II. (a) 28 percent × $1.00 = $0.28 (United States XYZ industry's labor cost per sales dollar); (b) $0.28 ÷ $2.10 = .133 (man-hours per sales dollar); (c) 0.133 × $0.478 = $0.064 (weighted foreign labor cost per United States sales dollar); (d) $0.28 − $0.064 = $0.216 (difference in labor cost per United States sales dollar).

III. (a) $1.00 − $0.28 = $0.72 (United States XYZ industry's price factors other than labor); (b) $0.72 + $0.064 = $0.784 (foreign price including all United States factors except labor and adding weighted foreign labor cost); (c) $0.216 ÷ $0.784 = 27.5 percent (ad valorem duty).

SENATE

WEDNESDAY, AUGUST 7, 1957

(Legislative day of Monday, July 8, 1957)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Dr. Hyman Judah Schachtel, rabbi, Congregation Beth Israel, Houston, Tex., offered the following prayer:

Almighty God, Father of all mankind, we turn to Thee to seek Thy favor and Thy blessings upon this day's deliberations of the Senate of our beloved country. We are all, no matter how exalted in earthly title and position, mere finite, limited mortals who must call upon Thy divine power and guidance if we are to know and to choose what is right and to understand and reject what is wrong. Therefore, in behalf of each one who belongs to this historic and honored Senate, and carries the heavy burdens of national and international problems, we pray in the sharp light of the crucial needs of this day, for vision, justice, and love. May the Members of this noble legislative body behold what is good for all the people. May each Senator discover what is basically just within the vexing issues upon which he is called to make his decision.

And may love fill the heart of every Senator, so that peace may be more surely secured here at home, and brotherhood helped to come alive for the peoples of the world.

In the closing words of a great American anthem, we beseech Thee—"Long may our land be bright with freedom's holy light; protect us by Thy might, great God, our King."

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the proceedings of Tuesday, August 6, 1957, was approved, and its reading was dispensed with.

THE CIVIL RIGHTS BILL—CONTEMPLATED PROGRAM

Mr. JOHNSON of Texas. Mr. President, I should like to have the attention of the minority leader. I had hoped that the Senate might be able to vote today or late this evening on the civil-rights bill. Many Senators have inquired of me as to when it is expected that the Senate will vote on the bill. As the distinguished minority leader knows, it is impossible to state when the vote will be taken, without having some previous understanding as to the time for the taking of the vote.

I wonder whether the minority leader would be agreeable to entering into an order, later in the day—let us say at the conclusion of the morning hour—which would permit the vote to be taken after 6 hours of debate, to be equally divided between the supporters of the bill and the opponents of the bill, in other words, 3 hours for each side, or a total of 6 hours. I wonder whether the minority leader would look with favor upon such an arrangement. If so, I shall pursue it with interested Senators on this side of the aisle; and if he will do likewise, we may be able to give our colleagues some indication of the time when the Senate may expect to vote on the bill.

Mr. KNOWLAND. Mr. President, personally I would look with favor upon working out some arrangement. I would wish to explore the matter with Senators on this side of the aisle, as the Senator from Texas would with Senators on his side, to see whether the time suggested would be satisfactory, or whether other suggestions might be made. But I shall pursue the matter as rapidly as possible.

Mr. JOHNSON of Texas. So far as the Senator from California personally is concerned, he would be agreeable to a 6-hour limitation, would he?

Mr. KNOWLAND. Yes.

