, while suggesting that they should not fall for any of the substitutes or amendments offered "not by the friends but by the enemies of this legislation", I hope they will come to the conclusion that my request and advice was timely and that they will not yield to any sinister influences that are endeavoring to destroy the real bill endorsed by these fair-minded and well-intentioned organizations. There will be two such substitutes offered. Neither deserves the support nor vote of any friend of civil rights.

This undignified—yes, this imprudent procedure witnessed here tonight should serve as a reminder to the membership of this House and to the American people that sound legislation on fundamental principles cannot be expected from such farcical procedures; and that in the future the Committee on Rules will not deny rules as it has in this case and prevent the orderly consideration of vital legislation.

Let us unite as real Americans in giving this measure an overwhelming vote of approval, demonstrating to the American

people that the oft-repeated pledge of both great political parties on this fundamental issue is to be finally carried out.

NO NEED FOR FEPC

Mr. WHEELER. Mr. Chairman, we are here today, on the birthday of the Father of our Country, called on to enact legislation which would cause George Washington to turn over in his grave. If it were at all possible for this great man to be reincarnated and come today to this Chamber he would have much more to say to us than he said in his farewell message.

One of the first things George Washington would say to us in no uncertain terms if he were allowed to speak in person to us today would be to tell us that we cannot successfully legislate morals into a people and that we cannot legislate traditions from the consciousness of a people. He would remind us that freedom was not legislated into the existence of the first American patriots who followed his lead in working out for themselves a brand of freedom and liberty which has come to be unique in a world peopled by human beings. He would cite for us the example of the hardy Americans of his time who gained freedom and liberty only as they prepared themselves to receive it.

Mr. Chairman, did the patriots under Washington at Valley Forge and scores of other battlefields, where liberty was bought at the price of blood, die for the kind of freedom which would allow a bureaucratic government to deny an employer the basic right of choice in selecting the employees who work for him? Did they die for a way of life which would deny employers the right of contract? Did they die for a way of life which would deny the employer the right to hire, promote, or discharge employees on the basis of their efficiency, merit, or faithfulness? Did the patriots under Washington die fighting for the establishment of a way of life which would subject employers to endless investigations, harassment, and possible fines and imprisonment as determined by a commission? If we have proper respect for truth we must admit that the patriots did not shed their blood in order to establish a system of government which would deny an employer the right of trial by jury and give him no right to a review of the facts founded by a commission composed of bureaucrats. One of the basic things for which they fought was the right of every man to a trial by a jury composed of his peers. It is to shame the name of the glorious dead that we even consider legislation on today, of all days, which, if enacted, would deny Americans the basic rights for which our forefathers died.

Mr. Chairman, the whole so-called civil-rights program of which the measure we debate today is most iniquitous, has been conceived in iniquity and nurtured with the milk of corruption. The proponents have sinned grievously in playing upon the ignorance and prejudices of certain minority groups of our citizens. They have held out to these groups the promise of something to be bestowed upon them in the name of liberty which is not liberty at all but the most reprehensible form of slavery. They have told these groups that a form of liberty and freedom can be legislated for them which these people have not had time to earn for themselves. It would be so much better if the proponents of this measure would tell the Negroes and other minority groups in this country the truth and let them know that freedom does not come by legislative decree but by hard work and devotion to ideals which lead to liberty.

I am reminded, Mr. Chairman, of the story of a man who was watching the chrysalis of a moth as the borning moth was undergoing the pains and pangs attendant to breaking away from the shell of the chrysalis. This man watched with pain in his heart the struggles of the baby moth as it fought to break the bonds of the enclosing chrysalis. As he watched the painful struggles of the insect which was aborning he suffered the vicarious pains of the struggle. After watching the painful struggle of the baby moth for awhile he reached the place where he could not bear to witness the agony any longer. In order to put an end to the pain of the struggling insect he got a pair of scissors and cut the chrysalis which confined the moth thus freeing it from the agony by bringing it prematurely into the world it sought to enter. He had performed a humane and charitable deed for which he congratulated himself but his joy was short-lived for he found that, although he had spared the moth the final pangs of birth, the moth could not fly or even walk. In helping the moth be born he had forgotten that the blessings of this life do not come easy to those who would enjoy them. He had failed to remember that strength is gained through struggle and is not something which is donated or granted by legislative decree.

The story of the chrysalis being shorn prematurely from the body of the moth aborning simply emphasizes the fact that there are no easy short cuts to the mountain tops of human experience in the human existence of mankind. We must all go through the green-apple stage of development, as it were, before we can hope to attain the ripened stage where fruition of human ideals is attained.

Mr. Chairman, on yesterday there was announced in this hallowed Hall the true purpose of the so-called FEPC by the gentleman from New York who introduced the original FEPC bill. In a colloquy between the gentleman from New York [Mr. MARCANTONIO] and the gentleman from Arkansas [Mr. HAYS], the gentleman from New York [Mr. MARCANTONIO] stated that if the policies espoused by the notorious Mr. Thaddeus Stevens had been followed immediately subsequent to the termination of the War Between the States, there would now be no need for such legislation as the FEPC. The particular policy to which the gentleman referred was that which demanded that each and every freed slave be given 40 acres of land and a mule. Knowing of the gentleman's adherence to the Communist Party line this statement comes as no surprise since the taking from those who have and giving to those who have not is a cardinal principle of the Communist Party. In stating this communistic policy, however, the gentleman has emphasized the fact that the FEPC is inspired and sponsored by the Communists who leave no stone unturned in sowing discord in this country.

It is said by the proponents of this measure that we are playing into the hands of Russia when we fail to enact the FEPC. They say that the Russians point to discrimination in America as the Achilles' heel in our armor of democracy. In answer to this argument I am made to wonder if we have grown so weak and spineless as to be driven to do those things which we know to be wrong simply because our arch enemy, the Communists, suggest that we do them. Are we called on here today to do those things which will be pleasing to Russia or are we concerned with the things which have to do with the life and liberty of American citizens who have made the system of free enterprise work in such a way as to astound the entire world?

When the Russians have allowed to their citizens one small fraction of the freedom and liberty which is automatically allowed even the least deserving American citizen in this country then they can have earned the right to criticize any facet of the picture which makes up our American society. I am made to wonder if the gentleman from New York, [Mr. MARCANTONIO], would have the Negroes in this country trade their present lot for the lot of the average Russian living today under Stalin's form of so-called democracy. It may be that some of his constituents who live in the ghettos of New York City where there is not supposed to be any such thing as discrimination would trade their lot for that of the Russians but I am sure that there are no Negroes living in my district down in south Georgia who would trade with them. The fact of the matter is that the thinking Negroes of my district would not trade lots with those who sleep in the gutters in the ghettoes of Harlem.

We are not hypocritical in the South with reference to the problems attendant to the living side by side of two different races. We realize that social barriers must be maintained if the integrity of the races is to be kept inviolate. We recognize the fact that a half-breed born by cohabitation of the two races will not be recognized by either race. We know that this cohabitation will be encouraged by destruction of the social barriers and we are not willing to be accessories before and after the fact in doing that which will help lead innocent children to be born into a society where they are not recognized either by the race of the father or the race of the mother.

We do not hate the Negroes in the South. We accept them on the basis of the worth they have earned as individuals. The best story I have heard to illustrate this point has to do with the elderly Negro man who had come North at the instance of his son and who did not tarry long in Yankeeland. Upon his return to Georgia he was asked why he had returned from the land of his dreams. His answer was to this effect, "Boss, de Yankee loves us Negroes as a race but hates us as individuals. You

white folks in the South hates us Negroes as a race but loves us as individuals. As far as I am concerned I prefers to stay here where I am accepted as an individual instead of as a member of a despised race." This story does graphically illustrate the feeling between the southern white man and the southern Negro.

Mr. Chairman, we southerners are not proud of the lack of educational facilities afforded our people. We realize that there is a grievous lack of educational opportunity afforded our people. This lack is not confined to the Negro race. We would like very much to be able to furnish all of our southern children with more adequate educational facilities, for we are convinced that many of the pressing problems attendant to the living side by side of two different races could be solved by education and the raising of living standards. We are doing our very best to provide these facilities but are falling short of our goal simply because we are not financially able to do the job.

If the proponents of the pending FEPC legislation really and sincerely want to help us solve our racial problems in the South they can best do the job, in the true spirit of brotherhood, by sharing with us their wealth sufficiently as to make it possible for us to raise our educational standards in the South. We will accept this financial aid and do our very best to be worthy stewards of it in doing the very best job possible in raising the level of educational accomplishment in our section of the country.

I believe it worthy of note that the South would not need financial aid for our educational system if we had no Negro population. The truth of the matter is that the average Negro pays little or no taxes in spite of the fact that his children must be educated along with the white children. Due to this fact a double burden is placed on the white taxpayer. The truth of the matter is that the average Negro in Georgia has had made available to him by the white taxpayers educational facilities for his children totally out of all proportion to the amount of taxes the Negro pays. It will be said that more taxes would be paid by the Negroes if they were afforded more economic opportunity. This leads to the old question as to which came first, the chicken or the egg. The Negro cannot avail himself of additional economic opportunity until he has been given the educational opportunity to prepare himself for it. If we can get aid in giving him this educational opportunity I sincerely believe that the economic opportunity will be forthcoming.

Mr. Chairman, in an effort to propitiate the gods of petty politics by appealing to the vanity of certain sniveling pressure groups composed of people who suffer from a monumental inferiority complex, we are asked here today to pass into law legislation which would deny American businessmen the right to hire employees of their choice. Mr. Chairman, I am sure you would not vote for a measure which would require an employee to work for an employer against his will. Therefore, by the same token, you should not vote for a measure which would require an employer to hire an employee against his will. Do you not think that the American businessman is already harassed almost to the point of distraction by bureaucratic rules and regulations coming out of Washington? Will you not at least leave to him the right to hire and fire employees at his own discretion instead of at the direction of some bureau in Washington?

It is a distressing spectacle and a strange commentary on contemporary America to listen one day to certain Members of Congress condemn the police state methods of government employed by Russia and other communistic countries and then on the next day listen to these same people advocate the adoption of the same type of measures in this country. If police state methods are bad for other countries they are even worse for this country where we have a heritage of freedom behind us. It is more than distressing, it is disgusting to hear certain Members of this House who are publicly most vociferous in their demands that FEPC be passed, admit privately that the legislation will not work and that they are really not for it but must give the appearance of being so in order to be elected. Ethics will not allow me to divulge the names of these Members who have been heard to express such sentiments, but the truth is that some of those who have been vieing for credit on this measure have been heard to make such statement. Can we wonder that our fair land is beset on every hand by vexing trouble when we have in this Congress men who resort to such arrant demagogery? Have we so completely lost faith in God and man as to allow politics to completely dictate our every action? A man who will espouse a cause publicly which he denies in private does not merit a seat in this great body and should be repudiated by an aroused constituency. I pray for the day when only legislation will be passed on the record which would have been passed if the vote had not been a matter of record. If that day ever comes you will not see such legislation as we have before us today passed, for I sincerely believe that if every Member here today were to vote his honest convictions FEPC would not pass.

Mr. Chairman, the mere fact that the proposed legislation would make it possible for an employer to be brought before the Commission, tried, convicted, and sentenced without trial by jury should be prima facie evidence of the unconstitutionality of the act. One does not have to be an astute student of the Constitution of the United States of America to know that one of the basic concepts upon which it is founded is trial of all Americans by a jury composed of their peers.

The so-called Powell FEPC bill would, if enacted into law, establish in this country a veritable gestapo cloaked with the power of the judiciary and with the further power to issue rules and regulations having the full weight and force of law without the prior approval of the Congress. This legislation is one more step the Congress will have taken in the direction of delegating legislative powers to the executive branch of our Government. We need not take many more steps in this direction before we will have reached the place where the Congress might as well dissolve itself and let the President run the affairs of the country through his executive department. Surely, Mr. Chairman, we have not reached the place where we are willing to leave the destiny of this country in the hands of one man no matter who that man might be. Surely it is time that the Congress began to look to the recapturing of some of the power it has already relegated to the executive department instead of giving it more power as the proponents of this bill propose to do here today.

Mr. Chairman, have we reached the place in this country where a law-abiding free American citizen can no longer call his soul his own without the fear of being investigated and haled before some quasi-judicial body to answer to some specious charge cloaked with the general term "discrimination." Mr. Speaker, if the proponents of this bill are honestly exercised over alleged discrimination in the field of employment in this country they might well add an amendment to this bill which would make it an unlawful practice to refuse employment to a person because of age or sex. We all know that it is extremely difficult for people over 45 years of age to get employment in this country and we also know that women are discriminated against in certain fields of employment. If discrimination can be abolished by legislative decree then the discrimination because of age and sex just as easily as that which attends race, color, creed, and so forth can be abolished.

If the people of the State of New York or any other State want the kind of law which is proposed here today then it is their right to pass such a law in any State. We do not want it in Georgia. The people of the great State of California do not want any such law as they so clearly testified when they defeated just such a proposal by a resounding majority. It has been said here today that the people of the State of California did not know what they were doing when they voted down FEPC in their State. This statement is an insult to the intelligence of the people of California and gives Members from that State just ground to arise in the well of this House and address themselves to the point of personal privilege in the behalf of their insulted constituency.

Mr. Chairman, to further show that the proposed bill would be a travesty on justice it will be noted that there is not a single thing in this bill which would require that an applicant for a job be required to possess any degree of qualification for the job sought. In other words, the bill simply says that an applicant must be hired regardless of qualification or else the employer will be subject to the police powers of a bureaucratic commission exercising gestapo powers. This is too much to ask the people of America to take. It will not be taken without untold amount of attendant trouble and dissension. It will cause racial tensions to be accentuated instead of lessened and will cause bitterness to supplant a growing understanding between the races. The South is

progressing in the field of racial relations, but the passage of this bill will do much to undo the great good that has been done in recent years.

Mr. Chairman, you will find recorded in the Holy Bible the story of how the Master asked a question in the form of a parable which has been ringing down through the ages since the time of its enunciation as the very best defense of the system of free enterprise which has made America great. The Master, in Matthew 20: 15, quoted the employer as saying: "Is it not right that I do what I will with my own?" Mr. Chairman, need more be said as to the religious implications of this legislation?

The pending legislation is said to be a bill which will wipe out all discrimination caused by prejudice. In order to remove an effect you must remove the cause, and you can no more legislate prejudice out of existence than you can effectively pass a law requiring all men to become Christians. The bill purports to give to employees rights which they do not now enjoy. The truth of the matter is that it only gives to employees whatever rights some governmental bureaucrat determines they are to have. It is this bureaucratic police-state agent who has the right to determine where prejudice exists. The question surely, then, must rise as to whether any agent of government is better qualified to determine the existence of prejudice than is the employer himself?

The gentleman from Pennsylvania [Mr. KELLEY] has said here on the floor today, in effect, that Russia does not like the way we do things here in America and, therefore, we should mend our ways in such way as to please Mr. Stalin. The gentleman from Pennsylvania [Mr. FULTON] has said that the greatest argument Russia has in the world today is that she guarantees all people first-class citizenship. Mr. Speaker, I wonder how many people in America want first-class citizenship in a prison camp. If that is the kind of citizenship which the gentleman holds up to the American people as the ideal existence then I am made to wonder how the gentleman's constituency would like to have this kind of first-class citizenship imposed on them.

Mr. Chairman, if this bill becomes law thousands of Negroes will suffer because of it. Many of them will lose their lives as a result of the violence engendered by this legislation. This blood will surely be on the hands of those who support this iniquitous bill. They will not be able to absolve themselves of guilt before God by claiming that they were trying to help those who will have paid for this stupid mistake with their lives. In God's name and for the sake of thousands who will suffer because of it, let us not commit the utter folly of passing this terrible legislation.

Mr. WILLIAMS. Mr. Chairman, it is indeed fitting that the Farewell Address of George Washington should be read annually to the House on the anniversary of his birth. His message is neither outdated nor is it merely a pleasing collection of meaningless platitudes.

Those who listened discernedly to the reading of this great document a few hours ago heard these words of Washington, which, perhaps, more than any other, are applicable to the circumstances under which this crime against America is being committed today:

> Real patriots, who resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

It is desecration to the extent of sacrilege that this iniquitous legislative monstrosity should be presented to this body on the anniversary of the birth of the Father of our Country.

Apparently, the gods of politics must be served, though, even if it means legislative repudiation of everything this great country stands for, and the abolition of the individual liberty which made it great.

We, who cherish the governmental perfectionism embodied in our Constitution; we, who embrace still the faith of freemen in the great vehicle through which our freedom has been preserved, are appalled at the subtle but deadly attacks to which constitutional government is being subjected tonight. As the Pied Piper lured the children of Hamelin to their destruction, so are the selfish minorities seducing American democracy into the pitfalls of atheistic communism. When will America awaken to the real dangers of this communistic maneuver? Will she wait until it has destroyed every vestige of freedom guaranteed to us under our Constitution, and has smothered individual initiative and dignity under a blanket of dictatorial bureaucracy? Will she wait until she has been subjected through this legislation to the tyranny of a Federal police state, not unlike the evil gestapo of Nazi Germany?

America must awaken now before it is too late.

Can anyone deny that the success of our democratic form of government came about through our constitutional divisions of power between the Union and the States, and through the intricate system of checks and balances, limiting and double checking the powers of our Federal Government among the three great branches: the executive, legislative, and judiciary?

Can anyone deny that it is this system that has guaranteed freedom and liberty to all who are so fortunate as to be Americans? Are we to allow the sacrifices of ourselves and our forefathers, since the birth of our Nation, to have been made in vain?

Are we to hold for naught the wisdom of Thomas Jefferson, George Washington, and those other patriots through whose courage and ability the foundations of the world's greatest nation were laid?

Thomas Jefferson was not unaware of the dangers of overcentralization; he might well be on our side in this fight today.

More than a hundred and fifty years ago, he warned us that—

> Were we directed from Washington when to sow and when to reap, we should soon want bread. * * * The support of the State governments in all their rights, as the most competent administrations for our domestic concerns are the surest bulwarks against anti-Republican tendencies.

By the same token, George Washington said in the message read to this House but a few hours ago:

> It is important, likewise, that the habits of thinking in a free country should inspire caution to those entrusted with its administration to confine themselves within their respective constitutional sphere, avoiding, in the exercise of the powers of one department to encroach upon another.

And Washington also stated the case against interference into State affairs, when he said, in that same Farewell Address, these words:

> The necessity of reciprocal checks in the exercise of political power, by dividing it into different depositories * * * has been evinced by experiments ancient and modern; some of them in our own country, and under our own eyes. To preserve them must be as necessary as to institute them.

It is a sad commentary on American politics when the Democratic Party—saved from oblivion more than once by the people of the South, and led by a man who owes his position to the action of white people of the South in the 1944 convention—places its best friends on the altar of political expediency. We of the South have been betrayed in the house of our fathers; we have been driven from our political home by those willing to substitute alien philosophies for the time-honored principles of our party.

Those who would throttle the South and the Nation into economic and political suffocation through this vicious legislation have resorted to trickery, deceit, and misrepresentations in their efforts to destroy the meaning and force of our Constitution. They have so colored the barbs that they would thrust into the flesh of constitutional government that we, who oppose their vicarious arguments are subjected to being called bigots and race baiters. Are they not conscious of the fact that the people of the South are civilized; that we are a God-fearing people, and that, despite their facetious arguments to the contrary, that our Negroes are happier and better satisfied than in any other part of the country? Might we not well reply by saying: "Thou hypocrite, first cast out the beam from thine own eyes, and then shalt thou see clearly to cast the mote from thy brother's eye?"

There is no doubt but that this is sectional legislation, aimed at the social and economic processes of the democratic South. Are we, the South, really the tail that is trying to wag the dog? Or is it the other way around? We have 13,000,000 Negroes as against the rest of the Nation's three million. Should we not be best qualified to speak on the subject of harmonious race relations; as our section, alone, can boast of freedom from race riots and like racial disturbances? There is no agitation from the southern Negro to have this iniquitous legislation inflicted upon the people of the United States.

Does anyone honestly believe that such legislation can accomplish the ends allegedly desired? Our Nation is dedicated to the proposition that all men are created equal, but what you are trying to do here is to keep all men equal. You profess to fight communism; yet you further its interests through acts such as this today.

Is it not, as Lincoln said, true that—

You cannot further the brotherhood of man by encouraging class hatred.

And—

You cannot build character and courage by taking away man's initiative and independence. You cannot strengthen the weak by weakening the strong.

There is no real desire on the part of most of the proponents of this type of regimentation to elevate the position of the Negro. What is the crux of the report of the President's Committee on Civil Rights labeled "To secure these rights"? There is a deadly conspiracy behind this report and this legislation, to carry out its stated purposes. Here is the philosophy of those who drafted this ridiculous report—and I quote from page 6 of the report:

It is the purpose of government in a democracy to regulate the activity of each man in the interest of all men.

What better definition could be given of the aims and purposes of communism, if that principle is not applicable? Surely there is no man here, willing to be honest with himself, who would subscribe to such an alien philosophy of government.

By what stretch of the imagination might that be considered to be the American way, the purpose of government in a democracy to regulate the activity of each man? I say it reeks with the putrid odor of communism.

Such regimentation is not a function of government in a democracy. It is in complete and abject violation of article IX of the American Constitution:

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Can anyone deny that through this legislation you would deny the employer his constitutional right of free choice in the selection of his employees? Can anyone deny that?

And the next article of the Constitution, article X, states:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

These two statutes, fundamental in any construction of our Constitution, specifically forbid the enactment and enforcement of such discriminatory laws as the one proposed here.

There is no doubt about the unconstitutionality of this legislative outrage. Is the Congress to stultify itself by enacting into law that which it knows to be a violation of the American Constitution? Let me remind my Republican friends, who spent several hours the other night nibbling yellow-legged chickens at a dollar a plate in the guise of paying homage to Abraham Lincoln, that he held:

No man who has sworn to support the Constitution can conscientiously vote for what he understands to be an unconstitutional measure, no matter how expedient he may think it.

You will not be doing yourself, your constituency, or your Nation any good by the enactment of this legislation. To direct punitive measures at the South may be politically popular back home. It may get you votes you need when you need them. Do not forget—however—that this law will be applicable to your section as well as the South. Your people will also be subjected to the tyranny of a police state and made subservient to the whims of an appointed bureaucracy should this bill become law. You will be forced to share with the southern people the miseries and humiliations inflicted by a totalitarian bureaucracy, and your freedom will also be reduced to a glorious memory.

Do not be deceived. Those in America who realize the implications of this type legislation do not want it. It has been defeated in every State that had the courage to put it to a vote of the people. A Nation-wide poll, conducted by psychologists Link and Feinberg, shows only about 11 percent of the people, North and South, endorsing the idea of legislation as a cure for our racial ills. On the other hand, 77 percent of northern and western opinion and 89 percent of southern opinion favors a program of education as a cure. Yet the same crowd of agitators who wail the loudest about the plight of the Negro is the same crowd that has blocked every effort of the Southern States to provide educational opportunities for our Negroes. This was evidenced last year by the refusal of Congress to ratify the pact of the Southern States in setting up regional schools for the Negroes.

The very man—who represents the so-called ADA in the other body and who was responsible for the resolution in the Democratic Convention that ejected the South from its own party—the same man who is loudest in his demands for this very legislation, has also introduced legislation in the other body to deny Government employment to persons harboring certain religious beliefs, including anticatholicism and anti-Semitism. Where is the real sincerity among proponents of this legislation? "Consistency, thou art a jewel."

Let us all heed the words of Booker T. Washington, real leader—not only of his own race, but of America as well—surely he had the interests of his people at heart. Listen to this, spoken by the greatest Negro of all time:

Brains, property, and character for the Negro will settle the question of civil rights. The best course to pursue in regard to * * * civil rights * * * in the South is to let it alone. Let it alone, and it will settle itself.

Mr. Speaker, not only is this bill unenforceable per se, and discriminatory in concept; but its inevitable result is chaos, confusion, tension, animosity, and hatred. We of the South do not fear its immediate effects. We have always been a suffering people—the victims of a total war, and 12 years of unprecedented persecution in its wake. We know what it is to sacrifice, and we are not afraid of adversity.

But our fears, Mr. Speaker, lie in the ultimate goals of this legislation, which we interpret as the weapon by which our Government and liberty will be assassinated.

No representative government since the birth of civilization has existed successfully for so long a time as has the democratic constitutional Government of the United States, though we are still young in the sisterhood of nations. The system under which we live—the division of powers under our Constitution between the States and Federal Government—has been the chief contributor to the continuation of our democratic form of government, and our Constitution is the pillar on which that system rests.

If our Nation is to endure as one nation, we must recognize certain truths. We must, in each section, respect the rights and sympathize with the problems, of other sections.

As one who was born and reared in the South, and as one who holds the southern way dear to his heart; as one who knows what it means to sacrifice for America, I ask, in conclusion that you heed these immortal words, spoken by Henry W. Grady:

The future holds a problem, in solving which the South must stand alone, in dealing with which she must come closer together than ambition and despair have driven her, and on the outcome of which her very existence depends. This problem is to carry within her body politic two separate races, and nearly equal in number. This burden no other people bears today—on none has it ever rested. Without precedent or companionship, the South must bear this problem, the awful responsibility of which should win the sympathy of all mankind and the protecting watchfulness of God alone, even unto the end.

Mr. LANHAM. Mr. Chairman, my first objection to the proposed FEPC legislation is that it violates the Constitution of the United States and as a corollary invades the province of the States and the personal freedom of individual employers.

Subsection B of section 2 of the proposed act provides, and I quote:

The Congress therefore declares that the right to employment without discrimination because of race, color, religion, or national origin, is the right of all persons within the jurisdiction of the United States and that it is the national policy to protect the right of the individual to be free from such discrimination.

It is to be noted that this declaration of principle and policy is not based upon the provisions of the Constitution of the United States or of any amendment thereto.

Section 1 of the fourteenth amendment provides:

All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citi-

zens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction, the equal protection of the laws.

Obviously the proposed FEPC is not justified under this section of the Constitution.

The only other possible justification under the Constitution is what is known as the commerce clause, which delegates to the Federal Government the right to regulate commerce among the States and with foreign nations. In subparagraph I, section 2, the act in question attempts to justify itself under this section of the Constitution in these words, and I quote:

To remove obstructions to the free flow of commerce among the States and with foreign nations.

I maintain that present employment practices in no way obstruct the free flow of commerce. On the other hand, I am sure the converse of this proposition is true and that the enactment of the FEPC would disrupt industry throughout the country and would bring to a trickle the flow of commerce between the States.

This legislation is certainly unnecessary to protect the rights guaranteed to every citizen of the United States under the Constitution. Every citizen at present has equal protection under the laws in that he can now appeal to the courts if he thinks one or more of these rights have been violated.

Not only is the present legislation not authorized under any provision of the Federal Constitution, but its enactment would be a violation of the property rights of every individual employer in America. I maintain that this proposition is true because it is obvious that an employer's business could be totally destroyed and the employer, whether individual, partnership, or corporation, brought bankruptcy because of the provisions of this act. By what possible means could an employer prevent one group of employees from quitting their jobs if they did not choose to work with employees imposed upon the employer by a decision of the Fair Employment Practice Commission proposed to be established by the FEPC Act?

In the second place, I maintain that the proposed legislation would violate the fundamental principle of freedom of choice as to persons to be employed by an employer.

In the next place, it would make the employer subject to the harassment by a horde of investigators snooping through the plant and the books and records of the company. Already they are subjected to enough and too much of this sort of thing from bureaucratic Washington. This could well be the straw that breaks the camel's back and could very well result in a depression such as we have never known before.

Moreover, in the South, at least, and I am sure on the west coast where the yellow race is involved, enactment of the FEPC proposal would stir into flame, latent passions and antagonisms that are generally being smothered and overcome by the process of education and the forces of social evolution and change. I maintain that whatever unfair hiring or employment practices may now exist, cannot be eliminated by legislation. They must be gradually eliminated as I have suggested, by education, by the raising of the economic level of minority races and groups and by the sometimes slow process of social force.

These forces already are bringing about great changes in the South. Of course, fundamentally the opposition of the people of the South to the entire so-called civil-rights program is based upon the fear of our people that the segregation of the races will be broken down, which in turn will lead to the intermarriage of persons of different races. The inevitable result will be a mongrel race of half-breeds.

While discrimination in employment is not so closely related to this ingrained social feeling, nevertheless, it is in the background of the thinking and feeling of the people constantly.

As far as mixed employment of the two races is concerned, progress is being made in the South. I can illustrate what I mean by telling you of a small but popular restaurant in my home city of Rome, Ga. When I was there last I was struck by the fact that in this restaurant, which is patronized by the white business people of the city, Negro girls and white girls and at least one Negro man were employed in the establishment. I asked the employer if there had been any question raised about the fact that the white girls and the colored girls were working side by side. He replied that no patron and no employee had ever raised the question.

To enact this FEPC legislation would reverse this trend and leave the minority race in our midst in far worse condition as a result.

Finally, I am opposed to the enactment of FEPC legislation because it would set up a new commission with a horde of employees to swarm over the land like a plague of locusts at great expense to the taxpayers. And this at a time when the administration is at last awakening to the necessity for making partners of private enterprise in the most necessary effort to maintain an expanding economy in America.

Mr. RICHARDS. Mr. Chairman, at the Yalta Conference of the Big Three, Russia, whose armies had taken over Poland, agreed and declared and guaranteed to the Poles free and democratic government and the holding of free and unfettered elections. But the whole world knows that, notwithstanding those glittering phrases and promises, the iron curtain was rung down and now the Poles are slaves.

The same promises were made to the people of Czechoslovakia, Hungary, Rumania, Bulgaria, and other countries now behind the iron curtain. Their liberty is gone. Their citizens are puppets of the state. They, too, are slaves.

And so it has always been with those who seek to destroy democratic government. Those who seek to destroy always employ sugar-coated phrases to lull to sleep their intended victims.

Now we have before us another high-sounding attractive phrase. You are going to bring on the kingdom of utopia by the creation of a Fair Employment Practice Commission. Nobody objects to those words. No one could fail to admit that, honestly spoken, the objectives contained therein should be sought after by all governments and all people. These words are just as attractive as the free and democratic government and unfettered elections that the Russians have been promising the gullible all over the world. The results will be the same—destruction of the rights of man, the wrecking of democratic government, the paving of a highway to dictatorship. Under the sugar-coated words "fair employment practices," we are by this devious phrase, playing into the hands of those who expect some day to erect a supercommunistic state in America.

There are possibly some here who honestly believe that the passage of this act will do the things claimed for it. If so, they should read the history of the last 30 years. However, the majority of those supporting this measure are doing so with their tongues in their cheeks for passing political benefit. They have their eyes and ears cocked to the minorities who will vote in a block at the next election.

I would say to them that it is more than coincidence that every Communist in our country, every fellow traveler, every "pink," is in favor of this damnable bill. They are the only downright, wholehearted supporters of this measure. They know what they want to do to our democratic government. They know that this bill will help them do it.

Do they want to see our free-enterprise system continue? Do they want to see democracy work? The answer is obvious. No; what they want to do is destroy the sovereign States of the Union, make man a puppet of government, concentrate all power in Washington, and, when they undermine the Constitution by placing it here, they will pluck the ripe fruit wher the time for revolution comes.

This bill is primarily intended to destroy the free-enterprise system. There is no Member of this House who does not give lip service to the free-enterprise system. It is the bone and sinew of our democratic way of life. Through private enterprise, which like all other systems has not operated perfectly, this country has, during the last three decades, won two great World Wars and produced enough not only to make our people prosperous but also enough to prevent starvation of the peoples of a good part of the world. Through this system, our country has progressed from a wilderness to the greatest Nation the world has ever seen. Under it, the individual with ability, initiative, and industry has only the sky as a limit to his accomplishments. Under it, the laborer has the best wages and the highest standard of living known in the world. The great labor leaders of our country have time after time announced their belief and faith in the free-enterprise system. Through all the striving of the common man for better opportunity and greater returns for his labors, never has

it been suggested that he might better reach his goal by surrendering his individual liberty to the superstate.

I assert again that there is no one here who would dare say that he does not believe in the free-enterprise system. Yet you would destroy this system by the enactment of this FEPC proposal—by giving the American people this wolf in sheep's attire.

What incentive will there be for big business or little business to put shoulder and mind to the wheel of greater and better production when the Government agent comes down from Washington and tells him whom he must employ and whom he must fire? Free enterprise just simply cannot be run that way.

Mr. Chairman, everybody knows that this bill, while blanketing the Nation, is primarily aimed at the South, where two great races live side by side in growing understanding and respect for each other. No situation just like it has ever been seen in the world before. No problem of such gravity and magnitude has been handled with so little bloodshed and misunderstanding. While there can be no perfect written formula for solving all the interrelations problems of the white and Negro races, we are, with the help of God, working it out, and all we need is to be let alone by those who understand little and care less.

To you, both Democrats and Republicans, and fellow travelers too, who seek to ram this thing down our throat, I say, read the history of the reconstruction days in the South, when Thaddeus Stevens, the tyrant of this House, backed by a great army, in his hate placed over my people the scum of humanity, both white and colored, in an effort to exterminate our southern civilization. Remember, though, that when the South was disarmed and prostrate, without a single battalion of troops at her command, she rose up and drove the carpetbaggers and scalawags out. I say to the little Thaddeus Stevenses of this House today, and there are some here, the South will do the same thing again if necessity requires. Please take warning.

Mr. MILLER of Maryland. Mr. Chairman, there is little doubt in the minds of the realistic that the present breast thumping in behalf of FEPC by many of its most vociferous advocates is the cheapest sort of demagoguery. Those who are truly interested in protecting civil rights of minorities would do well to disassociate themselves, as much as possible, from the agitators who are principally concerned in winning votes for themselves rather than bettering working conditions for anyone. There is also a tendency to imagine or exaggerate conditions for the purpose of having something to denounce and for which to demand corrective action. The sincere friends of civil rights would do well to remember the words of the great Negro leader, Frederick Douglass, who was born in my home county of Talbot in Maryland, 133 years ago this month.

Speaking in 1880, he said:

> When we shall possess in the colored people of the United States a class of men noted for enterprise, industry, economy, and success, we shall no longer have any trouble in the matter of civil and political rights.

Fred Douglass realized that an industrious and skilled workman needs no legal compulsion to assist him is securing employment. Free American enterprise in the long run gives opportunities to those who are ready and able to give fair value either as an employer or employee. No amount of laws on the statute books will do as much for the colored people or other minorities as their own energy and skill have accomplished and will continue to accomplish.

Levi Jackson became captain of the Yale football team, not because of any doctrine of recognizing minorities, but because of his ability and character. He has been the only Negro ever to play on the football teams of my own alma mater, yet he was elected captain by his teammates without any coercion. If there had been an intercollegiate FEPC, I wonder if the result would have been the same. In any case, it would have tended to detract from any honors done him.

Joe Louis and other champions have won their honors without legal aid. It has been well and often said that morals cannot be legislated. On February 17, the Sun, of Baltimore, in an editorial entitled "Mr. Truman and FEPC" said of the proposed administration-backed measure:

> Mr. Truman's position is so remarkable that we venture to quote a part of it. The reader should be reminded that, by custom, the President is rarely quoted directly and that his words are therefore paraphrased:
>
> "The President would not support * * * any legislation which deprived a citizen of the right to run his own business * * * as he thought best. The President does not agree that the administration's FEPC bill would have any such result * * * Under him it would not be so administered."
>
> So much for one aspect of the President's position. Now for the rest of it:
>
> "But opportunities to get jobs for which applicants are fitted * * * must not be denied in this country on grounds of race, color, or any similar discrimination. The value of the FEPC bill will be to give this position the dignity, strength, and clarity of a national policy * * * For that reason he wants the bill passed, even if it were only to serve as a club in the closet."
>
> It may be possible to make these two contiguous parts of a single statement jibe, but it would take a special kind of rationalization to do it. For our part we do not see how a man can be free to run his own business and at the same time be forced to employ people he does not want to employ.
>
> Perhaps the revealing part of Mr. Truman's declaration of policy on FEPC is to be found in the phrase "a club in the closet."

The editorial closes with these paragraphs:

> Thus the whole proposal reeks with the most unpleasant and debilitating kind of politics. But that is perhaps not its worst feature. The bill contains a direct invitation to any person who believes that he is being discriminated against to lay information against the employer. This invitation is extended not to Negroes alone but to any person who imagines that he is being discriminated against because of "ancestry." The bill contains that very word and the report which supports it makes the allegation that employers do in fact discriminate against those whose parents came from other lands.
>
> Thus, a second or third generation German or Pole or Italian or Irishman or Englishman can, on his own initiative, charge that his failure to secure a job or his discharge from that job is in fact racial discrimination. The opportunity thus provided for disgruntled would-be or former employees to harass decent businessmen is greater than that in any legislation, existing or proposed, that we have ever heard of.
>
> The bill as it stands is therefore a disgraceful measure. It cannot possibly be enforced in any real sense. But it can be used by evil-minded persons in and out of Government to play havoc with ordinary business practices.
>
> For the people it is supposed to benefit, the FEPC bill is a palpable fraud, concocted for the cheapest of political purposes. For the employers it is supposed to coerce, it is a malevolent threat out of which they can expect only harassment by competitors, political enemies, or disgruntled employees.

Mr. Chairman, the Baltimore Sun traditionally has championed the causes of minorities. It is a great democratic newspaper that even now is throwing its full weight—as it has for many years—in favor of repeal of Maryland's Jim Crow laws. Its views are worthy of serious consideration.

Mr. VURSELL. Mr. Chairman, the Members of this Congress are faced today with one of the most dangerous pieces of legislation to the entire Nation that has come before this body in years. I refer to H. R. 4453, which is chiefly the product of Representative POWELL and Representative MARCANTONIO, of New York.

If this bill is passed, it will set up a great bureaucracy here in Washington, and smaller bureaucracies working under the direction of the Washington bureaucracy, in every county, city, and town in the Nation. It will regiment, annoy, harass, investigate, and coerce any and every little businessman it seeks to disturb throughout the Nation.

It can subpena and compel him to bring all of his business records thousands of miles into any court they designate at his own expense to defend himself against any charge of discrimination alleged against him from any applicant for a job who he does not employ if he selects another applicant when he needs to hire a man or woman in his store, shop, or factory.

This bill takes away from any employer the right to freely hire or discharge employees needed in his business.

It will discourage the businessman from expanding his business and giving more jobs and employment to more people. It will deprive men and women of a chance to work and earn their living. It will defeat the very purpose set out in the act. It will add to the unemployment rolls that now stand at 4,000,000 people in the Nation. It will lower the national income and the productivity of the Nation. It will mean less jobs for good men and women who need them the most.

It is my conviction that this legislation is unsound in principle, impractical in application, and certainly should not be enacted into law.

The ideas embodied in this proposed legislation were conceived and born in Russia.

The first government job ever held by Joseph Stalin, the present Russian dictator, was in 1917 when he conceived an FEPC under a different name in Russia.

Surely the membership of this House will not intentionally follow the leadership in enacting legislation first conceived and applied in Russia by Joseph Stalin.

His ideas finally crossed the Atlantic and have been embodied in this iniquitous bill whose chief sponsor and supporter is Mr. MARCANTONIO of New York.

The first supporters and agitators for this type of legislation was the Communist Daily Worker newspaper of New York, and was endorsed by all Communists in our land who seized upon this opportunity to further stir up class hatred throughout the Nation in the hope of destroying this Republic. Later the officers of the CIO, which organization was permeated with hundreds of Communists in its ranks, seized upon it and endorsed it in the hope by the deception of its promises to add to its dues-paying membership in an attempt to largely organize the colored working men and women in our Nation.

Most of the supporters of this bill now seek to exploit it for political purposes. Were it not for the political advantage most of the supporters of this bill hope to gain it would not be before this Congress today. Politics has brought it before this body. If a secret vote could be had without a written record being made, it is my judgment that less of the membership present would vote to fasten this dangerous bill on the people of our Nation.

Mr. Chairman, the main purpose of this bill is to secure the votes of the great majority of the Negro voters in the Nation. It will hurt their opportunities for jobs, their opportunity for advancement in the future. It is a cruel deception of which I will have no part. It is grossly unfair to them and against their every interest.

Mr. Chairman, I have always had a keen interest in the personal advancement and welfare of the colored people of this country. They are among our best American citizens. Coming from slavery into freedom about 75 years ago, by their own efforts, they have justified my confidence and the confidence of the people in the Nation by making the greatest advancement in education, business, the arts and sciences of any people placed in a like situation in the civilized world.

I want to see their lot improved. I want to see them continue their proud record of advancement in the future, and I am confident that the passage of this bill will make it more difficult for them to continue to advance, succeed, and continue their great contribution as good American citizens to this Republic.

I am and always have been, and always will be opposed to any discrimination against their welfare.

Mr. Chairman, if any legislation is to be enacted, it should approach the problem through mediation, conciliation, and investigation, seeking to bring about better race conditions and better opportunities for all minority groups.

You cannot bring about better relations by passing another law. You cannot change the thinking and the hearts of any people by legislation. This problem must be worked out by a developing of a greater tolerance toward all people, beginning at the grass roots of every small community in the land. Instead of passing a law that will increase prejudice, we must approach it through Christian principles by leading men away from the hates and prejudices of this world. That can be done. That must be done. That is the fundamental, moral concept underlying this entire problem.

If we approach this matter on any other basis except a voluntary basis, the basis of education, the basis of taking men by the hands and leading them into the right path, we make the problem worse, and will do great harm to the principal minority race—the colored men and women of this Nation.

Mr. PETERSON. Mr. Chairman, in their anxiety to pass legislation, I fear that the proponents have not closely studied the bill. Section 7 (a) delegates power to delegate to even a municipality or a possession the dangerous powers in this bill. It overrules other laws and contracts. It violates the Constitution. It invades the rights of the sovereign States. Section 9 requires unconstitutional self-incrimination. The provisions, instead of granting civil rights, infringes basic constitutional rights. Records and persons may be dragged to Washington to appear before subordinate employees. Delegation of congressional powers should always be guarded. We will rue the day when we delegate powers to delegate powers. We are doing it here.

Mr. HERLONG. Mr. Chairman, I have noted with considerable interest the vigorous way in which the two gentlemen from New York [Mr. MARCANTONIO and Mr. POWELL] are working for FEPC. The result of their efforts can be of little concern to the people of their own districts, because New York already has an FEPC law. Now, they want everybody else to have one. In connection with this, no truer expression was ever uttered than "misery loves company."

The alleged purpose of this legislation is to prohibit discrimination in employment because of race, color, religion, or national origin. Just what is discrimination? And who is supposed to be practicing it against whom? Have any of the proponents of this legislation ever taken the trouble to look in the dictionary and see what discrimination means? It is defined as "unfair or injurious distinction." I tell you that any distinctions that have been made in the South have been and are operating to help the Negro; and if twentieth-century carpetbaggers would let us alone, the Negro in the South would make more and more progress. You can lead some people with a silk thread where wild horses will not drive them. This is particularly true of southerners, but to a certain extent it is true of Americans generally. We have never relished having something rammed down our throats. Whenever the word "discrimination" is used, many people outside the South gang up and point their fingers at the South. I wonder how many of those finger pointers have made a sincere effort to find out what goes on in the South, or have they chosen to get their misinformation from communistically inspired sources. It is logical to believe that these troublemakers are disturbed because things are going so well in the South and they have inspired this means to stir up trouble.

Since the War Between the States, the Negro has made great progress in the Southland. I believe they have come further during this comparatively short period of the world's history than has any other race—and this with the leadership and assistance of the friendly white people of the South. Does this progress indicate that the Negro has been wrongfully treated? These outsiders who say that they want to help the Negro have, by their very proposal of this type of legislation, set back the cause for the people they say they want to help by another 25 years, and if this type of legislation should pass it will further set their cause back by another 25 years. They have opened all the wounds of the past 85 years and have put the spotlight on isolated instances, refusing to look in fairness at the over-all picture of accomplishment. They have, in many instances, aroused a feeling of racial intolerance in both races where none had existed before, or where it had all but died down.

The principal objective of most people in life is to acquire happiness. May I remind you that happiness is not so much a matter of position as it is of disposition. People who know will tell you that the southern Negro is the happiest person in the world. He is happy because he is secure in the knowledge that regardless of any bad luck that may befall him, his white friends will look out for him. In those States that have FEPC laws, how many people would, in the event of illness of one of these Negroes, provide and pay for medical care and treatment for him without any hope or expectation of return or reward? How many businesses operating in these States would permit a Negro employee in seasonal work to continue to get money on which to live when he was not working and when there was no work for him? How many people in these States would spend any time trying to help a Negro get out of trouble which he had gotten into as a result of a riotous Saturday night? This type of helpfulness is the rule in the Southland, rather than the exception.

The proponents of this legislation do not know this, and should not be expected to know it because they do not know anything about the real situation. All they know is to stand back and point a finger at someone else.

It is up to those of us who do have reason to know and do actually know the real facts to do everything we can to prevent the passage of legislation designed only for political purposes and legislation which will result only in injury to all the people of our great country.

Mr. JUDD. Mr. Chairman, when the original bill to establish a permanent Fair Employment Practice Commission was introduced in the Seventy-ninth Congress I found myself, after careful study of the text of the bill, unable to approve some of its provisions, despite

my wholehearted support of its objective of eliminating or reducing to the minimum discrimination in employment on the basis of racial or religious prejudices.

For example, the bill authorized the FEPC, a Commission appointed by the President, to issue complaints; to hold hearings and require attendance of witnesses at any place in the United States that it designated; to carry on investigations; to examine or copy any evidence of any person being investigated; to make findings of facts; to make judgments on its own findings of facts; and then to enforce its own judgments.

Whenever it is proposed that any agency of government be given such great powers, it is imperative that there be adequate assurance that its decisions will be fair; that is, that they will be subject to proper judicial review. But the bill provided that the Commission's findings of facts were to be final, if supported by evidence. No matter how flimsy the evidence might be, no court of appeals could examine or review it. Thus the bill in seeking to insure the right of a citizen to secure employment for which he is qualified, without regard to his race, creed, or color, abridged another of the fundamental rights of every American citizen: namely, the right to go into a regular court of justice and ask for a full review of any action against himself which the citizen believes to be unfair. Surely, to correct one admitted and shameful discrimination, it is not necessary or wise to commit another discrimination. To give some of our citizens long overdue justice, it is not necessary or wise to deprive other citizens of justice. What we should have is equal justice under law for all, equal opportunity both to get jobs and to go into court.

So in the Eightieth Congress I introduced a bill, H. R. 3273, to establish a Fair Employment Practice Commission, with changes to correct the above and other defects. I have continued to support proposals for such legislation. I think a good case can be made for the passage of such a bill, especially in those States where a substantial majority of public opinion supports the legislation and thereby makes it enforceable.

I must state frankly, however, that the more I have studied this whole problem, the more doubts have arisen as to the wisdom or the practicability of a Federal law for the whole country which would require the Federal Government to impose practices which, while quite acceptable in some States and areas, simply are not acceptable to a majority in others and in those States might well injure rather than aid the cause it is desired to advance. To try by compulsion or governmental sanctions to enforce in an area measures which public opinion in that area will not support, usually leads to cynical disregard or violation of the law in question, and tends toward the same attitude with regard to other laws, too. It could halt or even reverse the genuine progress that has been made in recent decades in reducing discrimination based on race or creed. So I have come to view the McConnell substitute bill with more favor, or at least with less hostility, than have some of the supporters of FEPC legislation.

A further factor in favor of the McConnell amendment is that there is a real chance it can be passed by both Houses and become law, whereas the prospects of H. R. 4453, the Powell bill, being passed by the Senate during this session are slim, indeed. It can be argued that it is better to get something than nothing, and that this McConnell amendment is the only way that we can get anything in this session that represents real gain. Might it not, therefore, be better for those who are in greatest need of the services of a Fair Employment Practice Commission, to recognize the practical realities, unite on the McConnell substitute and give it a fair trial, rather than hold out adamantly for "all or nothing"—and probably get nothing? I have real sympathy with those who take the above position, and with their further contention that if experience demonstrates that good results cannot be achieved by the processes of conference, conciliation, persuasion, investigation of facts, and developing public opinion based on such facts—then the Congress can amend the act at any time to add enforcement procedures. We would thus take the first bite now, the only bite we can probably get, and hope that it may prove adequate. If not, then take a second bite, if and when experience demonstrates that it is necessary. I have come to a recognition that when one considers our country as a whole, the McConnell substitute may be the best way to get the greatest amount of genuine progress.

In summary, I shall support the Powell bill, H. R. 4453, which is substantially the same as I introduced in 1947. There are some questions about at least one of the enforcement powers which, in the hands of a Commission so inclined, could lead to abuses of power which might defeat the purpose intended. But the author of the bill is aware of the ambiguity and has given assurance that he is willing to accept clarifying amendments to prevent any such developments.

However, if the McConnell bill should be adopted by a majority of the House as a substitute for the Powell bill, I shall then vote for it on final passage. It will at least get something started through the legislative mill, and break the roadblock which has stalled all bills of this sort for so many years.

To vote against the McConnell bill, if it is the only thing before us on final passage, would be to vote for no legislation at all during the present Congress, and I cannot believe that would be in the best interests of all concerned.

Mr. HARRIS. Mr. Chairman, although the debate on this proposed legislation has been on the usual high plane, the demonstration and activities we have observed all during the afternoon and night and up until this late hour in the morning clearly shows the real objective in my opinion which motivates the determination of the proponents to force such a far-reaching and dangerous legislation on the people of this country.

The proponents would have you believe that it is the sound thinking American public insisting on this tightly controlled and binding legislation, that would strangle the lives and the actions and the freedom of our business economy and political life.

I am opposed to this kind of legislation. Not only am I opposed to the Powell bill, which is the committee bill, but I am opposed to any such legislation which in my opinion is in complete conflict and obnoxious to our American way of life. It is well known that I believe such legislation to be contrary to the American way.

However, at this point and realizing the circumstances, I will support the McConnell substitute in the Committee and vote for it as a substitute when we return to the House.

I believe it to be the best procedure at this point.

Now, Mr. Chairman, there is no need of anyone trying to sugarcoat or leave the impression that this legislation has any justification whatsoever.

The debate in this House Tuesday on this issue was a most outstanding example of the most ardent proponent of this legislation. The gentleman from New York [Mr. MARCANTONIO] frankly admitted that its real purpose was to do away with segregation and what he called Jim Crowism. To be sure the gentleman from New York [Mr. POWELL], the author of this bill, said it was not directed at the South, it was not directed at segregation, it was not directed at anything except fair practices in employment. He came on the scene only 2 or 3 years ago but the gentleman from New York [Mr. MARCANTONIO], the most consistent sponsor of this legislation, has been trying for years and years to impose it upon the free peoples of this country. He should know the real purposes and intent.

Ah, yes, its aim is to establish a commission, a Government agency, with unlimited authority, the most far-reaching powers of the business and economic life of this country ever given throughout our entire history.

It has been appropriately designated as a monstrosity. I believe firmly it to be a most dangerous control with far more implications than the OPA Administrator during the war or any other agency in the war emergency.

Is it not easy to understand that if there are five men with unlimited powers who can say to any business throughout the United States, who they must hire, who they must fire, thereby determining the policies and largely the success of that business, that those five men actually control the economy of our people. What business will dare or can afford to do anything other than comply with the bidding of these five men.

Isn't it easy to see then that when five men all powerful over business and the economy of the country can with their manipulations from Washington draw a political noose around the necks of the people of this country. What business or group would fail to abide by the wishes in a political sense? Don't for one moment let us kid ourselves about what this will do. It cannot possibly work to strengthen democracy, the right of people to govern themselves, but on

the other hand, it will inevitably lead to dictatorship and totalitarian policies.

The gentleman from Georgia [Mr. BROWN] was so right in my opinion when he said that he hoped he would never see the day when our Government would tell us who we must employ and what doctor we must bring into our homes.

For me I had enough Government regimentation by order and regulation during OPA days, and I want to say to my own colleagues, my Democratic friends, there is no doubt whatsoever in my opinion that we lost control of the Congress in 1946 because of such regulation and regimentation of a people that will not be bound and tied by executive fiat.

And I want to say further, Mr. Chairman, in my opinion, if the great leaders of our party persist on such an all-powerful Government agency of five men, it will not only destroy our party but it will so divide our groups that we cannot hope to continue to win elections.

We have done pretty well in this country. It has been because of the rugged free individualism, the opportunity that no other people has ever had in all the history of the world.

Yes, we have become a strong, powerful, and leading nation. Our influence is felt throughout the world. We are in this position because our people had an opportunity to make us strong. We have had the determination, the fortitude, the courage, the determination to give us the stability of a strong nation. It is the freedom, the civil freedom, the rights and privileges under our form of government that is responsible for it.

Yet with all this progress, the opportunities that are offered our people, some would wipe it out with one stroke by such legislation as we have before us.

Let us not go the way of some of the other countries.

I am encouraged by the interest in this debate. It is heartening to see so many rise up and express their fears and say publicly that this is not American.

Certainly I do not believe in rank discrimination because of race, color, or creed. No one has a kinder feeling for those that need help or should have help than I do and this applies not only to the colored people but a lot of white people. You cannot direct the social life of the people of this country and force social life among all people by legislation, but evidently that is the ultimate objective.

What alternative is there? Destroy business, then where are your jobs coming from? Where are you going to get your employment? Sure the Government will do it, but what do you have? You have a completely social form of Government which has never worked to the best interest of the people. Not only is it revealed by history but we have continually experienced it in other countries, some of which we are trying to help this very day.

I join my other colleagues, Mr. Chairman, in saying this just must not prevail.

MAKING A LIVING SERIOUS BUSINESS

Mr. KLEIN. Mr. Chairman, there are some basic facts in the economic and political life of America which are not very pretty. There is a glaring gap between our ideals of equality and our practices, not only in the serious business of American citizenship and its rights, duties, immunities, and privileges, but in the even more serious business of making a living.

I have already said much of this to the members of the subcommittee of the Committee on Education and Labor—to those with whom I once served on the committee, and whom I esteem as my friends and my colleagues.

It is a fact, a deplorable fact but a real one, that in many parts of the United States American citizens who happen to be Negroes have a harder time making a living than anybody else. It is a fact that in some parts of the United States employers will not knowingly hire Jews, or will hire them only for subordinate or unpleasant tasks, in a pattern of discrimination which is similar to that practiced against Negroes.

There are other localities in which Roman Catholics, and especially Roman Catholics of Italian, Spanish, or Mexican descent, feel the sharp lash of discrimination, and have difficulty in obtaining jobs in preferred occupations; or if they can get a job they cannot gain promotion. Discrimination in employment against orientals, or citizens of oriental descent, is very widespread; and in some States the very first Americans, our own American Indians, have the same trouble.

AMERICAN CITIZENSHIP IS ABSOLUTE AND INDIVISIBLE

Mr. Chairman, American citizenship is absolute and indivisible, except by due process of law; and economic freedom and equality are even more important to the Nation's and the individual's material welfare than political and intellectual freedom. A man with an empty stomach is not a particularly good citizen. The interests of all Americans are so tightly bound together that you cannot take away any part of the rights of one without chipping off a little bit of the rights of all.

Now, there are some people with so little faith in what America stands for that they think discrimination against groups of people, and against individuals of that group, is somehow imposed by Heaven and not by the Devil. By and large, these are the kind of people who say that to bring to light abuses or lapses in our American way of life is somehow communistic, and that it is most communistic of all to try to do something about those lapses or defects, as we are trying to do in fair-employment legislation. Curiously enough, the people who are most vociferous in their correspondence to me about this legislation, which simply spells out the right of every American to get a job on his own merits, are very likely to be the same ones who demand antiunion legislation in the name of giving workmen the right to get a job.

Calling this kind of legislation communistic is sheer nonsense.

We don't know if strong and enforceable legislation can be passed; and if it is passed we who advocate strong and enforceable legislation do not know with certainty that it will work the way we hope it will; but we also know that legislation of this kind will strengthen American democracy and will make America stronger against its enemies. We know that if FEPC legislation is communistic, then Thomas Jefferson was a Communist, George Washington was a Communist, Abraham Lincoln and Franklin D. Roosevelt were Communists, and Harry S. Truman is of the same breed. The argument falls of its own weight.

We who plead for strong fair employment practices legislation know that we would be faithless to our commitments, faithless to our party, faithless to our principles, and faithless to our country if we did not do everything in our power to stop discrimination, in employment or elsewhere.

AMERICA FOUNDED ON INDIVIDUAL DIGNITY

This Nation is firmly founded on the high ethical concept—an ethical concept inherent in every great modern religion, in Judaism, in Christianity, in Buddhism—of the essential and divine dignity of the individual man. When any man or woman is judged as to employability on any other standard than his own worth as an employee, that concept is outraged and flouted. The individual is degraded, and so is the employer who commits this crime against democracy.

I am always dubious of experiments in legislating public morality. I wish that I could be so optimistic as to believe that this law could be made unnecessary by public education and general acceptance of the principles on which it rests. That would be wishful thinking. As a realist, I know that education is too slow. Discriminatory practices, especially in times of economic stress, grow and crystallize faster than they can be combated.

New York State has proved that it is possible to legislate successfully in this field. We have not stopped economic discrimination in New York; but we have certainly discouraged it. Let us make our kind of democratic living work right here in America before we try to reform the rest of the world.

Mr. McCONNELL. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. O'HARA].

Mr. O'HARA of Minnesota. Mr. Chairman, I want to express my gratefulness to the ranking Republican Member, the gentleman from Pennsylvania [Mr. McCONNELL] for granting me a few minutes to express my sincere opposition to the Powell bill.

Someone has well said: "That the right to live is certainly a fundamental civil right. The ability to get food and drink is essential to life. You might argue, and I might agree with you, that you ought to have a civil right to have the Government feed you, if necessary. But I hope that you will not argue that you should have a civil right to compel any private citizen to whom you apply to supply you indefinitely with food and drink. For the same reason no one should contend that the moral right to earn a living provides a basis for creating in anyone a civil right to compel a private citizen to employ an individual in private business. I hope that it will be admitted that making it unlawful for

an employer to refuse to hire a man is simply a way of compelling that employer to hire such a man."

Mr. Chairman, it is tragically unfortunate, and perhaps it may be a moral wrong, for people to be bigoted or prejudiced against a person because of race, religion, or creed, or their racial origin, but we are no more able by legislation to remove that prejudice or that bigotry than we are to legislate that the sun shall not rise tomorrow morning. That, Mr. Chairman, is a matter of education and time, and all of the things that must go to remove racial and religious prejudice, and in no other way. It does seem to me that the proponents of this bill, with all their sincerity—and I know they are sincere—are attempting to say, and do say by this bill, that an employer shall associate himself with an employee whether he is personally prejudiced against him or not. To me that is wrong. I think one of the fundamental rights is the right of an employee to select an employer, as it is the right of the employer to select his employee. I cannot imagine wanting to work for anyone who had a prejudice against me and did not want to employ me.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Minnesota. I yield.

Mr. RANKIN. One or two gentlemen have taken the floor and harped on the fact that this was written into the Democratic and Republican platforms. I call attention to the fact that Rabbi Wise stated before either one of those conventions even met that it was written into the Communist platform. I saw his statement today.

Mr. O'HARA of Minnesota. Of course it is unfortunate, and it is an example to me of tawdry politics, in the face of our American way of life; I think it is unfortunate for both parties.

If you will pardon a personal reference, let me say that I served with a colored battalion and had command of a colored battalion for some time in World War I. I was honored by my association with them and enjoyed it tremendously and had the highest respect for those colored men. In only one instance did I have the slightest trouble in the matter of discipline.

Yet, when I think of my own associations I realize that I come from a district that is overwhelmingly Protestant; they sent me, a Catholic, to this Congress to represent them. I am thinking in terms of the hundreds of little-business men in my district who would be subject to a bunch of official snoopers coming out to investigate them if somebody filed a complaint that he was being prejudiced because he was not employed or was discharged.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. McCONNELL. Mr. Chairman, I yield one additional minute to the gentleman from Minnesota.

The CHAIRMAN. The gentleman from Minnesota is recognized for one additional minute.

Mr. O'HARA of Minnesota. I yield.

Mr. JONAS. I wish to call the gentleman's attention to the language in the report on page 2. I presume the gentleman is familiar with it.

Mr. O'HARA of Minnesota. I am; I have read the bill carefully.

Mr. JONAS. I refer to the lower part of page 2, where the statement is made:

> The fear of discriminatory discharges weighs heavily upon all who have ever known the frustration and bitterness of job discrimination, notably upon the approximately 26,000,000 Catholics, 15,000,000 Negroes, 5,000,000 Jews.

Does the gentleman infer from that that all these people are discriminated against?

Mr. O'HARA of Minnesota. Why, of course not; the gentleman knows that. Certainly there is prejudice and discrimination, but there will always be. You can pass all the laws in Christendom and not be able to remove it.

Mr. JONAS. I agree with the gentleman, but it would appear that those who wrote this report wish the reader to draw the inference from this statement that these people would not discriminate against each other, but that those not of these races would discriminate against them.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. POWELL. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Chairman, the bill before us is no stranger to this House of Representatives.

Mr. Chairman, I wish to touch briefly on the major sources of support for this legislation. We have heard it called Communist; we have heard it said that it was Communist-inspired; we have heard it referred to as being part of the Communist platform before it was incorporated into the Democratic and Republican platforms.

I ask the gentleman from Mississippi if simply because the dictator of Russia, Mr. Stalin, in 1944, I believe, announced that he was in favor of freedom of religion in Russia the gentleman from Mississippi would automatically oppose it here in the House of Representatives and in the United States of America?

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I am asking the gentleman a question; yes.

Mr. RANKIN. The gentleman asked me my attitude. I just want to say that I would not believe Joe Stalin or any Communist on oath, or off of it.

Mr. ROOSEVELT. Then, I assume that because this Communist platform carried FEPC before the Democratic and Republican conventions the gentleman feels that they should not have carried it.

Mr. RANKIN. I am opposed to it as a matter of principle.

Mr. ROOSEVELT. This bill has its moral basis in the very essence of the Catholic, the Protestant, and the Jewish faiths; and the clergy and lay leaders of every major religion have emphasized this with all the earnestness and hopefulness at their command before the committees of the House and the Senate. I have here a very brief list of some of these religious leaders. The first is Bishop Sherrill, presiding bishop of the Episcopal Church.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I do not yield.

Mr. RIVERS. I just want to say that Sherrill does not speak for me.

Mr. ROOSEVELT. I am not saying that he speaks for the gentleman; I am just saying that in his position as the presiding bishop of the Episcopal Church he did favor this FEPC legislation.

Other religious organizations and leaders in favor of this act are: Rev. Samuel Cavert, of the Federal Council of Churches of Christ; Bishops Haas and Sheil; the National Catholic Welfare Council; the Catholic Interracial Council; Rabbi William S. Rosenbloom; and, yes, the late, and in my opinion very great, Rabbi Stephen S. Wise, are in favor of this legislation. The Synagogue Council of America and others are in favor of this legislation.

The spokesmen of almost every labor union are for it, and they represent millions of Americans who know that the future of our country, in fact the future of a free world, depends upon the fulfillment of the American dream that every man has a fair chance for economic advancement regardless of his race, of his creed, or of his religion.

There are several businessmen, representing business over this land, who are in favor of it.

The bill which we have before us is, unfortunately, no stranger to the House of Representatives.

FEPC bills were introduced in the Seventy-eighth, the Seventy-ninth, and the Eightieth Congresses. This is, moreover, the third time that our Committee an Education and Labor has favorably reported on FEPC. A majority of us, as legislators, have a past-due obligation to vote for it because our parties are pledged for it, and because our conscience dictates it. If we fail to enact H. R. 4453 this time, then we shall have to answer to the people of the United States—indeed to the people of the world—for our failure to match promise with deed.

The extensive hearings which have been held by the two Houses of the Congress—with testimony and messages from representatives of every significant group in America—are not devoid of meaning. For this bill has its moral basis in the very essence of the Catholic, the Protestant, and the Jewish faiths—and the clergy and lay leaders of every major religion have emphasized this with all the earnestness and hopefulness at their command.

It is, in short, clear reflection of this first statement in our own Declaration of Independence that all men are created equal.

Spokesmen of almost every major labor union have urged it on behalf of the millions of the organized workers of America, who know that the future of our country depends upon the fulfillment of

the American dream—that every man has a fair chance for economic advancement, regardless of his race, his creed, or his religion.

It is, therefore, no accident, Mr. Chairman, that representatives of every region of the United States have pleaded for this bill and that American statesmen of every political persuasion, of every race, color, and creed, are on record and actively in favor of it.

Every responsible student of international affairs has declared that this bill will strengthen America's political position on the world scene. I have heard no one deny this. The Secretary of State has clearly said how urgently our United Nations and diplomatic representatives need this bill. The Secretary of Defense has indicated that making democracy work so that racial and religious discrimination will cease is "a basic ingredient of the national security."

The Secretaries of the Army, the Navy, and the Air Force are proving their agreement by their actions to forward democracy in all of the services.

As a Democrat, I am proud that President Truman has missed no opportunity to reaffirm his conviction that we need an FEPC. Like most Americans, the President realizes that this bill merely advances what all of us say we believe in, the dignity of man and equality of economic opportunity.

I was honored to serve as vice chairman of President Truman's Committee on Civil Rights, and to gain personal knowledge of the depth of the President's profound conviction on this great issue. Both parties, Republicans and Democrats alike, said they were in favor of FEPC in their convention platforms of 1948. And over and above this, a mass of research evidence based on the experience of 10 States with various forms of anti-job discrimination laws, is eloquent proof of the effectiveness of the approach proposed in H. R. 4453.

I am sure that every liberal Member of this Chamber, regardless of his party, will vote for this bill. I believe that every conservative Member must also vote for it—or else stand convicted of hypocrisy.

Why? Because the conservative Members of this House have talked so much about economy, about the need for balancing the budget, about the need for preserving free enterprise and individual initiative, about the need for an effective answer to communism at home and abroad.

If they mean what they say on these issues, they will vote for FEPC. If they vote against it, the country will know that they are self-seeking vote chasers.

Let me call these facts to the attention of those conservatives who have inveighed so strongly against the size of the national debt. They speak eloquently about the need for meeting the deficit in our national budget. But how much does discrimination in employment cost us? Three estimates were made to the congressional committee. One, by a businessman, Eric Johnston, conservatively put the figure at $2,000,000,000 a year. Another, by a labor economist, put the figure at eight to ten billion dollars a year. A third, by an economist who is adviser to hundreds of business enterprises, set the cost at upwards of $15,000,000,000. Since then, Elmo Roper has finished a survey which established the cost of job discrimination as at least $4,000,000,000.

We have often been told by leading Government and private economists that the seven to ten billion dollars in goods which we export represents the critical margin between American prosperity and depression. Here we have an equally critical margin of anywhere between two and fifteen billion dollars, and I rather think the true figure lies midway between those two estimates. Can any reasonable person doubt that adding this much purchasing power would help us to achieve a stable American prosperity?

Perhaps that is why businessmen of the stature of Charles E. Wilson, Charles Luckman, William Batt, Beardsley Ruml, Allen Dulles, Henry Luce, Paul Hoffman, and Nelson Rockefeller are all unqualifiedly on record in favor of FEPC. These men know whereof they speak. They know what is good for this country's business. They know that FEPC will add to that reservoir of skilled labor which is one of our greatest resources in America. They know that FEPC will help free the initiative and the enterprise of millions of Americans whose energies and potentialities for constructive work are now crippled by discrimination. They know that as job discrimination goes down, purchasing power goes up. And they know full well that that purchasing power will mean more seed capital for small business, more revenue for Government, more wealth for the entire country.

Mr. Chairman, has there ever been a measure of such tremendous and forceful significance which has been so universally sanctioned, so universally wanted, and so universally needed as this. There has been more than enough talk, more than enough study, more than enough deliberation. It is, Mr. Chairman, time for action. It is time to prove that we believe in the American promise of freedom, the American promise of equality, the American promise of opportunity.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. POWELL. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. HOWELL], a member of the Committee on Education and Labor.

Mr. HOWELL. Mr. Chairman, I think I can speak with some understanding of this legislation now before us and with some experience in this field. When I was a member of the State Legislature of New Jersey, I was the first one to sponsor such a bill in the House of Assembly. Later during that session the bill was picked up by the Republican majority and passed. It has been working in very fine shape ever since then. It has not solved all of our problems in the field of discrimination but it has immensely reduced the onus, and has given employment in many lines of endeavor, to the people who were not employed before that act went into effect. The working of the act has proven that many of the fears, that many, some sincerely and some otherwise, had as to the dire effects and results of such legislation were unfounded. It has demonstrated that most of those things just have not happened. The legitimate and orderly functioning of business has not been interfered with. Many organizations and individuals who were skeptical and fearful of such a law have come back and said that the law has not interfered with business. It has produced results and it has had a fine effect on the guaranty of civil rights in New Jersey.

One of the main reasons why we need a Federal law at this point is the fact this is a national problem and despite the fact that many exhaustive studies have been made and many attempts have been made in a general way to prohibit discrimination in employment, through education, the fact still remains much discrimination exists in that field. Improvement has been very slight. This type of legislation is needed if we are going to make the democracy that we talk so much about and proclaim to the world, really work and function for all groups in our various communities.

It has been suggested that many of the supporters of this legislation are not sincere in their support but that they support this legislaiton for political and for vote-getting reasons. For one, I can say, I do sincerely believe this legislation is worthy and needed and I feel that many other Members of the House are sincerely convinced this type of legislation is needed. There may be a few instances here and there of persons who will vote for it for political expediency; there may be also a few who will vote against it for political expediency, even though the dictates of their own hearts tell them it is fair legislation.

I think that this type of law, with the proper administration and proper handling, and with emphasis at the conciliation level is the type of a law modeled after the State laws of various States where it has been shown that it can work, if wisely administered, and fairly and honestly prosecuted, and that we will not have the trouble even in some of our southern States that so many of our Members have predicted will cause all kinds of havoc not only in some northern States, but in the South. I sincerely believe that this type of thing will not happen, and with proper administration a lot of fears that many of you have expressed will not materialize, and that we can go on and make some real progress in this field which means so much to many people in many minority groups. There is very little that we can do in this field unless we pass this kind of a law.

I urge your support of this bill as presented, and hope a real effort will be made to obtain its passage in the other body.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. POWELL. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. DAWSON].

Mr. DAWSON. Mr. Chairman and my colleagues in the Congress, the decision you are going to make here this afternoon is an important one; important not only to the 16,000,000 citizens of which I am a

member, but important to many other minority groups, and important to every man and woman in these United States of America.

The question of fair employment is not alone a question of the South; it is a question relating to every section of this country. It is a question whether or not this great country of ours will afford to its citizens an opportunity to work and live on an equal basis. I repeat, it is not a question of the South alone. It is a question for all America. It is a question for all America, because the thing we do here, and the attitudes we take toward this question of the right of every citizen to work, and similar questions, based upon the identity of some of the citizens of these United States, will affect the relations of the United States with other nations of the world at a time when the very life of the Nation is at stake.

Do you believe in the Constitution? Do you believe in what is within the four corners of that document? Then, what gives any citizen the right to deny to any other citizen the basic rights that every citizen is guaranteed therein; the right to live, the right to exercise the liberty to go to the polls and have something to say about those who make the laws; those who interpret the laws and those who execute the laws? This is the question today, gentlemen, whether or not you will tell 16,000,000 that "You are not first-rate citizens of this country, the Constitution notwithstanding."

I am from the South. I was born in the South, and I will say this to the South. Do not make this question a race question. I will say to you that there are 12 Southern States but there are also 36 other States that are interested in the welfare of the citizens of the United States. I stand before you here today in a dual capacity. The Constitution says that every person born or naturalized within the United States and subject to the jurisdiction thereof is a citizen of the United States and a citizen of the State in which he resides. So every citizen in the United States does have a stake in what happens to me and mine in these United States.

The South can no more isolate itself in the matter of treatment of citizens where the right to work is concerned from the rest of the Nation than can this Nation isolate itself from the rest of the nations of the world on questions affecting them all.

Mr. Chairman, I urge you to pass this Fair Employment Practice Act and thereby outlaw conditions which constitute a disgrace on our country.

Mr. McCONNELL. Mr. Chairman, I yield myself such time as I may need, and ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. McCONNELL. Mr. Chairman, I seem to have been destined by fate to be closely involved with some of the most volatile and emotionally difficult bills coming before the Eighty-first Congress. I hope most sincerely and humbly that providence will give me the wisdom and the emotional balance to deal justly and fairly with the problems, and with my fellow man. I realize also, that the moral code of the universe inexorably dooms to failure any law that is deliberately fashioned to trick or harm an individual.

Today, we are considering the problem of alleviating discrimination in employment because of race, creed, or color. Jobs are being denied to many Americans because of social background, or religious faith, or because of the color of their skins. Our duty is to devise a workable and just method to bring about a correction of this practice. There is a real problem and a challenge to all of us. Ignoring it will not suffice—we must come to grips with it. I will do my best to meet it.

In attempting to work out a solution, we must recognize that the type of discrimination we are considering is deeply rooted in the beliefs and feelings of human beings. Even though he is not personally prejudiced, an employer may feel it necessary to be discriminatory because of the prejudice of his employees, or his customers—the public. A business enterprise is fundamentally a team of individuals who work together as a unit to efficiently produce goods. One discordant note can break down that necessary smooth-functioning group to the detriment of all.

Furthermore, we must recognize that ingrained prejudices, which have been developed over the centuries, might easily be turned into hatreds. An improper and ill-considered solution could tear our country asunder, as the subversive elements would have it. I believe this problem can be worked out without playing into the hands of those who would see us disunited for their own selfish reasons.

Chairman LESINSKI of the Education and Labor Committee has brought up H. R. 4453. This bill was reported favorably by the committee by a vote of 14–11. I voted against it and am opposed to its enactment. My principal objection is to the enforcement and penalty sections of the bill.

I believe our major controversy will occur over those provisions. They will point up certain definite questions.

Should civil suits be permitted in Federal courts by a party claiming job discrimination because of race, creed, or color?

Should it be made a criminal act to discriminate for those reasons?

Should an administrative agency, with powers usually given only to courts, be established—as provided in H. R. 4453? Even making it a crime to discriminate in employment because of race, creed, or color, would give the accused a fairer hearing than is provided in this bill.

The Constitution requires criminal statutes to specifically define the acts which are criminal. The accused is protected by the Constitution from illegal search and seizure of his records. Only legal evidence is admissible against him, and his guilt must be proven to a jury beyond a reasonable doubt. There are no such protections in the bill H. R. 4453.

If job discrimination were made grounds for a civil action, it would have to be proven by legal evidence. Damages would also have to be proven. The defendant would be entitled under the Constitution to a jury trial, and the verdict would have to be based on a preponderance of the evidence. Where are such protections in H. R. 4453?

If a commission were established to hear complaints of job discrimination, should legal evidence be required? Should the constitutional protection against illegal search and seizure apply? How much evidence would be required for conviction—a mere scintilla, a preponderance, or would guilt have to be proven beyond a reasonable doubt? Should the offense be carefully defined so that each employer knows exactly what is required of him?

In addition to the problem of procedure in hearing complaints of discrimination, there are other questions which must be answered before an equitable law can be written. For example, should everybody who has been denied a job be permitted to bring an action by alleging some motive of discrimination? We are all members of some minority group. Should employers be harassed by such charges of discrimination whether or not they are well founded? Should not an employer be permitted to sue to recover costs of defending an action which was brought maliciously? These are only a few of the many matters which should be considered if we are going to be fair. If we enact a law which does not cover these points—it may cause present prejudices to grow into hatreds. Racial and religious groups may become more antagonistic—the Nation may be divided against itself.

Many of us who favor the principle of a Fair Employment Practice Commission are compelled to oppose H. R. 4453. The provisions of that bill are inadequate and incomplete. None of the problems I have mentioned are properly met in the bill. The end result could be injurious to the very groups we are trying to aid and protect.

If discrimination in employment is to be eliminated, some attempt must be made to remove its cause—prejudice. I have introduced a bill which provides what I believe is the best approach to eliminating job discrimination and its causes. This bill would establish a Fair Employment Practice Commission. It would be the duty of the Commission to bring about the removal of discrimination in regard to hire or tenure, terms or conditions of employment, or union membership, because of race, creed, or color—

First, by making comprehensive studies of such discrimination in different metropolitan districts and sections of the country and of the affect of such discrimination and of the best methods of eliminating it;

Second, by formulating, in cooperation with other interested public and private agencies, comprehensive plans for the elimination of such discrimination, as rapidly as possible, in regions or areas where such discrimination is prevalent;

Third, by publishing and disseminating reports and other information relating to such discrimination and to ways and means for eliminating it;

Fourth, by conferring, cooperating with, and furnishing technical assistance to employers, labor unions, and other private and public agencies in formulating and executing policies and programs for the elimination of such discrimination;

Fifth, by receiving and investigating complaints charging any such discrimination and by investigating other cases where it has reason to believe that any such discrimination is practiced; and

Sixth, by making specific and detailed recommendations to the interested parties, in any such case as to ways and means for elimination of any such discrimination.

The bill also authorized the Commission to make such recommendations for further legislation as may appear desirable. By concentrating on the problem, I believe the Commission could devise fair methods and procedures to eliminate job discrimination.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. McCONNELL. I yield.

Mr. KEEFE. Before the gentleman goes into a description of his bill, I would like to get one thing settled in my own mind. Is there anything in the pending legislation that would in any way prevent discriminatory practices among fellow employees in a plant covered by this bill, one which employs 50 or more, and in which plant you compel the management, perhaps, to employ some certain individual whom it is alleged discrimination has been practiced against. Is there anything in this bill that would prevent the employees in that plant from practicing discrimination, and making it so unpleasant for such employee that he would have to leave of his own volition?

Mr. McCONNELL. I would say to the distinguished gentleman that the gentleman from New York [Mr. POWELL] wishes to answer that. I will let him answer, and then I will conclude.

Mr. POWELL. The bill clearly spells out the prevention of any form of discrimination: First, in the offices of trade unions; second, in plants in which there are unions. It is just as rigidly spelled out against the unions as it is against the employers. The gentleman from Massachusetts [Mr. HERTER] asked the same question before the Rules Committee.

Mr. KEEFE. That does not answer the question. I think the gentleman well knows there are many plants in this country, employing 50 or more, that are not unionized. They have certain types of people in those plants. Somebody makes an application for employment and it is turned down, and it is finally decided that discrimination was practiced by the employer against that individual.

What I want to know is, If that individual is put into the plant is there anything in the bill to prevent the employees in that plant from discriminating against this new man that is brought in under those circumstances?

Mr. McCONNELL. I would like to say to my colleague I do not believe there is real protection in the bill against the discrimination he speaks of.

Mr. Chairman, I am not going into the details of my own bill, because I will be mentioning it under the 5-minute rule when I offer it as a substitute amendment.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. McCONNELL. I would like to proceed, if I may.

There is another aspect of my bill which is important to those of you who sincerely want an FEPC law on the books this year. I believe that it would not be suffocated in a Senate filibuster while H. R. 4453 would face almost certain death.

I will offer my bill as a substitute amendment to H. R. 4453. I believe my bill is a practical approach to the problem and it has a practical chance of enactment in this session. It should have the support of those who sincerely want a Fair Employment Practice Commission as a reality.

Mr. JACKSON of California. Mr. Chairman, will the gentleman yield?

Mr. McCONNELL. I yield.

Mr. JACKSON of California. I should like to clear up one matter for the benefit of the House. Some statements have been made that the people of California did not know what they were voting on when they voted on FEPC. I should like to say, for the benefit of the House, that the people of California are as thoroughly cognizant of things which pertain to the welfare of this country as the people of any other State. They knew very well what they were voting on. It was not a Communist plot. It was not painted to them to be a Communist plot. They voted it down for what it was—a restriction upon fundamental American rights. I think that should be in the record. The people of California knew exactly what they were doing when they voted down FEPC.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. POWELL. Mr. Chairman, I yield to the gentleman from Louisiana [Mr. PASSMAN] such time as he may desire.

Mr. PASSMAN. Mr. Chairman, this is a sad day for those of us who are thinking of the next generation rather than the next election.

In my considered judgment if the bill before us now, the FEPC bill, is ever enacted into law, it will cause more bloodshed than did the Civil War.

Today is the birthday of George Washington, the Father of Our Country. What would he think if he were here to observe first-hand what the pressure groups are endeavoring to legislate down the throats of the American people?

This is a sad day in my life, in that I realize that if the so-called FEPC bill ever becomes law, we will enter upon a new phase of life—a life we have not been accustomed to here in America. It simply means that those of us who operate businesses will be deprived of our right under the Constitution to exercise our own considered judgment in employing our personnel.

The bill before us is utterly without merit and is purely political. It will only cause heartaches, bloodshed, and general turmoil throughout our beloved land.

I repeat, the bill before us for consideration is purely political. A great number of my colleagues from the East, North, and West have told me they are opposed to this unworkable, unjustifiable, and damaging legislation, but they further stated that on account of their geographical sections and the type of constituencies they represented, that they had to demagog and vote for something they knew to be wrong and without merit in order to preserve their political future.

I wish every Member of this honorable body would retire to some secret chamber so that he, too, could meditate and realize what a great injustice he is doing to his children and his children's children. It is not important that I be returned to the Congress, but it is important that I vote and act so as not to penalize the generations that are to follow. Certainly for the benefit of those who are to follow us, it would be well and wise for us to think of the next generation rather than just the next election.

Mr. Chairman, my colleague the gentleman from Louisiana [Mr. ALLEN] was ordered to the naval hospital on Monday, February 20. Mr. ALLEN was suffering from a very severe attack of influenza which has now developed into pneumonia. Even under these circumstances he tried to prevail upon Dr. Calver to let him leave the hospital long enough to be here for a vote on the FEPC bill, but Dr. Calver informed the gentleman that he did not propose to add to his list of deaths among Members of Congress. He absolutely refused to permit Mr. ALLEN to leave the hospital which, of course, was the proper thing for Dr. Calver to do.

Mr. ALLEN has manifested his opposition to the bill under consideration from its inception. Being unable to be present, he dictated a statement from his sick bed and asked that it be placed in an appropriate spot in the body of the RECORD. For him I ask unanimous consent to insert his statement at this point of the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. ALLEN of Louisiana. Mr. Chairman, the terrible day which we of the South have fought against for years has reached us. Today the legislative machinery is greased to put over the FEPC bill, which, in my opinion, is the most dangerous piece of legislation ever proposed in the United States Congress. We of the South have known all along that on a showdown, record vote the cause would go overwhelmingly against us because we know that nearly all of the Republicans and all of the northern Democrats will vote to put this legislation over the American people. We are making the fight right down to the very last and I for one will never surrender my convictions on the matter.

Everybody knows that this legislation is aimed at the South. I fully appreciate the fact that probably not one thing that is said here today on this bill will change a single vote because the lines are drawn, but I think that it is well to remind those gentlemen who intend to push this legislation down the throats of the American

people that the bill will hurt all over the United States. The damage it does will certainly not be confined to the South. I want you who are voting for this legislation to be assured that this will come back to plague you many days hence.

Everybody knows that this bill is purely political. If the bill could be voted on by a secret vote it would never pass, but the minority groups in this country have been prodding most of you for years to pass this bill and the political threat has been constantly dangled before the eyes of the American Congress. The bill is utterly without merits and it is difficult for me to see how any fair-minded person could undertake to argue for it.

I do not see how anyone can escape the fact that this proposed legislation strikes at the very fundamental principle of Americanism. If there is any one thing in this world that sent our forefathers westward to found this American Nation more than all other reasons, that was the freedom of choice. They came to escape oppression and to assert their right to choose their friends, choose their churches, choose their politics, and choose their associates. And yet here a comparatively few short years later we find this House proposing to put over an issue which, if enacted, would strike at this very foundation principle of freedom of choice. Mr. Chairman, the thing sounds so absurd and so ridiculous that the descendants of those hardy pioneers would now take this step—yet that is what is facing us.

We have been waging a fight in this Congress against communism. This Government has been spending billions of dollars, it has claimed, to prevent the spread of communism. In the face of all of that, the leadership in the Democratic Party and the leadership in the Republican Party are championing this FEPC bill which, in my opinion, will be the greatest help to Communists in this country in further infiltrating themselves into government and every other walk of life. This is so, Mr. Chairman, because if this bill becomes a law, it will be impossible, yea even unlawful, for any employer and even for the Government itself especially in some agencies such as the Atomic Energy Commission to as much as inquire into whether one is a Communist before he is employed. If this bill becomes a law every employer and certain Federal agencies will find themselves hogtied in trying to keep out Communist infiltration. You will not be permitted to ask where an applicant was born, what his race is, what his religion is, or anything else which may directly or indirectly touch upon the question of race, religion, or national origin. We hear it said now every day that our Federal agencies are infiltrated with Communist and Communist sympathizers. Well, if this bill is passed, the Communists in Federal Government employment will increase manyfold. Yes, Mr. Chairman, this whole proposition is so dangerous for the well-being of America it does look like sensible and reasonable men would not be swayed by minority pressure groups but would stop, look, and listen before they become a party to this nefarious proposition.

We who are opposing this legislation are not actuated by malice. We do so because we love Americanism more and we are persuaded, Mr. Chairman, that instead of lessening malice and racial intolerance, the effect of this legislation would be to increase it. Anybody who thinks that the American people are going to take this supinely just does not know the heart and soul of America. I think it can be said with absolute certainty that there is less prejudice in the South than there is in any other section of the country. Our people in the South do not hate the Negro. We want to help him and we are helping him. There is a very fine spirit in the South today. The right-thinking southern Negro knows that the passage of FEPC would hurt him and would create such turmoil that it would set his own cause back for a long time. Just a few days ago, Mr. Chairman, a Negro minister from the South came to my office and said that he had something to say to southern Members of Congress on this subject. I did not have the slightest idea what he was going to say. He then informed me briefly, and as a result of his own broad experience as a minister of the gospel, that, in his opinion, the passage of the FEPC bill at this time would be disastrous to the cause of the Negro. Moreover, he proceeded to say that he felt that some of those who were leading the parade for the passage of this bill were actuated by politics and were not sincere and he called the names of some persons in very high places in America. I relate this because I want you gentlemen to know that some of the fine Negro leaders in the South are trying to think this thing through and desire that whatever is done may be of lasting benefit to the entire country and these Negro leaders know that it is certainly not to their interest to continue to have pushed before the American people the proposal contained in this bill.

Mr. Chairman, this is a tragic hour. This means that the Congress of the United States is yielding to minority pressure groups. I would to God that this House not make this fatal mistake and thrust upon the American people the turmoil which is bound to come from the passage of this bill. It may well be that the historian of the future will mark the beginning of the final disintegration of our glorious Government from this point. It may well be that the Communists will accept this as the greatest opportunity ever handed to them to subjugate the American people. Make no mistake about it that when you rejoice over the passage of this act, there will be great rejoicing in Moscow also.

Mr. POWELL. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. MARCANTONIO].

Mr. MARCANTONIO. Mr. Chairman, the gentleman from Pennsylvania has raised objection to the committee bill and distinguishes it from his own bill on the basis of the fact that the committee bill provides for the obtaining of a cease-and-desist order. The gentleman contends that such an order may be obtained without evidence that would be necessary to convict a person of a crime. Certainly, the gentleman from Pennsylvania, who supported the Taft-Hartley bill, must bear in mind that under that act injunctions are obtained against members of organized labor precisely by more extreme means, an ex parte application to the court supported merely by an allegation on the part of the Department of Justice or the attorney for the National Labor Relations Board.

The difference between myself and the gentleman from Pennsylvania is that he prefers that system in enforcing employers' interests against labor; I prefer the system provided in the committee bill to protect people against discrimination. I therefore oppose the bill offered by the gentleman from Pennsylvania. I do so also because his bill completely frustrates the very objective of FEPC. Every real enemy of FEPC supports his bill.

Now, as to the fundamentals of the committee bill, we find its roots all the way back in the struggle against slavery, and in the Emancipation Proclamation. Today this legislation is aimed at what? It is intended to protect the Negro people and other minorities against discrimination in employment. In protecting the Negro people against discrimination this legislation deals a real blow at that which is the main prop of exploitation of all working people, including even descendants of the *Mayflower* who work for a living.

This legislation is a tremendous step toward the establishment of equality, and let me say, and I use the word advisedly toward the overthrow of white supremacy.

Let us recognize that. Let us recognize that that fact is what really has caused the opposition we have had, the violent opposition, the filibustering tactics and the bitterness which has just been engendered into this debate. Today the false concept of white supremacy has been extended from the South up into the North. So we find not only the last vestige of feudalism in the South using the racist doctrine of white supremacy for the exploitation of people there, not only do we find the new ruthless industrialism of the South using it for exploitation there, but we find monopolists in the North as well, using it as a weapon for exploitation, as a weapon for dividing and ruling the working people in the North. That explains to a great extent some of the lukewarm support and some of the avowed opposition to this legislation from the industrial sections of the North.