Mr. JOHNSON of Texas. Mr. President, that is my feeling in regard to the matter. I shall consult with various Senators on my side of the aisle; and I hope that by the conclusion of the morning hour, I may be able to propose an order setting a time certain for the taking of the vote on the pending measure.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session,

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

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

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The VICE PRESIDENT announced that on today, August 7, 1957, he signed the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

S. 236. An act to amend section 6 of the act of June 20, 1918, as amended, relating to the retirement pay of certain members of the former Lighthouse Service;

S. 334. An act to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended (30 U. S. C. 184), in order to promote the development of phosphate on the public domain;

S. 525. An act for the relief of Rhoda Elizabeth Graubart;

S. 650. An act for the relief of Isabella Abrahams;

S. 701. An act for the relief of Karl Eigil Engedal Hansen;

S. 827. An act for the relief of Guillermo B. Rigonan;

S. 833. An act for the relief of Vida Letitia Baker;

S. 874. An act for the relief of Cornelis Vander Hoek;

S. 943. An act to amend section 218 (a) of the Interstate Commerce Act, as amended, to require contract carriers by motor vehicle to file with the Interstate Commerce Commission their actual rates or charges for transportation services;

S. 988. An act for the relief of Satoe Yamakage Langley;

S. 1063. An act vesting in the American Battle Monuments Commission the care and maintenance of the Surrender Tree site in Santiago, Cuba;

S. 1112. An act for the relief of Matsue Harada;

S. 1171. An act for the relief of Harry Siegbert Schmidt;

S. 1251. An act for the relief of Florinda Mellone Garcia;

S. 1314. An act to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes;

S. 1492. An act increasing penalties for violation of certain safety and other statutes administered by the Interstate Commerce Commission;

S. 1773. An act to validate a certain conveyance heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, to the State of Nevada, involving certain portions of right-of-way in the city of Reno, county of Washoe, State of Nevada, acquired by the Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356);

S. 1884. An act to amend section 505 of the Classification Act of 1949, as amended;

S. 1941. An act to authorize the payment by the Bureau of Public Roads of transportation and subsistence costs to temporary employees on direct Federal highway projects;

H. R. 1288. An act for the relief of Ralph Landolfi;

H. R. 1325. An act for the relief of Mrs. Bertha K. Martensen;

H. R. 1348. An act for the relief of Frank E. Gallagher, Jr.;

H. R. 1446. An act for the relief of Philip J. Denton;

H. R. 1472. An act for the relief of Anna L. De Angelis;

H. R. 1501. An act for the relief of Beulah I. Reich;

H. R. 1520. An act for the relief of Mrs. Fusako Takai and Thomas Takai;

H. R. 1536. An act for the relief of Allison B. Clemens;

H. R. 1537. An act for the relief of Jacob Baronian;

H. R. 1552. An act for the relief of William H. Barney;

H. R. 1667. An act for the relief of Fred G. Nagle Co.;

H. R. 1701. An act for the relief of Abraham van Heyningen Hartendorp;

H. R. 1942. An act for the relief of the Sergeant Bluff Consolidated School District;

H. R. 2259. An act to provide for the conveyance of all right, title, and interest of the

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

United States to certain real property in Prairie County, Ark.;

H. R. 2346. An act for the relief of Irmgard S. King;

H. R. 2347. An act for the relief of Robert M. Deckard;

H. R. 2678. An act for the relief of Leona C. Nash;

H. R. 3071. An act to authorize the Secretary of the Interior to enter into and to execute amendatory contract with the Northport Irrigation District, Nebraska;

H. R. 3077. An act that the lake created by the Jim Woodruff Dam on the Apalachicola River located at the confluence of the Flint and Chattahoochee Rivers be known as Lake Seminole;

H. R. 3276. An act for the relief of Edwin K. Fernandez;

H. R. 3344. An act for the relief of Kenneth F. Ailes;

H. R. 3572. An act for the relief of Mrs. Mary Jane Russell;

H. R. 3588. An act for the relief of John R. Hill;

H. R. 3996. An act to authorize the utilization of a limited amount of storage space in Lake Texoma for the purpose of water supply for the city of Sherman, Tex.;

H. R. 4511. An act to declare a certain portion of Back Cove at Portland, Maine, to be nonnavigable water of the United States;