So that what is involved here is not the freedom of anyone to employ whom he pleases. What is involved here is the tyranny of anyone to refuse to give employment to any person because of race, color, or creed. If discrimination is freedom, then, certainly, we are perverting the definition of freedom, indeed we are subverting the very concepts of freedom as we have known them in these United States since our country was founded.

FEPC is a blow for equality, equality which will help overthrow white supremacy which is the main prop of the exploitation of all working people everywhere in these United States.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. POWELL. Mr. Chairman, I yield myself one-half minute to answer a question propounded by the gentleman from Wisconsin: Does this bill, H. R. 4453, protect employers who act in good faith whose employees discriminate?

The gentleman will find the answer on page 9, subsection (5) of section (g) reading:

Upon the request of any employer acting in good faith, whose employees or some of them refuse or threaten to refuse to cooperate in effectuating the provisions of this act, to assist in such effectuation by conciliation or other remedial action.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. POWELL. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin [Mr. BIEMILLER].

Mr. BIEMILLER. Mr. Chairman, I am proud to have the honor to conclude the general debate on the FEPC bill. The issue before us is a matter of simple right and wrong, of fundamental justice, of human decency. It challenges us to live up to the religious ideals we profess, to take a firm stand in favor of the patriotic ideals on which our country was founded.

It is a very strange thing to see that the Members of this House who quote the Bible most frequently, who wave the flag most conspicuously on every occasion, are now the most anxious to repudiate the fundamental principles behind this legislation. They are all in favor of the Declaration of Independence—but they want to forget the part about "all men are created equal." They can recite the preamble to the Constitution, but they want to forget the amendments, especially the ones which freed the slaves and gave them equal rights.

We freed the slaves from involuntary servitude. And now it is up to us to free their descendants from involuntary unemployment. The right to earn a living is at the basis of every other right in our country. The chance to take his place on an equal footing with other citizens in the struggle for existence ought to be the most elementary right of every citizen of this Republic. When a man is denied a job for which he is qualified in every other respect, because of the color of his skin, or his religion, we are condemning him to involuntary unemployment which is as unjust as involuntary servitude. The FEPC bill is a new Emancipation Proclamation against job discrimination.

Who is behind this legislation? Both national parties declared themselves in favor of it at their national conventions in 1948. I am proud to be one of those who helped prepare and put through the plank at the Democratic Convention held last June in Philadelphia. That plank read:

We again state our belief that racial and religious minorities must have the right to live, the right to work, the right to vote, the full and equal protection of the laws on a basis of equality with all citizens as guaranteed by the Constitution. We highly commend President Truman for his courageous stand on the issue of civil rights. We call upon the Congress to support our President in guaranteeing these basic and fundamental rights: (1) The right of full and equal political representation, (2) the right to equal opportunity of employment, (3) the right of security of person, (4) the right of equal treatment in the service and defense of our Nation.

The Republican Party also adopted a plank favoring civil rights, though in slightly less specific terms.

The 1948 election showed that the people of all but three States accepted the principle, and counted on their elected Representatives to do something about the practice of civil rights.

The churches of America favor the enactment of FEPC legislation. Religious organizations who have passed resolutions endorsing it include the Catholic Interracial Council, Catholic War Veterans, the Presbyterian General Assembly, the United Council of Church Women, the Union of American Hebrew Congregations, the National Council of Catholic Women, the National Boards of the YMCA and YWCA and the National Council of Student Christian Associations, the General Conference of the Methodist Church and the Methodist Ministers' Union, the Council for Social Action of the Congregational-Christian Churches, the General Synod of the Evangelical and Reformed Church, the American Friends' Service Committee, the American Unitarian Association, and the Federal Council of Churches of Christ in America.

The last-named organization states its position clearly, so clearly that I want to read you their statement on this issue.

The right to work—

Says the Federal Council of Churches—

is a divine right. So just and so in harmony with Christian ethics that all Christians and church agencies have a deep responsibility to stand for that clear Christian and democratic principle. We believe that Government should take such necessary legislative and administrative action as will protect the right to work from any such discrimination.

An equally clear moral statement was issued by the National Catholic Welfare Conference urging not only that Catholics should support FEPC legislation but that they were obligated to practice nondiscrimination, with or without a law. They state:

Christian moral teaching requires every employer to maintain and enforce nondiscriminatory policies in hiring, upgrading, and discharge. In addition, it requires each employer not only to cease opposition to the enactment of Federal and State FEPC laws, but to use his influence in his association and with his fellow employers to secure the passage and assist in the enforcement of such statutes.

Perhaps the finest statement on the question from a religious point of view came from Bishop Bernard J. Sheil, of Chicago, auxiliary bishop of the largest Roman Catholic archdiocese in the World:

A fair employment practice law—

Said Bishop Sheil—

would give legal recognition to that God-given dignity which every human being possesses. If we are truly Christian, we cannot preach one thing and practice another. Economic discrimination is immoral. It is clearly sinful. How long are we expected to sit by while children of God find their paths blocked at every point by the forces of bigotry and discrimination?

This is National Brotherhood Week. What better way can we find to show our belief in the principles of Christian brotherhood than to extend the right to work, free of discrimination, to our citizens of every race, creed, and color? Today, on Ash Wednesday, the beginning of the period of penance and sacrifice observed by the Christian church, we can and should take a stand in support of a law to permit our brothers to advance through their own efforts, without discrimination, as far as their ability will take them.

The idea behind Brotherhood Week, and behind the whole Christian ethic, is that we are all children of God. There was no special provision made in the Bible for an inferior place in the world for God's stepchildren, and we discarded that idea in America when we passed the constitutional amendments to set the slaves free and give them a vote.

At least most of us discarded it. There are still some people who honestly believe that slavery was a good idea and that we should not have abolished it. I think there are many more people who believe that, than are willing to say so. I received a few days ago a copy of a newspaper called the Southern Conservative, which made it pretty clear where the editor stood on this question. She says:

Southern people know how to get along with members of the colored race. They have been doing it successfully for more than a hundred years, and if Communist sympathizers from the North will stop meddling they will do it for a hundred years more.

Do you remember what the racial issue was 100 years ago, in the year 1850? The issue was not, Has the Negro a right to a job, or has he a right to a vote? It was simply, Is he a human being? That was the point at issue in the fugitive-slave law. And the answer was given in the Dred Scott decision, "No, he is not a human being—he is a form of personal property."

Most Americans look back with horror on that era, and the ideas it sought to perpetuate. Most Americans think that it was a disgrace that this Nation, conceived in liberty, should have suffered the degradation of human slavery for more than 70 years—many years after it ceased to be tolerated by any other civilized nation in the world. And today most Americans believe that job discrimination based on race prejudice is a hangover from slavery which must and should be abolished by law, if we are to live up to our pretensions to be a free country.

Not long ago I was talking to a Hindu, who asked me questions about America which I could not answer to his satisfaction or mine. He wanted to know why, when we voted to free the slaves nearly 80 years ago, we still did not assure them a vote and a job. I could give historical explanations of the persistence of prejudice, but he still shook his head in bewilderment.

"How can it be possible," he asked me "that after two generations of freedom and education, you still do not give to

the colored people civil rights?" It was a tough question. I hope I can give a better answer if I meet him again tomorrow.

Our failure to enact civil rights and FEPC legislation so far has branded us a Nation of hypocrites in many parts of the world. We are trying to win the confidence of the rest of the world to form a union of democracies against communism. Yet we exclude from our own democracy a large section of our people who are ready and willing to take their places in thousands of jobs now barred to them, not by their incompetence, but by prejudice.

A very large portion of the people on this earth are nonwhite. If America is the leader of the democratic nations, and America stands for race prejudice, why should they support democracy against communism? Those who howl the loudest against communism and Russia are driving millions into the arms of the Communists by their refusal to legislate against race discrimination.

I have spent a good deal of time discussing the problems and principles of discrimination against the Negro. But there are many other minorities who suffer unfair oppression in this land of the free because of their religion, or their national origin, or the color of their skin. In addition to the Negro, the Catholic, the Jew, the American Indian, the American-born citizen of Asiatic origin, find it harder to get jobs, or to win advancement, than the white Protestant.

The President's Commission on Civil Rights found that the members of minority groups were the last hired and the first fired. The National Community Relations Council found in a 1948 study that 80 percent of American Jews had experienced job discrimination. The United States Census Bureau figures show that in 1947 unemployment was 3.8 percent among white workers—but 6.7 percent among nonwhites.

I do not propose to quote more figures to show that there is discrimination today. We all know that there is discrimination. The question before us on this floor is, Do we approve that discrimination and seek to perpetuate it? Do we not want to give people an equal opportunity to work? Do we want to keep the best jobs, the advancements, the pay raises, for a certain kind of Americans? If there were job equality, it would lead to proof that there is no fundamental difference between Jew and Gentile, black and white. And the case for race prejudice would collapse.

So, think the opponents of FEPC, we must maintain race discrimination in principle and in practice, to protect the jobs which we may not be able to hold on the basis of ability.

This is un-American, un-Christian, and un-Democratic. It is a policy which we, as the elected representatives of a great nation must repudiate. The time for prejudice is past—long past. As I said on this floor a few days ago, it is now just four score and seven years since the Great Emancipator signed the proclamation freeing the slaves. In 87 years we have failed to give to our minority groups the full measure of that freedom which we hoped to bestow upon them at that time. Must we wait another 87 before true equality of opportunity becomes a reality?

I want to close my remarks with the words of one of our greatest Presidents—Franklin D. Roosevelt. In his celebrated prayer for the United Nations, he concluded:

> Yet most of all, grant us brotherhood, not only for this day but for all years—a brotherhood not of words but of acts and deeds. We are all of us children of the earth—grant us that simple knowledge. If our brothers are oppressed, then we are oppressed. If they hunger, we hunger. If their freedom is taken away, our freedom is not secure. Grant us a common faith that man shall know bread and peace—that he shall know justice and righteousness, freedom and security—an equal opportunity and an equal chance to do his best. And in that faith, let us march forward toward the clean world our hands can make.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. All time has expired.

The Clerk will read.

The Clerk read as follows:

*Be it enacted, etc.—*

SHORT TITLE

SECTION 1. This act may be cited as the "Federal Fair Employment Practices Act."

Mr. SHAFER. Mr. Chairman, I move that we now adjourn.

The CHAIRMAN. That motion is not in order in Committee.

Mr. SHAFER. Mr. Chairman, I move that the Committee do now rise.

The question was taken; and on a division (demanded by Mr. SHAFER) there were—ayes 105, noes 167.

Mr. SHAFER and Mr. COLMER demanded tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. SHAFER and Mr. POWELL.

The Committee again divided, and the tellers reported that there were—ayes 107, noes 179.

So the motion was rejected.

Mr. McCONNELL. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. McCONNELL.

Mr. RANKIN. Mr. Chairman, I offer a preferential motion.

Mr. MARCANTONIO. Mr. Chairman, a point of order. The Chair has recognized the gentleman from Pennsylvania to offer his amendment. The gentleman from Mississippi cannot obtain the floor by means of a preferential motion at this stage.

The CHAIRMAN. The gentleman from Mississippi will be recognized after the amendment has been reported.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. McCONNELL: Strike out all after the enacting clause and insert "That this act may be cited as the 'Fair Employment Practice Act.'"

Mr. DAVIS of Georgia (interrupting the reading of the amendment). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DAVIS of Georgia. Is it in order for this amendment to be read in full at this time?

The CHAIRMAN. Of course it must be read in full.

Mr. DAVIS of Georgia. A further parliamentary inquiry, Mr. Chairman. At what stage will it be open for amendment?

The CHAIRMAN. It will be open for amendment after it has been read. The Clerk will read the amendment.

Mr. TAURIELLO. Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with and that it be printed in the RECORD at this point.

Mr. COLMER. Mr. Chairman, I object.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk continued to read the amendment as follows:

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares—

(a) That the denying of employment opportunities to, and discrimination in employment against, properly qualified persons by reason of race, creed, or color is contrary to the principles of freedom and equality of opportunity upon which this Nation is built, deprives the United States of the fullest utilization of its capacities for production and defense, and burdens, hinders, and obstructs commerce.

(b) That it is the policy of the United States to bring about the elimination of discrimination because of race, creed, or color in employment relations.

FAIR EMPLOYMENT PRACTICE COMMISSION

SEC. 3. (a) There is hereby created a commission to be known as the Fair Employment Practice Commission (hereinafter referred to as the "Commission"), which shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of 1 year, one for a term of 2 years, one for a term of 3 years, one for a term of 4 years, and one for a term of 5 years, but their successors shall be appointed for terms of 5 years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission. Any member of the Commission may be removed by the President upon notice and hearing for neglect of duty or malfeasance in office, but for no other cause.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members of the Commission shall at all times constitute a quorum.

Mr. RANKIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RANKIN. The bill before the House has not been read. Should this amendment be adopted would it be read under the 5-minute rule? Would we have an opportunity to offer amendments to it?

The CHAIRMAN. It is open for amendment before it is voted on.

Mr. RANKIN. I understand, but the Clerk is reading rapidly, and there is so much confusion in the House we cannot hear what is going on. The Clerk is reading at a high speed. If we are going

to have to vote on this legislation we ought to have a copy of it.

The CHAIRMAN. The point of order is sustained; the Committee is not in order. The Committee will be in order.

Mr. RANKIN. We ought to have copies of it so we could at least offer amendments.

Mr. COLMER. Mr. Speaker, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLMER. And I am very serious in propounding it.

The CHAIRMAN. The Chair is sure of that.

Mr. COLMER. Do I understand that the whole bill will be read through, that is, the amendment that the Clerk is now reading, before any amendments are offered? Or are amendments to be offered at the end of sections as the Clerk concludes them?

The CHAIRMAN. This is an amendment offered by the gentleman from Pennsylvania to the bill. The amendment will be read in its entirety and then will be open for amendment.

Mr. MARCANTONIO. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MARCANTONIO. Because of the confusion we were unable to hear. Am I correct in understanding that this amendment strikes out all of the committee bill after the enacting clause?

The CHAIRMAN. That is correct.

Mr. CASE of South Dakota. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CASE of South Dakota. Is it not true that the amendment at the desk is substantially the bill H. R. 6841, copies of which are available?

The CHAIRMAN. The Chair so understands, with the exception of section 7 which the Clerk will read.

Mr. CASE of South Dakota. So that it would be possible for Members to follow the reading by getting a copy.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) Each member of the Commission shall receive a salary at the rate of $12,000 a year, and shall not engage in any other business, vocation, or employment.

(e) The principal office of the Commission shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place and may establish such regional offices as it deems necessary. The Commission may, by one or more of its members or by such agents or agencies as it may designate, conduct any investigation, proceeding, or hearing necessary to its functions in any part of the United States.

(f) The Commission shall have power—

(1) to appoint such officers and employees as it deems necessary to assist it in the performance of its functions;

(2) to cooperate with or utilize regional, State, local, and other agencies and to utilize voluntary and uncompensated services;

(3) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents or agencies the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(4) from time to time to make, amend, and rescind, in such manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of this act;

(5) to serve process or other papers of the Commission, either personally, by registered mail, or by leaving a copy at the principal office or place of business of the person to be served; and

(6) to make such technical studies as are appropriate to effectuate the purposes and policies of this act and to make the results of such studies available to interested Government and nongovernmental agencies.

DUTIES OF THE COMMISSION

SEC. 4. (a) It shall be the duty of the Commission to bring about the removal of discrimination in regard to hire or tenure, terms or conditions of employment, or union membership, because of race, creed, or color—

(1) by making comprehensive studies of such discrimination in different metropolitan districts and sections of the country and of the effect of such discrimination, and of the best methods of eliminating it;

(2) by formulating, in cooperation with other interested public and private agencies, comprehensive plans for the elimination of such discrimination, as rapidly as possible, in regions or areas where such discrimination is prevalent;

(3) by publishing and disseminating reports and other information relating to such discrimination and to ways and means for eliminating it;

(4) by conferring, cooperating with, and furnishing technical assistance to employers, labor unions, and other private and public agencies in formulating and executing policies and programs for the elimination of such discrimination;

(5) by receiving and investigating complaints charging any such discrimination and by investigating other cases where it has reason to believe that any such discrimination is practiced; and

(6) by making specific and detailed recommendations to the interested parties in any such case as to ways and means for the elimination of any such discrimination.

(b) The Commission shall at the close of each fiscal year report to the Congress and to the President describing in detail the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, and the other work performed by it, and may make such recommendations for further legislation as may appear desirable. The Commission may make such other recommendations to the President or any Federal agency as it deems necessary or appropriate to effectuate the purposes and policies of this act.

INVESTIGATORY POWERS

SEC. 5. (a) For the purpose of all investigations, proceedings, or hearings which the Commission deems necessary or proper for the exercise of the powers vested in it by this act, the Commission, or its authorized agents or agencies, shall at all reasonable times have the right to examine or copy any evidence of any person relating to any such investigation, proceeding, or hearing.

(b) Any member of the Commission shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before the Commission, its member, agent, or agency conducting such investigation, proceeding, or hearing.

(c) Any member of the Commission, or any agent or agency designated by the Commission for such purposes, may administer oaths, examine witnesses, receive evidence, and conduct investigations, proceedings, or hearings.

(d) Such attendance of witnesses and the production of such evidence may be required, from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(e) In case of contumacy or refusal to obey a subpena issued to any person under this act, any district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony relating to the investigation, proceeding, or hearing; any failure to obey such order of the court may be punished by it as a contempt thereof.

(f) No person shall be excused from attending and testifying or from producing documentary or other evidence in obedience to the subpena of the Commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

DISCRIMINATION IN EMPLOYMENT BY THE FEDERAL GOVERNMENT

SEC. 6. The Commission shall make a study and investigation of discrimination in regard to hire, or tenure, terms, or conditions of employment, in the departments and agencies of the Federal Government because of race, creed, or color, and shall recommend to the Congress a specific plan to eliminate it and such legislation as it deems necessary to eliminate it.

WILLFUL INTERFERENCE WITH COMMISSION AGENTS

SEC. 7. Any person who shall willfully resist, impede, or interfere with, any member of the Commission or any of its agents or agencies in the performance of duties pursuant to this Act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 1 year, or both.

Mr. McCONNELL. Mr. Chairman, I have offered an amendment as a substitute to the Powell bill. This amendment is a new bill to establish a Fair Employment Practice Commission. The Commission would have two principal purposes: First, to study the problems and to recommend a procedure to Congress for eliminating job discrimination because of race, creed, or color. Second, to begin immediately to find methods to eliminate job discrimination, and to seek to create employment opportunities for members of minority groups, without the use of compulsion.

Mr. Chairman, right here I would like to digress for just a moment. There is a reasonable background, in my opinion, to the idea of an FEPC bill without the use of compulsion and in this connection I would like to read from the hearings on the Federal Fair Employment Practice

Act before I proceed with the description of the amendment.

During the hearings the gentleman from New York [Mr. POWELL] made the statement to Senator IVES along this line: "The first actual FEPC law placed on the statute books anywhere in the United States was the Ives bill."

That is the FEPC legislation in New York. A little later on Senator IVES, who was the author of the first FEPC legislation in the United States, made this statement:

> I happen to be one that is convinced that if you have to enforce this kind of undertaking by punitive measures, by legal compulsion, it is going to fail. Unless you can convince the rank and file of people that it is inherently right, which it is, and get them to cooperate in backing it up, your undertaking cannot succeed.

Then he goes on to say that it is educational in a broad sense, speaking of the statute of New York, and also the proposed legislation we are considering today.

Mr. JOHNSON. Mr. Chairman, will the gentleman yield?

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

Mr. JOHNSON. According to the interpretation to be implied, it is this, that Senator IVES, who was the author of the New York bill, placed in the bill the principle the gentleman is offering here tonight.

Mr. McCONNELL. I would say that I could receive just such an idea from that testimony.

The bill I offer declares a national policy to eliminate discrimination in employment relations because of race, creed, or color. It would establish a Fair Employment Practice Commission of five members appointed by the President with the advice of the Senate. In carrying out the policy of the act, the Commission is authorized to make investigations, hire employees, cooperate with State agencies and accept voluntary services, subpena witnesses and pay them mileage fees, to serve process, to make and rescind rules and to make studies and publish the results of such studies.

Further, the bill imposes upon the Commission the duty of seeking to eliminate job discrimination—

First, by making comprehensive studies of such discrimination in different metropolitan districts and sections of the country and of the effect of such discrimination, and of the best methods of eliminating it;

Second, by formulating, in cooperation with other interested public and private agencies, comprehensive plans for the elimination of such discrimination, as rapidly as possible, in regions or areas where such discrimination is prevalent;

Third, by publishing and disseminating reports and other information relating to such discrimination and to ways and means for eliminating it;

Fourth, by conferring, cooperating with, and furnishing technical assistance to employers, labor unions, and other private and public agencies in formulating and executing policies and programs for the elimination of such discrimination;

Fifth, by receiving and investigating complaints charging any such discrimination and by investigating other cases where it has reason to believe that any such discrimination is practiced; and

Sixth, by making specific and detailed recommendations to the interested parties in any such case as to ways and means for elimination of any such discrimination.

A duty is also imposed on the Commission to make a report each year to Congress and to the President. In addition to describing in detail the investigations, proceedings, and hearings it has conducted and their outcome, the decisions rendered and the other work performed, the report may make such recommendations for further legislation as may appear desirable.

The Commission is given legal power to make investigations and to examine relevant records, to subpena evidence and witnesses from anywhere in the United States, and to administer oaths. Federal courts are given jurisdiction to issue injunctions to enforce the Commission's subpenas and a complete immunity clause is provided to give the Commission greater freedom in demanding testimony which might otherwise be unavailable from a witness.

The Commission is also required to make a study of job discrimination which may be practiced by the Federal Government and to recommend a specific plan to Congress for its elimination.

A $500 fine is provided as a penalty for anyone who forcibly interferes with a member or agent of the Commission in the performance of his duties under the act.

Most of us agree that the injustices of discrimination in employment because of race, creed, or color, should be eliminated. Those of us who agree to this principle disagree in some respects on how it can be best accomplished. The problem, simply stated, is this: "Is the administrative process the proper method of making and enforcing decisions where the facts in dispute are simple and the decision rests largely on the veracity of witnesses?"

There are practical objections to the administrative process for this purpose:

First, administrative procedure can substitute the judgment of a single individual for that of a jury in deciding questions of fact and the credibility of witnesses.

Second, administrative procedure permits a hearing examiner to act as judge and jury—yet he cannot be removed as a juryman by a challenge for cause—nor can he be removed as judge by an allegation of personal bias.

Third, in an administrative proceeding, there are no rules for the admissibility and exclusion of evidence. This is important because a decision can rest on any evidence that finds its way into the record, whether or not it is legal evidence.

Fourth, a reviewing court cannot reverse an administrative decision unless it is apparent from the naked record that the decision is arbitrary or capricious. A court cannot review the facts, nor can the court substitute its discretion for that of the administrative agency. The administrative decision may rest solely on evidence which would be barred in a court of law—or evidence which a jury might have rejected because it was given by a witness which was not credible—yet the court cannot reverse the agency if there is any evidence in the record to support the administrative decision.

I do not believe the administrative procedure provided in the Powell bill insures justice in the enforcement of rules to eliminate job discrimination because of race, creed, or color.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. McCONNELL. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. POWELL. Mr. Chairman, will the gentleman yield?

Mr. McCONNELL. I yield to the gentleman from New York.

Mr. POWELL. In quoting further from Senator IVES' testimony before our subcommittee, the gentleman did not read the last paragraph of the section he was reading, and that paragraph states:

> Naturally, you have to have compulsion here or nobody will pay any attention to it.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. McCONNELL. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. I might ask the gentleman if there has ever been an arrest in New York State under this law.

Mr. McCONNELL. Well, I can answer the gentleman right there. There has been no arrest under State law.

Mr. JAVITS. Mr. Chairman, will the gentleman yield?

Mr. McCONNELL. I yield to the gentleman from New York.

Mr. JAVITS. Senator IVES is the author of the FEPC bill. In Senate Report No. 951 he says very distinctly:

> The experience of the wartime Committee on Fair Employment Practices and of the several State commissions indicates strongly that appeals for voluntary cooperation are inadequate unless supported by enforcement powers.

Mr. McCONNELL. I will quote again so that we can get it very straight. I do not want to imply that the Senator is talking on both sides, but he says here:

> I happen to be one that is convinced that if you have to enforce this kind of undertaking by punitive measures, by legal compulsion, it is going to fail.

That is very simple language, and I think we understand English.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. McCONNELL. I yield to the gentleman from Mississippi.

Mr. RANKIN. As a matter of fact, there is a very serious penalty included in the New York law, is there not?

Mr. McCONNELL. I understand so. I call your attention to one change I have made in my bill before offering it as a substitute as compared with the bill I originally put in the hopper. I refer to page 8, section 7, of H. R. 6841. Originally it read:

> Any person who shall willfully resist, impede, or interfere with, any member of the Commission or any of its agents or agencies in the performance of duties pursuant to this act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 1 year, or both.

I feel that that fine is too heavy. I have changed the word "willfully" to "forcibly," which is the same as in the Powell bill. I have changed the fine from $5,000 to $500, which seems to be more in reason. I have also dropped out the penalty of "imprisonment for 1 year."

Mr. POWELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this McConnell amendment is the whole heart of the fight to pass an FEPC bill. If this amendment succeeds, then we will have nothing but a statement of policy. Inscribed on the wall over our Press Gallery are the words of an immortal statesman who once walked these aisles, Daniel Webster. I would like to read a further quotation from Daniel Webster, and that is this:

> A law without the penalty is simply good advice.

If we accept the McConnell amendment we are merely accepting good advice.

Now, let us get back to Senator IVES, whom I admire and know personally, who came before our subcommittee and gave us possibly the most enlightened testimony of all. May I read from the official report of the FEPC subcommittee at page 63, middle of the page:

> I desire, however, most heartily to endorse this type of legislation. Moreover, I endorse specifically H. R. 4453 as being based on the principles I have cited.

Then I will go to another point where the Senator and your humble servant were having a discussion. I read the two paragraphs which the gentleman from Pennsylvania did not read following the sentence which he did read:

> First, I think, Mr. Chairman, that your bill provides for mandatory mediation, conciliation, conferences, and persuasion. That is very essential, that part of it. And you also provide for these conciliation councils to be set up in the various communities, big and little, in the whole area of the United States, by which through the voluntary approach you enlist the support of citizens in those communities. That is the way it is done.
>
> Naturally, you have to have compulsion here or nobody will pay any attention to it. But let me point out this, that if any undertaking of this kind is ever made and the emphasis is placed on that aspect of it, the rest of it will be ignored obviously and the whole business will crash in defeat.

Following that quotation, may I say at this point that we do not place the emphasis in this bill on compulsion. We place it on conciliation, mediation, conferences, persuasion, and local councils set up in the various communities of our country whether they are small or large communities.

Mr. McCONNELL. Mr. Chairman, will the gentleman yield?

Mr. POWELL. I yield.

Mr. McCONNELL. I recognize the value of community action by local agencies. That is provided in the substitute bill which I have offered. I would like to ask the gentleman this one question: How many cases have come before the FEPC Commission in New York State?

Mr. POWELL. I think 1,047 as of January this year.

Mr. McCONNELL. How many were settled?

Mr. POWELL. The actual statistics are here in my committee's report. I can find them in a minute.

Mr. McCONNELL. I thought the gentleman had them at hand, and will not ask him to go to that trouble. Does the gentleman know how many cases were dismissed?

Mr. POWELL. I think, roughly, about one-third were dismissed.

Mr. McCONNELL. One-third of approximately a thousand cases?

Mr. POWELL. 1,047.

Mr. McCONNELL. Is that for the city of New York?

Mr. POWELL. No, for the State of New York.

Mr. McCONNELL. Out of millions and millions of people, then, they have only found those few cases of discrimination?

Mr. POWELL. That is right.

Mr. McCONNELL. It seems rather remarkable. I wonder where the widespread discrimination is, then, under a method where compulsion generally has not been used.

Mr. POWELL. Some of these cases involve thousands of workers. Some of them involve plants which may employ 10 or 15 thousand people, such as the telephone company, for instance, which is a State-wide company.

Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. POWELL. Further, our own Legislative Reference Service of the Library of Congress last year made an impartial report on antidiscrimination legislation. Listen to this quotation:

> In company after company, in spite of theoretical willingness to employ Negroes, it took the law to get the employers past the hump of dreading what customers and other employees might say. So the mere passage of a law with teeth in it, before any actual attempt to enforce it, brings some changes in employment practices in order to conform.

In other words, as the commissioners of New York State, Massachusetts, and other States which have FEPC, testified before our committee, we have not had to use the power, but because we had the power, we have been able to persuade and conciliate and mediate a little bit better.

Further, may I also give you an example from the city of Chicago. The city of Chicago has an FEPC with no enforcement power. This is the report of the Illinois Inter-Racial Commission last year, reporting on the FEPC:

> With few exceptions, the 91 firms analyzed, which supplied goods and services to the city of Chicago on a contract basis, violate their signed pledge to adhere to fair-employment practice.

The State of Oregon passed an FEPC law with no compulsion. After it was in effect for some time they found out it did not work. Last year the Oregon Legislature revised the State FEPC law which had no compulsion and put sanctions in that law.

Mr. McCONNELL. Mr. Chairman, will the gentleman yield?

Mr. POWELL. I yield.

Mr. McCONNELL. If such a position was found to be necessary in the future, the way would be open for such amendment.

Mr. POWELL. Certainly. Very nicely said. You halfway agree with us. I appreciate that fact, because in the Seventy-ninth Congress the gentleman from Pennsylvania was one of those who helped us write the present law that we now have. He was in favor of it then.

Mr. McCONNELL. Will the gentleman yield?

Mr. POWELL. I yield.

Mr. McCONNELL. I did not help write the present bill. I agreed that some type of compulsion was necessary at that time.

Mr. POWELL. That is correct.

Mr. McCONNELL. But I have become more wise as I have become older. Therefore, I realized that compulsion was not necessary.

Mr. POWELL. Some people grow old two ways. I have grown older also.

Mr. MARCANTONIO. Mr. Chairman, will the gentleman yield?

Mr. POWELL. I yield.

Mr. MARCANTONIO. Is not the crux of the issue defined by the alinement on the gentleman's substitute? I think it is obvious to everyone that the overwhelming majority who oppose any kind of FEPC will support the gentleman's substitute—that is, the substitute offered by the gentleman from Pennsylvania.

Mr. POWELL. That remains to be seen. But if it is true that those who are against any kind of FEPC will support the gentleman's amendment, then it is obvious that it is nothing but a subterfuge to kill FEPC. I can assure you that the people of this Nation who are in favor of FEPC are not in favor of the McConnell substitute about which they know nothing. They are in favor of H. R. 4453 which has been before them for 6 years, since the Seventy-ninth Congress.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. POWELL. I yield.

Mr. MASON. When the gentleman says that this halfway amendment that the gentleman from Pennsylvania [Mr. McCONNELL] is offering is a subterfuge

and that anyone who supports it is supporting it as a subterfuge, I disagree.

Mr. POWELL. May I correct that. I said the majority of the people in this Chamber who are against any form of FEPC will probably support the McConnell substitute.

Mr. MASON. I am one of those who is opposed to FEPC. The logic is, if I have to take it I would rather take it in a mild form than in the full form.

Mr. POWELL. Yes, that is the truth, you want FEPC when it means nothing; when it is weak; when it is sugar-coated; when it is, as Daniel Webster said, nothing but "good advice."

Mr. O'TOOLE. Mr. Chairman, will the gentleman yield?

Mr. POWELL. I yield.

Mr. O'TOOLE. The gentleman means he would rather take Castoria than castor oil.

Mr. POWELL. That is it.

Mr. MORTON. Mr. Chairman, will the gentleman yield?

Mr. POWELL. I yield.

Mr. MORTON. By the same token, if you can accept half a loaf it is better than no loaf at all.

Mr. POWELL. I have never subscribed to that opinion.

The CHAIRMAN. The time of the gentleman from New York [Mr. POWELL] has expired.

Mr. STEED. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. STEED as a substitute for the McConnell amendment: Strike out all after the enacting clause and insert:

"DECLARATION OF POLICY

"SEC. 2. It is hereby declared to be the policy of the United States—

"(1) to eliminate discrimination because of race, religion, color, national origin, or ancestry in regard to (A) opportunity for employment, (B) tenure, terms, or conditions of employment, or (C) membership in labor organizations; and

"(2) to encourage to the fullest possible extent a policy of nondiscrimination throughout industry.

"FUNCTIONS OF THE SECRETARY OF LABOR

"SEC. 3. (a) The Secretary of Labor (referred to in this act as the "Secretary") shall—

"(1) receive and investigate complaints charging any discrimination of the nature described in clause (1) of section 2 (referred to in this act as "discrimination"), and investigate other cases where he has reason to believe discrimination is practiced;

"(2) endeavor, by methods of mediation and conciliation, to eliminate any discrimination disclosed by any such investigation;

"(3) investigate and study the character, causes, and extent of discrimination in general;

"(4) formulate plans for eliminating discrimination, after studying the best methods to accomplish that end;

"(5) publish and disseminate (without regard to section 306 of the Penalty Mail Act of 1948) reports of the results of such studies and investigations in such form as may be most useful in accomplishing the policy declared in section 2; and

"(6) cooperate with employers and labor organizations, and other private and public agencies, in formulating programs, educational and otherwise, to eliminate discrimination.

"(b) In the performance of his functions under this act the Secretary may utilize the services of voluntary and uncompensated personnel.

"(c) The United States Employment Service shall cooperate fully with the Secretary in effectuating the policy declared in section 2.

"MINORITIES EMPLOYMENT BUREAU

"SEC. 4. There is hereby created in the Department of Labor a Minorities Employment Bureau, to be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be paid a salary of $ a year. The Director shall perform, under the direction and supervision of the Secretary, such of the Secretary's functions under this act as the Secretary may delegate to him.

"LOCAL ADVISORY COUNCILS

"SEC. 5. The Secretary may create such local, regional, and State advisory councils as in his judgment will aid in carrying out the policy declared in section 2. Any council so created shall, at the request of the Secretary, (1) study the general problem, and investigate specific instances, of discrimination in the area for which it is created; (2) foster, through community effort or otherwise, good will, cooperation, and conciliation among the various groups and elements of the population of such area; and (3) make recommendations to the Secretary with respect to his functions under this act. Each member of a local advisory council shall be appointed by the Secretary from among resident citizens of the area for which the council is created, and shall serve without pay, but shall be reimbursed under Government travel regulations for expenses incurred while performing duties under this section away from his place of residence. The Secretary may, without regard to the civil-service laws or the Classification Act of 1923, employ and fix the compensation of such technical and clerical employees as may be necessary to assist advisory councils under this section.

"NATIONAL ADVISORY COUNCIL

"SEC. 6. The Secretary may create a National Advisory Council on Minority Problems to consult with him and make recommendations to him in regard to his functions under this act. The Council shall be composed of not more than seven members to be appointed by the Secretary, representing employers, employees, and the public. The number of members representing employers shall equal the number representing employees. Each member of the Council shall be paid compensation at the rate of $25 per day while engaged in the performance of duties under this section and shall be reimbursed under Government travel regulations for expenses incurred while so engaged away from his place of residence. The Council shall have access to all files and records of the Minorities Employment Bureau.

"ANNUAL REPORT

"SEC. 7. As soon as practicable after the close of each fiscal year the Secretary shall submit to Congress and to the President a report covering his activities under this act for such year, together with such further information and recommendations for further legislation with respect to the policy declared in section 2 as he deems advisable."

Mr. KEEFE (interrupting the reading of the amendment). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KEEFE. Would it be proper to offer a pro forma amendment during the reading of this amendment by sections? Or must we wait until the entire amendment is read?

The CHAIRMAN. This amendment will have to be read in full.

(The Clerk concluded reading the amendment.)

The CHAIRMAN. The gentleman from Oklahoma [Mr. STEED] is recognized.

Mr. SHAFER. Mr. Chairman, a preferential motion.

Mr. HESELTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HESELTON. Mr. Chairman, may I ask whether amendments pending at the desk to the substitute offered by the gentleman from Pennsylvania will still be in order after the amendment to the substitute is voted upon?

Mr. SHAFER. Mr. Chairman, a preferential motion.

The CHAIRMAN. The gentleman will state it.

Mr. SHAFER. Mr. Chairman, I move that the Committee do now rise and return the legislation to the committee with the enacting clause stricken out.

The CHAIRMAN. That motion is not in order at this time. The gentleman may move that the Committee do now rise.

Mr. SHAFER. Mr. Chairman, I move that the Committee do now rise.

The question was taken; and on a division (demanded by Mr. SHAFER) there were—ayes 113, noes 180.

Mr. SHAFER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. POWELL and Mr. SHAFER.

The Committee again divided; and the tellers reported that there were—ayes 118, noes 161.

So the motion was rejected.

Mr. WILSON of Oklahoma. Mr. Chairman, I ask unanimous consent that the gentleman from Oklahoma [Mr. STEED] be permitted to proceed for five additional minutes in order to explain his amendment.

Mr. CORBETT. Reserving the right to object, Mr. Chairman, and I am not going to object at this time, I feel that further talk on this subject is of no avail. They have already taken polls as to how they are going to vote, so I am serving notice that from here on I shall object to requests for additional time.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. STEED. Mr. Chairman, we have been hearing quite a bit of talk here this afternoon about where this FEPC bill came from. Unfortunately, we have had to listen to more beautiful speeches on the theory and philosophy of FEPC and we have heard very little about what is actually in the bill behind that label.

As to the original bill, H. R. 4453, that is now before us, if you will turn to page 70 of the printed hearings I think you will find the answer to where this bill came from. I should like to read a few lines from that page for you. It starts at the top of the page with Senator IVES saying this:

Senator IVES. May I ask a question of you, Mr. Chairman? Are you going to have Charles Tuttle down here?

Mr. POWELL. Charles Tuttle will be the next witness on Tuesday for the State commissions.

Senator IVES. With all due respect to everybody else, he is the most valuable witness that you will be able to get before you, because he has had direct experience for many years in this field; he is an eminent lawyer. He largely drafted—in fact, he completely drafted—the New York statute—and he is the one who has done more in drafting the bill you have and the bill I have than any such other person.

Mr. POWELL. Including ourselves.

Senator IVES. That is right.

So if you want to know who wrote this monstrosity, you can give the credit to Charles Tuttle, whoever he may be.

Mr. JAVITS and Mr. KEATING rose.

Mr. STEED. I cannot yield.

Mr. JAVITS. I would like to explain to the gentleman who Charles Tuttle is.

Mr. STEED. The amendment I have offered is better known to the Members of this House as the Hays bill. All I did was to take that bill, H. R. 6668, and change the title the gentleman from Arkansas had, of "Minorities Employment Act," to a title I liked better, the "Fair Employment Practices Act."

Actually the basic philosophy behind my amendment is the same as that behind the amendment offered by the gentleman from Pennsylvania [Mr. MCCONNELL]. I think in all the main features involved here he and I are in absolute agreement. The major difference between our bills is largely in the mechanics of how a program would operate. I said a while ago that I did not have much time under general debate and had hoped that some of the Members who did have some time would actually go into some the language that is in the bill H. R. 4453. It is a sad and tragic thing that the Members of the House and the people of the country have not had an opportunity to have this whole thing explained to them and find out actually what we are trying to do here behind this label called FEPC. I have tried every way I know to get the attention of the Members of the House and the people of the country diverted from that label and directed to this proposed law.

Mr. REDDEN. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield.

Mr. REDDEN. Is there anything in the platform of either the Democratic or Republican Party advocating FEPC legislation from which we can infer that either of those parties intended to promote this type of legislation and to provide its enforcement by penalty of law?

Mr. STEED. I will answer the gentleman in this way: Anywhere that you see anything stated about this in the party platforms, they state their belief in a principle, and not a law to carry out that principle.

The most sincere people in the world would not want to do what is being done and what will be done if this bill passes, because this bill is not going to do for the minorities of this country what I give all you gentlemen who are fighting their battle credit for wanting done. I think it is time that we stopped and gave some consideration to that. That is why I offered this substitute amendment because I could not find any way to amend this bill.

Mr. SUTTON. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield.

Mr. SUTTON. Is it not a matter of fact that the President of the United States said no s. o. b. can tell him whom to hire or fire?

Mr. STEED. The gentleman knows as much about that as I do.

The proposition that I am trying to impress upon you is when you are asked to vote for the substitute for this bill, we are not trying to kill off the FEPC. We are trying to kill off this bill that calls itself an FEPC bill. For instance, I called your attention to two or three things in the bill a while ago. I am a member of the Committee on Education and Labor and so far as I know, if any member of that committee knows anything at all about what is in this bill he found it out outside of the committee because he had no opportunity to find out what was in it in the committee; because it was jammed through, and very little consideration was given to it, and only one little amendment was considered.

Mr. BROOKS. The gentleman refers to a particular bill. There are three bills before us.

Mr. STEED. I am talking about H. R. 4453. I am talking about the Powell bill.

For instance, I would want to call your attention to some of the things in this bill. Section (a) of section 7 at page 11 of the Powell bill, in part, reads as follows:

> The Commission is empowered as hereinafter provided to prevent any person from engaging in any unlawful employment practice as set forth in section 5.

Now, get this. I have not found anybody in the Congress, and I have talked to all those old-timers, who have said that they ever heard or saw anything like this in a bill before. It says:

> This power shall be exclusive and shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, code, law or otherwise.

If my interpretation of that is correct, and it is borne out by numerous people that I have discussed it with, we are in fact saying here that we can never even amend this law. What is an act of Congress but a law? A State code or a collective bargaining agreement could be thrown aside if it conflicted with the ideas that any of these Commissioners had under the vast power that they are given here. Some labor leaders have endorsed this bill. I think after they know what is in it, and if it ever becomes a law, they will have some hard explaining to do to their unions when they find out in effect that they have sold the labor unions down the river, and have fixed it so that the Commission could take a collective bargaining agreement and rip it to pieces.

There is a little about section 14 that I want to talk about. You have to read these hearings over and over to find out what they mean. I finally found in the testimony of Professor Davis, a professor of Lincoln University, who was in the FEPC during wartimes. He complained about that section because he said it left it open so that a man might get a jury trial. He said he did not think a man ought to have a jury trial; that he ought to be completely at the mercy of the Commission.

What I interpret that to be—and I have found no one to dispute it—it means that if an employee becomes dissatisfied when his employer tries to follow this law and hires somebody to work with him that he does not like, he says, "All right, thank God this is a free country, I am going to quit." Under section 14 he would be subject to a fine of $500 and imprisonment. I am talking about the workingman now; not the employer.

There are a lot of things in this bill that ought to be discussed at length. I am one man in this House who went to the Rules Committee and asked for a rule to try to get us enough time to discuss it. I am sorry we could not get it that way.

The mere fact that I am talking about this bill does not mean I do not have any interest in the minorities of this country. I will check my vote on civil rights with anybody in this House. I have done everything I could to get it up here. This is a real problem in my district. As editor of a newspaper I have been criticized when I tried to do something for the underdog. I probably have as many minority groups in my district as anybody here. Between the colored people and the Indians, I have a large minority vote. But I talked to them about this bill, and, with few exceptions, they told me that they preferred a voluntary program. We are making progress in my State in a voluntary way. If we ever had the misfortune of having this bill become the law of this land, every liberal man in the South who is trying to bring about better relations will be made to look silly. He will have no defense.

I want to explain to you what the amendment I have offered does. It simply does this: It sets up in the Department of Labor an agency that has the right to take cognizance of complaints of discrimination. It gives it the power to investigate the merits of those complaints. It gives it the power to make those complaints known.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. STEED] has expired.

Mr. RANKIN. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. RANKIN moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. RANKIN. Mr. Chairman, I ask unanimous consent that my time may be extended 5 minutes.

Mr. LESINSKI. Mr. Chairman, I object.

Mr. RANKIN. I was afraid of that. The gentleman does not seem to want Congress to have all the facts concerning this vicious measure.

Mr. Chairman, this FEPC bill is the most dangerous piece of communistic legislation with which this country has ever been threatened.

That demonstration of protest you heard just then came from the Reds, or fellow travelers, in the gallery, who are down here pushing this measure.

They seem to have a mandate.

The gentleman from Michigan [Mr. LESINSKI], who objected to my having an additional 5 minutes, said before the Rules Committee that this bill was not directed at the people of the South, but was directed at the people of the Northern States. That is where your trouble is going to come from. If it became a law, it will do more to demoralize industry, it will do more to discourage men who are trying to carry on the business enterprises of this Nation than anything that has ever occurred.

Oh, I know some of these gentlemen who are behind the iron curtain—that is, in New York, Massachusetts, Rhode Island, Connecticut, and New Jersey—who have this FEPC bill on their statute books, hanging like a sword of Damocles over the head of every businessman, want to force it on you people in other sections of the country.

They tried it in Ohio twice. We sent the members of the Legislature of Ohio the information and beat it both times, even though the Governor had a majority of his own party in the legislature the last time and was leading the fight for it.

In Pennsylvania, with the Governor and the majority of his own party in control when they tried to put it over on the people of Pennsylvania, we sent them the information and they defeated it in two legislatures.

In Michigan, where they are trying now to demoralize the industries of Michigan with this kind of stuff, they tried to pass it there, and the Legislature of Michigan killed it; they voted it down or voted for a referendum that they knew the court would not uphold.

In the State of Illinois they did the same thing.

In the State of Minnesota they recently tried to pass it, with all the help they could get from both these Members of the House and the other body, and the legislature killed it as dead as Hector.

They tried the same thing in Colorado last year and they killed it in the Legislature of Colorado.

They put it on the ballot in California and it lost by a clear majority in every single individual county in California.

You could not pass it in a single county in a single State of this Union if you gave the people the right to vote on it and informed them what it means, and every one of you know it.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to my colleague from Georgia.

Mr. COX. I wish to suggest to the gentleman that he not overlook the fact that the gentleman from New York [Mr. MARCANTONIO] let the cat out of the bag when he truthfully said the purpose of this bill was to overthrow white supremacy everywhere.

Mr. RANKIN. I inserted in the RECORD yesterday some of the regulations under the New York law. I do not have time to read them—but I sent to New York and got them. They have a gang of snoopers going around tantalizing the business people of New York. I do not care what they tell you. I sent and got those regulations, and I read 18 of them into the RECORD, things that you could not ask an applicant for employment; I read them into the RECORD; and those facts, when brought to the attention of the legislators in Pennsylvania, Illinois, Ohio and other States were largely responsible for killing it.

You had one here in Washington. What are you gentlemen talking about? They had one right here in the city of Washington.

Mr. TACKETT. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I cannot yield.

They had one set up here in Washington by Executive order. It was a hideous monstrosity. You Republicans helped us Democrats kill it by defeating the appropriation, because it was set up by Executive order and stacked with racial minorities. You know that. Why do you not come across now and help us bury this thing while you have a chance, and not wreck the business interests of America?

If this thing passes, and becomes law, it is going to result in driving business enterprise out of the United States; they will move into Canada; they will move into Mexico; they will move into England; they will move into Europe. If you pass this crazy measure, you will be doing the business interests of America the greatest harm you could possibly visit upon them.

Another thing, you people are always talking about the Negroes. You do not give a tinker's dam about the Negro, or you would not be baiting them this way, using the Negro as a smoke screen. The Negroes have never been treated better in all the history of mankind than they are treated in the southern States today. You are doing them infinite harm with this agitation.

The truth is that this legislation is not even intended to benefit the Negroes, and everyone of you know it.

This measure is being sponsored by a communistic element that has flooded into this country from Russia and what are now Soviet satellite states.

Many of them are outright Communists and are using this measure as one of their methods of undermining this Government and destroying the American way of life.

I pointed out a moment ago that the people in certain States in the Northeast, such as New York, Massachusetts, Connecticut, and Rhode Island, had this vicious measure imposed upon them without having an opportunity to be heard or to vote upon it. The indications are that if the supreme courts of those States ever get a chance to pass on them, these vicious laws will be declared unconstitutional.

Some time ago I read into the RECORD 18 of the regulations under the New York law, showing what you cannot ask an applicant for work under the FEPC Act in that State.

I am reinserting those remarks at this point, and I defy any Member of Congress to submit those 18 questions to the people of his district, and then get their approval for a measure of this kind.

If we were taking a secret ballot on this bill, I daresay it would not get 50 votes in this House. Members who are supporting it are praying that it will either be defeated in the House or that it will be buried in the Senate. It is useless to try to water it down with amendments. All the perfumes of Arabia would not sweeten it sufficiently to make it palatable to patriotic Americans, who know what this vicious measure means.

In order that everyone who reads this RECORD may have the full picture before him of what this communistic monstrosity would do to the American people as a whole, and how the people feel where they have had an opportunity to vote on it, or where their legislators have had an opportunity to vote on it, after being fully informed, I am inserting as a part of these remarks my speech in the House on Tuesday, February 21, including my remarks of February 13, 1947, and of July 12, 1945.

I hope every Member of this body will read them before he votes, and every Member of the other body will study them carefully, if this monstrosity ever reaches the floor at the other end of the Capitol.

In addition to reciting the regulations under the FEPC in New York, I am also showing what white Americans had to endure under the FEPC which was set up here in Washington by Executive order—until the Congress killed it by refusing to appropriate money for its maintenance.

The speech referred to reads as follows:

Mr. RANKIN. Mr. Speaker, if George Washington could come back tomorrow and see the communistic FEPC program that is being proposed on his birthday, and especially if he could look up and see that hideous distortion of the United States seal, and the American eagle, right over our heads, he would be shocked beyond measure.

The FEPC bill which is to come before the House tomorrow is the most dangerous piece of communistic legislation with which this country has ever been threatened.

If it should become a law, it would do more to drive industry out of this country than anything else that has ever been done by the Congress of the United States.

CALIFORNIA

Remember that it was referred to the people of California for a popular vote, and was defeated by a clear majority in every single individual county in the State.

Are you Members from California now going to vote to impose this hideous monstrosity on your people who have said by their votes, by more than a million majority, and by a clear majority in every single individual county in the State, that they do not want it?

PENNSYLVANIA

Are you Members from Pennsylvania going to vote to impose this monstrosity on your people after the legislature of your great State has killed it twice?

Do you want to drive industries out of Pennsylvania by harassing them with a program of this kind that could not pass the Legislature of Pennsylvania?

OHIO

Do you Members from Ohio want to force this monstrosity on your people after the legislature of your State has killed it twice?

Do you want to drive your industries to Canada, or to some other foreign country by harassing them with this monstrosity?

Remember that this is going to be an issue in every congressional district in the United States in the primaries this year.

MICHIGAN

Do you Members from Michigan want to drive your industries out of the country by imposing this monstrosity on your people, after your legislature refused to pass it?

If you were to place it on the ballot in the State of Michigan, Pennsylvania, Ohio, or any other State in the Union, and let the people vote on it, they would kill it in every county just as they did in California.

ILLINOIS

Do you Members from Illinois want to impose it on your people after your legislature has killed it as dead as Hector?

Do you want to run industries out of Illinois and across the border into Canada, or to some other foreign country?

You know, and I know, that it would not carry in a single county in Illinois, if left to a popular vote and explained to the people who would do the voting on it.

MINNESOTA

They tried to pass it through the Legislature of Minnesota last year, but when the members of the legislature of that State found out what it meant they refused to pass it.

Are you Members from Minnesota now going to impose it on your people and drive your industries across the line into a foreign country?

It would not pass in a single county in Minnesota if left to a popular vote.

COLORADO

Take the State of Colorado. They tried to pass it through the Legislature of Colorado last year and failed.

Are you Members from Colorado now going to vote to impose it on your people, when the legislature has said they do not want it, and when you know it would not pass in a single county in Colorado by a popular vote?

The same thing applies to every other State from Iowa to Maine, from North Dakota to Florida.

You cannot pass this thing in a single county in a single State in this country if left to a popular vote of the people if they are told what it means.

NEW YORK

They rammed this measure through the Legislature of New York and appointed a commission to enforce it, with the result that they have tantalized and annoyed the business people of New York beyond measure. The best thing the Legislature of New York could do would be to repeal it.

If they had left it to a vote of the people of New York, it would have been buried worse than it was in California.

And the same thing would have happened in Massachusetts, New Jersey, Connecticut, and Rhode Island.

I am inserting at this point excerpts from a speech which I made on this FEPC in New York in 1947, and am setting out 18 different questions that you cannot ask a person seeking employment in that State.

I want every Member to read them and see whether or not he would like to have these restrictions, these paralyzing restrictions, imposed upon the people of his own State.

Here are some of the things you cannot do under the law of New York:

"Unlawful employment practices before hiring anybody."

Those words are written in capitals, and here is the first unlawful practice:

"First:

" 'Inquire into the original name of the applicant for employment, whose name has been changed by court proceedings or otherwise.'

"If you inquire as to his name or what his name used to be you violate the law. You commit an unlawful practice. For instance, take this man who writes for PM, who calls himself I. F. Stone. His name was Isadore Feinstein, as Cordell Hull once pointed out. Suppose he comes to you asking for employment and you ask him that question. Then you will have committed an unlawful act.

"Second. Here is the next one:

"It would be unlawful practice to make 'inquiry into the birthplace of the applicant for employment, the birthplace of his parents, spouse, or other close relative.'

"How would you like that in Iowa, Illinois, Texas, or Nebraska? In California I know you do not like it, because you have just voted on it.

"Third. Here is the next unlawful practice:

" 'Requirement that the applicant for employment produce a birth certificate or baptismal certificate.'

"That would be an unlawful practice under this FEPC Act in New York.

"I was surprised to see Governor Dewey get his mustache in the wringer on this proposition. I do not see how he is ever going to get loose from it.

"Mr. MASON. Mr. Speaker, will the gentleman yield?

"Mr. RANKIN. I yield.

"Mr. MASON. What about this requirement during the war that every person employed in certain industries had to prove that he was born here before he could get a job?

"Mr. RANKIN. Certainly. If we had had this law all over the country then, the Japs would have had a spy at the elbow of every man in a key position; so would the Germans, and so would every other enemy country.

"I thank the gentleman from Illinois for his timely suggestion.

"Fourth. It is an unlawful practice in New York, under this law, to make 'inquiry into the religious denomination of an applicant for employment, his religious affiliations, his church, parish pastor, or religious holidays observed. Inquiry into whether an applicant for employment is an atheist.'

"Inquiry into whether an applicant for employment is an atheist is forbidden, although you may be publishing literature for the Methodist Church, the Baptist Church, or any other denomination.

"Fifth. Another thing, an applicant for employment—and I am reading from the rules laid down by this commission:

" 'An applicant for employment may not be told that this is a Catholic, Protestant, or Jewish organization.'

"In other words, if you are in the business of publishing religious literature, you cannot even give him that information under this law which the gentleman from Illinois [Mr. DIRKSEN] now proposes for the whole country, including Illinois.

"Sixth. Here is another unlawful practice:

" 'An applicant for employment may not be told that the following holidays will be observed by the firm and no others, naming the holidays; e. g., Decoration Day and July the Fourth, etc.'

"You cannot tell them under the laws, rulings, and regulations of the State of New York that they may observe the Fourth of July.

"Seventh. Here is another unlawful practice:

"An applicant for employment may not be told that employees are required to work Rosh Hashana and Yom Kippur.'

"Frankly, I did not know there were any such days until the last few years.

"Eighth. Another thing, it is an unlawful practice under this New York law to make 'inquiry into the complexion of an applicant for employment.'

"Inquire into his complexion and you are likely to get yourself tangled up with the law of the State of New York.

"Ninth. Here is another unlawful practice:

" 'Requirement that an applicant for employment annex a photograph.'

"That would be an unlawful employment practice. You are not supposed to know how he looks.

"Remember, this is not in Russia, but in New York.

"Mr. MASON. Mr. Speaker, will the gentleman yield?

"Mr. RANKIN. I yield.

"Mr. MASON. And yet the State Department, in order to grant a visa, requires a photograph of the person to be presented with his application.

"Mr. RANKIN. Certainly, and they ought to do so. Much as I respect the distinguished gentleman from Illinois [Mr. MASON], I certainly would not want to employ him unless I knew how he looked. If I had never seen him, I would certainly want to see his picture.

"Tenth. Here is another unlawful practice:

" 'Inquiry whether an applicant for employment is a naturalized or native-born citizen; the date when the applicant acquired citizenship; whether the applicant's parents or spouse are naturalized or native-born citizens of the United States; the date when such parents or spouse acquired citizenship.'

"You cannot inquire into those questions under this FEPC law in New York.

"Eleventh. Here is another unlawful practice:

" 'Requirement that an applicant for employment produce his naturalization papers or first papers.'

"He may lie to you and tell you that he is a naturalized citizen, but you cannot ask to see his papers.

"Twelfth. Another unlawful practice in New York is to 'inquire into the lineage of an applicant for employment, his ancestry, or national origin.'

"You remember a few years ago the Dallas News inserted an advertisement for a colored janitor, and this FEPC outfit down the street ordered them to take it out; said it was an unlawful practice.

"One member of this FEPC outfit here in Washington went into the office of Swift & Co. in Chicago. This FEPC man asked them: 'How many Negroes do you have on your board of directors?'

"The answer was 'None.'

"Then the FEPC man asked him: 'Why haven't you?'

"That was the FEPC down here in Washington a few years ago before it died because a few radicals could not browbeat Congress into perpetuating it.

"But it is now in force in the State of New York.

"Thirteenth. Here is another unlawful practice under the New York law:

" 'Inquiry into the location of places of business of relatives of an applicant for employment.'

"Fourteenth. It is an unlawful practice to make 'inquiry into the place of residence of the parents, spouse, or other close relatives of an applicant for employment.'

"I am reading from the records at Albany.

"Fifteenth. Here is another unlawful practice:

" 'Inquiry into the maiden name of the wife of a male applicant for employment and/or inquiry into the maiden name of the mother of a male or female applicant for employment.'

"The other day we had the Eislers down here. One of them has been shown to be representing the Comintern, according to his sister's testimony. He has a brother out in California who seems to be poisoning the public mind through the moving-picture industry. He tries to defend his brother and refers to this woman as 'my former sister.' If you wanted to employ any of them and check the name of at least one of them as given here, you could not inquire into those names at all—if you are trying to do business in the State of New York—even though one of them has a half dozen aliases. You could not even ask where they came

from or when they got here or when they changed their names.

"Sixteenth. Here is another unlawful practice in New York:

" 'Inquiry into the general military experience of an applicant for employment.'

"Seventeenth. I wish every ex-serviceman could read that, and the next one.

"Here it is: It is an unlawful practice to make 'inquiry into the whereabouts of an applicant for employment during the First World War, i. e., during the period from 1914 to 1919.'

"In other words, inquiry as to his whereabouts in the period from 1914 to 1919 is forbidden as an unlawful practice in the State of New York.

"Is that what you want in Colorado? Is that what you want in Massachusetts?

"Mr. GIFFORD. We have it.

"Mr. RANKIN. Get rid of it, and we will help you.

"Is that what you want in Kansas, in Ohio, and in other States?

"Let your States vote on it. Michigan is going to vote on it right away. If you will tell the people of Michigan the whole truth, let them know the whole truth about this monstrosity, I will guarantee you they will beat it worse than they did in California.

"Eighteenth. Here is another unlawful practice:

" 'Inquiry into the organizations of which an applicant for employment is a member, including organizations the name or character of which indicates the religion, race, or national origin of its members.'

"I presume, if they should ask me if I am a member of the Masonic Lodge, I could have them jerked up and brought before this inquisition board or probably prosecuted at various places throughout the country.

"Mr. Speaker, I am not criticizing the people of New York. I have long since learned in going from one State to another that real Americans are about the same everywhere. I believe if they had a vote on it the people of New York would beat it, just as they did in California.

"They are having a vote on it in Michigan because a little minority group has been attempting to browbeat the Legislature of Michigan into passing it. I dare say when it goes on the ballot in Michigan and the people of Michigan understand what it means they will defeat it more thoroughly than they did in California. The same thing would happen in probably every other State in the Union.

"Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield.

"Mr. RANKIN. I yield to the gentleman from Minnesota.

"Mr. AUGUST H. ANDRESEN. Will the gentleman tell us what the penalties are in New York?

"Mr. RANKIN. In addition to being harassed to death with orders and directives to cease, desist, rehire, and so forth, there is a punishment provided of 'imprisonment in a penitentiary or county jail for not more than 1 year or by fine of not more than $500, or by both.'

"Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

"Mr. RANKIN. I yield to the gentleman from Massachusetts.

"Mr. GIFFORD. I want to remind the gentleman that we have that law in Massachusetts.

"Mr. RANKIN. I was afraid of that.

"Mr. GIFFORD. I was thoroughly amazed when I looked into it; I had not learned what the rules were. But, perhaps we carried it too far. I am so sorry, and I have been, and I am not in favor of this, I can assure the gentleman.

"Mr. RANKIN. I know the gentleman is not, and I am sure the people of Massachusetts would not favor it if they had a vote on it.

"Mr. GIFFORD. Employers always inquire and must know whether you come from a respectable family or not. They are so careful. Perhaps they overdid it. But I think a man ought to be able to find out whether he came from a respectable family.

"Mr. RANKIN. There are a great many questions that should be asked, which are forbidden under this law.

"FEPC IN WASHINGTON, D. C.

"Mr. Speaker, in order to give the new Members an idea of what a mess this FEPC was here in Washington during its existence under Executive order, I insert a speech I made on this subject in 1945.

"It reads as follows:

" 'FEPC A BETRAYAL OF WHITE AMERICANS

" '(Speech of Hon. JOHN E. RANKIN, of Mississippi, in the House of Representatives, Thursday, July 12, 1945)

" 'Mr. RANKIN. Mr. Chairman, the passage of a law at this time legalizing this so-called FEPC would be a betrayal of the white people of the country. If every individual in the United States could understand just what it means, there would be such a roar of protest coming from every State in this Union that it would never see the light of day.

" 'If every Member of Congress would "screw his courage to the sticking place" and vote his convictions on this so-called FEPC, it would not get 50 votes out of the entire membership of 435.

" 'It is a most dangerous and brazen attempt to fasten upon the white people of America the worst system of control by alien or minority racial groups that has been known since the Crucifixion.

" 'When I read the names of the personnel of this outfit you will understand what I mean.

" 'To sanctify this organization by law would give the lie to everything we have told our American boys they were fighting for. Instead of coming back to liberty, freedom, and democracy, they would find themselves sold into this bondage, herded, humiliated, and regimented by alien influences directed by a foreign comintern representing the deadly doctrine of Karl Marx that is based upon hatred for Christianity and for everything that is based on Christian principles.

" 'It is a manifestation in legislative form of that infidelity that has closed thousands of Christian churches in Europe and been responsible for the murder of untold millions of Christian human beings.

" 'This measure is not directed altogether at the white people of the South. If it were, you folks in the North would not have so much ground for alarm. We in the South know how to combat subversive elements. As Henry Grady once said, "we wrested the South from such domination 'when Federal drumbeats rolled nearer and Federal bayonets hedged closer to the ballot box of the South than it ever will again in this Republic.' "

" 'But you people in the North have not had that training, and this FEPC is likely to bring grief, strife, hatred, race riots, and chaos in your northern cities if this vicious agency is perpetuated and sanctioned by your votes.

" 'Do not forget that the returning servicemen know what this thing means, and they are going to call you to account next year—beginning with the primary. They are not going to wait until the general election.

" 'Do not forget that every businessman, every farmer, every professional man, and every other independent individual whose blood glows with the instinct of American liberty, is going to join these men, and those other patriotic forces that are fighting to save American institutions for which these boys have been fighting and dying upon every battlefield in the world.

" 'If every man and every woman in the United States could just read the list of individuals that compose the personnel of this crazy FEPC, and its subdivisions throughout the country, I dare say there would not be enough of you left who vote for it, even if nominated in the primaries next year, to form a corporal's guard.

" 'For your information, and for the information of the American people generally, I am going to read you the official personnel as it exists today. Remember, this list is taken from the official record. This is the group that wants to nose into and control every business in the United States. Remember, they can search the files and records of every business establishment in America where some disgruntled individual is willing to trump up a charge of discrimination. They can drag them all over the country and try them, and in that way destroy any ordinary business concern.

" 'The next thing they are going to try to do is get control of your schools and force their communistic henchmen into the schools and teach your children their subversive doctrines.

" 'Read these lists carefully, which, as I said, are taken from the official records here in Washington, and you will see that not 1 out of 10 on these rolls is a white gentile American.

" 'Here is the official list:

" '*Committee on Fair Employment Practice, Washington, D. C., office of the chairman*

| Incumbent | Title | Race | Salary |
|---|---|---|---|
| Ross, Malcolm | Chairman | White | $8,000 |
| Johnson, George M. | Deputy Chairman. | Colored | 8,000 |
| Hubbard, Maceo | Hearings examiner. | do | 5,600 |
| Bloch, Emanuel | do | White | 5,600 |
| Copper, Evelyn | do | do | 5,600 |
| Berking, Max | Assistant to Chairman. | do | 3,800 |
| Alexander, Dorothy | Secretary to Chairman. | Colored | 2,600 |
| Clifton, J. Jeanne | Secretary to Deputy. | do | 2,000 |
| Brooks, Mary | Clerk-stenographer. | do | 1,800 |
| Banting, Myra | do | White | 1,800 |

" 'You will note that in this office of the chairman, consisting of 10 people, there are 5 Negroes and 5 white people, most of whom have foreign names. One of the whites is a stenographer who receives the smallest salary of anyone on the list.

" 'Remember that the members of this group preside over the destiny of every business enterprise in America, and are using their assumed powers to harass white Americans out of business.

" 'This is the organization Members of Congress are being asked to perpetuate by the passage of this bill.

" 'FIELD OPERATIONS

" 'Here is the Division of Field Operations:

" '*Field operations*

| Incumbent | Title | Race | Salary |
|---|---|---|---|
| Maslow, Will | Chief | White | $6,500 |
| Mitchel, Clarence | Principal fair-practice examiner. | Colored | 5,600 |
| Davidson, Eugene | do | do | 5,600 |
| Beall, W. Hayes | Senior fair-practice examiner | White | 4,600 |
| Mercer, Inez | Fair-practice examiner. | do | 3,800 |
| Rogers, Eleanor | Clerk-stenographer. | Colored | 1,800 |
| Saito, Otome | do | Japanese-American. | 1,800 |
| Thompson, Mildred | do | Colored | 1,800 |
| Cornick, Emma | do | do | 1,620 |

" 'You will note that it consists of nine people—five Negroes, one Japanese, and three others—two of whom have records of affiliations with Communist-front organizations, according to the reports of the Dies committee.

" 'Imagine this group going about over the country riding herd on the white American businessmen of the Nation, telling them whom they shall employ, whom they shall promote, and with whom they may associate.

" 'It would be interesting, and probably enlightening, to check up on these people and see how many of them are native-born Americans.

" 'Members of Congress had better do this now, before they get caught in this trap, because this question of un-American activities is going to be an issue in every congressional district next year, beginning with the primaries.

" 'The people are not going to wait until the general election for someone who holds a commission as a result of the pernicious activities of Sidney Hillman and his gang to wrap the party cloak about him and shout to the people of his district that "I am a Republican" or "I am a Democrat."

" 'More than 2,000,000 young men have already been discharged in this war, and they are organizing now to try to save America for Americans. They are going to read your records, and they are likely to ask you some very embarrassing questions when you get home.

" 'REVIEW AND ANALYSIS DIVISION

" 'Now look at this list and see who reviews all these records of racial discrimination when they come to Washington, and you will understand how the editor of the Dallas News felt and how other white gentiles feel, including Cecil B. DeMille, the great American movie producer, when they are harassed out of business.

" 'Here is the list:

" '*Review and Analysis Division*

| Incumbent | Title | Race | Salary |
|---|---|---|---|
| Davis, John A | Chief | Colored | $5,600 |
| Lawson, Marjorie | Research analyst. | do | 3,800 |
| Colightly, Cornelius. | Compliance analyst. | do | 3,200 |
| Hemphill, India | do | do | 2,600 |
| Coan, Carol | do | White | 2,600 |
| Davis, Joy P | do | Colored | 2,600 |
| Hoffman, Celia | Clerk-stenographer. | White | 1,800 |
| Spaulding, Joan | do | Colored | 1,800 |

" 'You will note that it consists of six Negroes and two white people, one of whom is named Carol Coan and the other Celia Hoffman, a white stenographer receiving the lowest salary on the list.

" 'Now, if you sign the petition to bring out this bill or vote for this monstrosity, do not forget that when you get home those white American businessmen who help to sustain this Nation in time of peace and whose sons are fighting its battles in time of war are going to want to ask you some questions that you may not be able to answer.

" 'LEGAL DIVISION

" 'But if you want a real laugh, look at this Legal Division.

" '*Legal Division*

| Incumbent | Title | Race | Salary |
|---|---|---|---|
| Reeves, Frank D | Attorney | Colored | $4,600 |
| Stickgold, Simon | do | White | 4,600 |
| Gordon, Jernevive | Clerk-stenographer. | Colored | 1,800 |

" 'You will note that this so-called Legal Division consists of two Negroes and a Simon Stickgold.

" 'INFORMATION DIVISION

" 'Now we come to the Information Division. If you want information about this outfit, write to this Division:

" '*Information Division*

| Incumbent | Title | Race | Salary |
|---|---|---|---|
| Bourne, St. Clair | Information specialist. | Colored | $3,800 |
| Whiting, Margaret | Clerk-stenographer. | do | 1,800 |

" 'You will note that it consists of two Negroes, one registered as an information specialist and the other as a clerk-stenographer.

" 'BUDGET AND ADMINISTRATION

" 'Now we come to the Budget and Administration Division. This Division not only makes up the budget but administers the regulations. Here is the list:

" '*Budget and administration*

| Incumbent | Title | Race | Salary |
|---|---|---|---|
| Jones, Theodore | Chief | Colored | $5,600 |
| Jeter, Sinclair | Assistant administrative officer. | do | 3,200 |
| Baker, Vivian D | Clerk-stenographer. | do | 2,000 |
| Jackson, Bosales A | Clerk-typist | do | 1,620 |
| Paynter, Minnie A | do | do | 1,620 |
| Hollomon, Irving | Clerk | do | 1,440 |
| Selby, Ralph R | Chief, fiscal | do | 2,600 |
| Ross, Sylvia B | Voucher auditor | do | 2,000 |
| Nelson, Otelia | Accounting clerk | do | 1,620 |
| Carpenter, Elizabeth. | do | do | 1,620 |
| Brent, Pearl T | do | do | 1,620 |

" 'This outfit, which is composed of 11 Negroes, and no whites at all, not only makes up the budget for financing this aggregation, but it seems to have the power of administration. I hope you will read this list to your white businessmen, farmers, and exservicemen at home when you get back and ask for renomination in the primaries next year.

" 'MAIL AND FILES DIVISION

" 'Now, here are the ones that have control of the mails and filing system:

" '*Mail and Files*

| Incumbent | Title | Race | Salary |
|---|---|---|---|
| Douglas, Lela | Chief, Mail and Files. | Colored | $2,000 |
| Welch, Selena | Docket clerk | do | 1,800 |
| Gamble, Jessie | File clerk | do | 1,620 |
| Phillips, Rose | do | do | 1,440 |
| Reed, Charles | Messenger | do | 1,380 |
| Mitchell, Regina | File clerk | do | 1,440 |

" 'You will note that this division is composed entirely of Negroes—six Negroes, and no whites at all. I wonder why they discriminated against the white race in setting up these two powerful branches of this most dangerous agency?

" 'REGIONAL OFFICE, NEW YORK

" 'Now, let us turn to the regional offices and see who is going to harass the business people back in the States. Here is the list for the State of New York:

" '*Regional office, New York*

| Incumbent | Title | Race | Salary |
|---|---|---|---|
| Lawson, Edward H | Regional director. | Colored | $5,600 |
| Jones, Madison S | Fair-practice examiner. | do | 3,800 |
| Jones, Robert G | do | do | 3,800 |
| Donovan, Daniel R | do | White | 3,800 |
| Irish, Miriam | Clerk-stenographer. | Colored | 2,000 |
| Asepha, Tillie | do | White | 1,620 |
| Schwartz, Sonia | do | do | 1,620 |

" 'This is the list that is going to help Governor Dewey harass the white American businessmen of the Empire State. You will note that it is composed of four Negroes and three white people. Please read the names of the three white people and see if you can figure out their antecedents.

" 'Businessmen of New York are going to have a hard time after this war without having all this communistic conglomeration to deal with, to say nothing of the one which Governor Dewey and his political henchmen have now heaped upon them.

" 'REGIONAL OFFICE, PHILADELPHIA

" 'Now, let us turn to Philadelphia, the birthplace of the Constitution—the City of Brotherly Love. At the risk of causing glorious old Benjamin Franklin to turn over in his grave, I read you the list:

" '*Regional office, Philadelphia*

| Incumbent | Title | Race | Salary |
|---|---|---|---|
| Fleming, G. James | Regional director. | Colored | $5,600 |
| Greenblatt, Mildred. | Fair-practice examiner. | White | 3,800 |
| Manly, Milo A | do | Colored | 3,800 |
| Risk, Samuel R | do | White | 3,800 |
| Grinnage, Willard | do | Colored | 3,200 |
| Gorgas, Helen | Clerk-stenographer. | do | 1,800 |
| Klinger, Karyl | do | White | 1,800 |
| Brown, Grayce | do | Colored | 1,440 |

" 'You will note that it is composed of eight individuals—five Negroes and three whites, Mildred Greenblatt, Samuel R. Risk, and Karyl Klinger.

" 'Don't you know there will be some brotherly love when that crowd gets going on the businessmen of the Philadelphia area?

" 'REGIONAL OFFICE, WASHINGTON, D. C.

" 'Now, here is the regional office in Washington, D. C., the Nation's Capital, where there has been so much persecution of white gentiles in the last few years. Here is the list:

" '*Regional office, Washington, D. C.*

| Incumbent | Title | Race | Salary |
|---|---|---|---|
| Evans, Joseph | Regional director. | Colored | $5,600 |
| Houston, Theophilus. | Fair-practice examiner. | do | 3,200 |
| Kahn, Alice | do | White | 2,600 |
| Chisolm, Ruby | Clerk-stenographer. | Colored | 1,800 |
| Urback, Dorothy | do | do | 1,620 |

" 'You will note it consists of four Negroes and Alice Kahn. Just what chance a white gentile will have with this group is entirely problematical, to say the least of it.

"'REGIONAL OFFICE, CLEVELAND

"'Now, let us move out where the West begins and take a look. Here is the list in the Cleveland regional office:

"'*Regional office, Cleveland*

| Incumbent | Title | Race | Salary |
|---|---|---|---|
| McKnight, William. | Regional director. | Colored | $4,600 |
| Abbott, Olcott R. | Fair-practice examiner. | White | 3,800 |
| Glore, Lethia | do | Colored | 3,200 |
| Kelley, Berniza | Clerk-stenographer. | do | 1,620 |
| Wasem, Edna | do | White | 1,800 |

"'You will note that this group is composed of three Negroes and two whites, Olcott R. Abbott and Edna Wasem.

"'Don't you know the white people of Cleveland will enjoy being dominated by them?

"'CINCINNATI REGIONAL OFFICE

"'Cincinnati seems to be largely under the jurisdiction of the Cleveland office since it only has two people:

"'*Cincinnati*

| Incumbent | Title | Race | Salary |
|---|---|---|---|
| James, Harold | Fair-practice examiner. | White | $4,600 |
| ---------- | Clerk-stenographer. | ---------- | 1,800 |

"'DETROIT REGIONAL OFFICE

"'Now let us move on to Detroit, Mich. Here is the regional office for Detroit:

"'*Detroit*

| Incumbent | Title | Race | Salary |
|---|---|---|---|
| Swan, Edward | Examiner in charge. | Colored | $4,600 |
| Sese, Doris K | Clerk-stenographer. | Japanese-American. | 1,620 |

"'You will note that it is composed of one Negro and one Japanese. I know the businessmen of Detroit are grateful for this consideration.

"'I should like to hear some of the comments they will make to you gentlemen from Detroit when you get home next summer, if you support this vicious measure.

"'REGIONAL OFFICE, CHICAGO

"'Here is the list of the regional office in the Windy City:

"'*Regional office, Chicago*

| Incumbent | Title | Race | Salary |
|---|---|---|---|
| Henderson, Elner | Regional director. | Colored | $5,600 |
| Gibson, Harry H. C. | Fair-practice examiner. | do | 3,800 |
| Schultz, Joy | do | White | 3,800 |
| Williams, Le Roy | do | Colored | 3,200 |
| Zeidman, Penny | Clerk-stenographer. | White | 1,800 |
| Ingram, Marguerite S. | do | Colored | 1,620 |

"'You will note it is composed of four Negroes, Joy Shultz, and Penny Zeidman. I am told that a representative of this group went into the office of Swift & Co. and asked how many Negro members they had on their board of directors. The answer was, "We have no Negro members on our board of directors." Then the question came back, "Why haven't you?" This just shows what this supergovernmental set-up is driving at. They want to communize America and destroy everything which our glorious ancestors have left us and for which our boys are now fighting and dying all over the world.

"'REGIONAL OFFICE, ATLANTA

"'Here is a list of the Atlanta office:

"'*Regional office, Atlanta*

| Incumbent | Title | Race | Salary |
|---|---|---|---|
| Dodge, Witherspoon. | Regional director. | White | $4,600 |
| Hope, John | Fair-practice examiner. | Colored | 3,800 |
| McKay, George D. | do | White | 3,200 |
| Chubb, Sally | Clerk-stenographer. | do | 2,000 |
| Ingram, Thelma | do | Colored | 1,800 |

"'You will note that it consists of two Negroes and three whites; the most important post in this office, that of examiner, is held by a Negro. I wonder how the people of Georgia enjoy the domination of this group. I may have more to say about them later.

"'REGIONAL OFFICE, KANSAS CITY

"'Here is the list of the Kansas City office:

"'*Regional office, Kansas City*

| Incumbent | Title | Race | Salary |
|---|---|---|---|
| Hoglund, Roy A. | Regional director. | White | $5,600 |
| Ormabee, Eugene | Fair-practice examiner. | do | 3,800 |
| Jones, Mildred | Clerk-stenographer. | Colored | 1,620 |
| Schlien, Helene G. | do | White | 1,620 |

"'You will note that this office force consists of three whites and one Negro. You can read the list of whites yourself and then judge how many of them really represent the people of that area.

"'ST. LOUIS REGIONAL OFFICE

"'Here is the list of the regional office at St. Louis:

"'*St. Louis*

| Incumbent | Title | Race | Salary |
|---|---|---|---|
| Theodore Brown | Examiner in charge. | Colored | $3,800 |
| Morris Levine | Examiner | White | 3,200 |
| Armatha Jackson | Clerk-stenographer. | Colored | 1,620 |

"'You will notice that it consists of two Negroes and Morris Levine. Just how they came to select these particular individuals to preside over the destiny of the white businessmen of the great State of Missouri I cannot understand.

"'REGIONAL OFFICE, DALLAS, TEX.

"'The members of the regional office at Dallas are as follows:

"'*Regional office, Dallas*

| Incumbent | Title | Race | Salary |
|---|---|---|---|
| Castenada, Carlos | Regional director. | White | $4,600 |
| (Vacancy) | Fair-practice examiner. | ---------- | 3,200 |
| Gutleben, Willetta | Clerk-stenographer. | White | 1,800 |

"'You will note there is one vacancy. Last year that position was held by a Negro, namely, Roy V. Williams. The other two members, Carlos Castenada, the regional director, and Willetta Gutleben seem to be in charge of the office at the present time. This is the regional office that attacked the Dallas News last year for carrying an advertisement for a Negro janitor. This fellow Castenada, the director, held the same position that he holds now. If this set-up is made permanent, then I presume the rest of the white American businessmen in Texas may expect to be harassed just as the Dallas News was.

"'REGIONAL OFFICE, NEW ORLEANS

"'The regional office at New Orleans consists of the following members:

"'*Regional office, New Orleans*

| Incumbent | Title | Race | Salary |
|---|---|---|---|
| Ellinger, W. Don | Regional director. | White | $3,800 |
| Morton, James H. | Fair-practice examiner. | Colored | 3,200 |
| Ronning, Evelyn | Clerk-stenographer. | White | 1,800 |

"'You will note that there are two whites and one Negro in this office. As the Negro is the fair-practice examiner, just what the decent people of Louisiana may expect at the hands of this outfit is something to contemplate.

"'REGIONAL OFFICE, SAN FRANCISCO

"'The San Francisco office consists of the following individuals:

"'*Regional office, San Francisco*

| Incumbent | Title | Race | Salary |
|---|---|---|---|
| Kingman, Harry L. | Regional director. | White | $5,600 |
| Rutledge, Edward | Fair-practice examiner. | do | 4,600 |
| Ross, Bernard | do | do | 3,800 |
| Seymour, Virginia | Administrative assistant. | do | 2,000 |
| Mazen, Jewel | Clerk-stenographer. | do | 1,800 |

"'This is the only office we have found yet that consists entirely of white (?) people. Just what the background of each one of them is I am unable to say.

"'LOS ANGELES REGIONAL OFFICE

"'The Los Angeles regional office consists of the following:

"'*Los Angeles*

| Incumbent | Title | Race | Salary |
|---|---|---|---|
| Hunt, A. Bruce | Hearings examiner. | White | $5,600 |
| Brown, Robert E. | Fair-practice examiner. | Colored | 3,600 |
| Lopez, Ignacio | do | White | 3,800 |
| Vetter, Vera G. | Clerk-stenographer. | do | 1,800 |
| Lerna, Marie | do | do | 1,620 |

"'You will note that there are four whites and one Negro in this office, the Negro being the fair-practice examiner. I do not know what consideration the white businessmen of the Los Angeles area are receiving at the hands of this group, but from what I can hear there is considerable gnashing of teeth over the situation.

"'Mr. Chairman, this FEPC is a supergovernment of commissars, with more power for evil than any other agency that has ever been created in this country. If Congress should ratify it and make it the law of the land, then we will have sacrificed and destroyed that sacred freedom for which our brave men are now fighting and dying on every battle front in the world.

"'We have no right to pass such a drastic revolutionary measure that literally changes our way of life, as well as our form of government, while these boys are away from home

in uniforms, fighting to sustain American institutions.

"'As I said before, we are going to carry this battle against such un-American activities into every congressional district in the United States next year, in the primary, so that no one can crawl behind the party cloak and claim immunity at the hands of any segment of our people.

"'This is a battle for the survival of free constitutional government, for the survival of the American way of life, for the survival of free enterprise, for the survival of American liberty itself.

"'It is a battle to save America for Americans.'"

The question is on the motion offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. RANKIN) there were—ayes 101, noes 161.

Messrs. RANKIN and WILLIAMS demanded tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. RANKIN and Mr. POWELL.

The Committee again divided; and the tellers reported there were—ayes 106, noes 163.

So the motion was rejected.

Mr. POWELL. Mr. Chairman, I ask unanimous consent that all debate on the Steed amendment and all amendments thereto close at a quarter after 10.

Mr. COLMER. I object, Mr. Chairman.

Mr. POWELL. Mr. Chairman, I move that all debate on the Steed amendment and all amendments thereto close at a quarter after 10.

The CHAIRMAN. The question is on the motion.

The question was taken; and on a division (demanded by Mr. POWELL) there were—ayes 143, noes 149.

Mr. KLEIN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. SMITH of Virginia and Mr. POWELL.

The Committee again divided; and the tellers reported there were—ayes 140, noes 167.

So the motion was rejected.

Mr. HOBBS. Mr. Chairman, I offer an amendment, which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. HOBBS: At the end of the amendment offered by Mr. STEED insert: *"Provided, however,* That nothing in the pending bill shall mean nor be construed to mean that any person who lacks the qualifications necessary to fit one to perform the duties of the job for which that person may be applying, must be employed in spite of his disqualification."

The CHAIRMAN. The gentleman from Alabama is recognized for 5 minutes.

Mr. ROGERS of Florida. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS of Florida. What is the opinion of the Chair with reference to the time for debating amendments? In other words, I have an amendment on page 1, line 9, of the Steed substitute. When will the Chair recognize me to discuss that amendment?

The CHAIRMAN. That is not a parliamentary inquiry.

The gentleman from Alabama is recognized.

Mr. HOBBS. Mr. Chairman, there are just two points that I desire, very dispassionately, to make.

The first one is that never in a single one of these so-called FEPC bills has there been stated any affirmative requirement that anyone seeking employment should have any qualifications whatsoever for the job he is seeking.

Suppose there are two stenographers applying for a job with you, will you show any discrimination between the two persons who are applying if one of them never saw a typewriter and does not know how to spell "cat," and you give the job to the other one? Is that discrimination? Suppose a man never plowed a furrow in his life and he asked for a job with you on your farm. If he does not know a plow from a niblick will you give him the job in preference to one who does know the business? Of course you will show discrimination, and you ought to; yet there is not a word in any of these bills that requires efficiency or any qualification whatsoever. My amendment simply states that you cannot force an employee on an employer unless there is some showing that the man or woman seeking employment knows something about the job.

The other point I wish to make is one which I have made repeatedly on every single one of the occasions when FEPC has been up in this House, and I have yet to have my challenge answered by anybody except the gentleman from New York [Mr. MARCANTONIO], who still insists, brilliant man that he is, that the thirteenth amendment against slavery is an answer—which, of course, is absurd, with all due respect to the gentleman. My point is that this FEPC is utterly unconstitutional, and no man can read the Hodges case in Two Hundred and Third United States Reports, page 1, and reach any other conclusion but that the Federal Government has no right to intrude into the police powers of the sovereign States. Congress has no right to regulate private employment between citizens of the States. And, whether you like it or not, you have got no more right to intrude there than you have to fix the price of butter on Mars.

That is all I wanted to say except this in reply to the gentleman who quoted so eloquently the Churches of Christ in America and their alleged deliverance. But I go to the fountainhead and call your attention to our Lord and Savior Himself who in a sermon gave us a parable about a labor dispute where several men were employed at different hours of the day. The employer's question was—and it has never yet been answered, and there is no answer to it in this bill: "Is it not lawful for me to do what I will with mine own?" That is the question that has been ringing down the ages for 2,000 years; and you cannot take my job away from me and put somebody in it whether he be qualified or not merely because of the color of his skin. That is all I have to say, and I appreciate your attention.

Mr. MARCANTONIO. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MARCANTONIO. In order to clarify the parliamentary situation, to what amendment has the gentleman from Alabama offered his amendment?

The CHAIRMAN. The amendment offered by the gentleman from Alabama was to the Steed substitute.

Mr. JACOBS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I rise to answer one particular point that has been made to the Committee. That is in reference to the application of penalties in the bill now under consideration. I have heard it stated on a number of occasions on the floor here that you can send a man to jail for violating the provisions of this bill. I did not know what the gentlemen were talking about—several of them made the statement—until finally a Member of this House came and pointed out section 14 to me. He pointed out that it provided a penalty of $500 in fines or downward or a 1-year sentence or downward.

I then realized what they were talking about. I had read that section before, of course, but I had no idea that was the one to which they referred. Therefore, I take this time to explain exactly what that section is and let us get it clear in our minds so that the Members who referred to it will know what it is. I believe they were somewhat confused. Some of them are not lawyers. I used to be a lawyer.

Section 14 provides a penalty for anyone who resists, opposes, impedes, intimidates, or interferes with a member, agent, or employee of the Commission while engaged in the performance of duties under this act or because of such performance. Then the penalty is provided.

If you will go to your general code you will find that is a very normal, ordinary provision. The Federal Code, title 18, sections 253 and 254 outlines a great number of different officers of the United States Government who are given protection against assault, interference, and so forth, while engaged in the performance of their duties. If this bill had made sections 453 and 454 applicable instead of writing a new section 14, the penalty would be 3 years imprisonment. So I want to make this clear: Section 14, which provides that penalty in essence, means that if you commit an assault against an officer who is charged with the responsibility of enforcing this act while discharging such responsibilities, then that officer as an officer of the Federal Government is afforded the protection that Federal officers are normally afforded under Federal statutes. The bill we are considering has nothing to do with the enforcement of the law itself.

The truth of the matter is, and if I had sufficient time to explain it I would go into the matter in detail, the general concept of the prohibition in this bill, the enforcement of in case of violations of that prohibition is exactly like it is in the Labor Relations Act, the general

labor act, that is on the books today. It proceeds upon a charge of violation and hearing thereon. If there is a finding of an unfair labor practice, there follows an order to cease and desist. If that order is not obeyed the enforcing agency may proceed into the courts to procure a judgment to enforce it.

The only way a man could be put in jail under this act—let us get this clear so that nobody will be confused about it—would be to resist a Federal officer; then he would be subject to a milder Federal penalty as compared with the general law that would be involved in such case, or, for him to disobey the injunction of a court after he has had a hearing before the court for failure to comply with the order to cease and desist.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HAYS of Arkansas. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask for this time in order to make some comments regarding the difference between the Steed substitute and the McConnell amendment. We are now considering the Steed substitute for the McConnell amendment. The gentleman from Oklahoma [Mr. STEED] has stated to the committee that he adopted my bill, H. R. 6668, with the exception of the title. I do not object to his title "Fair Employment Practice Act." I want to discuss the purposes of the substitute, and to distinguish between it and the McConnell measure.

I believe we have made this much headway in the consideration of the legislation, and that is that the only issue is whether or not we are to have compulsion or sanctions or shall we have a voluntary program based upon conciliation.

The gentleman from Indiana [Mr. JACOBS] enlightened us on that, because he finally stated that under the Powell bill a court could hold one in contempt, and that means a jail sentence for not obeying a cease-and-desist order. The gentleman from New York [Mr. POWELL] has stated time and again, and so have others, that enforcement powers are necessary to carry out the provisions of the FEPC bill. On the contrary, it is the philosophy of the McConnell amendment and the Steed substitute that there shall be no sanctions. The Steed substitute proceeds entirely on the basis of conciliation; that through education and mediation there shall be adopted, throughout industry, equality of opportunity. It is to promote equality, and therefore to take steps toward the American goal.

Now, the McConnell amendment, I agree, is designed to achieve the same thing, but here is the weakness in it. Section 7 provides harsh penalties for interfering with the Commission and ought to be stricken. Although Mr. MCCONNELL'S amendment proposes to eliminate the jail sentence and leave it on the fine basis, his amendment provides for investigatory powers and for subpena power. Also it proceeds on the theory that there is a quarrel, a dispute. The McConnell amendment provides for five high-powered judges. They are called Commissioners, but they operate under quasi judicial procedures. The theory is that the Commission must choose between two sides. Our bill proceeds on the other theory. It establishes a fair employment practice agency in the Department of Labor and gives a mandate to carry out the philosophy of this bill. There is danger, therefore, if we adopt the theory of mediation rather than compulsion, in setting up a commission procedure to regard the parties as antagonists, as applicants for jobs that are not accepted, or as employees that are discharged, when actually the legislation is designed to advance us through educational methods toward a desirable goal.

Now, I think the House recognizes that I have come a long way to come to this point of conceding that some legislative action ought to be taken by the House on the problem. I think there are grave reasons why we should take action. At the same time, I have made it equally clear, with these elements of compulsion incorporated, that I could not at any hazard vote for the Powell bill. But, I am extremely interested in this matter, and my measure has been offered in good faith, and the gentleman from Oklahoma has sponsored it in good faith. So, we ought to proceed consistently with this theory of mediation, leaving out all elements of compulsion. For that reason the Steed measure sets up advisory councils, National State, and local, with representatives of management, labor, and the public to advise with the Secretary in promoting equality of opportunity.

There are three principal differences between the Steed amendment and the McConnell amendment: First, a director and not a court or a commission of five. The Steed bill provides a director to be paid $15,000, the McConnell bill five men to be paid $12,00C each. You will save some money. Second, as to the investigatory powers, the Steed amendment has no investigatory powers, no subpena powers and no sanctions whatever. The McConnell bill does have them to the extent indicated. Finally by providing advisory councils the Steed substitute emphasizes conciliation rather than coercion in the promotion of job opportunities.

I was in a clinic in a southern city the other day where there are Negro technicians and other employees. I said to the doctor, "How did it happen?" He said, "I am glad to help Negro technicians and clerks. Soon after I hired some colored people I had to discharge one. Some said it was because she was colored and not because she was incompetent. If there were an agency telling me what I had to do it would have been another story." Here was good proof that voluntary methods will work. But such experiences should be passed on to others, and employers who try to help in such programs should be spared harassments from a Federal agency.

Mr. HESELTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HESELTON. Is an amendment to the Steed substitute amendment proper while the amendment offered by the gentleman from Alabama is still pending?

The CHAIRMAN. It is not. The amendment offered by the gentleman from Alabama will have to be disposed of first.

Mr. HESELTON. Further, can an amendment be offered to the amendment offered by the gentleman from Pennsylvania at this time?

The CHAIRMAN. Yes; it can.

Mr. HESELTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HESELTON: Page 11, line 19, after the word "discrimination", insert a new paragraph, as follows:

"(b) After the filing of any written complaint, the Director of the Commission shall designate one of the Commissioners to make, with the assistance of the Commission staff, prompt investigation in connection therewith, and, if such Commissioner shall determine after such investigation that probable cause exists for crediting the allegations of the complainant, he shall immediately endeavor to eliminate the unlawful employment practice complained of by conference, conciliation, and persuasion"; and renumber paragraph (b) of section 4 to read paragraph (c) of section 4.

Mr. HALE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HALE. To what amendment is the amendment of the gentleman from Massachusetts [Mr. HESELTON] being offered?

The CHAIRMAN. The gentleman from Massachusetts stated that he offered his amendment to the McConnell amendment.

Mr. RANKIN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RANKIN. Is it not a fact that amendments to that amendment are not in order until the Steed amendment is disposed of?

The CHAIRMAN. No; an amendment can be pending to each of the McConnell and Steed amendments.

Mr. RANKIN. But the Steed amendment is a substitute for the McConnell amendment; therefore, it seems to me it should be voted on before we go on to amend the McConnell amendment.

The CHAIRMAN. The two amendments may each have amendments pending to them.

Mr. MORTON. Mr. Chairman, will the gentleman yield?

Mr. HESELTON. I yield to the gentleman from Kentucky.

Mr. MORTON. The amendment was offered to page 11, and there are only 8 pages to the bill.

Mr. HESELTON. It should be changed to page 5. I am sorry for that.

I ask unanimous consent, Mr. Chairman, that the amendment be corrected to read "page 5."

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. HESELTON. I yield to the gentleman from Wisconsin.

Mr. KEEFE. I just went to the reading clerk to ascertain what amendment it was that he just read. As I understood it, it related to page 11.

The CHAIRMAN. The Chair may state to the gentleman from Wisconsin, for the purpose of clarifying the situation, that the gentleman from Massachusetts just obtained unanimous consent to change the number of the page from 11 to 5.

Mr. HESELTON. That is right.

Mr. KEEFE. Mr. Chairman, I ask unanimous consent that the amendment be reread for the information of the Committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. TACKETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TACKETT. Is there any objection to reading all of it?

The CHAIRMAN. The Clerk is about to read the amendment offered by the gentleman from Massachusetts.

Mr. TACKETT. I would like to have unanimous consent to read the whole bill again.

Mr. POWELL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will reread the amendment offered by the gentleman from Massachusetts [Mr. HESELTON].

The Clerk read as follows:

Amendment offered by Mr. HESELTON to the amendment offered by Mr. MCCONNELL: Page 5, line 19, after the word "discrimination", insert a new paragraph as follows:

"(b) After the filing of any written complaint, the Director of the Commission shall designate one of the Commissioners to make, with the assistance of the Commission staff, prompt investigation in connection therewith, and, if such Commissioner shall determine after such investigation that probable cause exists for crediting the allegations of the complainant, he shall immediately endeavor to eliminate the unlawful employment practice complained of by conference, conciliation, and persuasion", and renumber paragraph (b) of section 4 to read paragraph (c) of section 4.

Mr. HESELTON. Mr. Chairman, I apologize for any confusion that may have arisen as a result of the offering of this amendment and will explain it to you briefly. I also apologize to any who may have heard me say some 3 hours ago that I was going to offer this type of amendment to the committee bill as I am sure that the committee will accept it. I wanted to offer it to the bill filed by the gentleman from Pennsylvania because I believe he can be induced to accept it and I have been assured by the gentleman from Arkansas, who is the original author of the other bill, that he would accept it.

I am going to vote against the amendment offered by the gentleman from Arkansas and he knows it. He is one of the best men there is in the House and I pay tribute to him publicly for his sincerity and integrity in his approach to this problem.

I am going to vote against the bill offered by my colleague from Pennsylvania, and he knows it, and he accepts that in the same spirit that he has always accepted any differences of opinion between him and myself. I hope we can leave this Chamber tonight with everybody knowing we have the highest respect for each other, even though we do not agree with each other in this instance. I am offering this for a constructive purpose. If you will look at the committee bill you will find that they took verbatim the language of the Massachusetts statute which was enacted in 1946, so far as the outline of the general purposes is concerned, but for some reason unknown to me they preferred to insert language which I believe is more limited in terms of authorizing the director—not only authorizing him, but telling him that we want him to do this. We want him first to resort to conference, conciliation, and persuasion. That was because in Massachusetts the commission which came into existence in 1946 after legislative investigation of 1942, 1944, and 1945 has this to say in its first report:

It (the commission) has not chosen to conduct a punitive expedition in Massachusetts, but has preferred to steer a conservative course of educating employers and employees alike as to their responsibilities and obligations under this law.

A year later they refer to it again. They say:

From the beginning the commission has recognized that the elimination of discriminatory employment practices, based upon individual and group prejudices, can be more effectively accomplished by reason instead of force.

Finally, last November they said—and I want to call your attention to this because of the fears which have been expressed here tonight as to what would happen if we pass this bill.

On November 30, 1949, the commission reported that out of all the cases, some 562 cases, initiated and received, of which 341 were closed after investigation and conference, not a single one had required judicial review. Every one had been settled.

That is a policy that I think we can tell these newly appointed commissioners, if this matter becomes law, is our determined wish. I say to you as one who is going to vote for this bill, if the Commission maladministers this law and fails to carry out the congressional intention, I will be the first one to join in a move to abolish that Commission. I am delighted to see the gentleman from New York [Mr. POWELL] in agreement.

Listen to just this one statement:

Once more the Commission acknowledges the wisdom of the provisions of the law requiring that the first efforts to adjust complaints must be made through conference, conciliation, and persuasion. This process invites cooperation and is the antithesis of swinging the big stick.

I want no part of any swinging of any big stick or of any force.

On page 248 of the hearings you will find the testimony of the commissioner of the Massachusetts Fair Employment Practices Commission before this committee. In answer to the fear that this would drive business out of Massachusetts, let us go to the record. The Boston Chamber of Commerce was against this in 1946. In 1948 they filed a report, after 3 years of administration, and said that since the fair-employment-practice law was in effect 36 new businesses had been established in metropolitan Boston. Further than that, 58 new firms had begun construction work.

When I used to try cases I tried them on the evidence. I do not think that evidence would lead anybody to fear that if we enact this law business will be adversely affected. Every area is going to benefit.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. HESELTON] has expired.

Mr. MCCONNELL. Mr. Chairman, I ask unanimous consent that the gentleman may continue for two additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HUGH D. SCOTT, JR. Mr. Chairman, will the gentleman yield?

Mr. HESELTON. I yield.

Mr. HUGH D. SCOTT, JR. I just wanted the gentleman to yield for the purpose of calling his attention to the fact that in Philadelphia we have had a similar ordinance to the committee bill for the past 2 years. Not only has that bill worked without the necessity for resorting to any enforcement clause whatsoever, but more and more business has come into Philadelphia. There has been no difficulty whatever in the application of the ordinance. I thought the gentleman would be interested in having those facts.

Mr. HESELTON. I thank the gentleman. I think that is true also of New Jersey, New York, Connecticut, and I think it is true of every State that has this law.

Let us dispel this cloud of fear, accept our responsibility, and finish this job at once.

Mr. MCCONNELL. Mr. Chairman, will the gentleman yield?

Mr. HESELTON. I yield.

Mr. MCCONNELL. I see nothing wrong with the amendment that the gentleman has proposed.

Mr. HESELTON. I thank the gentleman.

Mr. MCCONNELL. I would like to ask the gentleman what the word "immediately" might cover. What do you understand by the word "immediately"?

Mr. HESELTON. Written complaints, under the language of the bill, ought to promptly set the agency at work to determine whether it is a valid complaint. If it is not, he ought to toss it out. If it is, he ought to go ahead and settle it.

Mr. MCCONNELL. Has it been determined what the word "immediately" means in your Massachusetts statute?

Mr. HESELTON. I do not know. I suppose it means "at once."

May I quote the language of the Massachusetts law to which I previously referred, being subsection 8, section 3, chapter 368, of the acts of 1946:

To create such advisory agencies and conciliation councils—local, regional, or Statewide—as in its judgment will aid in effectuating the purposes of this chapter, and the commission may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of race, color, religious creed, national origin, or ancestry, in order to foster, through community

effort or otherwise, good will, cooperation, and conciliation among the groups and elements of the population of the Commonwealth, and make recommendations to the commission for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the commission may recommend to the appropriate State agency. Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursement for actual and necessary traveling expenses; and the commission may make provision for technical and clerical assistance to such agencies and councils and for the expenses of such assistance.

I am delighted that the committee bill provides for these agencies "in order to foster, through community effort or otherwise, good will, cooperation, and conciliation among the groups and elements of the population of the Commonwealth." As I stated, the committee bill wisely incorporates that recommendation.

Having referred to the testimony of Mr. Elwood S. McKenney, commissioner, Massachusetts Fair Employment Practice Commission, at page 248 of the hearings, let me quote portions of that testimony as evidence which I think is pertinent and convincing. I do not know Mr. McKenney personally but I know him by reputation. I am told by our colleague, the gentleman from Massachusetts [Mr. HERTER], that he is one of the persons primarily responsible for the great success of the law in Massachusetts who has an excellent background for practical advice to us:

In 1942, 1944, and 1945 investigations were made by the legislative committees in Massachusetts with respect to the extent of employment discrimination in the Commonwealth of Massachusetts. Those investigations revealed, as late as the one in 1945, that there was without doubt considerable discrimination in utilities, most manufacturing concerns, retail stores, and other places of business.

* * * * *

I would like to examine our experience in the 3 years of this law in Massachusetts. Prior to the enactment of the statute in Massachusetts the representatives of industry said that the passage of FEPC legislation would create such a burden upon employers that the most damaging effect it would have would be to drive business out of the State. Well, the 1948 report of the Boston Chamber of Commerce speaks for itself. That report said that during 1948, the third year that the fair-employment-practice law was in effect, 86 new business organizations had been established in metropolitan Boston, and, further than that, 58 existing firms had begun new construction at a cost of $300,000,000.

* * * * *

It is also significant that after 2½ years of FEPC in Massachusetts, the Associated Industries in Massachusetts and the Boston Chamber of Commerce both issued statements that although they were not in favor of the law as a matter of principle, they were satisfied legislation of that type could be administered without causing a burden upon industry.

* * * * *

In Massachusetts there were many, many businessmen, and there still are, who are not in favor of the principle of FEPC legislation, but because it is the law we have considerable evidence that they have given voluntary compliance to it.

* * * * *

There is little doubt that the experience in Massachusets, New York, New Jersey, and Connecticut has convinced the legislatures, industries, and the people in these States that the FEPC can be effective.

* * * * *

From the beginning of its administration in the fall of 1946, the Massachusetts Fair Employment Practice Commission has processed over 500 complaints of economic discrimination involving business organizations employing over 400,000 persons.

* * * * *

I think a Federal act, provided the persons who administer it are chosen intelligently, can be administered just as well as the acts in the States of Massachusetts and New York.

Let me emphasize that, for I think it is the very heart of the success of the Massachusetts act as Mr. McKenney asserts and you will note he also makes the same reference to the New York administration.

I cannot say too emphatically that if the persons who may be named and will have the responsibility of administering this law learn from the experience in Massachusetts, New York, Connecticut, and other States and apply that experience, there is every reason to believe that no one will be injured but that all will be benefited.

I realize that the debate no longer seems to be of any great importance here in Washington in determining congressional intent. I regret that that has too frequently been the case in construing a law in our courts. However, I do state with all the emphasis at my command that I want you to vote affirmatively on these amendments if, and only if, you want them to be construed by the Commission and by the courts as a legislative mandate which must be recognized and applied, and cannot, under any circumstances, irrespective of the personnel of the Commission, be distorted or disregarded. Please be assured that while I feel keenly this is the proper approach, I prefer that you vote against the amendments if you want to give this Commission any more inclusive power or if you want to give them any reason to believe that this amendment does not mean exactly what it says.

This should not be a punitive venture in the United States nor should it give any person named to this Commission any shadow of authority to engage in a club-swinging effort. I repeat that, if any do, I am entirely confident a great many of those who tonight or tomorrow morning work for this bill will work endlessly and successfully to abolish that Commission at the earliest possible date on the ground of their complete disregard of the purposes and intent of this law as clearly stated in the House version.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. BRYSON. Mr. Chairman, I move to strike out the last word.

Mr. COLMER. Will the gentleman yield for a parliamentary inquiry?

Mr. BRYSON. I yield briefly.

Mr. COLMER. As I understand it, before any other amendment can be offered to either of the pending amendments, the pending amendment to the amendment will have to be disposed of?

The CHAIRMAN. That is correct.

Mr. COLMER. I would like to ask further when those questions will be put.

The CHAIRMAN. Of course, the Chair does not know how many Members will endeavor to speak for or against the several amendments.

Mr. BRYSON. Mr. Chairman, we are not surprised that our colleague from New York, Mr. VITO MARCANTONIO, continues to insist upon the enactment of legislation designed to set up a permanent so-called Fair Employment Practice Commission. In the squabble between the present Democratic and Republican leadership for first honors in this fight, it should not be forgotten that neither of the great political parties can rightfully claim to be the father of the child.

Those of us who have served through the years with the gentleman from New York know of his strange ideas and philosophy. It will be remembered that as we prepared our sons for World War II, the gentleman from New York [Mr. MARCANTONIO] did not vote for a penny to defend this country or to equip our boys until after Germany invaded Russia.

The ideas embodied in this proposed legislation, the Fair Employment Practice Commission Act, were conceived and born in Russia.

The first government position ever held by Joseph Stalin was in 1917, commissar of minority nationalities. Surely the membership of this House would not intentionally follow the leadership of the gentleman from New York [Mr. MARCANTONIO] or Mr. Stalin.

Mr. Chairman, legislation providing for the establishment of a permanent Fair Employment Practice Commission carries the blessings of the President. Both of the great parties have pledged themselves to the enactment of this iniquitous un-American philosophy. Representatives from each of the great political parties stand where I now stand, in the well of the House, and call upon Congress for the enactment of this legislation. Frankly, I seriously doubt the sincerity of the leadership of either of the two great parties or the President in advocating the legislation. It is a strange paradox to find the President himself apparently is unwilling to be bound by the provisions of this proposed law.

Imagine our surprise and consternation when the President, confronted with a practical application of the measure, repudiated it in colorful language and in no uncertain terms. The incident made front page news all over the Nation; but it is improbable that many noted a connection between the President's plainly stated attitude and this section of his civil rights program.

A radio and newspaper columnist demanded that President Truman dismiss his military aide, in view of the latter's alleged connections with certain influence peddlers in Washington. To this demand, the President made this classic answer, "No one"—exact epithet deleted—"tells me who to hire and fire."

This incident reminds us of the ancient adage concerning whose ox is gored. An attempt to dictate to the President on matters of employment pertaining to his personal staff aroused his ire. Yet he

urges Congress to pass a law which provides—and I quote—that "the right to employment without discrimination because of race, color, religion, or national origin is a right of all persons within the jurisdiction of the United States."

Should this measure become law, employment and promotion based on merit would be superseded by Government decree. The seeds of dissension would be sown among the workers. Each would look upon the others with suspicion and distrust. No average American worker could feel secure. This effort, purporting to secure recognition for minority groups, actually gives employment of members of such groups a preference; and once employed, the member of the minority group is given extraordinary protection against discharge or dismissal. In a measure which has "fair" as part of its title, I can imagine nothing more unfair and discriminatory against the average worker than this bill which threatens the employer with dire retribution should he raise a finger against one of these sacrosanct minorities.

Let us assume a situation under the law. A plant has occasion to lay off several employees. Minority groups represent about 20 percent of the factory's personnel. To avoid the delays, costs, and possible punishment of being called before the Commission on charges of discrimination, it is much simpler to let the Americans go even if they were better workmen than those who could claim discrimination. The effect of this action on the efficiency of the plant and the lowering of morale and productivity of the workers can readily be seen.

The proposed act provides for the issuance of rules and regulations by a commission, which is lawmaking by the executive branch of the Government under authority delegated by Congress. But since Congress obviously has no power to take the action proposed in the bill, Congress has no power to delegate to a rule-making body.

The State of New York has a fair-employment statute which gives an indication of the type of restrictions a Federal commission might introduce. Ponder this: You cannot mention color or religion in advertising for employees. You cannot ask for the photograph of an applicant. You cannot inquire as to his birthplace, his original name, or what holidays he celebrates. The rights of free speech and free opinion would receive an awful drubbing from such a regulatory body.

A further aspect of the proposed legislation which has been generally overlooked is the welcome offered to subversive groups by the measure. Since the bill also applies to the Federal Government and its multitudinous instrumentalities, as well as to private business, such agencies as the Atomic Energy Commission is forbidden under the law from asking an applicant where he was born, whether he is a naturalized or native-born citizen, what his race is, or even what his original name might be. He may not be asked to show his naturalization or first papers. He cannot be questioned as to membership in racial or religious organizations. The successful search for disloyal Federal employees is difficult enough now, even with an elaborate program of loyalty checks. The proposed law would make the task far harder by prohibiting simple inquiries that might throw light on a subversive background. That such an open door to saboteurs is considered at all seriously by the Nation's lawmakers is incomprehensible.

Now let us examine the constitutionality of the bill. The Constitution's Bill of Rights enumerates certain natural rights which Congress shall not abridge. Included in the first of the ten amendments are those of freedom of speech, freedom of religion, freedom of the press and freedom of assembly. The ninth amendment makes clear that other rights than these do exist and that they are retained by the people. The tenth amendment expressly limits the powers of the Federal Government to those delegated to it by the Constitution, and reserves all other powers to the States or to the people.

This measure violates the first amendment by abridging freedom of speech, freedom of religion and freedom of association. It violates the fifth amendment by denying an essential liberty of a free people through arbitrary restraints on freedom of association in business, in schools, and in labor organizations; by denying liberty of contract in attempting to compel employers to hire undesired persons and to deny employment to desired persons; by denying to a minority of those operating private enterprises the same liberty of contract and the same freedom of association which are preserved for the majority. This violates the constitutional guaranty of "equal protection of the laws" implicit in the fifth amendment. It violates the sixth amendment by denying trial by jury. It violates the ninth amendment by proposing that Congress usurp rights retained by the people. It violates the tenth amendment because Congress would assume a power reserved for the States. And it violates the thirteenth amendment by imposing an involuntary servitude upon certain employers.

If such a Federal law, with its many flagrant violations of the Bill of Rights, can be enacted and held constitutional, the American people may as well kiss their sacred rights farewell. This measure is the entering wedge. Under it there is no constitutional protection against laws which first deprive employers of their rights, as is attempted in this measure, then deprive employees of their rights, as is partially attempted in this measure, and finally deprive all persons of their rights previously regarded as permanently preserved and safeguarded by the guaranties of individual liberty set forth in the Constitution of the United States.

Under the Constitution there has been no question of the right of an individual to establish himself in legitimate business and to select his employees according to his own standards without interference or hindrance. Personal freedom of contract is a fundamental of our free-enterprise system. It is the American conception of individual freedom.

But should this measure become law, liberty of contract is violated because it possesses the power of compelling contracts. The entire field of employer-employee relations would be invaded. With every act of an employer or his subordinates in hiring, discharging, promoting, or otherwise regulating employment subject to complaint and investigation on the grounds of alleged discrimination, the plight of business under such circumstances would be lamentable.

Menaced by a commission with wide powers of rule-making, investigation, and issuance of cease-and-desist orders, orderly plant management and efficient production would disappear under a torrent of inquiries and investigations that would arise to harass business. The small-business man, already overburdened, would find himself buried under an avalanche of new regulations, investigations, hearings, and litigation far beyond his time, his energy, or his cash reserves.

To declare that legislation of this sort is necessary to protect the rights of minorities is to use communistic language. There are no minorities in the American way of life. There are only Americans. This is not a country of majorities or minorities—it is a country of individuals who possess inalienable rights under the Constitution of the United States. One of the most deplorable tendencies of modern political science is the growing disposition to legislate in behalf of classes. Every American citizen has recourse to the courts when any of his real rights are denied. No American worthy of his citizenship has any need of legislative Pablum which nourishes him at the expense of self-sustaining fellow citizens.

To violate the rights of the individual is to violate the Constitution. It is as simple as that. That is the way it must be considered and ruled upon. No person has any special rights simply because he is a member of a minority. And no person has any of the fictitious rights outlined in this ridiculous piece of legislation.

The proposal to establish a Fair Employment Practice Commission under a Federal statute is not an assault on the South alone. It is equally dangerous to all industry in our great free country. As I have stated, evidently the President does not believe in it himself, no matter how much he protests, for in his own words he has said that he does not believe that anyone has a right to tell him whom to hire and whom to fire. And I believe a principle that is wrong when applied to the President is wrong when applied to the average American businessman. I call upon you, my colleagues, to defeat this measure without delay so we can go on with essential national business.

Mr. COLMER. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, we all recognize the parliamentary situation here is a bit confused by the number of amendments pending and, of course, we have to take this sort of as a catch-as-catch-can proposition.

I am going to send an amendment to the Clerk's desk and at the proper time we are going to get a vote on it. We may not have further opportunity to discuss it. But if you will hear me for a minute, in my opinion, there will not be a vote against this amendment, certainly not more than one or two.

I pointed out to the committee on last Wednesday a fact that I do not think anybody can dispute, that this is a political matter purely and simply. I am bringing something close home to you in this amendment and that is the defense of our country. You may be agreeable to playing politics on this question of the color of a person's skin or where he came from or something of that sort, but you will not play politics with this. I have enough confidence in all of you to say that.

This is an amendment to the Steed amendment:

Page 1, line 12, after the words "labor organization", insert: "*Provided, however,* That it shall not constitute discrimination under this act for a contractor for the Atomic Energy Commission to refuse to employ aliens."

There is nothing in this bill or in any of these amendments that will protect the Atomic Energy Commission or your country. As a matter of fact, as these bills are now written, the Atomic Energy Commission could not discriminate against an enemy alien so far as employment is concerned in this vital matter that affects not only the safety of this country but the safety of the civilized world.

When the amendment comes to a vote I am going to ask your consideration and your vote upon the amendment. Mr. Chairman, it is one thing to play politics here on the eve of an election. I pointed that out to you last Wednesday. That is why this matter was deferred until this time so that under the lash of your primaries and your general elections in this approching fall you would have to yield to the organized minorities.

In the half minute I have remaining, I want to just give you this to think about on that political aspect, because the chances are I will not have another opportunity. This country today is being ruled and run by organized minorities. I call your attention to the fact that the great mass of the unorganized in this country is greater in all of its power than the organized minorities, and when you are considering the political implications of this thing you better think about the question of the unorganized masses. Some day—and it is the only answer that I know to this question, and not only this question but other questions that are leading us down the road to totalitarianism—the unorganized masses will organize in opposition to the organized minorities.

Mr. JACOBS. Mr. Chairman, I move to strike out the last two words.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. Briefly.

Mr. HOLIFIELD. I would just like to correct the statement that the gentleman from Mississippi made in regard to atomic energy employment. The Atomic Energy Commission at this time has special legislation which makes it possible for them to employ or discharge any employee of that Commission without cause and without explanation.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Tennessee.

Mr. GORE. At Oak Ridge, Tenn., the gaseous diffusion plant which manufactures and separates fissionable material, such as uranium 235, is operated by a contractor, the Carbon & Carbide Corp., which would be subject to the provisions of this bill.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Mississippi.

Mr. COLMER. Is it not also true that up until this legislation is enacted, if it should be, that everybody has a right to fire or hire whom they please, but this legislation would supersede it?

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. I think the gentleman a few moments ago voted to shut off debate at a certain time. I understand the gentleman has now spoken twice.

Mr. JACOBS. That is not correct.

Mr. HOFFMAN of Michigan. I have seen him on the floor twice. Maybe he was not talking.

Mr. JACOBS. Well, I say I did not vote to shut off debate. If the gentleman was interested and had had his eyes open, he would have known it.

Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. JACOBS. Mr. Chairman, I have been a Member of this body for 14 months and sat with this body for approximately 12 months. I have never taken it upon myself at any time to question the motive of any Member because of any position that he took. I have grown a little weary of certain Members, and to be brutally frank, the Member that just left the well of this House, getting up before this House and imputing political chicanery to those Members who disagree with him. I say to the Member, I surrender my patriotism to no one, including the gentleman, and yet I favor this legislation. I favor enforcement clauses. The gentleman favored them also in the Taft-Hartley law and asked that they be enforced against John L. Lewis. The Member who is addressing you today requested the President of the United States to invoke the Taft-Hartley law in the present emergency, although I disagreed with the emergency procedure. But at least I am consistent. I do not take one position one time, and another another. I do not know whether it will make any votes in my district to support this measure or not. There are more white people in my district than there are Negroes. I do not know whether the gentleman from Mississippi judges me by his own motives or not.

There are more white people in his State that vote than there are Negroes. I am getting a little tired of this Holy Willie prayer down here in this well. You recall Bobbie Burns' Holy Willie, who thanked the Lord in a congratulatory vein that he, Holy Willie, was not wicked like his neighbors. I have friends from below the Mason and Dixon's line and I respect every one of them, and I have reason to believe that many of my friends below the Mason and Dixon's line respect me. But I say to you that there are people who come down here and talk about the other fellow having political motives. They remind me of the old fable of the three peas in the pod who saw that the walls of the pod were green; and so they thought the whole, wide world was green. Now let us quit this Holy Willie prayer business and get down and consider the legislation itself.

Mr. Chairman, I say again that I surrender my patriotism to no man, but I also say that I believe that one of the great historic documents of our country, the Declaration of Independence, when it said that everyone is entitled to life, liberty, and the pursuit of happiness, laid down the great American proposition. Some of you may think that is radical. If you do, read the article, The Greatest Opportunity on Earth, that was published in the glamour magazine of business, Fortune, in October of 1949, in which it is graphically illustrated how the right to life is meaningless to a man who lives in a metropolitan area and who cannot get work, because if he cannot get work he cannot get money, and if he cannot get money he cannot eat. If he cannot eat he cannot live. The right to life in order to be of some meaning to that man must mean the right to work.

While I am talking about the right to work, do you observe that the gentlemen who talked here so much about the right to work about a year ago when labor legislation was being considered do not seem to be so much interested in the right to work today. At least, I think we should be consistent.

Mr. TACKETT. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Arkansas.

Mr. TACKETT. I respect the gentleman, for I noticed that during the labor debates and the other debates had on the floor of the House he has always been eminently fair even to those who oppose him. May I ask the gentleman whether or not he believes that this Congress should enforce against the rest of the people of this country that which they will not impose upon themselves? How many Members of this Congress that are proponents of this legislation are working Negro employees in their own offices?

Mr. POWELL. That is one reason why we have this provision exempting businesses that employ less than 50 people.

Mr. TACKETT. In order to take care of the Congressmen.

Mr. JACOBS. I can answer for myself. I took over my predecessor's experienced staff and I have maintained it.

Let me say this in closing: The gentleman from California [Mr. JACKSON] made a point of the fact that there would be certain rights of a majority that would be violated. The very thesis of the American Government is that there are some rights a minority enjoys that no majority can take away. I believe the right to work in an industrial, interdependent economy is one of those rights. I do not believe the minorities can enjoy those rights without legislation of this type. One hundred and forty-nine million people against 1,000,000 cannot tell me how to worship God in this country. I believe that the right of a man to have a job and to work is one of those inalienable rights of the American citizen.

The American Government, under its Constitution as amended pursuant to emancipation guarantees such rights.

I favor this legislation as a practical implementation of that right.

The nature of those who oppose it is theirs; it rests in the crucible of their own consciences, as does my motive.

I cannot see their motives, so I do not impugn them; I see no reason why they should be less gracious to me and anyone who agrees with me.

Mr. KEEFE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I wonder if you feel this evening as I do? Well, if you do, you must have a great feeling of frustration in your heart. There have been many speeches made in the well of the House preaching the spirit of tolerance and brotherhood and of the right of people to earn their daily bread and their right to jobs and to work. There is not a person in this Chamber who will not wholeheartedly subscribe to that thesis. I recall, and I am not an eminent theologian, that the most tolerant man that ever walked in human flesh on the face of this earth was born into a world torn by intolerance and injustice. Jesus, the Nazarene, Son of God, came into this world preaching a doctrine, if you please, a spiritual doctrine that has lasted over 2,000 years. His ministry has been carried forward all these years, a doctrine of tolerance, of faith, of decency, of brotherhood, of justice. And what do we see in the world today? The forces of hate, the forces of intolerance, the forces of injustice, the forces of greed and avarice and the forces of antichrist and antigod marching on all over the world. What is the answer to the situation? The answer here today is the FEPC—they say. Two thousand years of Christian effort trying to put into the hearts and souls of the people of the world the spirit of brotherhood of tolerance of charity and justice has failed to eliminate discrimination and intolerance and to establish here the true brotherhood of man. I confess that I have grave doubts that the proposed bill will achieve that result.

Now, I would ask the chairman of this committee a question with respect to this specific bill. I ask it honestly. I do not see him on the floor. I mean the gentleman from New York [Mr. POWELL] the gentleman in charge of the bill. He himself said that it was a very fair and a very decent question and it ought to be answered. I would like to get the answer to the question. The question is this: How are you going to deal with the fellow employees who practice discrimination? There is nothing that will deal even remotely with this problem in the present bill.

Let me illustrate. An employer hires an individual who is not accepted by his fellow employees. The employer has not practiced discrimination, yet the employee referred to is treated so badly by his fellows that he is forced to quit. The only provision of the pending bill which even remotely touches that question is found in subsection 5 of subsection (g) of section 6. I have studied it and conclude that this provision is utterly ineffective to deal with this problem.

What is the "other remedial action" that is referred to in that section? Will the gentleman from New York answer that question, please?

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. KEEFE] has expired.

Mr. KEEFE. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes in order that I may receive an answer to that question.

Mr. LESINSKI. Mr. Chairman, I object.

Mr. KEEFE. I ask the gentleman from New York [Mr. POWELL] in his own time to give me a decent answer to that question. I am sure he will do it.

Mr. HOFFMAN of Michigan. Mr. Chairman, I offer a preferential motion, which is at the Clerk's desk.

The Clerk read as follows:

Mr. HOFFMAN of Michigan moves that the Committee do now rise and report the pending bill back to the House with the recommendation that the enacting clause be stricken.

Mr. MARCANTONIO. Mr. Chairman, a point of order. We have had one preferential motion. The Committee has voted on it. There has been no change in the bill, and therefore this motion is not in order.

The CHAIRMAN. The gentleman from New York is correct.

Mr. SUTTON. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for five additional minutes.

Mr. POWELL. Mr. Chairman, I object.

Mr. SUTTON. I expected that objection. I impugn the motives of no Member of this Congress. I realize that this is a political situation that we are in now. No one can doubt the patriotism of the speaker who is now addressing you. As the highest decorated Member of this Congress, no one can doubt my patriotism. But I realize, as I speak here this evening, that I am speaking to deaf ears. I am speaking to Members that have to play politics. I am not playing politics. I am speaking from the heart. I realize that those fellows north of the Mason and Dixon's line have to vote for FEPC through political obligations. I realize that those fellows south of the Mason and Dixon's line speak their convictions when they say they are against FEPC, and I am one of those.

Mr. Chairman, I would gladly leave this up to the votes of the populace of the States throughout the 48 States, not only to the volunteer State of Tennessee but to the State of Massachusetts, the State of Maine, the State of New York, or any other State, for those States to vote how they feel on FEPC.

I am firmly convinced, Mr. Chairman, that should the population of those States vote, there would not be a State in the United States that would vote for FEPC.

I have a picture here that I would like to show to this House. It is a picture of a boy who is the brother to a sister who works for my wife back in Tennessee. This boy I hope will attend college in Tennessee. I will help him out because I believe in education and not legislation in connection with FEPC. This boy does not believe in FEPC. He believes in education. The entire family of this colored boy is one of the most devout Christian families and one of the greatest believers in God in the State of Tennessee. This boy does not want FEPC in the State of Tennessee. He is completely happy with the situation in Tennessee, because we are giving him the same educational privileges that we of white origin have in Tennessee. We will give him a fair trial should be come to a court of justice. His entire family is happy with the situation there. I would like to show you the picture of this boy back in my home town of Lawrenceburg, Tenn.

I challenge any man in this House to show me a man who is happier than this boy in this picture. It is the picture of a boy, a Negro who is eating a watermelon. If you will show me a man in the United States who is happier than this boy I will buy you the best suit of clothes there is in Washington, D. C.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. SUTTON. I cannot yield at this time. I regret I have but 5 minutes. I tried to get more but I knew the gentleman who objected would object. I am sorry for I would like to yield to the gentleman from Michigan.

I hope this bill is defeated because it is against the best interest of the American people, not only in the South but throughout the United States of America.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. LECOMPTE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this House has been in session nearly 24 hours. If we had an electric voting device I think we could have saved 4 hours' time since 12 o'clock noon today. We have used up at least 4 hours in taking at least eight or nine roll calls. These roll calls and quorum calls could have been accomplished in a few minutes or a few seconds by an electric voting machine. The facilities of this House are really obsolete, in my opinion, in that we do not have an electric voting device. Many legislative bodies, including the General Assembly of Iowa, now have electric voting equipment. I realize that a great many of the Members feel that it would be difficult to keep up with their office work and at the same time have an electric voting device, but I believe they would save so much time on the floor that they could take

care of their correspondence without any difficulty and actually expedite the transaction of business in the House.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. LECOMPTE. Very briefly.

Mr. RIVERS. Along with the electric voting device will we get an electric car to travel from our office over here?

Mr. LECOMPTE. I imagine that young folks like the gentleman from South Carolina will not want an electric car.

Mr. RIVERS. I am trying to take care of my brother.

Mr. LECOMPTE. I cannot yield further unless I can get more time.

Mr. Chairman, as I approach this question I am having more difficulty than I have experienced on any measure that has come before the House in the 11 years I have served in this body. I respect the sincerity of purpose of every Member of this House. I believe that every Member on both sides of this question have approached it seriously, conscientiously, and in an effort to reach a fair and honest conclusion. My own feeling in the matter is that in spite of what may be said and after I have heard the debate all afternoon and evening—and the clock is approaching midnight—I cannot escape the conclusion that the ultimate objective of this kind of legislation is to compel the man in the small institution like a small grocery store, a small law office, a small print shop, a small bakery, a small barber shop, the proprietor who pay the wages to say to him: "You have got to hire the man whom the Commission says is qualified under rules laid down by the Commission," regardless of the fact that he may not fit into the job in your small town and your small institution.

I cannot escape the conclusion that the ultimate objective of this legislation is to force employers to hire men and women who do not fit into their institutions. I realize that the gentleman from New York has said correctly that the bill does not apply to institutions employing less than 50 people, that it does not apply to institutions that are doing a wholly intrastate business, that it does not apply to family institutions or religious institutions; but I believe it is an opening wedge that will ultimately lead to the control, regulation, and regimentation of every small-business institution in the United States, and that the employer will find that he is curbed and controlled by rules and regulations laid down by a commission here in Washington.

I would go as far as any man in this House to do something for the underprivileged. I would walk from here to Iowa to help those who are in distress and need help. I have a very good friend who graduated from the State University of Iowa with me 40 years ago, a very intelligent Negro, who immediately on leaving college went to Mississippi and established a college for the underprivileged people of his race down in the deep South, known as the Piney Wood School of Mississippi. I refer to my friend Lawrence Jones. Some of the Representatives from Mississippi may know about the Piney Wood School. I know very little about it except that my friend Lawrence Jones has put in 40 years laboring to improve the conditions of the people of his race in the South. He has accomplished a great deal, although he has not had anything like enough support to accomplish as much as he would desire. I have the confidence of this man to the extent that he asked me to investigate an offer of several thousand acres of land to be donated to his school in return for a rather elaborate annuity for the man who gave it. I investigated the offer and had to recommend that the offer be rejected because I feared the title to the land was in great doubt and a great deal of time and expense would be required in litigation, and perhaps the case would be lost in the end. At this late hour I hope the House may adjourn or recess, because I believe Members are in no frame of mind to legislate carefully and wisely after 12 long hours of wrangling.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. LECOMPTE. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. POWELL. Mr. Chairman, I object.

Mr. ANDREWS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I have two letters I would like to read in connection with certain matters that have been discussed here today.

The first came on January 21, 1950, from the Church of the Immaculate Conception, Washington, D. C., and is signed by Joseph E. Gedra, and reads as follows:

CHURCH OF THE
IMMACULATE CONCEPTION,
*Washington, D. C., January 21, 1950.*

The Honorable GEORGE W. ANDREWS,
*The House of Representatives,*
*Washington, D. C.*

DEAR MR. ANDREWS: It is only because of the far-reaching and bewildering effect, I truthfully believe, the passage of the FEPC bill will have upon the fundamental structure of our society, that I write to ask you kindly to consider these few important facts before casting a favorable vote:

1. Cries of antiracial, antisemitism, anti-Catholic, etc., will skyrocket beyond calculation. Then, to prove all alleged charges will mean jamming our courts, with the resultant confusion.

2. Such a bill is contrary to the God-given gift of selectivity. For instance, we select our food, literature, forms of entertainment, friends, etc. People should exercise that right with regard to employees. There are abuses, of course. But the right which a person enjoys from above will be so smoke-screened if the FEPC bill is passed that one will lose sight of this right.

3. Forced consideration, by pressure groups, of one's race, religion, nationality, rather than his qualifications will undermine our national set-up.

There appear to be some advantages in this bill. For instance, Catholics may see in this bill a way paved for a Catholic to become President of the United States. But apart from this the bill can inflame the emotions of our people, making them supersensitive to their color, race, and religion. Herein lies the grave danger. That something should be done, everyone agrees; but I believe the solution of this acute problem will not be found in the FEPC.

With every best wish, I am,

Very sincerely yours,

JOSEPH E. GEDRA.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Arkansas.

Mr. HARRIS. Mr. Chairman, the gentleman from New York made a statement in his opening remarks that this bill had the support of Catholic and other religious organizations. The gentleman now addressing the Committee is reading a letter which gives very definite information that the gentleman from New York and the committee did not give to this Committee when he said this bill had the support of the Catholic denomination.

Mr. ANDREWS. I thank the gentleman.

I submit, Mr. Chairman, this is a forthright and logical conclusion to be drawn about this bill.

The second letter that I would like to read came to me recently from a colored man, Davis Lee, publisher of the Telegram Newspapers of Newark, N. J.

THE TELEGRAM NEWSPAPERS,
*Newark, N. J.*

Congressman GEORGE W. ANDREWS,
*House Office Building,*
*Washington, D. C.*

DEAR CONGRESSMAN: For the past several months I have been a "lone Negro voice crying in the wilderness" in an effort to paint a true word picture editorially of the fine race relations existing in the South between Negroes and whites, hoping that through my efforts the advocates of civil rights, from the President down, would discover the ultimate harm which will result.

However, it is now apparent that certain groups in this Nation have succeeded in pushing the administration so far out on the civil-rights limb until nothing can prevent a showdown on this ill-timed proposal.

You have read my views which were inserted in the CONGRESSIONAL RECORD by the distinguished Senator from Virginia, Hon. HARRY F. BYRD, and you no doubt have read some excerpts in your local papers.

As a Negro, naturally I want to see my race enjoy ever right, every privilege, and every opportunity enjoyed by every other American, but I am convinced by experience and keen observation that he is acquiring these privileges, opportunities, and rights as he is capable of utilizing them, and that to enact such drastic legislation now would precipitate the very thing which we are seeking to avoid, racial conflict. The only real, sensible, and practical solution to this race problem is a broad educational program.

It might be possible to convince the advocates of civil rights that the Negroes and whites in the South are making rapid progress in finding a workable solution to the so-called race problems, and should be left alone. This might be accomplished by comparing the progress, wealth, and achievements of the southern Negro with that if his northern counterpart. Concrete examples of southern racial cooperation and good will should be extensively publicized.

In the past northern Negro newspapers have lambasted southern Representatives in Congress without cause or provocation. However, starting next week the Telegram Newspapers will begin a series of articles on the Senators and Congressmen from the South and their contributions to Negro progress. This assignment will be handled by me personally. I trust that I shall be able to see you during my visit there. Won't you kindly let me know if this be possible?

Yours truly,

TELEGRAM NEWSPAPERS,
DAVIS LEE, *Publisher.*

Mr. Chairman, this bill is, in my opinion unconstitutional and very definitely un-American. If enacted into law you will see a huge Government agency spring up overnight. The cost of the operation of such agency will be staggering and will be borne by the taxpayers. The cost would be at least a half-million dollars. A Commission of five members will receive $17,500 each for the four members and $20,000 for the Chairman of the proposed Commission.

The budget of the United States Government should be balanced. Creating new and expensive Government agencies is no way to balance the budget.

The opposition to this bill should not be confined to the South. It should come from Americans everywhere, North, East, West, and South.

If this bill becomes law it might well be the last straw that will break the back of free enterprise in America—that system which has meant so much to so many and made America the greatest Nation on earth.

Mr. HOFFMAN of Michigan. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the very able and distinguished gentleman and lawyer from Indiana [Mr. JACOBS]—and I hope he is on the floor—will the gentleman come down in front—held forth a few moments ago, very eloquently and very convincingly, upon his sincerity and his consistency, and I do not challenge him as to either—I concede he is both sincere and consistent, but I am forced to question slightly, very slightly, his recollection. Did not the gentleman, who convinced us that we should not deprive a man of his right to work, oppose the Taft-Hartley Act? Just yes or no.

Mr. JACOBS. I do not know of any law that requires me to answer yes or no.

Mr. HOFFMAN of Michigan. Did the gentleman vote for the Taft-Hartley Act or did he not?

Mr. JACOBS. I was not in Congress when it was passed, and the gentleman knows it.

Mr. HOFFMAN of Michigan. All right. Did not the gentleman oppose the Wood bill? Did the gentleman support the Lesinski bill? He was here then, when it was offered.

Mr. JACOBS. Yes, and there were some amendments that I offered myself.

Mr. HOFFMAN of Michigan. That is all right.

Mr. JACOBS. The gentleman does not want the answer?

Mr. HOFFMAN of Michigan. The gentleman has answered today. He has had plenty of time. He spoke twice from the well here the last time at length and persuasively on the right to work. That was the gentleman's text. He asserted repeatedly and with great force that no man should be deprived of his right to work. The Lesinski bill, which he supported, had it been adopted, would have deprived a man of his right to work unless he joined the union. Where, I say to the gentleman, is your consistency? Where was your support for the right to work when you voted against the Wood bill for the Lesinski bill?

Mr. BARDEN. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JACOBS. Mr. Chairman, will the gentleman yield to me for one observation?

Mr. BARDEN. No, please. I am afraid the gentleman will get me mixed up with himself and the gentleman from Michigan. I do not want to get mixed up in that. I know the gentleman from Indiana and I am very fond of him. He is very sincere in his work on legislative matters. But I am not going to be a party to carrying on that discussion.

Mr. Chairman, there have been a lot of things said here on the floor that I guess might just as well have been left unsaid. I happen to be one who for many years has been interested in improving race relations in the State of North Carolina. I do not think anyone in this House or anywhere else would say that we have not done an excellent job in North Carolina. I have been in some tough school fights. Fights for both the colored and white schools in North Carolina, at a time when it was pretty tough going, but it has paid off. It has paid off marvelously well.

Before we begin to name too many folks as discriminators, I suppose there are 435 discriminators in this House. We are discriminating in our taste, we are discriminating in our choice of clothes, we discriminate when we employ our office personnel, and we will continue to do it. We are not going to pass any law that will interfere with that right. The Democrats discriminate against the Republicans when they are in office, and I can tell you that the Republicans discriminate against us when they get in office. We are not going to solve all the troubles of the earth by passing this kind of bill.

I think it would be well to think for a moment while you are discussing the Negro race that they have many things to be proud of and the other people of this country have many things to be proud of, because the Negroes have traveled further and made more progress economically, socially, and educationally in 75 years than any racial group on earth. They did it by working together. And by working with those who desired to help them and this country.

Now that we think we have about reached the point where we can be proud of our accomplishments in America, here comes an ambitious group of headline hunters who want to jump up now and pass an FEPC bill and say, "We are responsible for it all."

I once heard of an old Bancroft's barnyard rooster who every morning just before the sun came up would rise up on his roost, flap his wings, and let go a mighty crow. Then, in a few minutes after the sun came up, he would strut around the barnyard among the hens and say, "Tut, tut. See what I did?" Now who is it appearing upon the scene that is waiting to say, "Now see what we did?" I am not so sure that even if you succeed you are going to be proud of your accomplishments. I am not so sure that those of you who have been so interested in the closed shops are not going to bring about confusion, conflict, and disturbance with your closed shops and with your contracts. So far as my own State is concerned, I know you are wrong. There is not a man in this House who has spent more time working with the colored people of North Carolina than I have. I am pleased to say that they respect me and I respect them. They are my friends, and I am theirs. I do not have to go any further than the author of this bill, who knows of my interest in them and who knows that when it comes to educational matters we never have a moment's conflict over taking care of them. But right now we are dealing with a matter which is inflammatory. It is dangerous. To some it may be just a political move. But to others it is a most serious question on which we have very strong, sincere, well-founded convictions. I for one do not want my Government telling me who I must employ, for that same philosophy might go so far as to say who I must work for whether I liked it or not. In either instance it is such an invasion of individual rights as to be inconsistent with and repulsive to our American way of life. I say to you in all seriousness that those of you who now are urging this come from sections of the country that have not dealt with this problem and did not deal with it when it was really bad and tough. Where were you back yonder when we were having all the trouble in lifting ourselves up by our own bootstraps? I hope we can get along without this thing which I believe will be bad for the American people.

Mr. JACKSON of California. Mr. Chairman, in view of the fact that there seems to be some thought here that the people of California do not know what they are doing when they go to the polls, I ask unanimous consent to insert in the RECORD at this point the county by county vote in the State of California on the fair-employment practice issue.

Mr. POWELL. Mr. Chairman, a point of order. The gentleman would have to do that in the House.

The CHAIRMAN. The Chair understands that it is a compilation made by the gentleman.

Is there objection to the request of the gentleman from California?

There was no objection.

(The matter referred to is as follows:)

*Constitutional amendments and initiative measures*

| Counties | Fair Employment Practices Act—Initiative: Declares State policy that all persons have the right of equal opportunity to secure employment. To effect such policy makes it unlawful to refuse to hire, to discharge, or to discriminate in conditions of employment against any person because of race, religion, color, national origin or ancestry. Establishes a commission to prevent such unlawful practices by conciliation or order and by education. Provides for judicial review of commission's orders. Appropriates sum for commission | |
|---|---|---|
| | Yes | No |
| Alameda | 64,252 | 131,961 |
| Alpine | 26 | 36 |
| Amador | 529 | 1,387 |
| Butte | 3,211 | 7,629 |
| Calaveras | 500 | 1,542 |
| Colusa | 560 | 1,742 |
| Contra Costa | 17,869 | 28,527 |
| Del Norte | 575 | 853 |
| El Dorado | 883 | 2,464 |
| Fresno | 13,428 | 33,193 |
| Glenn | 614 | 2,218 |
| Humboldt | 4,322 | 7,504 |
| Imperial | 1,579 | 4,556 |
| Inyo | 667 | 1,342 |
| Kern | 7,075 | 23,669 |
| Kings | 1,594 | 4,939 |
| Lake | 692 | 1,969 |
| Lassen | 1,119 | 1,876 |
| Los Angeles | 294,938 | 758,641 |
| Madera | 1,218 | 3,519 |
| Marin | 5,443 | 13,618 |
| Mariposa | 416 | 774 |
| Mendocino | 2,022 | 4,069 |
| Merced | 2,488 | 6,604 |
| Modoc | 393 | 1,118 |
| Mono | 114 | 269 |
| Monterey | 4,217 | 14,389 |
| Napa | 2,318 | 7,001 |
| Nevada | 1,471 | 3,836 |
| Orange | 9,508 | 40,580 |
| Placer | 2,566 | 5,857 |
| Plumas | 1,093 | 1,786 |
| Riverside | 7,396 | 25,424 |
| Sacramento | 15,539 | 37,006 |
| San Benito | 768 | 2,172 |
| San Bernardino | 13,274 | 41,725 |
| San Diego | 31,961 | 83,006 |
| San Francisco | 69,651 | 141,956 |
| San Joaquin | 7,989 | 25,985 |
| San Luis Obispo | 3,150 | 7,532 |
| San Mateo | 12,964 | 32,291 |
| Santa Barbara | 5,804 | 14,880 |
| Santa Clara | 18,093 | 41,616 |
| Santa Cruz | 3,971 | 11,269 |
| Shasta | 2,120 | 4,069 |
| Sierra | 217 | 399 |
| Siskiyou | 2,047 | 4,252 |
| Solano | 6,517 | 13,802 |
| Sonoma | 6,202 | 13,578 |
| Stanislaus | 4,902 | 14,210 |
| Sutter | 891 | 3,222 |
| Tehama | 840 | 2,450 |
| Trinity | 486 | 805 |
| Tulare | 4,538 | 16,807 |
| Tuolumne | 1,112 | 2,273 |
| Ventura | 4,785 | 14,410 |
| Yolo | 1,606 | 5,085 |
| Yuba | 1,174 | 2,954 |
| Total | 675,697 | 1,682,646 |

Mr. TABER. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I have heard a great deal of discussion here this afternoon about this bill and the reasons why one should be for it, because certain other folks are for it. For me it is not a question of who is for it. It is not a question of politics. It is a question of what is the right thing to do. Unless the House comes to that conclusion and looks the situation squarely in the face, I fear the results of the action that may be taken.

On page 2, in the last full paragraph on that page of the committee's report, there is an indication that 83,000,000 of the population of the United States, better than 55 percent, are being discriminated against. For my own part I have not been able to find cases where there was that discrimination. I believe that the incentive which the employer has to see that a good job is done inspires him to hire the very best people who present themselves to him for employment. I do not believe it is possible to create a commission of tinhorn politicians who will, without knowing anything about the problems that that employer has to face, be able to tell him whom he shall employ, what he shall pay them, when and how he shall promote them.

I believe if we undertake to do that kind of thing, ultimately we will destroy everything in the nature of private industry and private employment of our people, and revert to a socialistic state and the inefficiencies that go with it.

It was my privilege in 1947 to go to Europe. In Germany there was put on for our edification the most magnificent military drill that I have ever seen, by a colored company, trained by colored officers, and capable of performing with precision every movement that was required for that drill. That indicates what those people can do in a free economy, with a free opportunity and the right of those people to be judged on their merits. The minute you get to the point where an employee is not to be judged on his merits and what he is ready to produce, that minute you destroy the initiative of the American people, and you are telling him that he has got to deal in some underhanded way if he is going to procure advancement and a better way of life in the world.

I do not believe that we need fear the straightforward consideration of this bill. I hope that the Congress of the United States will meet it on its merits and say "No."

The CHAIRMAN. The time of the gentleman from New York [Mr. TABER] has expired.

Mr. SHAFER. Mr. Chairman, I offer a preferential motion. I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Michigan [Mr. SHAFER].

Mr. POWELL. Mr. Chairman, a parliamentary inquiry. Has any business been transacted in connection with the bill?

The CHAIRMAN. That is immaterial. The motion is in order at this time.

The question was taken; and on a division (demanded by Mr. SHAFER) there were—ayes 142, noes 164.

Mr. SHAFER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. SHAFER and Mr. POWELL.

The Committee again divided, and tellers reported that there were—ayes 172, noes 165.

So the motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 4453) to prohibit discrimination in employment because of race, color, religion, or national origin, had come to no resolution thereon.

Mr. SMITH of Virginia. Mr. Speaker, I move that the House do now adjourn.

Mr. MARCANTONIO and Mr. BIEMILLER demanded the yeas and nays.

Mr. HARRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARRIS. As I understand, the roll call now is on the motion to adjourn.

The SPEAKER. That is correct.

Mr. HARRIS. If the motion to adjourn is not agreed to, then what will be the parliamentary situation?

The SPEAKER. It will be Calendar Wednesday business.

Mr. HARRIS. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HARRIS. Do we automatically then go back into Committee?

The SPEAKER. If the gentleman from Michigan calls the bill up again, yes.

The yeas and nays were ordered.

The question was taken; and there were—yeas 165, nays 239, answered "present" 1, not voting 26, as follows:

[Roll No. 61]

YEAS—165

| | | |
|---|---|---|
| Abbitt | Fernandez | Peterson |
| Abernethy | Fisher | Phillips, Calif. |
| Albert | Frazier | Pickett |
| Allen, Ill. | Fugate | Plumley |
| Andersen, H. Carl | Gary | Poage |
| | Gathings | Preston |
| Andresen, August H. | Gore | Priest |
| | Gossett | Rains |
| Andrews | Grant | Rankin |
| Barden | Gregory | Redden |
| Bates | Hagen | Reed, Ill. |
| Battle | Hale | Reed, N. Y. |
| Beckworth | Hardy | Regan |
| Bennett, Fla. | Hare | Rich |
| Bennett, Mich. | Harris | Richards |
| Bentsen | Harrison | Rivers |
| Boggs, La. | Hays, Ark. | Rogers, Fla. |
| Bolton, Md. | Hébert | Sanborn |
| Bonner | Herlong | Shafer |
| Boykin | Hill | Short |
| Bramblett | Hobbs | Sikes |
| Brooks | Hoffman, Mich. | Simpson, Ill. |
| Brown, Ga. | Hope | Simpson, Pa. |
| Brown, Ohio | Jenison | Sims |
| Bryson | Jenkins | Smathers |
| Burleson | Jennings | Smith, Kans. |
| Burton | Jensen | Smith, Va. |
| Camp | Jones, Ala. | Stanley |
| Cannon | Jones, N. C. | Steed |
| Carlyle | Kerr | Stigler |
| Chelf | Kilburn | Sutton |
| Chiperfield | Kilday | Taber |
| Christopher | Lanham | Tackett |
| Church | Larcade | Teague |
| Clevenger | LeCompte | Thomas |
| Cole, N. Y. | Lucas | Thompson |
| Colmer | Lyle | Thornberry |
| Combs | McMillan, S. C. | Towe |
| Cooley | Magee | Trimble |
| Cooper | Mahon | Underwood |
| Cox | Meyer | Velde |
| Crawford | Michener | Vinson |
| Curtis | Miles | Vursell |
| Davis, Ga. | Miller, Nebr. | Weichel |
| Davis, Tenn. | Mills | Wheeler |
| Deane | Monroney | Whitten |
| DeGraffenried | Morris | Whittington |
| D'Ewart | Morrison | Wickersham |
| Dolliver | Murdock | Williams |
| Dondero | Murray, Tenn. | Willis |
| Doughton | Nicholson | Wilson, Okla. |
| Durham | Norrell | Wilson, Tex. |
| Elliott | O'Hara, Minn. | Winstead |
| Engle, Calif. | Pace | Wood |
| Evins | Passman | Worley |
| Fellows | Patten | |

NAYS—239

| | | |
|---|---|---|
| Addonizio | Hall, | Morgan |
| Allen, Calif. | Edwin Arthur | Morton |
| Anderson, Calif. | Hall, | Moulder |
| Angell | Leonard W. | Multer |
| Aspinall | Halleck | Murphy |
| Auchincloss | Hand | Murray, Wis. |
| Bailey | Hart | Nelson |
| Baring | Harvey | Nixon |
| Barrett, Pa. | Havenner | Noland |
| Barrett, Wyo. | Hays, Ohio | Norton |
| Beall | Heffernan | O'Brien, Ill. |
| Biemiller | Heller | O'Brien, Mich. |
| Bishop | Herter | O'Hara, Ill. |
| Blackney | Heselton | O'Konski |
| Blatnik | Hinshaw | O'Neill |
| Boggs, Del. | Hoeven | O'Sullivan |
| Bolling | Hoffman, Ill. | O'Toole |
| Bolton, Ohio | Holifield | Patterson |
| Bosone | Holmes | Perkins |
| Breen | Horan | Pfeifer, |
| Buchanan | Howell | Joseph L. |
| Buckley, Ill. | Huber | Pfeiffer, |
| Buckley, N. Y. | Hull | William L. |
| Burdick | Irving | Philbin |
| Burke | Jackson, Calif. | Phillips, Tenn. |
| Burnside | Jackson, Wash. | Polk |
| Byrne, N. Y. | Jacobs | Potter |
| Byrnes, Wis. | James | Poulson |
| Canfield | Javits | Powell |
| Carnahan | Johnson | Price |
| Carroll | Jonas | Quinn |
| Case, N. J. | Judd | Rabaut |
| Case, S. Dak. | Karst | Ramsay |
| Cavalcante | Karsten | Rees |
| Celler | Kean | Rhodes |
| Chesney | Kearney | Ribicoff |
| Chudoff | Kearns | Riehlman |
| Clemente | Keating | Rodino |
| Cole, Kans. | Kee | Rogers, Mass. |
| Corbett | Keefe | Rooney |
| Cotton | Kelley, Pa. | Roosevelt |
| Coudert | Kelly, N. Y. | Sabath |
| Crook | Kennedy | Sadlak |
| Crosser | Keogh | St. George |
| Cunningham | King | Sasscer |
| Dague | Kirwan | Saylor |
| Davenport | Klein | Scott, Hardie |
| Davis, Wis. | Kruse | Scott, |
| Dawson | Kunkel | Hugh D., Jr. |
| Delaney | Lane | Scrivner |
| Denton | Latham | Scudder |
| Dingell | LeFevre | Secrest |
| Dollinger | Lemke | Shelley |
| Donohue | Lesinski | Sheppard |
| Douglas | Lichtenwalter | Staggers |
| Doyle | Lind | Stefan |
| Eberharter | Linehan | Stockman |
| Ellsworth | Lodge | Sullivan |
| Elston | Lovre | Talle |
| Engel, Mich. | Lynch | Tauriello |
| Fallon | McCarthy | Taylor |
| Feighan | McConnell | Tollefson |
| Fenton | McCormack | Vorys |
| Flood | McCulloch | Wagner |
| Fogarty | McDonough | Walsh |
| Forand | McGrath | Walter |
| Ford | McGregor | Welch |
| Fulton | McGuire | Werdel |
| Furcolo | McKinnon | White, Calif. |
| Gamble | McMillen, Ill. | White, Idaho |
| Garmatz | McSweeney | Widnall |
| Gavin | Mack, Ill. | Wier |
| Golden | Mack, Wash. | Wigglesworth |
| Goodwin | Madden | Wilson, Ind. |
| Gordon | Mansfield | Withrow |
| Gorski | Marcantonio | Wolverton |
| Graham | Marsalis | Woodhouse |
| Granahan | Martin, Iowa | Yates |
| Granger | Merrow | Young |
| Green | Miller, Calif. | Zablocki |
| Gross | Miller, Md. | |
| Gwinn | Mitchell | |

ANSWERED "PRESENT"—1

Martin, Mass.

NOT VOTING—26

| | | |
|---|---|---|
| Allen, La. | Harden | Smith, Ohio |
| Arends | Hedrick | Smith, Wis. |
| Brehm | Jones, Mo. | Spence |
| Bulwinkle | Macy | Van Zandt |
| Chatham | Marshall | Wadsworth |
| Davies, N. Y. | Mason | Whitaker |
| Eaton | Norblad | Wolcott |
| Gillette | Patman | Woodruff |
| Gilmer | Sadowski | |

So the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Gilmer for, with Mr. Van Zandt against.

Mr. Jones of Missouri for, with Mr. Davies of New York against.

Mr. Allen of Louisiana for, with Mr. Sadowski against.

Mr. Whitaker for, with Mr. Gillette against.

Mr. Arends for, with Mr. Hedrick against.

Mr. Macy for, with Mr. Wolcott against.

Mr. Chatham for, with Mr. Brehm against.

Mr. Wadsworth for, with Mr. Martin of Massachusetts against.

Mr. Smith of Wisconsin for, with Mr. Spence against.

Until further notice:

Mr. Patman with Mr. Mason.

Mr. Marshall with Mr. Norblad.

Mr. Bulwinkle with Mr. Eaton.

Messrs. HINSHAW and JOHNSON changed their vote from "yea" to "nay."

Mr. MARTIN of Massachusetts. Mr. Speaker, has the gentleman from New York, Mr. WADSWORTH, been taken care of by a pair?

The SPEAKER. He has not.

Mr. MARTIN of Massachusetts. Mr. Speaker, I voted "nay." I withdraw my vote and vote "present" and may say that if I were permitted to vote I would vote "nay." The gentleman from New York, Mr. WADSWORTH, would have voted to adjourn if present and voting.

The result of the vote was announced as above recorded.

Mr. LESINSKI. Mr. Speaker, by direction of the Committee on Education and Labor I call up the bill H. R. 4453.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

Mr. SMITH of Virginia. Mr. Speaker, I raise the question of consideration of the bill.

The SPEAKER. The question is, Will the House consider the bill?

Mr. SMITH of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 271, nays 133, not voting 27, as follows:

[Roll No. 62]

YEAS—271

| | | |
|---|---|---|
| Addonizio | Case, N. J. | Fenton |
| Allen, Calif. | Case, S. Dak. | Flood |
| Andersen, H. Carl | Cavalcante | Fogarty |
| Anderson, Calif. | Celler | Forand |
| Andresen, August H. | Chesney | Ford |
| Angell | Chiperfield | Fulton |
| Aspinall | Christopher | Furcolo |
| Auchincloss | Chudoff | Gamble |
| Bailey | Church | Garmatz |
| Baring | Clemente | Gavin |
| Barrett, Pa. | Cole, Kans. | Golden |
| Barrett, Wyo. | Corbett | Goodwin |
| Beall | Cotton | Gordon |
| Bennett, Mich. | Coudert | Gorski |
| Biemiller | Crawford | Graham |
| Bishop | Crook | Granahan |
| Blackney | Crosser | Granger |
| Blatnik | Cunningham | Green |
| Boggs, Del. | Dague | Gross |
| Bolling | Davenport | Gwinn |
| Bolton, Ohio | Davis, Wis. | Hagen |
| Bosone | Dawson | Hall, |
| Breen | Delaney | Edwin Arthur |
| Brown, Ohio | Denton | Hall, |
| Buchanan | D'Ewart | Leonard W. |
| Buckley, Ill. | Dingell | Halleck |
| Buckley, N. Y. | Dollinger | Hand |
| Burdick | Dolliver | Hart |
| Burke | Dondero | Harvey |
| Burnside | Donohue | Havenner |
| Byrne, N. Y. | Douglas | Hays, Ohio |
| Byrnes, Wis. | Doyle | Heffernan |
| Canfield | Eberharter | Heller |
| Cannon | Ellsworth | Herter |
| Carnahan | Elston | Heselton |
| Carroll | Engel, Mich. | Hill |
| | Fallon | Hinshaw |
| | Feighan | Hoeven |
| | | Hoffman, Ill. |
| | | Holifield |
| | | Holmes |
| | | Hope |
| | | Horan |
| | | Howell |
| | | Huber |
| | | Hull |
| | | Irving |
| | | Jackson, Calif. |
| | | Jackson, Wash. |
| | | Jacobs |
| | | James |
| | | Javits |
| | | Jenison |
| | | Jenkins |
| | | Jensen |
| | | Johnson |
| | | Jonas |
| | | Judd |
| | | Karst |
| | | Karsten |
| | | Kean |
| | | Kearney |
| | | Kearns |
| | | Keating |
| | | Kee |
| | | Keefe |
| | | Kelley, Pa. |
| | | Kelly, N. Y. |
| | | Kennedy |
| | | Keogh |
| | | King |
| | | Kirwan |
| | | Klein |
| | | Kruse |
| | | Kunkel |
| | | Lane |
| | | Latham |
| | | LeCompte |
| | | LeFevre |
| | | Lemke |
| | | Lesinski |
| | | Lichtenwalter |
| | | Lind |
| | | Linehan |
| | | Lodge |
| | | Lovre |
| | | Lynch |
| | | McCarthy |
| | | McConnell |
| | | McCormack |
| | | McCulloch |
| | | McDonough |
| | | McGrath |
| | | McGregor |
| | | McGuire |
| | | McKinnon |
| | | McMillen, Ill. |
| | | McSweeney |
| | | Mack, Ill. |
| | | Mack, Wash. |
| | | Madden |
| | | Mansfield |
| | | Marcantonio |
| | | Marsalis |
| | | Martin, Iowa |
| | | Martin, Mass. |
| | | Merrow |
| | | Michener |
| | | Miller, Calif. |
| | | Miller, Md. |
| | | Miller, Nebr. |
| | | Mitchell |
| | | Monroney |
| | | Morgan |
| | | Morris |
| | | Morton |
| | | Moulder |
| | | Multer |
| | | Murphy |
| | | Murray, Wis. |
| | | Nelson |
| | | Nixon |
| | | Noland |
| | | Norton |
| | | O'Brien, Ill. |
| | | O'Brien, Mich. |
| | | O'Hara, Ill. |
| | | O'Hara, Minn. |
| | | O'Konski |
| | | O'Neill |
| | | O'Sullivan |
| | | O'Toole |
| | | Patten |
| | | Patterson |
| | | Perkins |
| | | Pfeifer, Joseph L. |
| | | Pfeiffer, William L. |
| | | Philbin |
| | | Phillips, Tenn. |
| | | Plumley |
| | | Polk |
| | | Potter |
| | | Poulson |
| | | Powell |
| | | Price |
| | | Quinn |
| | | Rabaut |
| | | Ramsay |
| | | Rees |
| | | Rhodes |
| | | Ribicoff |
| | | Riehlman |
| | | Rodino |
| | | Rogers, Mass. |
| | | Rooney |
| | | Roosevelt |
| | | Sabath |
| | | Sadlak |
| | | St. George |
| | | Sanborn |
| | | Sasscer |
| | | Saylor |
| | | Scott, Hardie |
| | | Scott, Hugh D., Jr. |
| | | Scrivner |
| | | Scudder |
| | | Secrest |
| | | Shelley |
| | | Sheppard |
| | | Staggers |
| | | Steed |
| | | Stefan |
| | | Stockman |
| | | Sullivan |
| | | Talle |
| | | Tauriello |
| | | Taylor |
| | | Tollefson |
| | | Vorys |
| | | Vursell |
| | | Wagner |
| | | Walsh |
| | | Walter |
| | | Welchel |
| | | Welch |
| | | Werdel |
| | | White, Calif. |
| | | White, Idaho |
| | | Wickersham |
| | | Widnall |
| | | Wier |
| | | Wigglesworth |
| | | Wilson, Ind. |
| | | Withrow |
| | | Wolverton |
| | | Woodhouse |
| | | Yates |
| | | Young |
| | | Zablocki |

NAYS—133

| | | |
|---|---|---|
| Abbitt | Gary | Rains |
| Abernethy | Gathings | Rankin |
| Albert | Gore | Redden |
| Allen, Ill. | Gossett | Reed, Ill. |
| Andrews | Grant | Reed, N. Y. |
| Barden | Gregory | Regan |
| Bates | Hale | Rich |
| Battle | Hardy | Richards |
| Beckworth | Hare | Rivers |
| Bennett, Fla. | Harris | Rogers, Fla. |
| Bentsen | Harrison | Shafer |
| Boggs, La. | Hays, Ark. | Short |
| Bolton, Md. | Hébert | Sikes |
| Bonner | Herlong | Simpson, Ill. |
| Boykin | Hobbs | Simpson, Pa. |
| Bramblett | Hoffman, Mich. | Sims |
| Brooks | Jennings | Smathers |
| Brown, Ga. | Jones, Ala. | Smith, Kans. |
| Bryson | Jones, N. C. | Smith, Va. |
| Burleson | Kerr | Stanley |
| Burton | Kilburn | Stigler |
| Camp | Kilday | Sutton |
| Carlyle | Lanham | Taber |
| Chelf | Larcade | Tackett |
| Clevenger | Lucas | Teague |
| Cole, N. Y. | Lyle | Thomas |
| Colmer | McMillan, S. C. | Thompson |
| Combs | Magee | Thornberry |
| Cooley | Mahon | Towe |
| Cooper | Meyer | Trimble |
| Cox | Miles | Underwood |
| Curtis | Mills | Velde |
| Davis, Ga. | Morrison | Vinson |
| Davis, Tenn. | Murdock | Wheeler |
| Deane | Murray, Tenn. | Whitten |
| DeGraffenried | Nicholson | Whittington |
| Doughton | Norrell | Williams |
| Durham | Pace | Willis |
| Elliott | Passman | Wilson, Okla. |
| Evins | Peterson | Wilson, Tex. |
| Fellows | Phillips, Calif. | Winstead |
| Fernandez | Pickett | Wood |
| Fisher | Poage | Worley |
| Frazier | Preston | |
| Fugate | Priest | |

NOT VOTING—27

| | | |
|---|---|---|
| Allen, La. | Gilmer | Sadowski |
| Arends | Harden | Smith, Ohio |
| Brehm | Hedrick | Smith, Wis. |
| Bulwinkle | Jones, Mo. | Spence |
| Chatham | Macy | Van Zandt |
| Davies, N. Y. | Marshall | Wadsworth |
| Eaton | Mason | Whitaker |
| Engle, Calif. | Norblad | Wolcott |
| Gillette | Patman | Woodruff |

So the House agreed to consider the bill.

The Clerk announced the following pairs:

On this vote:

Mr. Van Zandt for, with Mr. Gilmer against.

Mr. Davies of New York for, with Mr. Jones of Missouri against.

Mr. Sadowski for, with Mr. Allen of Louisiana against.

Mr. Gillette for, with Mr. Whitaker against.

Mr. Hedrick for, with Mr. Arends against.

Mr. Wolcott for, with Mr. Macy against.

Mr. Brehm for, with Mr. Wadsworth against.

Until further notice:

Mr. Chatham with Mr. Mason.

Mr. Spence with Mr. Norblad.

Mr. Marshall with Mr. Woodruff.

Mr. Patman with Mr. Smith of Wisconsin.

Mr. Engel of California with Mrs. Harden.

Mr. Bulwinkle with Mr. Eaton.

Mr. RICHARDS changed his vote from "aye" to "no."

Mrs. ROGERS of Massachusetts and Mr. CORBETT changed their votes from "no" to "aye."

The result of the vote was announced as above recorded.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the State of the Union for the consideration of the bill.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 4453) to prohibit discrimination in employment because of race, color, religion, or national origin, with Mr. WALTER in the chair.

The Clerk read the title of the bill.

Mr. McCORMACK. Mr. Chairman, in order to see if we can arrive at an agreement as to time on the McConnell amendment and all amendments thereto, I ask unanimous consent that debate on the McConnell amendment and all amendments thereto close at quarter of 2.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. WILLIAMS. Mr. Chairman, I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. HESELTON].

Mr. HESELTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HESELTON. Is this the amendment that followed the amendment offered by the gentleman from Alabama?

The CHAIRMAN. This is the amendment that the gentleman from Massachusetts offered to the amendment offered by the gentleman from Pennsylvania [Mr. McCONNELL].

The question is on the amendment to the amendment.

The question was taken; and on a division (demanded by Mr. HESELTON) there were—ayes 186, noes 54.

So the amendment was agreed to.

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent that all debate on the McConnell amendment and all amendments thereto close at 2:30 a. m.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. WILSON of Texas. Mr. Chairman, I object.

Mr. McCORMACK. Mr. Chairman, I move that all debate on the McConnell amendment and all amendments thereto close at 2:30 a. m.

The CHAIRMAN. The question is on the motion offered by the gentleman from Massachusetts.

Mr. McCORMACK. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. McCORMACK and Mr. SHAFER.

The Committee divided; and the tellers reported that there were—ayes 192, noes 64.

So the motion was agreed to.

Mr. POWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. POWELL. What is the situation now? Will the Chair kindly state what is before the House now?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. Mr. Chairman, I ask unanimous consent that my amendment be again reported.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Hobbs amendment was again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken; and on a division (demanded by Mr. JAVITS) there were—ayes 178, noes 81.

So the amendment was agreed to.

Mr. COLMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLMER to the Steed amendment: On page 1, line 12, after "labor organizations", insert *"Provided, however,* That it shall not constitute discrimination under this act for a contractor for the Atomic Energy Commission to refuse to employ aliens."

Mr. COLMER. Mr. Chairman, this is the amendment about which I spoke to you a moment ago. It involves the security of this country as it may be affected by the employment of aliens in the production of atomic energy and atomic bombs. I am not going to take up your time since limitation has been placed upon debate, and others will want to speak. I ask for an affirmative vote on this amendment.

I call your attention to the fact that in spite of what the gentleman from California said, and regardless of what the present law may be, this law would supersede any existing law. If I am in error about that, and I do not think I am, then let us play on the safe side.

Mr. JAVITS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JAVITS. Mr. Chairman, is the Chair disposed to divide the time in view of the fact that it has been limited, and to announce the Members who will be recognized?

The CHAIRMAN. In view of the fact that one hour and a half remains for debate, and since it was impossible for the Chair to determine the number of Members who were on their feet, I believe it is advisable to follow the strict rule.

Mr. WHITTEN. Mr. Chairman, I rise to speak in favor of the amendment.

Mr. Chairman, needless to say, I think we all should support this amendment. But I have taken this time to express a few thoughts in connection with the pending bill. I realize at this late hour not many votes are going to be changed. But you cannot help thinking that the efforts to pass this FEPC bill are predicated upon the desire that we frequently see when somebody finds some situation with which they are displeased. They always say, "There ought to be a law against it."

I am sure from the statements made here and elsewhere in many of the northern areas there is discrimination in employment in some cases. But from all the information I have received from people in those areas the trouble is not with the employer in most cases but with the employees, who do not wish to work with groups of certain other races, or other minorities. Certainly this bill to force employers to hire and fire at the direction of a Federal commission is not going to correct that situation. There is one thing I think should be pointed out here, and that is that while you may pass this FEPC bill and you may provide that five commissioners may subpena the books and records of any company in this country and they may drag the officials of such company to Washington or any place else in the country, and while you may say to those men who they must hire and who they must fire, this bill does not and cannot say to the man in business that he has to stay in business, nor can you make him go into business.

Gentlemen, unemployment has become serious in recent weeks. As a result of the present unemployment we see our friends on the other side of the Capitol and our friends here making every effort to provide capital and to interest people in going into new businesses. We recognize there must be a business establishment if there is to be employment, and there must be new enterprises, and if you continue, through this type of legislation, to regiment and to bedevil the men who are in business, you will destroy the very thing you seek, and that is employment for the American people, whatever the race may be that they belong to.

I recognize that those who suffer from this discrimination in the northern areas—and that is where they are—they are not in the South—wish something to be done. Like all those with a cause to carry, they feel that if they could

just get a Federal law on the subject, if they could get the Federal Government behind their cause, they would bring about a correction of those ills. The records of history do not bear that out. This country was settled by people who came from the countries of Europe because by fiat or by law the governments in those countries required all people to conform to one pattern. That is the chief reason most of our people came here. They came here so as not to have to follow the state religion, or to avoid various other oppressions by the various countries from which they came, whereby the powers that were tried to make everybody fit a given pattern. Those countries could not do it then. You cannot do it here.

I served, and many of you have served, in the capacity of district attorney, for almost 9 years. You cannot prosecute a whole people. If you try to you will not succeed. You may pass this law but if you do you cannot enforce it. If this bill passes you can bedevil business, you can drag men around, you can cause the closing up of some business and prevent the opening of new businesses, but if you pass this law you are not going to make folks hire and fire men whom they do not wish to hire or fire. I say that the President's action when he responded with an epithet when someone told him what to do is representative of the action of many men in this country, when the Government tries through five commissioners to tell them what they have to do.

If you get this act, you may say to a man that he has got to hire or fire somebody, but you cannot say to him that he has got to go in business. You cannot require that he stay in business. After all, the businessman, the employer who has this business, is the only place where these employees are going to find a job. In my judgment, this type of legislation is defeating the chances of employment on the part of our people, and you are killing the goose that lays the golden egg, because it is business that employs labor, and unless there is business there is no job for labor, and that is true, whatever your race, religion, color, or what have you.

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. WHITTEN] has expired.

Mr. JAVITS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment offered by the gentleman from Mississippi [Mr. COLMER] should be defeated, for two reasons.

First, for the reasons stated by the gentleman from California, who is a member of the Joint Congressional Atomic Energy Committee.

Second, because the committee bill itself, which is before us, says:

(b) The President shall have power to provide for the establishment of regulations to prevent the committing or continuing of any unlawful employment practice as herein defined by any person who makes a contract with any agency or instrumentality of the United States (excluding any State or political subdivision thereof) or of any Territory or possession of the United States, or of the District of Columbia, in any amount exceeding $10,000. Such regulations shall be enforced by the Commission according to the procedure hereinbefore provided.

As the gentleman is serious about security in the atomic-energy program, he should want to leave that flexibility in the Commander in Chief.

I would like to address myself, too, to this idea which is contained in both the McConnell amendment and the Steed substitutes of omitting any enforcement powers for FEPC. I address myself to those who are for FEPC, particularly those who are from the great industrial areas, in the hope that you will not deceive yourselves about the fact that if you vote for the McConnell amendment or the Steed substitute tonight—though I do not believe many will do that—you are voting for the kind of FEPC so many people have been fighting for. FEPC has got to have the backing of penalties to do its full job in the elimination of discrimination in economic opportunity. You do not have to take my word for that, but read what some practical businessmen have to say in a telegram contained in the committee hearings. William L. Batt, president of SKF Industries; Spyros P. Skouras, president of Twentieth Century Fox; Beardsley Ruml, then chairman of the board of R. H. Macy & Co.; and Henry R. Luce, editor of Time, Life, and Fortune magazines, say as follows:

We like the reliance which the bill puts upon education and conciliation. On the other hand, we recognize the necessity of governmental sanctions when conciliation breaks down.

We are not dealing with a privilege. We are dealing with a fundamental civil right. Members ought to agree that the dignity of government requires that that fundamental right—not privilege—shall be implemented with the full power to enforce it. When voting tonight on the McConnell substitute, it is not a question of voting on something that is not as good, or that is a half a loaf instead of a whole loaf, but an "aye" vote on the McConnell substitute is just not giving needed power to do the full job, while a "no" vote shows a determination to give such power. If you believe in the job to be done—and you must if you believe in FEPC—then your vote must be "no" on the McConnell substitute when the Committee votes shortly.

Mr. Chairman, I yield back the balance of my time.

Mr. DURHAM. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from North Carolina is recognized.

Mr. DURHAM. Mr. Chairman, I am opposed to this measure so-called FEPC. There is no employment in it and certainly no fairness to the measure, but I am supporting this amendment. Yesterday, in the Committee on the Armed Services, we reported out a bill which carried a provision to permit aliens who are top-ranking scientists to work when properly cleared in probably one of the most important installations this Government has. I am not sure how this legislation would affect it, and I do not believe anyone on the floor knows how it would affect the employment of the atomic-energy plants. The history of this matter goes back to 1937, but I do not have time to relate it here. At that time we brought a good many aliens to this country who were important scientists—men whom we desired, but who have not yet received their citizenship. We brought from Penemunde men to work in a program of wind tunnels, which is one of the most important that we have today in regard to our whole airplane program, and I fear what might happen if these people were barred. Many of them have already applied for citizenship in this country. I would at the present time hate to see these people barred from employment because I believe them to be essential in carrying forward a program that is necessary.

In regard to the atomic-energy program, it is not clear to me, as the gentleman from New York stated, as to whether many of the people whom today we are employing for that purpose could be employed under this restrictive bill we have before us tonight. I certainly hope this House will adopt this amendment to clarify this matter at least until this question can be studied to the point where we can be convinced whether or not these people are eligible for employment, and I trust and hope this body will vote down this measure in toto.

Mr. BIEMILLER. Mr. Chairman, I move to strike out the last word.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. BIEMILLER. I am delighted to yield to the distinguished gentleman from California.

Mr. HOLIFIELD. I would like to make a small contribution to our thinking on this particular subject. There is nothing in this particular bill which will preclude the Atomic Energy Commission or any contractor asked to do so by the Atomic Energy Commission from excluding any individual on security grounds. Race, color, and national origin are included in the bill, to be sure, but security matters are not included in this bill, and any individual can be excluded from any facility of a subcontractor, contractor, or the Atomic Energy Commission on security grounds, if so desired.

Mr. BIEMILLER. I thank the gentleman from California for his contribution. He emphasizes one of the points I wanted to make, that I think we are, as far as this amendment is concerned, talking about something that is unnecessary. The Atomic Energy Committee at the present time has full and ample power to cover any security risks under existing legislation. The amendment now pending would not affect that at all.

I would like in the remainder of my time, Mr. Chairman, to devote myself to the question of the basic theory behind both the Steed and the McConnell amendments. I agree with the gentleman from New York [Mr. JAVITS] who spoke a few moments ago, that any legislation that is passed which pretends to be FEPC legislation but does not carry enforcement provisions is meaningless and has little value. This is a point that ought to be clearly understood by those

who are favorable to the passage of FEPC legislation.

I would regard the passage of a bill which does not contain governmental authority to enforce the kind of legislation that we want as being a mere shadow of the substance that we need. For example, I have in my hand a telegram from the National Association for the Advancement of Colored People in which they point out that the kind of legislation contemplated under both the Steed and the McConnell substitutes has been tried out in the city of Cleveland and it has been found wanting. The city of Cleveland has taken steps within recent weeks to change this legislation from the purely voluntary type, as is proposed in the McConnell and Steed amendments, to one that does carry enforcement provisions.

Actually our experience has been that where you have enforcement provisions conciliation and similar procedures work much more expeditiously. You do not have to use the enforcement provisions. But unless that authority is given the governmental body which is in charge of carrying out the FEPC legislation you do not get a full and complete chance to eliminate discrimination.

There is no point in kidding ourselves. You can have all kinds of voluntary authority. That works in many fields. In many cities and in many States we have mayors' commissions on civil rights, we have governors' commissions on civil rights. They are doing a fine educational job, but they are not able to see to it that you get good results in terms of eliminating discrimination in employment possibilities.

In my own city of Milwaukee during the war we did succeed in breaking some of the bottlenecks that had previously existed in discrimination against certain racial groups in terms of employment. The wartime FEPC with the authority of the Government behind it, did succeed in persuading some of the largest corporations in the city of Milwaukee to employ Negroes for the first time in history. As a result today Negroes are being employed in those same corporations. There have been no incidents whatsoever, employment is proceeding on an even keel, the work record is good and there has not been the kind of employee discrimination that certain Members of the House have referred to. In general a very beneficial result has been obtained. That is what I think we can do under the Powell bill.

Furthermore, we have ample examples in testimony before the committee, particularly the testimony of Mr. Lewis Hines who represented the American Federation of Labor, that Negroes and whites can work together in harmony. I trust we will reject the pending amendments and adopt the Powell bill.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. RIVERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the gentleman's amendment to the McConnell amendment?

Mr. RIVERS. I have an amendment for any bill the chairman has on the desk. Which bill is under consideration?

The CHAIRMAN. The only amendment that can be offered now is to the McConnell amendment.

Mr. RIVERS. I have an amendment to that one too.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RIVERS to the McConnell amendment: Add a new section as follows:

"Any State or possession or any territory over which the United States has jurisdiction, control, or mandate which by a majority vote of the legislature or its governing body elects to be exempt shall not be covered by the provisions of this act."

Mr. RIVERS. Mr. Chairman, this amendment is on all fours with the amendment we adopted to the Rent Control Act. We permitted each State to terminate rent control when the respective governing bodies having jurisdiction desired to terminate it.

This amendment gives the people of the State of California that right, and I disagree with the gentlewoman from California. I do not believe that 90 percent of the people out there do not know what they are doing or did not know what they were doing. On the contrary, I believe that 90 percent of the people did not want FEPC. I want to see that California and the other States who wish to outlaw this iniquitous concoction of goodness knows what may do so. The gentleman from Mississippi [Mr. RANKIN] has a name for it. I am in favor of giving those States the opportunity, when they do not want some of these glorious benefactors from afar coming and imposing something on them which they do not want, to say so.

Unless we do have some sort of referendum this thing will be kicked into a cocked hat in the other body—and brother, it will be, you can depend on that, and I do not care what they say over here—it is going to be killed as dead as Job's turkey, if you catch the point. But, on the other hand, if we have a referendum in these States on which you want to impose—those of you who are shedding crocodile tears now for the FEPC—and I have got a name for that—those of you who are shedding crocodile tears I want to tell you if they have a referendum, and you come back here after the next election, if you do, you will come back here with a changed attitude. California had an opportunity, and by over 1,000,000 votes they turned this thing down so fast that it would make your head swim. They got it around more ways than a country boy can go to town. I do not believe the California boys like to be talked about, brother, and I want to tell you this: I believe those Californians knew what they were doing, and any other State, if they have the secrecy of a ballot, and they have a referendum, will beat this thing so fast you will never know what happened. All I want to do is to give my State, your State, if they do not want to come under this concoction from Moscow, the opportunity to say so. What else do you want? The Supreme Court, of all people, have ruled that the States of North Carolina and Arkansas could have a closed shop. Brother, when they say you can have a closed shop, you can have one with the present membership.

Mr. JUDD. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Minnesota.

Mr. JUDD. Do I understand that under the gentleman's amendment the law would go into effect in a State unless it took action to exclude itself?

Mr. RIVERS. If they take action to exclude them they do not go under it. But I do not want anybody in South Carolina to run a business like Dewey is doing in New York. He is losing all the business in New York. The port of New York is shrinking up like a California prune. That is your FEPC that Dewey signed with 40,000 pens, the Dewey who is now presiding over the liquidation of the Republican Party by his "me, too" attitude. It is driving industry out of New York like rats from a sunken ship. The Lieutenant Governor of Massachusetts got up and shed crocodile tears because industry was headed South. Why? Because they got the land of opportunity. All I want to do, my colleagues, is to give the people of this Nation an opportunity for self-determination, and if you vote for that opportunity, many of you will come back here, if you come back, with a different tune.

Mr. MORTON. Mr. Chairman, I move to strike out the last word.

The gentleman from Wisconsin who just addressed the House quoted from Mr. Hines, of the American Federation of Labor, and I should like to quote further from his testimony on this bill:

One of the things that has made us fearful at times has been the fact that we have had so much experience with, shall I say, bureaucratic agencies. I do not like to use that term. You set up a commission and the commission goes in business, and they have to have something to do, and they sometimes are looking for business. I am just a little bit afraid they may overreach themselves and drag us through a lot of court procedure. I strongly urge that you put some protective measure in here to prevent these fellows from dragging everybody in before the Board. Conciliatory methods are the best.

I know, for instance, from my experience in trade-union work, going back a good many years, 37, to be exact, that there are some fellows in the unions who would just welcome the opportunity to use this Board as a means of venting their spite on some of the officers of some of the unions.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

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

Mr. HINSHAW. I thank the gentleman for this opportunity to bring up a question in connection with section 7 (a) of the Powell bill, or any other related section in the bill, for that matter. I find in this bill no limitation of time whatsoever within which a complainant may make a sworn complaint. In other words, he may complain 1 month, 1 week, 3 months, or 3 years later. There may be somewhere a statute of limitations that might govern it ultimately, but that complaint can be brought at any distant time so far as this bill is concerned. I believe that the statute that was offered by initiative petition

and referendum of all the people in California did have such a limitation of time for filing complaints, which this bill does not.

This bill provides, of course, that the Commission can require the hiring of complainants or the rehiring of discharged employees with or without back pay, and allow for the possible interim earnings or amounts that would be earnable in that time, but nobody knows what the ultimate penalty may be.

The worst thing about it, as I see it, is that the man who gets the job is never going to know whether that job is his or not until that statute of limitations, if any, may have run upon the filing of the sworn petition of a dissatisfied complainant before the Commission. If someone can tell me where there is a limitation of time I would be glad to know where it is. I have searched the bill through and through, and I can find no limitation of time for the filing of a sworn complaint before the Commission.

Why, people can be dead and gone or be in one of a hundred other places in the time the people who make these complaints have to make them. In consequence of that, the evidence will have been dispersed, if that is the way you want to look at it. Or if you want to look at it the other way, they can bring a complaint in 2 or 3 years, and then how can the employer support his position, if it is an employer that is being complained against? It is just impossible. I can see no possibility of it at all. I would like somebody to explain it.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MORTON. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Not only that, but how much must the employer pay this man who brings the complaint? There is no telling.

Mr. HINSHAW. He must pay him his back pay for nobody knows how long less any credit that may go in against it.

Mr. HOFFMAN of Michigan. Yes; but he can wait 10 years or 2 years or indefinitely.

Mr. HINSHAW. Whatever the time limit if any there be, he can wait to bring the complaint. In the meantime, perhaps a long time, the person hired has no job security. The Commission some day may order him replaced by a long-forgotten complainant.

Mr. MORTON. I mentioned the gentleman from Wisconsin. I now yield to him.

Mr. BIEMILLER. I just want, in addition to the part of the testimony of Mr. Lewis Hines of the A. F. or L. which the gentleman from Kentucky read, to call to your attention the very first paragraph in his testimony:

> I appear before you today on behalf of the American Federation of Labor to urge prompt enactment of H. R. 4453, a bill to prohibit discrimination in employment.

While I have no quarrel with the part of the testimony that the gentleman read, and it is there in the RECORD, there was a minor amendment adopted by the committee to meet Mr. Hines' objections. The American Federation of Labor is firmly behind H. R. 4453. I should like to have the RECORD make that point.

Mr. MORTON. The gentleman has made no point. I will agree with him. At the same time, Mr. Hines did express grave doubts as to the compulsory features, and favors the conciliatory features of the bill.

Mr. HARE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, again I wish to remind the House of Representatives that I have the distinguished honor of representing the district which was formerly represented by one of the greatest statesmen this country has ever produced, a former Vice President, and one of the foremost exponents of the theory and principles of government as enunciated by Thomas Jefferson. I refer to that gentleman and scholar, the Honorable John C. Calhoun. I regret that he is not alive today and that he is not a Member of this Congress. If he were among us today I am sure that he would exercise his best judgment and infinite wisdom in opposition to the proposed fair employment practice bill. I feel that I am unworthy to loose the latches of his shoes, but I sincerely hope that I have inherited at least some of his political philosophy and integrity and that God has given me the ability to express an opposition to this measure which will term me as a worthy successor of his.

I want to observe at the outset that some of the observations I shall make on the bill now before us have heretofore been made, but I want to repeat or express my views as emphatically and as forcibly as it is possible for me to do so.

I further wish to observe that I have not seen or heard of anyone with recognized great ability who is following in the footsteps of either Thomas Jefferson, Andrew Jackson, Alexander Hamilton, or Abraham Lincoln, who has openly espoused or advocated what is known as the civil-rights program.

On the contrary, without reflecting upon the personal character or integrity of any individual, I think it will be generally conceded by the American public that the most ardent advocates of these proposals, and especially the FEPC, will be found among those who do not fully subscribe to the political philosophy of either of the great founders and preservers of what has been our two great political parties.

Mr. Chairman, it is particularly pleasing to me to say that it is not necessary to make any apologies or do any beating around the bush or engage in any demagoguery in expressing my opposition to H. R. 4453, a bill to create and make permanent what is known as the Fair Employment Practice Commission. This is true because it is my impression and belief that such bill violates every specific concept of our system of government and is the most unconstitutional proposal ever presented to this Congress. In fact, it is shocking to realize that an American citizen would even entertain the idea of the proposal before us.

In order to keep the records correct, let us look into the history of the FEPC. If my review of the history is accurate, the first decree repealing all restrictions and discriminations against national minorities was in Russia on April 2, 1917, after the downfall of the Russian monarchy. Even with this decree, racial prejudice continued to exist in Russia because in 1921, after a visit to that section of Russia known as Georgia, Joseph Stalin remarked and complained that nationalism had developed and that there were too many anti-Armenian, anti-Tartar, anti-Georgian, anti-Russian, and other such nationalistic expressions to be heard. Shortly thereafter, Joseph Stalin wrote a law known as the all-races law. That law outlawed discrimination because of race, color, or national origin. At this point, I wish to call particular attention to the fact that H. R. 4453, which is now before us for consideration, is far more drastic and communistic than the original FEPC law as written by Joseph Stalin. That is true because the present measure before us not only prohibits discrimination because of race, color, and national origin, but it also includes religion and ancestry. Thus, with the inclusion of religion and ancestry it is far more iniquitous and offensive to the human rights of American citizens. Appreciating that background, how can any sensible and patriotic American citizen honestly tolerate the idea of such proposal, much less give support to it?

I shall not attempt to refer to all of the provisions of the bill, but I wish to call attention to the following. In section 5 we find:

> SEC. 5. (a) It shall be an unlawful employment practice for an employer—
>
> (1) to refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to his terms, conditions, or privileges of employment, because of such individual's race, color, religion, ancestry, or national origin; or
>
> (2) to utilize in the hiring or recruitment of individuals for employment any employment agency, placement service, training school or center, labor organization, or any other source which discriminates against such individuals because of their race, color, religion, or national origin.
>
> (b) It shall be an unlawful employment practice for any labor organization to discriminate against any individual or to limit, segregate, or classify its membership in any way which would deprive or tend to deprive such individual of employment opportunities, or would limit his employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, or would affect adversely his wages, hours, or employment conditions, because of such individual's race, color, religion, or national origin.
>
> (c) It shall be an unlawful employment practice for any employer or labor organization to discharge, expel, or otherwise discriminate against any person, because he has opposed any unlawful employment practice or has filed a charge, testified, participated, or assisted in any proceeding under this act.

The first thing to be noted is that the law will apply to all employers regardless of what their business is. That is, the law will apply to the employer in a textile or industrial plant, the employer in a department store, filling station, grocery store, restaurant, bank, garage, the trustees of public schools, including the person or board who employs instructors in private schools, parochial schools, hospitals, and so forth. Without question from anyone, one of the most cherished

individual rights guaranteed by our Constitution is the freedom of religion. That freedom has been more jealously guarded by our system of government than any other of the guaranteed freedoms which we enjoy. To show how absurd this proposal is, it would be an unfair labor practice for a Lutheran, Baptist, or other Protestant seminary to refuse to hire an individual who is by his religious faith a Catholic priest. Does that not violate every concept of our guaranty of religious freedom by the Constitution of these United States?

The proponents of this measure argue that the law would not be enforced to such an extreme. I do not know how far or to what extent the law would be enforced, but I am sure that there are millions of citizens in this country who will bear me out and testify to the accuracy of the statement that "if you give the Federal Government an inch it will take a mile"; and that is the case regardless of what the intentions of this Congress may have been.

In order to show how the law would operate, let us consider a few examples. Suppose John Doe owns a textile mill in any State of the Union and that he has 200 employees and that all of his jobs are filled. Suppose all of the employees of his mill are skilled and experienced craftsmen and that all of them are white persons. Suppose an individual of color approaches Mr. Doe and makes a request for employment and says that he is able and qualified to fill the job efficiently. If Mr. Doe refuses to employ such individual of color, regardless of what his reason may be, the applicant could then file a complaint alleging that Mr. Doe had refused him employment because of his color. Mr. Doe would then be called and directed to appear before the Commission to answer such charge. The Commission could easily and probably would direct Mr. Doe to employ the individual of color because the Commission would probably take the position that in view of the fact that Mr. Doe employed 200 white persons and no person of color that such was a prima facie case of discrimination. How can any reasonable thinking American subscribe to such a philosophy?

Referring to section 5 (a) (2) above, you will note that it will be an unlawful employment practice for an employer to utilize, in the hiring of individuals, any training school which discriminated against individuals because of their race, color, religion, or national origin. I wish to call your attention to the fact that in most of the 48 States in this Union the practice of segregation among races is followed. That is unquestionably so because the States and local authorities deem it advisable and for the best interest of all races concerned. Thus, if this measure should be passed, it would mean that it would be an unlawful employment practice for an employer to hire an individual trained under the veterans' training program if such individual were trained in a high school of college which practiced segregation in accordance with its State laws. How can the American public subject themselves to such an unconstitutional and dictatorial order from the Federal Government?

Mr. Chairman, the purposes of this bill are not only absurd but are ridiculously so. The time has come when the people of this country, as individuals, must rise to the situation and not continue to be lulled to sleep by civic indifference if they expect our cherished institutions to survive. It is time for the people to realize that many of their elected representatives in the Government, both on a State and national level, are promulgating a philosophy of government which is either communistic or socialistic under the guise of liberalism. Many of us are liberal in our thoughts and are willing to support and espouse liberal measures for the welfare of all mankind, but not to the extent of violating the original concepts and precepts of our Constitution. The time has come and in fact is far past due when the people of this country must stop, think, and take stock of their own individual political philosophy. It is incumbent upon each of us to rededicate ourselves to the fundamental principles of democracy as enunciated by Thomas Jefferson, Andrew Jackson, and other of our founding fathers, or else we can only expect to pull the roof in on our own heads by developing a centralized government; a government that would direct and control the individual in his daily actions and enterprise. That is exactly what the Communists desire us to do and that is exactly what the proponents of this measure would have us do, regardless of what they say.

We must remember that every individual in this country has several kinds of rights. First, every individual has what is known as constitutional rights, and then he has what is known as legal rights, both of which are guaranteed by our Constitution and enforcible in the courts of law. Then every individual has what is known as civil rights—rights common to all persons—and it has been decided time and time again that the jurisdiction of our Government over civil rights is limited and that no power to regulate them has been granted or given to the Congress. The right to work, the right to establish a business, the right to own property are all civil rights and belong to every American regardless of whether he is white or black, Jew or gentile, male or female. It is a civil right for an individual to employ whom he pleases and to run his business as he desires. It is his civil right to employ only bald-headed men, only red-headed women, only colored men, only Chinese, only men with false teeth, only one-legged men, if he so desires, and he violates no law when he exercises his choice and thereby discriminates against all other classes of persons. This Congress has no right nor constitutional authority to tell an American citizen whom he shall employ in his own business, how many people he shall employ, or whether he shall employ anyone, or whether any percentage of those he does employ shall be white or colored, or whether any percentage shall adhere to a particular creed or spring from any particular ancestry, or whether any percentage shall be of any particular national origin. Yet, the intent and purpose of H. R. 4453 is for the Government to compel an individual to employ whom the Government says and to run the individual's business and leave nothing to the individual himself to say about his own business. If that is not communism, I do not know what is.

The operation of this bill, if enacted into law and administered as it is written, can only mean that the man of color, the person of a particular nationality, race, or creed will be able to select and demand the job he wants, leaving the average white man to take a job only where he can find it and then content himself with it because there is nothing in this bill that will assure or guarantee him anything except being required to give his place to someone else

Mr. SHORT. Mr. Chairman, at this late hour it is neither my intention nor desire to trespass upon your patience; but the measure before us is so far reaching in its consequences, so momentous in its results, that I feel every Member of this House, and I mean on both sides of the aisle, should proceed most cautiously and carefully in its consideration.

Four years ago last month, in January 1946, this measure was debated at long length, with great philosophical insight and historical knowledge, and political acumen, I will add, in another body in this Capitol. At that time I read the debates as assiduously as I did my Bible. I have reread those debates during the past 24 hours while you were answering roll calls and heckling one another. I read them with profit. I only wish that every Member present could read the intelligent, logical, irrefutable arguments advanced by the junior Senator from Georgia in another body, without rancor, without malice, without envy, and I could say much more.

You pass this bill and you strike a death blow at liberty. Oh, I know the high-sounding titles—fair employment. It is the most unfair thing that was ever concocted in the mind of any man. I am the only Republican left in Missouri. Perhaps I will not be here next time; but that matters little. Thank God my father came from Tennessee and my mother from Kentucky. I love the colored people. They understand me and I understand them. We have not had their votes for 15 years. You all know it, but I have received my share in my own district. Nationally we have received a small percentage. And if any of you Republicans are silly enough to think you are going to get them by voting for this particular measure, you go jump in the lake. It is not for votes or against votes. The colored people are too good and too intelligent to be misled. You cannot fool them. My grandfather fought to free them. Here is a thing that absolutely places a halter around the neck, tightens the noose around the heads of American business. Jew, gentile, white, and colored are bound by it.

I do not care whether they are colored or white, Greek, barbarian, Jew, or gen-

tile, you are going to try to tell the people of this country whom they can hire and whom they can fire, and when and how. The board you set up will act as prosecutor, judge, and jury. None of us want that. You should have had enough experience under OPA and WPA to teach you Democrats a little lesson. But you live so long and learn so little. God help all of us.

It is only out of my solicitude for your welfare that I am offering you a little sound advice. Now, do not do this. Do not do this thing. For the sake of us all, do not do it. I know, whether from Missouri or Indiana or Mississippi or any other State, if you try to force something upon the people in another State that are outnumbered, do you know what you are going to do? You are going to stir up class consciousness and conflict and strife. You are going to get some good people killed.

It is safe to bet your dollar against the hole in a doughnut that if any northerner lived in Alabama, Mississippi, or Louisiana, he would feel exactly as do the residents of those States. Practically all lynching and violence has been exterminated because of patriotic southerners, and I dare say that the most ardent advocate of this vicious bill—whether he comes from New York, New Jersey, or Wisconsin—would feel exactly as do the citizens of all our Southern States, Georgia, Florida, et cetera, if he lived there.

Lincoln once said, in essence, that as long as you keep the Government close to the people the Government will be safe, but when you direct the Government from afar, we are in grave danger.

Mr. Chairman, certainly every Member of Congress, and I dare say every schoolboy knows that we have a dual form of government: Federal and State.

What powers are not granted unto the Federal Government are reserved to the States under our Federal Constitution. Why should we at this hour, after displaying such unity and interest of purpose, be divided in this most difficult postwar period? There is no reason whatever why Kansas should tell Mississippi what to do any more than Alabama should tell New York what to do.

Yet, there are Members of this body so unschooled, uneducated, and inexperienced that they would impose the will of one sovereign State upon another. That is not only absurd and ridiculous, but is contrary to the fundamental law of this land, which is the Constitution under which we live.

Mr. Chairman, no good can come from this radical proposal, though it be cloaked in the name of humanitarianism and wear the masquerade of civil rights. In many States where the vote has been taken in the State legislatures—with the exception of New York and New Jersey—this proposal has been overwhelmingly defeated. Every Member of this House wants to protect every citizen of our country, but if you pass this bill you are once more going to stir up the strife, bitterness, and hatred that led to a war between ourselves, and, as a friend of the colored people, whose forebears fought to set them free, I dare say you are going to get a lot of people killed. I do not want that to happen.

At this particular time, above all others, when we need unity and solidarity among our citizens, I am sure that the colored people, as always, particularly those who think for themselves, will not hesitate to join us to see that this evil thing does not happen.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BROOKS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I realize at this late hour there is very little that can be said that will change votes one way or the other. Like the preceding speaker, I think this measure is very far-reaching and will have such tremendous potential effect upon the economic future and body politic of this country that I do not want to see it passed without saying at least something in reference to the bill.

Mr. Chairman, I spent my legislative life on the Committee on the Armed Services. When I look at this or any other far-reaching measure presented to this body for consideration, I think of it, naturally, in terms of the committee on which I have the privilege of serving in the House of Representatives. Tonight when I approach this measure I think of it from the standpoint of its effect or possible effect upon the national defense of the United States.

The Colmer amendment to date is the only one which in my judgment has brought to the forefront any discussion whatever as to the possible effect this might have upon the defense of our country. I have heard no argument or any discussion whatsoever by either side in reference to the matter; and, yet, Mr. Chairman, I know that not only do we have these atomic-energy contracts throughout the country; but also we have many other contracts covering scientific exploration, covering electronics, and covering other matters such as guided missiles that are extremely secret and extremely vital to the defenses of the United States, and I am wondering—and I should like to hear someone tell me—just how the establishment of a board such as this to preside over the matter of the hiring and firing of men and women in those industries of a private nature that have these secret contracts is going to affect the defenses and the security of the country. I do know that up in the great State of New York where General Electric has so many highly secret and highly confidential contracts that General Electric has had a great deal of trouble getting proper employees who were trustworthy, who could be depended upon and relied upon to be loyal to this country and maintain the secrecy which is naturally imposed upon them when they gain employment in a secret project.

It seems to me that is tremendously important to the committee and whether you are out at Los Alamos with an atomic-energy contract, whether you are down in Florida with a guided missiles contract, whether you are in New York State, or Massachusetts, or Washington, or Oregon, the same problem is coming up: Will this legislation injure national defense by making it possible to block our scientific advancement and development, hurting those projects in our national defense which are highly confidential and highly secret and in which complete confidence must be maintained, or will it aggravate the situation which we have seen uncovered in the last few months? Will it lead to a further betrayal of the secrets of this Nation to an alien enemy? I think this Congress ought to think seriously of that matter. I do not believe this feature of the bill has been carefully thought out. I am afraid it has been overlooked and I am concerned that our national safety is being jeopardized.

Mr. STEED. Mr. Chairman, I move to strike out the requisite number of words.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Indiana.

Mr. JACOBS. I would like to call the attention of the gentleman from California who raised the question in regard to limitation to page 12, lines 8, 9, and 10, which read as follows:

> Any written charge filed pursuant to this section must be filed within 1 year after the commission of the alleged unlawful employment practice.

I think that answers his question.

Mr. STEED. Mr. Chairman, the pending Colmer amendment, in my opinion, will be acceptable to my bill and I think it would not take anything away from the McConnell bill. If applied to the original Powell bill, however, it will mean absolutely nothing because section 10 of the Powell bill tries to deal with that subject and I submit to you again that so long as the remainder of the Powell bill is permitted to stand as it does, section 10 does not have any meaning at all.

Again, I would like to call your attention to subsection (b) of section 2 which says that these rights are to be had for all persons within the jurisdiction of the United States Government. You know, when you have enemy spies, or enemy aliens get into this country, they are within the jurisdiction of this Government. I call your attention also to subsection (a) of section 7.

Section 5 sets up what is unfair-employment practices and subsection (a) of section 7 says that the power to enforce these provisions against unfair practices is an exclusive power and shall not be affected by any other means that have been or may be effected by agreement. So under that language section 10 would not mean a thing. This Commission, if it saw fit under the language of section 2 and section 7, could make the Atomic Energy Commission hire anybody that they saw fit if he claimed he was a member of a minority race, even if he were an enemy spy. I do not think anybody can successfully dispute that because the language is very plain.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Missouri.

Mr. SHORT. The able and very earnest gentleman from Oklahoma has put

his finger right on the nailhead. Does he know of any minority group anywhere in all this country who is being persecuted or discriminated against?

Mr. STEED. I do not.

Mr. SHORT. Does he not know that every minority group anywhere in the world is eager to get into this country?

Mr. STEED. That is right. There is one other thing I want to submit to the committee. It is very difficult for me to follow the line of consistency in some minds here. I remind you that about a year ago we had the Lesinski bill up to repeal the Taft-Hartley Act and these same so-called northern liberals were up here pounding against that law. They said that we did not need the power, the injunction power, that collective bargaining and public influence would be enough. Yet today these same men say that they have to have the punitive power in the FEPC.

You heard the gentleman from New York in a threatening tone say, "You vote for this Powell bill or you will get the consequences." He says that you cannot vote for my bill or the McConnell bill that do all these terrible things.

Since when has the dependency upon the sense of fairness, of common sense, and common decency of the American people been something that is so bad? Why can we not here in this program accept mediation, conciliation, and education and an appeal to the common sense and fairness of the people of this country to get results?

The gentleman from Wisconsin said here that you have got to have the power, you have got to have a knife at the throat of the employer before you can make him conciliate, yet, in the next breath he brags about the great progress they have made in Milwaukee without any law or without any force at all. To me, if my understanding of language is correct, the man contradicts himself before he gets the words out of his mouth.

Gentlemen, this is a large country and it has problems that are peculiar to different sections. We are trying to come here with a program that is fair and reasonable, that has a chance to work, because it has the most potent power in a democracy that you can get for its enforcement, the power of public opinion. The substitute bill that we have pending here sets up the machinery to bring public opinion into force.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. HARRIS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HARRIS. I should like to inquire how many amendments are on the desk to the pending substitute.

The CHAIRMAN. According to the latest count, there are 46 amendments.

Mr. HARRIS. Mr. Chairman, a further parliamentary inquiry. The pending amendment has been debated now for about 35 minutes. Is there any indication that there will be a vote on the pending amendment, giving time to other Members who have amendments to have an opportunity to discuss them before the time limitation for debate ends at 2:30?

The CHAIRMAN. If the Committee desires that there be a vote on the amendment, of course, it can express that desire; that is, on the Rivers amendment to the McConnell amendment.

The question is on the amendment offered by the gentleman from South Carolina [Mr. RIVERS].

The question was taken; and on a division (demanded by Mr. RIVERS) there were—yeas 118, noes 126.

Mr. RIVERS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the chairman appointed as tellers Mr. RIVERS and Mr. POWELL.

Mr. CASE of South Dakota. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CASE of South Dakota. The limitation on time fixed the time at a precise hour rather than so many minutes. The effect of teller votes, then, is simply to take time out of the time allowed for debate?

The CHAIRMAN. Of course, it comes out of the time.

The Committee again divided; and the tellers reported that there were—ayes 134, noes 134.

The CHAIRMAN. The Chair votes in the negative.

So the amendment was rejected.

Mr. HOBBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOBBS: At the end of the McConnell amendment insert a new section 8 to read as follows:

"Nothing in this act shall mean, nor be construed to mean, that any person who lacks the qualification necessary to fit one to perform the duties of the job for which that person may be applying must be employed in spite of his disqualifications."

Mr. HOBBS. Mr. Chairman, this is substantially the same amendment that we have already adopted to the Steed amendment, or substitute bill, so I do not care to make an argument on it again, except to simply say that whatever was said then we want you to consider again. And we hope that you will take the same action with regard to amending the McConnell bill that you did with regard to the Steed bill and adopt this amendment.

The parliamentarians tell me that I should offer to amend both.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. Yes, sir. Gladly.

Mr. HINSHAW. Mr. Chairman, a while ago I called attention to the fact that there was no limitation of time for an aggrieved person to file a complaint. I find, after listening to the gentleman from Indiana, who said that there was time, namely, 1 year, as contained in line 10 on page 12, that that refers only to the written charges filed by the Commission and not to the sworn written charges that have been filed on behalf of the person claiming to be aggrieved. Therefore I was right in the first instance.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. Of course, sir.

Mr. JACOBS. I would like to say to the Members, Mr. Chairman, that the gentleman from California is correct. The gentleman from Wisconsin [Mr. KEEFE] called it to my attention and I have put an amendment on the Clerk's desk to strike out the word "written" so that it would apply to both written and sworn charges.

Mr. HINSHAW. I thank the gentleman for his acknowledgment of the situation.

Mr. JACOBS. The gentleman is correct. And I want to express gratitude to the gentleman from Wisconsin for calling it to my attention.

Mr. KEEFE. I, too, thank the gentleman.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. HOBBS. Yes, sir, with pleasure.

Mr. CASE of South Dakota. Mr. Chairman, in view of the fact that there are some 40 amendments pending at the Clerk's desk and the time has been fixed for 2:30, I ask unanimous consent that hereafter those who are recognized to speak on their amendment be limited to 30 seconds. That will give everybody a chance to say something.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

Mr. SIKES, Mr. TACKETT, and Mr. JENNINGS objected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. HOBBS].

The question was taken; and on a division (demanded by Mr. JAVITS) there were—ayes 149, noes 91.

So the amendment was agreed to.

Mr. JACOBS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. TACKETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TACKETT. Mr. Chairman, I know there are two of us here who have been trying to get the floor for a few minutes since 3 o'clock on Wednesday afternoon. This gentleman has had the floor three or four times.

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. TACKETT. If that is not discrimination I do not know what is. We have discrimination right here in this House of Congress.

Mr. JACOBS. Mr. Chairman, I rise to point out again what I stated earlier, that under the Powell bill the Commission is not empowered to find anyone guilty of a crime at all; that is not correct, according to my understanding, and I have read the bill. The Commission makes a finding as to whether or not there has been an unfair-employment practice. A cease-and-desist order is then enforcible by the court and the only way a man can get put in jail under that procedure would be for him to refuse to obey the order of the court.

Mr. CASE of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from New Jersey.

Mr. CASE of New Jersey. Is not the same procedure provided under many administrative acts, such as the Securities and Exchange Act, the Federal Trade Commission Act, the Labor Relations Act, and many others? Is not that the standard procedure?

Mr. JACOBS. Certainly it is. The only criminal provision in this bill—let us get that straight again—is where an individual would resist or interfere with an officer of this Commission, which would then be an offense and there is provided a fine up to $500 or a year in jail. But that is not for an unfair-employment practice. It is for resisting or interfering with an officer of the Government. Now, that is the fact of the case.

Mr. McCONNELL. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Pennsylvania.

Mr. McCONNELL. Of course, the opportunity to interfere comes from the fact that the Commission under administrative procedure is enabled to put an order on a man which he does not choose to obey. That order may have been put on him without a real opportunity to present all of the necessary evidence. By that process a man is subject to fine or imprisonment, if the courts would so hold.

Mr. JACOBS. That is quite true, I agree with the gentleman. It is the same as the gentleman from New Jersey [Mr. CASE] pointed out a moment ago. This is true in many administrative acts. The truth of the matter is the criminal provision you are talking about would not be triable before this Commission at all. It would be triable before a court.

Mr. McCONNELL. But the court follows a commission's order.

Mr. JACOBS. Oh, no, the gentleman is confused on that. Let me straighten him out. Under section 14 it would proceed to an indictment against a man for interfering with an officer of the United States Government. The Commission would not have a thing to do with that.

Mr. McCONNELL. The Commission would start the whole process.

Mr. JACOBS. Oh, no.

Mr. McCONNELL. Oh, yes, by saying in an administrative order of the Commission originally that an employer has to do certain things or cease and desist.

Mr. JACOBS. Does not the gentleman understand that under your administrative procedure where you get a cease-and-desist order, that may eventuate into a court order and disobedience thereof, then a contempt proceeding.

Mr. McCONNELL. But it arises from the Commission's original order.

Mr. JACOBS. Yes, but it does not arise under section 14, the criminal provision. What I am trying to point out is that under section 14 you merely have a provision which is similar to title 18, sections 453 and 454, protecting Federal officers in the discharge of their duty. A man violating section 14 would not come before the Commission at all. He would be indicted, he would have a hearing before a court. It would be triable before a jury. That is the thing I am afraid some Members are confused on.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. ROGERS of Florida. Mr. Chairman, I offer an amendment.

Mr. WILLIAMS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS. Mr. Chairman, I understand there are several amendments to the Steed amendment pending at the Clerk's desk. Is it proper to offer amendments to the Steed amendment while the Colmer amendment is still pending before the Committee?

The CHAIRMAN. Not until the Colmer amendment is disposed of. The Clerk will report the amendment offered by the gentleman from Florida [Mr. ROGERS].

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Florida to the bill, H. R. 6841: Page 1, line 9, after "creed" insert "sex."

Mr. ROGERS of Florida. Mr. Chairman, while I am opposed to this bill because I think it is unconstitutional, un-American, and an infringement upon the freedom of choice in selecting employees, however, I am proposing this amendment so the women of this country will have equal rights with men, should this measure become a law. The only thing my amendment does is to add the word "sex" after the word "creed", so that it will read as follows:

That properly qualified persons shall not be discriminated against by reason of race, creed, sex, or color.

That takes care of any discrimination against the women of this Nation. The bill without this amendment is the rankest kind of discrimination against the women citizens of our Nation. There can be no reason why the feminine segment of our population should not be included if such a law should be passed, so I propose by this amendment to place women on an equality and on the same level with men in the employment field.

Here we are supposed to be passing a Fair Employment Practice Act without any discrimination, and you discriminate against the women of this Nation. I might state to those Members of the House who are supporting this bill purely for political purposes, that in failing to take the rights of the women into consideration, you are overlooking the fact that the women of this Nation constitute a majority of the voters. In the general election of 1940 the women cast 51 percent of the votes and in 1944 they cast 53 percent and possibly a larger percentage than this in 1948. So I am sure that with this information you can strain your conscience and support this amendment.

I hope that the membership of this House will take this amendment seriously, because I am serious when I propose it. I say "There is nothing too good for our women" as I have heretofore said about our veterans.

Mr. WINSTEAD. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman from Mississippi.

Mr. WINSTEAD. The gentleman is always sincere, and certainly we should not exclude the women if we are going to see that everybody is treated fairly in this bill.

Mr. ROGERS of Florida. I think the gentleman is absolutely correct.

Mr. HESELTON. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman from Massachusetts.

Mr. HESELTON. I trust my gallant friend from Florida is not suggesting that this legislation will accomplish the same purpose as was alleged last June or July with reference to another piece of legislation.

Mr. ROGERS of Florida. We are right now beginning to give equal treatment to the women. There is now pending what is known as an equal-rights amendment giving equality of treatment to the feminine sex—and it is high time that they be given such consideration. I might state that nowhere in the Constitution of the United States does the feminine gender appear. The nearest approach is when the franchise was granted to the women and even there the amendment read that no one shall be deprived of the right to vote because of sex. I believe we ought to take care of the women in this bill and I trust my amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. ROGERS].

The amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. COLMER].

The question was taken; and on a division (demanded by Mr. COLMER) there were—ayes 182, noes 105.

So the amendment was agreed to.

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia to the amendment offered by Mr. McCONNELL: On page 6, line 25, after "place", strike out "in the United States or any Territory or possession thereof, at any designated place of hearing," and insert in lieu thereof the following: "within the area of the United States District Court in which the hearing is held."

Mr. McCONNELL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Pennsylvania.

Mr. McCONNELL. I consider this a good amendment, and I accept it.

Mr. SMITH of Virginia. Mr. Chairman, I think perhaps I had better take half a minute to say what the amendment is about.

Under the bill as drafted this commission can drag a witness or a defendant from California to Maine, and make him bring all his books, papers, and witnesses with him. The purpose of this amendment is to confine that jurisdiction so that he cannot subpena people outside of the Federal district court area in which the action is pending If they want to have the hearing in California, let the Commission go to California, instead of all the citizens coming here.

Mr. MARCANTONIO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment offered by the gentleman from Virginia and all

the other amendments that have been adopted to the McConnell amendment and to the Steed amendment, but primarily to the McConnell amendment, accomplish only one thing, and that is the torpedoing of FEPC. I think this has become obvious. The McConnell amendment started out as a bill to nullify FEPC. If there were any doubts of it, these amendments that have been added definitely nullify the very objectives of FEPC. A vote for the McConnell amendment is a vote against FEPC. You are only voting for words, that is all, when you vote for the McConnell amendment. You are not voting for FEPC, and you are not going to fool anybody by the title. You are not going to fool the American people by it. You are not going to fool the American people by just giving us a bare bill, with merely a title. That title is empty. The McConnell bill is now being used to sabotage genuine FEPC legislation in this House. I hope you will bear that in mind when you vote on the McConnell amendment.

Mr. McCONNELL. Does the gentleman not admit that we set up an FEPC Commission?

Mr. MARCANTONIO. You set up an FEPC Commission and then you nullify every principle of FEPC.

Mr. McCONNELL. Is not that progress?

Mr. MARCANTONIO. No; it is not. This is what you have done to FEPC, you have taken out the molars, you have taken out all the teeth, you have sawed off the arms and the legs and cut off anything that counts in FEPC.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. SMITH].

The question was taken; and on a division (demanded by Mr. LESINSKI) there were—ayes 211, noes 116.

So the amendment was agreed to.

Mr. COLMER. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COLMER to the amendment offered by Mr. MCCONNELL: Page 8, line 4, insert a new paragraph as follows:

"None of the provisions of this bill shall apply to employment by the Atomic Energy Commission or any contractor or licensee of the Atomic Energy Commission."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. COLMER].

The amendment was agreed to.

Mr. HARRISON. Mr. Chairman, I ask unanimous consent that those Members who have amendments at the Clerk's desk at this time and who have not had an opportunity to be recognized for debate, may extend their remarks in the RECORD at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. JUDD. Mr. Chairman, I ask unanimous consent that all Members who want to extend their remarks in favor of the McConnell amendment as such may be permitted to do at this point, even though they do not have individual amendments.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SIKES. Mr. Chairman, I offer an amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. SIKES to the amendment offered by Mr. MCCONNELL: Add a new section:

*"Provided, however,* That the mere absence of individuals of a particular race, religion, color, national origin, or ancestry in the employ of any person shall not be evidence of discrimination against individuals of such race, religion, color, national origin, or ancestry."

Mr. SIKES. The amendment which I offer, Mr. Chairman, is not a whimsical or time-killing amendment. I read it for full understanding of the membership:

*Provided, however,* That the absence of individuals of a particular race, religion, color, national origin, or ancestry in the employ of any person shall not be evidence of discrimination against individuals of such race, religion, color, national origin, or ancestry.

May I point out, Mr. Chairman, that failure to adopt my amendment may leave it in the discretion of some board of the future to hold that the absence of such individuals in the employ of any person is discrimination.

Quite obviously such a situation would permit the Nation's business to be throttled by bureaucracy. The courts of the land could be hopelessly clogged with unwarranted evidence of interference with business and trade under the cloak of discrimination.

Mr. Chairman, we are seeking to avoid that most dangerous of all governments—government by minority. Majorities have rights, Mr. Chairman, and I fear that we are prone to lose sight of the fact that democracy is government by the majority.

The FEPC measure is not a bill for the good of the majority. It seeks to give undue control to a minority—a very small minority.

Hitler was a minority product, Mr. Chairman, and ruthlessly using a minority for his own purposes, Hitler forced his will upon the German people. The rest is history.

I fear, Mr. Chairman, that if we pass an FEPC measure we shall be treading much too close on Hitler's heels. My amendment will afford some measure of protection and I hope it will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. SIKES].

The amendment to the amendment was agreed to.

Mr. BENNETT of Florida. Mr. Chairman, I offer an amendment to the McConnell amendment, which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. BENNETT of Florida to the amendment offered by Mr. MCCONNELL: On page 1, line 9, after the words "by reason of", insert "physical disability."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The amendment to the amendment was agreed to.

Mr. HALE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. HALE to the amendment offered by Mr. MCCONNELL:

On page 1, line 9, after the word "three", insert "political affiliation."

On page 2, line 5, insert "political affiliation."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine to the amendment offered by the gentleman from Pennsylvania.

The amendment to the amendment was agreed to.

Mr. BYRNES of Wisconsin. Mr. Chairman, this amendment, I believe, is largely noncontroversial. If the intent of this Committee is to enact legislation designed to protect the rights of United States citizens to employment without discrimination, then, I believe it will willingly accept this amendment designed to deal with perhaps the greatest employment-discrimination practice of all, the denial of jobs to men and women because of their political affiliation.

I want to make my position clear upon the bill we are presently considering. If a bill is reported to the House in substantially the same form in which it was reported from the Committee on Labor, I shall vote against it. I am strongly opposed to legislation which would attempt to make men's attitudes rather than their actions a basis for legal penalty.

Further than this, however, the original bill is based upon the false premise apparent in so much legislation offered today—the false premise that we can solve basic problems by dealing with their effects rather than with their cause.

Discrimination, and I do not deny that it exists, is an effect, not a cause. Discrimination is caused by prejudice, and we will not remove prejudice by legislation which can only excite the passions of men. It seems clear to me that this bill will merely inflame prejudice by forcing men to do what they are not prepared to do in their hearts and minds. We have never yet succeeded in curing an ill by passing a law against its symptoms. We could not force men who wanted to drink to stop drinking; we only made their thirst greater. We could not command prices to remain stable as long as our money was inflated, supply was short, and demand was heavy; we only raised prices higher by increasing the demand and intensifying the shortage. We cannot deal with causes by passing laws prohibiting their effects.

I believe there is a chance to deal with the problem of prejudices and the effect of prejudices, employment discrimination, through voluntary means, through education, conciliation, and mediation.

It is with that hope that I support this noncontroversial amendment. I need not speak at length concerning the necessity for it. It is sufficient for me to say, I believe, that this Government, your Government and mine, is presently in the process of hiring some 160,000 men for temporary assignment to the 1950 census. On practically every one of those jobs there is an invisible, but very real, qualifying requirement. That requirement reads, "Members of the party

in power only. All others need not apply."

Those jobs Mr. Chairman, are being let at this very instant, by your Government and mine, while we sit here and talk, in the abstract, about discrimination, because of man's belief, if you please, in private employment. Let me repeat, Mr. Chairman, some 160,000 jobs are now being filled by your Government and mine, and it is well understood throughout this great Nation that the prime requirement for one of those jobs is an ability to satisfy the hirer of party regularity.

I sincerely hope the Committee will adopt my amendment, and that we can then proceed, in the American way, through voluntary persuasion, to persuade the party in power of the basic immorality of this large-scale job discrimination.

AMENDMENT TO H. R. 4453, THE FEPC

Page 1, in the title; page 2, line 1; page 2, line 20; page 6, line 3; page 6, line 9; page 6, line 18 and page 10, line 11, after the word "ancestry", insert the words "political affiliation" and a comma, and after paragraph (g) of section 3, add a new paragraph, as follows: "(h) The term 'political affiliation' means membership in or affiliation with a political party or adherence to or belief in the principles of a political party: *Provided*, That the term 'political party' shall not include the Communist Party or any political organization that believes in or teaches the overthrow of the United States Government by force or any illegal or unconstitutional means."

Mr. REDDEN. Mr. Chairman, I offer an amendment to the substitute amendment offered by Mr. STEED.

The Clerk read as follows:

Amendment offered by Mr. REDDEN to the substitute amendment offered by Mr. STEED: On page 1, line 12, after the words "labor organizations", insert *"Provided, however,* That the fact of having an individual of a particular race, religion, color, national origin, or ancestry in the employ of a person shall create a presumption that such person has not and does not discriminate against persons of that race, religion, color, national origin, or ancestry."

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina to the amendment offered by the gentleman from Oklahoma.

The amendment to the amendment was agreed to.

Mr. BATTLE. Mr. Chairman, I offer an amendment which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. BATTLE to the substitute amendment offered by Mr. STEED: On page 2, line 12, strike out the word "eliminate" and insert "persuaded the person charged to eliminate."

Mr. BATTLE. Mr. Chairman, the enactment of H. R. 4453 would be a serious mistake. Such legislation is unconstitutional, unenforcible, and unwise. This is clearly a proposal for too much government.

Discrimination of itself is a bad practice, of course. I am not here to defend it. I would like to state why I feel this bill is not the way to attack discrimination in employment. In the first place, H. R. 4453 is unconstitutional. What part of the Constitution gives the Government the right to establish a Federal agency that can bypass the State government; that can bypass the local government; that can go into a union or business and judge whether or not someone has been discriminated against? The bill would invade a realm of human activity which is not subject to legislation. Why not enact laws requiring all people to be kind or to like everybody else? They would be just as sensible. How can an agent of the Government peer into a man's soul and tell whether he acted through discrimination or for a dozen other reasons? Is it the prerogative of the Government to decide that an employee was dismissed because of his church affiliation rather than because he was an inferior worker? If Government ever assumes this right, America cannot call her soul her own.

The American Bill of Rights guaranteed certain freedoms to the individual. This bill would deny some of those basic rights. Freedom of contract, freedom to choose those who work with you or for you—these would be destroyed by H. R. 4453. Under this bill you would even be denied the right of trial by jury—as fundamental as any civil right.

First then, the bill is unconstitutional. Second, it is unenforcible. Imagine the enormous network of Federal agents required to ferret out and report cases of so-called discrimination throughout the land—to investigate and hold hearings. An army of investigators could never scratch the surface. Business and labor unions would be constantly disrupted by Government investigations; employees would feel insecure and suspicious of each other. Morale would be destroyed. Actually the bill would discriminate against the majority by giving special privilege to the minority. A union or an employer would hesitate to take any action at all involving a member of a minority group for any reason on matter how valid.

As was pointed out in the minority report on S. 984 of the Eightieth Congress, a similar bill:

In any large establishment employees and applicants for employment are certain to include persons of different races, religions, and color. Any selection and treatment of a particular person can plausibly be complained of as an unlawful discrimination.

Small-business men and unions would not have the time nor the money to spend for going to court to appeal unfair decisions of the Fair Employment Practice Commission.

H. R. 4453 prohibits discrimination against "properly qualified" persons. But who decides whether a person is "properly qualified"? Is the employer no longer to have that right? And who has the final say as to whether an employer or a union acted through discrimination? These are intangibles beyond the power of Government to decide.

Apart from these arguments, there are certain communities which by tradition and heritage are deeply opposed to enactment of this kind of law. In these places such a law could not be enforced except by mass coercion. Mr. Walter Lippmann puts it this way:

There are certain kinds of laws which, though enacted, cannot be enforced by any means that the majority is able or willing to employ. These are laws to which a sizable region, even though it is numerically a minority in the Nation, is so deeply opposed that it will resort to nullification, resistance, passive and active disobedience, to thwart enforcement—and in the extreme and ultimate cases to insurrection and rebellion.

The cost, the trouble, the futility, and the danger, of trying to enforce laws under these conditions are so great that the majority will not, as a matter of fact, insist on enforcing them. If it is wise, it will not enact such laws.

Of the more than half a million people who live in my district an overwhelming majority agree with Mr. Lippmann that this type of legislation is unwise. This is not because the majority of our people are unintelligent or uneducated or biased. It is because our people—the wisest and most forward looking—the true leaders of both races—are convinced that the delicate problem of race relations must be met by enlightened action from within—not by coercion from without. This is a problem which is exceedingly intricate and far reaching—not to be dealt with lightly or with expedience. To understand the problem requires firsthand study over a considerable period. It is something which must be lived with. Only then can a realistic solution be worked out. To be successful, legislation in the field of race relations must be grounded in the good will of the people who are to carry it out. It must be local in origin and spirit.

Of course, this implies a responsibility of a community to meet its minority problem squarely with an enlightened program—with constructive action. This we are doing in the South. Substantial progress has been made and is being made—progress which would be seriously retarded by the enactment of legislation such as H. R. 4453. As an example, in the city of Birmingham we have 41 percent Negroes in our population. You will probably be surprised to learn that they receive over 41 percent of the funds available for education while contributing perhaps less than 10 percent of the taxes. Some people are more interested in making political capital out of this issue than they are in investigating the facts. As further illustration I cite two recent news items which are self-explanatory:

[From the Birmingham Post of January 31, 1950]

MONUMENT TO GOOD WILL

Long overdue and twice postponed in the past year to avoid conflicts with other fund-raising efforts of our community, Jefferson County's campaign to raise $150,000 for the building of a hospital for Negroes will get under way tomorrow.

For many years the need for such a hospital has been recognized by everyone familiar with the facts but little of a concrete nature was done about it until the Sisters of Charity of Nazareth, a Catholic order widely experienced in the operation of hospitals, became interested and accepted responsibility for its operation once it is built. A square-block site in the Tuxedo Junction section of Ensley was acquired and by private subscription $103,000 was raised for building purposes. Since then plans have been drawn and a commitment has been made by the Federal Government, under the Hill-Burton Act, to provide $500,000 toward the program when the $150,000 now sought is in hand.

That will make a total of $750,000 available for the building and its equipment. It will make available 60 badly needed additional hospital beds and other facilities for Negro patients. Of equal importance and significance it will provide a suitable place to practice for the 37 Negro doctors in Jefferson County who are without such facilities today.

Part of the money to be raised will come from our Negro citizens themselves but most of it must be made up of gifts from among their white friends.

It would be a grand thing if every white citizen in the county would give something toward this worthy undertaking. We could ask no better opportunity than, by raising this $150,000 in record time, to make this institution of healing and mercy a monument to the good relations and mutual esteem which exists between the white and colored citizens of our community.

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[From the Birmingham News of January 31, 1950]

LET'S BUILD THIS HOSPITAL AS A MONUMENT TO HEALTH AND TO UNDERSTANDING

*To the People of Birmingham and Jefferson Counties:*

Tomorrow is the opening of a campaign to raise $150,000 to build and equip a hospital for Negroes in Birmingham.

The humane and economic needs which inspired this campaign are beyond conception until we realize the fact that although 45 percent of Birmingham's population are Negroes, only 348 hospital beds are generally available to them.

Medical and public health authorities in Alabama have long reminded our people of a serious shortage in the number of doctors and the pitiful lack of hospital facilities. Thirty-seven Negro physicians are practicing among their people in Jefferson County, and yet there is no hospital in Jefferson County where they may treat their patients. If they are fortunate enough to find an available bed in any hospital when hospitalization is required, the immediate result is that other doctors, surgeons, and hospital technicians must take over for them.

From the standpoint of simple humanity, the toll of pain and suffering has been great. There is no way of knowing how many Negroes have died or suffered needlessly because these conditions exist. Economically, the citizens of Jefferson County, white and colored alike, are constantly paying the penalty of this lack. Disease, wherever it exists and in whatever form is not merely a menace to health. Sick men and women cannot work; eventually they must be fed and clothed and housed at public expense—or left to die unheeded, which is unthinkable in the code of humanity.

Not only the Negro who works in the confines of our homes or public places as cook, nurse, or waitress, but all who ride the busses, walk the streets, or work in plants and shops are in constant contact with the white citizens of Jefferson County. What threatens their health also threatens ours.

In the erection, equipping, and operation of this hospital exclusively for Negroes, we have a common cause for all the people of Jefferson County. It is one which merits the most generous contribution that any of us can afford.

The early work which has made possible the complete project was accomplished by the Sisters of Charity of Nazareth, the Catholic order which will operate the hospital on a completely nonprofit basis when it is completed.

Through their own efforts they have already bought and paid for the land, an entire block located in the Tuxedo Junction section at 1915 Nineteenth Street, Ensley. They have also raised by private subscription, and have in cash for the building and equipment $103,000.

The building site, together with the $103,000 in cash at hand, will be added to the $150,000 which the interdenominational committee will raise. The project has been submitted under the provisions of the Hill-Burton Act and has been approved for a grant of $515,000 of matching Federal funds.

The hospital will provide 60 beds, operating, X-ray, delivery and emergency rooms, and an out-patient clinic. It will be self-supporting, and should any deficit occur, the operating agency will meet the deficiency and guarantee continuous operation. The agency, the Sisters of Charity of Nazareth, operates many of the large and successful hospitals of the Nation.

The erection and operation of such a hospital in Birmingham will be a distinguished mark of credit to the people of Birmingham—an answer in part to the sponsors of legislation in Washington who seek so ardently to intervene in the affairs of our State. It is an affirmation and a humane answer to the critics who do not believe, or do not wish to believe, that the southern people will act to improve the well-being of the southern Negro. It is an answer to both communism and socialism.

Above all, we and countless others of all faiths, believe that the people of Birmingham are both wise and humane. We feel that every contribution, whether it be large or small, is an expression of faith not only in our city but in our way of life.

Since it is impossible for the committee to call upon everyone, it is necessary that we call upon many to send or bring their contributions to the campaign headquarters. This headquarters has been set up in the offices of the Birmingham Junior Chamber of Commerce in the Hillman Hotel. Checks should be made payable to Walter E. Henley, treasurer.

We are confident that the people of Jefferson County will be glad and feel privileged to share in a project which will live throughout the years to come as a blessing to both races and a monument to our mutual desire to make Jefferson County a healthier, a happier, a better place in which to live.

Sincerely,

DONALD COMER,
*Chairman.*
LOUIS PIZITZ,
*Cochairman.*

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STATEMENT OF CONGRESSMAN LAURIE C. BATTLE, JANUARY 17

By strictly political maneuvers the administration is isolating the South from the rest of the country more every day.

If FEPC or so-called civil rights is the issue on the pending vote to change the rules, I will definitely vote for the change in order to stop this continued strangulation of the South.

However, no one knows at this time whether there will be a show-down vote on FEPC before the proposed rules change is debated—or just what we will be voting on.

Mr. Chairman, for these reasons I join the many liberal, realistic thinkers throughout the country who feel that enactment of FEPC would be unwise. To make political sport, as some would do, of issues which form the very fabric of life in many States and which affects the day-to-day lives of millions of our people is short-sighted indeed. To enact such a bill as H. R. 4453 would set back by many years the accomplishments of generations in the field of race relations. It would be a sad day for the courageous, high-minded men and women of both races in the South—who are working against odds, but persevering toward the solution of one of the most challenging problems a people were ever called upon to meet.

The CHAIRMAN. The question is on the amendment to the amendment.

The amendment to the amendment was rejected.

Mr. PICKETT. Mr. Chairman, I offer an amendment which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. PICKETT to the substitute amendment offered by Mr. STEED: On page 1, line 12, after the words "labor organizations", insert *"Provided, however,* That nothing in this act shall require a church of one religion to employ individuals who adhere to some other religion."

Mr. PICKETT. Mr. Chairman, there can be no question in the mind of any person who seeks to be informed that I am unalterably opposed to the establishment of an FEPC in any form. I have made my position clear on so many occasions it is beyond argument.

However, the pending amendment offered by the gentleman from Oklahoma [Mr. STEED] fails to take into account one of the fundamental concepts of our Constitution. The first amendment to the Constitution provides in part:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

That provision puts into words a basic principle our ancestors labored to establish, the separation of church and state.

The pending proposal in no way takes that principle into account. My amendment will offer some modicum of protection to members of various religious sects to prevent any imposition on them and their organizations. It should be adopted.

I regret the necessity for even engaging in debate on such an issue as FEPC. It is one of the planks in the President's civil-rights program, against which I have spoken and opposed on numerous occasions. My sentiments on the most controversial features of that program, including FEPC, were expressed at length on the floor of the House August 2, 1948. I would like to reiterate them at this point.

Mr. Chairman, I oppose the civil-rights program. Ever since I came to Congress I have been one of the most active opponents of the things included in the President's so-called civil-rights program.

While there are other points in the civil-rights program, the most controversial are: First, the enactment by Congress of an antilynching law; second, Federal legislation to abolish the poll tax; third, Federal legislation to eliminate segregation; fourth, passage of a Federal Fair Employment Practice Act.

These proposals, first, violate the Constitution; second, are an encroachment on States' rights; third, are wrong in principle; and, fourth, will not work in practice.

ORIGIN OF PROGRAM

The program was inspired by agitators who want to make the South a political whipping boy. Not all who favor the

civil-rights program are Communists, but it is certainly true that all who are Communists do favor it. They have now set up Henry Wallace as their straw man spokesman. They use him to help create prejudice and confusion for their own ends.

PURPOSE OF PROGRAM

The program seeks to establish racial and social equality where none was decreed by the laws of God. Enactment of such proposals into law would add chaos to the already existing confusion in the national picture at a time when all of our energies should be devoted to a solution of problems of the greatest magnitude, both at home and abroad. All of those proposals have a political inspiration, which seeks the votes of the minority groups in the big cities of the North and East in order to perpetuate their sponsors in office. They are an invasion of the principles of States' rights as conceived by that great Democrat, Thomas Jefferson, and followed through the years by those of us who cling to Jeffersonian principles.

NO NECESSITY FOR PROGRAM

There is no need for such legislation because the history of the progress of racial relationships in the South, where such problems are said to be acute, reveals that much has been done to solve them. The Negro has no better friend than the southern white man. We give him work to earn his livelihood. We feed and clothe him when he cannot provide for himself. We supply him with medical care and drugs when he is ill. We provide educational facilities for his children, contribute to the construction of his churches, advise with him when he is troubled. His progress has been remarkable in the last 80 years. All of that is contrasted with the treatment the Negro receives in the North, where none save his own kind cares what becomes of him.

HISTORY OF PROGRAM

So much controversy has arisen over the Truman civil-rights program that it might shed some light on the subject to review its history briefly. The civil-rights doctrine originated in the minds of a few misguided zealots, whose clamorings to get political recognition from certain minority groups resulted in the establishment of a Fair Employment Practice Commission by Executive order in 1941. More will be said about that later.

The first major step in the formation of the civil-rights program occurred when President Truman appointed a Committee on Civil Rights in December 1946. After more than a year that committee submitted a 178-page document which serves as a basis for the program.

In his state-of-the-Union message delivered to Congress January 7, 1948, the President discussed, among other things, the question of so-called civil rights, and stated he would send a special message to the Congress on that subject.

On February 2, 1948, the President sent the special message.

The civil-rights program became a major point of controversy at the Democratic National Convention in July 1948, and split the Democratic Party into segments. Its submission as a subject to be considered by the Congress at this special session has resulted in a situation that has delayed consideration of important legislation in the other body.

On February 2, 1948, the President sent the special message.

ANTILYNCHING

The record of lynchings in the United States during the past 50 years shows in 1900 there were 115; in 1910, 76; in 1920, 61; in 1930, 21; in 1940, 5; 1944, 2; 1945, 1; 1946, 6; 1947, again only 1 lynching. The figures show that lynching has practically disappeared in America without a Federal antilynching law. Therefore, there is no need for such a Federal statute.

On the other hand, the vociferous advocates of an antilynching law make no suggestion that there be a Federal statute enacted against murder, rape, robbery, theft, burglary, and so forth.

In New York City, where a large part of the agitation for a Federal antilynching law comes from, in 1946 there were 325 murders, 14,525 other felonies, and a total of 697,734 crimes reported to the police. That is the record of one city in 1 year. Yet among the 140,000,000 people in the entire United States there were only 6 lynchings.

Lynching is another form of murder and is prohibited by statute in every State in the United States. Why do not the advocates of an antilynching law seek Federal legislation to punish the commission of other forms of murder and other felonies? Obviously, in view of the record of New York City and other metropolitan centers in the United States, the crimes are so commonplace there is no vote-getting glamor in seeking Federal statutes for the punishment of crimes generally. Equally obviously, the demand is raised all out of proportion to the justification, based on the record that lynching has almost entirely disappeared in this country.

Do not those victims of murder, robbery, rape, and so forth, have some civil rights? Certainly. Again, they have no spokesman for their rights seeking the enactment of Federal laws for punishment of the offenders, because there is no political benefit accruing from such a program.

ABOLITION OF THE POLL TAX

Only 7 States in the 48 levy a poll tax as a means of registration to establish eligibility for voting. In many of them, including Texas, most of the revenue derived is devoted to the maintenance and operation of the public schools. If the people of Texas want to abolish the poll tax and substitute some other requisite to vote, that is their business; but I am opposed to the Federal Government telling Texas how and what to do about it.

A law enacted by Congress to abolish the poll tax is unconstitutional, in my opinion. The Constitution provides in article 1, section 2:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Numerous cases have been decided sustaining my viewpoint. In Breedlove against Suttles, decided by the United States Supreme Court in 1937, Mr. Justice Butler, speaking for the Court, said:

> Payment as a prerequisite is not required for the purpose of denying or abridging the privilege of voting. It does not limit the tax to electors; aliens are not there permitted to vote, but the tax is laid upon them if within the defined class. It is not laid upon persons 60 or more years old, whether electors or not. Exaction of payment before registration undoubtedly serves to aid collection from electors desiring to vote, but that use of the State's power is not prevented by the Federal Constitution.

Other cases have followed the principle announced in that case.

Enactment by Congress of a law to abolish the poll tax would be an invasion of the rights of the States to establish their own electoral systems.

The poll-tax issue is another one of those that is raised for pure vote-getting purposes by those in the North and East who are agitating for a Federal law on the subject. The issue is politically inspired to get the votes of a minority group in the big city areas in doubtful States. That is where the cry to abolish the poll tax comes from.

I could go on at length discussing this subject, but to do so would unduly burden you. Let me direct your attention to the fact that I led the debate on the floor of the House in opposition to the proposal on July 21, 1947, when that subject was up for consideration. The speech I made on that occasion in opposition to the legislation contains a full analysis of my views on the subject and the law in support of my position.

FEDERAL LEGISLATION TO ELIMINATE SEGREGATION

Segregation is not discrimination. It is a means of affording people of all races an opportunity to be and associate with their own kind. It avoids friction. It promotes harmonious relationships. It prevents discord. It eliminates opportunities for disagreement and strife.

What does elimination of segregation by law mean to the average citizen? It means that the American would be prohibited from choosing his associates in the church, in the school, in fraternal organizations, in every walk of social life. It means that you and I must accept as associates in our daily lives persons of race and color other than our own regardless of our personal feelings in the matter. In order to eliminate segregation and to prevent discrimination it would result in the establishment of a Federal bureau with gestapo powers. The employees of such an agency would have a right to tell the free American citizen with whom he could associate regardless of the citizen's personal desires in the matter. Carried to its ultimate conclusion, the agents of such a bureau could require the churches to accept membership from those it did not want. It could compel us to send our children to school with companions other than their own seeking. It could require us to occupy the

same travel accommodations, the same hotels, and eat at the same restaurants in company of persons we did not voluntarily choose.

All of those things could be done in the name of civil rights. To do them would be to disregard the rights of a majority of the people.

THE FEPC

The establishment of a Federal Fair Employment Practice Commission by law to prohibit discrimination in private employment would be a terrible imposition on the American people. It would simply mean this: that no employer could employ or discharge persons from employment without being supervised by agents of that bureau. It would mean that the employee would be required to work side by side with individuals he would not associate with except by compulsion. Assume 75 percent of the population in a given town were white and 25 percent black. Under such a law every employer would have to accept one-fourth of his employees from among the colored race regardless of the nature and type of employment. If a merchant had four clerks, one of them would have to be a Negro. If a contractor wanted to hire four carpenters, one of them would have to be a Negro. If a board of school trustees wanted to employ four teachers, one of them would have to be a Negro.

Illustrations of this nature could be noted in countless numbers.

We have a history in the establishment of an FEPC. In 1941, by Executive order, the President of the United States established an FEPC. That organization was broadened and enlarged in scope and number of employees during the ensuing years. In 1944 it employed more Negroes than whites; had Negroes supervising white employees within the agency; paid the Negroes an aggregate salary larger than it paid the white employees; required employees of the agency to use the same rest-room facilities regardless of their race; ordered the railroads of the Nation to employ Negroes indiscriminately as engineers, firemen, and conductors, regardless of qualifications. The activities of that Commission resulted in strikes, riots, and other friction between whites and Negroes of this country.

MY ACTIVE OPPOSITION

That agency existed when I took the oath of office as Congressman in 1945. One of the first things I did as a new Congressman was to call together a group of other new Members to discuss ways and means to eliminate the FEPC. As a result, we set upon a course to do everything possible to prevent further enlargement of that bureau and to eliminate it as soon as possible. Those of us who opposed the continuation of the FEPC were continually devising ways and means to destroy it.

The chance to kill the FEPC came during my first term in Congress. H. R. 5890, a bill to make appropriations for certain agencies of the Government, was called up on the floor of the House for consideration. The bill provided for money to continue the FEPC to the end of the fiscal year. I made the point of order that struck that sum of money from the bill and forced the agency out of existence. It has not been revived since.

My record of opposition to the proposals in the civil-rights program is well known to all Members of this House and to all others who have been regular readers of the newspapers. I have helped arrange and attended many meetings in protest of specific proposals in the civil-rights program. On the numerous occasions when Members of the House, such as Messrs. Marcantonio, Isacson, and Powell, offered amendments to various bills seeking to write into those bills language in keeping with the civil-rights program. I have always been on the floor and active in my opposition to their amendments. I have been instrumental in notifying other Members what was taking place and getting them to vote against those amendments. As a result of our concerted activities, no such proposal has been enacted into law in the last 4 years.

I was one of the 78 Members of the House who formed an organization to oppose actively the President's civil-rights program after he delivered his message to the Congress on February 2 of this year. I feel that our opposition in the past has been effective in preventing enactment into law of any of the legislation sought to be adopted. I expect to continue my opposition to such a program as long as I am in Congress and afterward so long as I am able to oppose it.

Let me call your attention to the slogan of those who foment this civil-rights hysteria, "equality." One of the great purposes of the Constitution was to secure the blessings of liberty so that men could be free to be different and realize their differing ambitions with their differing abilities, not to achieve an impossible equality among unequal human beings. Every proposal seeking to give a man a right to do something which as a freeman he cannot secure for himself results in imposing burdens and restraints on the freedoms of others. We must watch and defeat every effort to create by law the right in one man to compel others to associate with him or accept obligations to him in the realm of private enterprise and private life. We must realize that freedom of association in work and in leisure is one of our most precious liberties.

Let us recall the words of the late Justice of the Supreme Court Mr. Brandeis, whom no one could rightfully accuse of intolerance or prejudice. He wrote:

> The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings, and of his intellect. They knew that only a part of the pain, pleasure, and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred, as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men.

CONCLUSION

To sum it up, in the name of civil rights the proponents of this program would violate the very fundamentals of the Bill of Rights and force on the individual an association with persons and conditions of living not of his own choosing. In short, it would deprive the individual of his right to live under his own vine and fig tree in his own way. These things he would have to surrender to bureaucratic control and dictation from Washington, where some Government agent could tell him whom he should employ, what he could do, and with whom he must associate. Thus, in the name of civil rights they would destroy the very liberties upon which this Government was founded and under which it has grown to be the mightiest nation in the history of the world.

I reiterate with all of the emphasis at my command I have opposed the civil-rights program. I am now opposed to the program. I will continue my opposition to that program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and on a division (demanded by Mr. PICKETT) there were ayes 197, noes 74.

So the amendment was agreed to.

Mr. HARRISON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. HARRISON to the substitute amendment offered by Mr. STEED: On page 1, line 12, after the words "labor organization", insert *"Provided, however,* That it shall not constitute discrimination under this act for a religious organization to refuse to employ an atheist."

Mr. HARRISON. Mr. Chairman, the amendment I am offering at this time represents an effort to curb, in one small but significant area, the disruptive effects this FEPC legislation is certain to have if it becomes law.

I think the fact such an amendment as mine appears necessary furnishes startling proof of the far-reaching and iniquitous consequences implicit in this legislation. The proponents of the FEPC bill, Mr. Speaker, intend to jettison—finally and completely—the basic American principle of an employer's free choice of employees.

Under the deceptive banner of "civil rights," the forces of non-American, centralist philosophies of government propose to threaten the employers of the Nation with heavy fines and jail terms, if they do not hire and fire in conformity with the edicts of a new Washington bureaucracy.

We have before us two ideas of a Federal Fair Employment Practice Commission. One contemplates an agency that would have power to subpena an employer from any part of the Nation to any other place in the Nation to answer a complaint by a disgruntled job-seeker or former employee. It would be authorized to order an employer to hire certain persons, or to take back others he had discharged for what he considered incompetence but which the fired worker fancied to be a racial or religious bias.

It would give the competent worker nothing he now requires; it would hand the incompetent a club, give him special privileges, assure him a livelihood at the expense of the diligent and skillful.

The other type of FEPC purports to be all things to all men. It would be a Federal commission without the power to issue cease and desist orders and get them enforced in the Federal courts under threat of fine or imprisonment. This agency would investigate—snoop, in other words—cooperate—interfere, in other words—and make reports on what should be done about the discrimination which civil-rights agitators claim is rampant in the United States.

To those of us who still profess some respect for individual rights, this sort of FEPC is held out as something harmless, something innocuous. We are asked to "go along" with it on the argument that it cannot hurt us.

To FEPC advocates, it is held out as "a step in the right direction"—probably the longest step that can be forced at this moment.

These two FEPC proposals are of a piece. The voluntary concept is only very slightly less ominous and abhorrent than the compulsory one. I want no part of either.

I realize, however, the temper of many of my colleagues. They have been hypnotized by the civil-rights agitators.

In this atmosphere, there would be no purpose in arguing the injustice and insensibility of precluding an employer from inquiring into the birthplace of a prospective employee, of prohibiting him, even in these uncertain times, from asking to see the naturalization papers of a foreign-born applicant.

It probably is useless to suggest that an employer who wishes to give some preference to veterans of the wars of the United States should be allowed to ask an applicant whether he was in the armed forces—another question that is verboten under regulations promulgated where FEPC is in effect.

And I do not think those who are contending so strongly here for FEPC will be moved to concern for the employees who might like to feel that their employer had some control over the composition of the working force—the selection of those with whom they are to labor.

Inasmuch as we have heard much emotional argument uttered by the devotees of bureaucratic overseeing of hiring and firing, even the suggestion that a religious organization should be permitted to select employees of its own faith probably will fall unheard.

But I am offering now an amendment to which I believe even the most rabid exponent of the totalitarian FEPC principle could bring himself to support.

Even if the sponsors of FEPC contend a pastor should not be permitted to ask a prospective church organist whether he or she is of the same religious persuasion, they might concede that the pastor need not place himself in the shadow of a jail cell when he asks whether the applicant subscribes to any religion.

I urge, most earnestly, that our religious organizations be provided an iota of protection from the indignity of being forced to hire an atheist.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. JENSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JENSEN to the amendment offered by Mr. MCCONNELL: Add a new section at the end of the bill as follows:

"*Provided*, That any person who is a member of an organization which has been cited by the Attorney General and/or by the Federal Bureau of Investigation as a Communist organization or as a Communist front organization is excluded from the provisions of this bill."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

Mr. HUBER. Mr. Chairman, in view of the number of ridiculous amendments that have been adopted I ask unanimous consent that the remainder be adopted en masse.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. SUTTON. Mr. Chairman, I object.

Mr. KEATING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEATING to the amendment offered by Mr. MCCONNELL: On page 2, line 15, after the period insert a new sentence reading as follows: "Not more than three Commissioners shall be members of the same political party."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Oklahoma [Mr. STEED].

The substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MCCONNELL], as amended.

The question was taken; and on a division (demanded by Mr. TAURIELLO) there were—ayes 236, noes 63.

So the amendment was agreed to.

Mr. POWELL. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 4453) to prohibit discrimination in employment because of race, color, religion, or national origin, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

Mr. LESINSKI. Mr. Speaker, I move the previous question on the bill and the amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

Mr. LESINSKI. Mr. Speaker, on that I demand the yeas and nays.

Mr. BARDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARDEN. Do I understand that the vote now is on the McConnell amendment?

The SPEAKER. That is correct.

Mr. BARDEN. And later the vote will be on final passage of the bill?

The SPEAKER. That is correct.

Mr. BIEMILLER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BIEMILLER. I understand the parliamentary situation to be that if the McConnell amendment is rejected, that then the vote will recur on the original Powell bill.

The SPEAKER. That is correct.

The yeas and nays were ordered.

The question was taken; and there were—yeas 222, nays 178, not voting 31, as follows:

[Roll No. 63]

YEAS—222

| | | |
|---|---|---|
| Abbitt | Engle, Calif. | McMillan, S. C. |
| Abernethy | Evins | Magee |
| Albert | Fallon | Mahon |
| Allen, Calif. | Fellows | Martin, Iowa |
| Allen, Ill. | Fenton | Martin, Mass. |
| Andersen, H. Carl | Fernandez | Merrow |
| | Fisher | Meyer |
| Anderson, Calif. | Ford | Michener |
| Andresen, August H. | Frazier | Miles |
| | Fugate | Miller, Md. |
| Andrews | Gary | Miller, Nebr. |
| Auchincloss | Gathings | Mills |
| Barden | Gavin | Monroney |
| Barrett, Wyo. | Golden | Morris |
| Bates | Goodwin | Morrison |
| Battle | Gore | Morton |
| Beall | Gossett | Murdock |
| Beckworth | Graham | Murray, Tenn. |
| Bennett, Fla. | Grant | Murray, Wis. |
| Bennett, Mich. | Gregory | Nelson |
| Bentsen | Gwinn | Nicholson |
| Blackney | Hagen | Nixon |
| Boggs, La. | Hale | Norrell |
| Bolton, Md. | Halleck | O'Hara, Minn. |
| Bonner | Hardy | Pace |
| Boykin | Hare | Passman |
| Bramblett | Harris | Patten |
| Brooks | Harrison | Peterson |
| Brown, Ga. | Harvey | Phillips, Calif. |
| Brown, Ohio | Hays, Ark. | Phillips, Tenn. |
| Bryson | Hébert | Pickett |
| Burleson | Herlong | Poage |
| Burton | Hill | Poulson |
| Byrnes, Wis. | Hinshaw | Preston |
| Camp | Hobbs | Priest |
| Carlyle | Hoeven | Rains |
| Case, S. Dak. | Hoffman, Mich. | Rankin |
| Chelf | Hope | Redden |
| Chiperfield | Horan | Reed, Ill. |
| Christopher | Jackson, Calif. | Reed, N. Y. |
| Church | James | Rees |
| Clevenger | Jenison | Regan |
| Cole, Kans. | Jenkins | Richards |
| Cole, N. Y. | Jennings | Rivers |
| Colmer | Jensen | Rogers, Fla. |
| Combs | Johnson | St. George |
| Cooley | Jonas | Sanborn |
| Cooper | Jones, Ala. | Sasscer |
| Cotton | Jones, N. C. | Scrivner |
| Cox | Kearns | Scudder |
| Crawford | Keefe | Shafer |
| Curtis | Kerr | Short |
| Dague | Kilburn | Sikes |
| Davis, Ga. | Kilday | Simpson, Ill. |
| Davis, Tenn. | Kruse | Simpson, Pa. |
| Davis, Wis. | Lanham | Sims |
| Deane | Larcade | Smith, Kans. |
| DeGraffenried | LeCompte | Smith, Va. |
| D'Ewart | LeFevre | Stanley |
| Dolliver | Lichtenwalter | Steed |
| Dondero | Lovre | Stefan |
| Doughton | Lucas | Stigler |
| Durham | Lyle | Stockman |
| Elliott | McConnell | Sutton |
| Ellsworth | McCulloch | Taber |
| Elston | McDonough | Tackett |

| | | |
|---|---|---|
| Talle | Vursell | Williams |
| Teague | Weichel | Willis |
| Thompson | Werdel | Wilson, Ind. |
| Thornberry | Wheeler | Wilson, Okla. |
| Towe | White, Calif. | Wilson, Tex. |
| Trimble | Whitten | Winstead |
| Underwood | Whittington | Wood |
| Velde | Wickersham | Worley |
| Vinson | Widnall | |

NAYS—178

| | | |
|---|---|---|
| Addonizio | Hall, | Moulder |
| Angell | Edwin Arthur | Multer |
| Aspinall | Hall, | Murphy |
| Bailey | Leonard W. | Noland |
| Baring | Hand | Norton |
| Barrett, Pa. | Hart | O'Brien, Ill. |
| Biemiller | Havenner | O'Brien, Mich. |
| Bishop | Hays, Ohio | O'Hara, Ill. |
| Blatnik | Heffernan | O'Konski |
| Boggs, Del. | Heller | O'Neill |
| Bolling | Herter | O'Sullivan |
| Bolton, Ohio | Heselton | O'Toole |
| Bosone | Hoffman, Ill. | Patterson |
| Breen | Holifield | Perkins |
| Buchanan | Holmes | Pfeifer, |
| Buckley, Ill. | Howell | Joseph L. |
| Buckley, N. Y. | Huber | Pfeiffer, |
| Burdick | Hull | William L. |
| Burke | Irving | Philbin |
| Burnside | Jackson, Wash. | Polk |
| Byrne, N. Y. | Jacobs | Potter |
| Canfield | Javits | Powell |
| Cannon | Judd | Price |
| Carnahan | Karst | Quinn |
| Carroll | Karsten | Rabaut |
| Case, N. J. | Kean | Ramsay |
| Cavalcante | Kearney | Rhodes |
| Celler | Keating | Ribicoff |
| Chesney | Kee | Riehlman |
| Chudoff | Kelley, Pa. | Rodino |
| Clemente | Kelly, N. Y. | Rogers, Mass. |
| Corbett | Kennedy | Rooney |
| Coudert | Keogh | Roosevelt |
| Crook | King | Sabath |
| Crosser | Kirwan | Sadlak |
| Cunningham | Klein | Saylor |
| Davenport | Kunkel | Scott, Hardie |
| Dawson | Lane | Scott, |
| Delaney | Latham | Hugh D., Jr. |
| Denton | Lemke | Secrest |
| Dingell | Lesinski | Shelley |
| Dollinger | Lind | Sheppard |
| Donohue | Linehan | Staggers |
| Douglas | Lodge | Sullivan |
| Doyle | Lynch | Tauriello |
| Eberharter | McCarthy | Taylor |
| Engel, Mich. | McCormack | Tollefson |
| Feighan | McGrath | Vorys |
| Flood | McGregor | Wagner |
| Fogarty | McGuire | Walsh |
| Forand | McKinnon | Walter |
| Fulton | McSweeney | Welch |
| Furcolo | Mack, Ill. | White, Idaho |
| Gamble | Mack, Wash. | Wier |
| Garmatz | Madden | Wigglesworth |
| Gordon | Mansfield | Withrow |
| Gorski | Marcantonio | Wolverton |
| Granahan | Marsalis | Woodhouse |
| Granger | Miller, Calif. | Yates |
| Green | Mitchell | Young |
| Gross | Morgan | Zablocki |

NOT VOTING—31

| | | |
|---|---|---|
| Allen, La. | Jones, Mo. | Smith, Ohio |
| Arends | McMillen, Ill. | Smith, Wis. |
| Brehm | Macy | Spence |
| Bulwinkle | Marshall | Thomas |
| Chatham | Mason | Van Zandt |
| Davies, N. Y. | Norblad | Wadsworth |
| Eaton | Patman | Whitaker |
| Gillette | Plumley | Wolcott |
| Gilmer | Rich | Woodruff |
| Harden | Sadowski | |
| Hedrick | Smathers | |

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Wadsworth for, with Mr. Hedrick against.

Mr. Jones of Missouri for, with Mr. Davies of New York against.

Mr. Allen of Louisiana for, with Mr. Sadowski against.

Mr. Gilmer for, with Mr. Macy against.

Mr. Gillette for, with Mr. Brehm against.

Until further notice:

Mr. Whitaker with Mr. Arends.

Mr. Marshall with Mr. Mason.

Mr. Smathers with Mr. Plumley.

Mr. Bulwinkle with Mr. Rich.

Mr. Patman with Mr. Woodruff.

Mr. Spence with Mr. McMillen of Illinois.

Mr. Thomas with Mr. Wolcott.

Mr. Chatham with Mrs. Harden.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

Mr. BIEMILLER. Mr. Speaker, I demand a reading of the engrossed copy of the bill.

### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. DAVIES of New York (at the request of Mr. CELLER), for an indefinite period on account of illness in family.

### PARLIAMENTARY INQUIRY

Mr. HOFFMAN of Michigan. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOFFMAN of Michigan. Is a motion to recommit in order at this time?

The SPEAKER. Not until after the third reading of the bill.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Mr. Speaker, that means the House will have to stay in session until the engrossed copy is secured?

The SPEAKER. It does not.

Mr. RANKIN. We cannot take a recess on Calendar Wednesday?

The SPEAKER. The House can adjourn.

Mr. RANKIN. We can adjourn but that ends Calendar Wednesday.

The SPEAKER. The previous question has been ordered and the next time the House meets, whether this week or any other week, it is the pending business.

Mr. COLMER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COLMER. Can the Speaker advise us when the engrossed copy will be available and when the vote will be taken?

The SPEAKER. Not until the gentleman from Massachusetts makes a request about adjournment or offers a motion.

The Chair wants all Members to understand that on the convening of the House at its next session, the final disposition of this matter is the pending business.

Mr. McCORMACK. Mr. Speaker, I move that when the House adjourns today it adjourn to meet on Friday next at 12 o'clock noon.

Mr. MARTIN of Massachusetts. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Massachusetts. The gentleman cannot do that. As I understand it, we must come in at noon today for the Thursday session unless unanimous consent is secured to go over until Friday. Is that the proper parliamentary situation?

The SPEAKER. If the gentleman makes that point.

Mr. MARTIN of Massachusetts. I think the gentleman ought to proceed in the regular way.

Mr. McCORMACK. Of course, the gentleman is absolutely correct. I was trying to have an adjournment to a definite time.

Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Friday next at 12 o'clock.

Mr. KENNEDY. Mr. Speaker, I object.

### ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn until 12 o'clock today.

The motion was agreed to; accordingly (at 3 o'clock and 19 minutes a. m.), the House adjourned until 12 o'clock noon of Thursday, February 23, 1950.

### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DURHAM: Committee on Armed Services. H. R. 6480. A bill to revise title 18, United States Code, entitled "Crimes and Criminal Procedure"; with an amendment (Rept. No. 1676). Referred to the House Calendar.

Mr. PETERSON: Committee on Public Lands. H. R. 7273. A bill to provide a civil government for Guam, and for other purposes; without amendment (Rept. No. 1677). Referred to the Committee of the Whole House on the State of the Union.

Mr. DURHAM: Committee on Armed Services. H. R. 5074. A bill to promote the national defense by authorizing specifically certain functions of the National Advisory Committee for Aeronautics necessary to the effective prosecution of aeronautical research, and for other purposes; with an amendment (Rept. No. 1685). Referred to the Committee of the Whole House on the State of the Union.

### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WALTER: Committee on the Judiciary. H. R. 6655. A bill for the relief of Taeko Suzuki; with an amendment (Rept. No. 1678). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 7054. A bill for the relief of Mieko Miyazaki Malloy; without amendment (Rept. No. 1679). Referred to the Committee of the Whole House.

Mr. GOSSETT: Committee on the Judiciary. H. R. 7047. A bill for the relief of Mrs. Tomo Nonque Rosevear III; with an amendment (Rept. No. 1680). Referred to the Committee of the Whole House.

Mr. CHELF: Committee on the Judiciary. H. R. 7013. A bill for the relief of Mrs. Yae Bennett; with an amendment (Rept. No. 1681). Referred to the Committee of the Whole House.

Mr. GOSSETT: Committee on the Judiciary. H. R. 6942. A bill for the relief of Hisako Nakane; without amendment (Rept. No. 1682). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. H. R. 6793. A bill for the relief of Fujiko Fukuda; without amendment (Rept. No. 1683). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H. R. 7094. A bill for the relief of Kazuyo Dohi; without amendment (Rept. No. 1684). Referred to the Committee of the Whole House.

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PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KELLEY of Pennsylvania:

H. R. 7396. A bill to enable the States to make more adequate provision for special services required for the education of physically handicapped children of school age, and for other purposes; to the Committee on Education and Labor.

By Mr. MILLER of California:

H. R. 7397. A bill to provide for the promotion of postmasters, officers, and employees in the postal field service in recognition of longevity of service; to the Committee on Post Office and Civil Service.

By Mr. WHITTINGTON:

H. R. 7398. A bill to amend and supplement the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), as amended and supplemented, to authorize appropriations for continuing the construction of highways, and for other purposes; to the Committee on Public Works.

H. R. 7399. A bill to amend title 28, United States Code, section 104, subsections (a) and (b), to create a Greenville division in the northern district of Mississippi, with terms of court to be held at Greenville; to the Committee on the Judiciary.

By Mr. WOOD:

H. R. 7400. A bill to enable the States to make more adequate provision for special services required for the education of physically handicapped children of school age, and for other purposes; to the Committee on Education and Labor.

By Mr. SMATHERS:

H. R. 7401. A bill to allow to a retail dealer in gasoline a refund of the Federal tax paid on gasoline which is lost by the retailer through evaporation; to the Committee on Ways and Means.

By Mr. SPENCE:

H. R. 7402. A bill to assist cooperative and other nonprofit corporations in the production of housing for moderate-income families, to amend the National Housing Act, as amended, and for other purposes; to the Committee on Banking and Currency.

By Mrs. DOUGLAS:

H. R. 7403. A bill to amend the Social Security Act in order to prohibit the requirement of support from relatives as a condition of granting old-age assistance or aid to the needy blind; to the Committee on Ways and Means.

By Mr. REES:

H. R. 7404. A bill to amend section 2 (a) of the National Housing Act, as amended, so as to make permanently effective the provisions of title I of such act; to the Committee on Banking and Currency.

By Mr. O'NEILL:

H. R. 7405. A bill to provide for the acquisition of a site for, and the construction of, a Federal building in Scranton, Pa.; to the Committee on Public Works.

By Mr. REGAN:

H. R. 7406. A bill to provide for the establishment of a veterans' hospital in west Texas; to the Committee on Veterans' Affairs.

By Mr. BYRNE of New York:

H. R. 7407. A bill to provide for issuance of a postage stamp in commemoration of the one hundred and twenty-fifth anniversary of the opening of the Erie Canal in New York State; to the Committee on Post Office and Civil Service.

By Mr. DURHAM:

H. Res. 485. Resolution providing for the consideration of H. R. 7058, a bill to amend laws relating to the United States Military Academy and the United States Naval Academy, and for other purposes; to the Committee on Rules.

H. Res. 486. Resolution providing for the consideration of H. R. 5074, a bill to promote the national defense by authorizing specifically certain functions of the National Advisory Committee for Aeronautics necessary to the effective prosecution of aeronautical research, and for other purposes; to the Committee on Rules.

By Mr. EDWIN ARTHUR HALL:

H. Res. 487. Resolution to take off all taxes on bread and butter; to the Committee on Rules.

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PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

Mr. BOGGS of Delaware:

H. R. 7408. A bill for the relief of Christos Haralmos Marasaglou; to the Committee on the Judiciary.

By Mr. FERNÓS-ISERN:

H. R. 7409. A bill for the relief of María Rozas Espiñeira de Colchero Arrubarrena, Fernando Colchero Rozas, and Fernado Colchero Rozas; to the Committee on the Judiciary.

By Mr. EDWIN ARTHUR HALL:

H. R. 7410. A bill for the relief of Mrs. Kiyoko Tanaka Perez; to the Committee on the Judiciary.

By Mr. HELLER:

H. R. 7411. A bill for the relief of Mrs. Ingeborg Ruth Sattler McLaughlin; to the Committee on the Judiciary.

By Mr. LYLE:

H. R. 7412. A bill for the relief of Roberto Nicolas Nassor; to the Committee on the Judiciary.

By Mr. MCSWEENEY:

H. R. 7413. A bill for the relief of James T. M. Fong; to the Committee on the Judiciary.

By Mr. RODINO:

H. R. 7414. A bill for the relief of Teresa Gentile and Galliano Gentile; to the Committee on the Judiciary.

By Mr. SIKES:

H. R. 7415. A bill for the relief of Clifford D. Smitherman; to the Committee on the Judiciary.

By Mr. WALTER:

H. R. 7416. A bill for the relief of Miss Suzuko Takanashi; to the Committee on the Judiciary.

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PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1895. By Mr. HESELTON: Resolutions of the General Court of the Commonwealth of Massachusetts, relative to securing additional financial aid for the Waltham Watch Co. from the Reconstruction Finance Corporation; to the Committee on Banking and Currency.

1896. Also, resolutions of the General Court of the Commonwealth of Massachusetts, memorializing Congress to remove existing taxes on admissions to high-school athletic contests or athletic contests conducted by charitable and nonprofit organizations; to the Committee on Ways and Means.

1897. By Mr. MACK of Washington: Resolution of the South Bend, Wash., Chamber of Commerce, asking immediate action by Congress to stabilize our national economy; to the Committee on Expenditures in the Executive Departments.

1898. By the SPEAKER: Petition of Lewis E. Park, chairman, Industrial Arts Club, Kansas City, Mo., endorsing Federal aid to education; to the Committee on Education and Labor.

1899. Also, petition of Philipp N. Poulleys, president, Pan-Messenian Federation of America, Boston, Mass., relative to the treatment being given Greek children from the Province of Messenia, Greece, by the Communists; to the Committee on Foreign Affairs.

1900. Also, petition of Dr. Louis Kreshtool, secretary, Delaware State Dental Society, Wilmington, Del., requesting that compulsory health insurance be not imposed upon the citizens of this Nation; to the Committee on Interstate and Foreign Commerce.

1901. Also, petition of Mercedes Mennecke, president, American Legion Auxiliary, Summit, Ill., opposing the Hoover reports pertaining to proposed changes in the Veterans' Administration and in the Veterans' Preference Act of 1944; to the Committee on Veterans' Affairs.

1902. By Mr. MILLER of Maryland: Resolution of Queen Annes County Petroleum Industries Committee, Centreville, Md., requesting repeal of the Federal gasoline tax; to the Committee on Ways and Means.

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# SENATE

## THURSDAY, FEBRUARY 23, 1950

*(Legislative day of Wednesday, February 22, 1950)*

The Senate met at 12 o'clock meridian, on the expiration of the recess.

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

God our Father, we thank Thee for the unquenchable impulse toward Thee which Thou hast planted within us. Open our eyes to see Thee and our hearts to feel Thee, not just out on the rim of the universe, in some distant star, but in human love which hallows our own lives, which at its best bears witness to Thee and alone can heal the hurt of the world. Conscious of Thy overshadowing presence, we pray for fidelity as we face the issues of these momentous days. Committing our souls unto Thee, who knowest the way we take, bring us forth as gold tried in the fire. In the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. LUCAS, and by unanimous consent, reading of the Journal of the proceedings of Wednesday, February 22, 1950, was dispensed with.

LEAVE OF ABSENCE

On request of Mr. WHERRY, and by unanimous consent, Mr. YOUNG was excused from attendance on the sessions of the Senate today and tomorrow.

CALL OF THE ROLL

Mr. LUCAS. I suggest the absence of a quorum.