H. R. 4730. An act for the relief of Mrs. Jennie B. Prescott;

H. R. 4851. An act for the relief of Mrs. M. E. Shelton Pruitt;

H. R. 4932. An act to amend the act of July 11, 1947, to increase the maximum rate of compensation which the director of the Metropolitan Police Force band may be paid;

H. R. 4986. An act for the relief of the widow and children of John E. Donahue;

H. R. 5081. An act for the relief of Capt. Thomas C. Curtis and Capt. George L. Lane;

H. R. 5220. An act for the relief of the estate of Higa Kensai;

H. R. 5365. An act for the relief of Robert B. Peterman;

H. R. 5718. An act for the relief of Juanita Gibson Lewis;

H. R. 5721. An act for the relief of Marian Diane Delphine Sachs;

H. R. 5953. An act to provide for the construction of sewer and water facilities for the Elko Indian colony, Nevada;

H. R. 6570. An act to amend the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes;

H. R. 6621. An act for the relief of Mrs. Jane Barnes;

H. R. 6961. An act for the relief of Walter H. Berry;

H. R. 7213. An act for the relief of Louis S. Thomas and D. Grace Thomas;

H. R. 7522. An act to authorize the extension of certain rights to remove timber from lands acquired by the United States;

H. R. 8053. An act to authorize funds available for construction of Indian health facilities to be used to assist in the construction of community hospitals which will serve Indians and non-Indians;

H. J. Res. 322. Joint resolution for the relief of certain aliens; and

H. J. Res. 345. Joint resolution authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to the dead of the 2d Infantry Division, United States Forces, World War II and the Korean conflict.

TRANSACTION OF ROUTINE BUSINESS

The VICE PRESIDENT. In accordance with the order entered on yesterday, providing a period for the transaction of routine morning business, with a limitation of 3 minutes on statements, morning business is now in order.

EXECUTIVE COMMUNICATIONS, ETC.

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

PROPOSED SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1958 (S. Doc. No. 57)

A communication from the President of the United States, transmitting proposed supplemental appropriations for the fiscal year 1958 in the amount of $102,570,000 for the Small Business Administration, $3,456,000 for the Department of Commerce, $500,000 for the Department of Health, Education, and Welfare, and $29,090 for the District of Columbia (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

AMENDMENT OF SECTION 207 OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949, RELATING TO CERTAIN PROPOSED SURPLUS PROPERTY DISPOSALS

A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation to amend section 207 of the Federal Property and Administrative Services Act of 1949 so as to modify and improve the procedure for submission to the Attorney General of certain proposed surplus property disposals for his advice as to whether such disposals would be inconsistent with the antitrust laws (with an accompanying paper); to the Committee on Government Operations.

AUDIT REPORT ON GOVERNMENT PRINTING OFFICE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Government Printing Office, for the fiscal year ended June 30, 1956 (with an accompanying report); to the Committee on Government Operations.

INTERIM REPORT ON CAUSES AND CHARACTERISTICS OF THUNDERSTORMS AND OTHER ATMOSPHERIC DISTURBANCES

A letter from the Secretary of Commerce, transmitting, pursuant to law, an interim report on causes and characteristics of thunderstorms and other atmospheric disturbances, covering the fiscal year 1957 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

IMPROVEMENT OF ADMINISTRATION OF PUBLIC AIRPORTS IN TERRITORY OF ALASKA

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to improve the administration of the public airports in the Territory of Alaska (with an accompanying paper); to the Committee on Interstate and Foreign Commerce.

ESTABLISHMENT OF CERTAIN POSITIONS IN DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to authorize the establishment of three positions for specially qualified scientific and professional personnel in the Department of Health, Education, and Welfare (with an accompanying paper); to the Committee on Post Office and Civil Service.

RESOLUTION OF AMERICANS OF POLISH DESCENT

The VICE PRESIDENT laid before the Senate a resolution adopted by Americans of Polish Descent, at Budd Lake, N. J., relating to the liberation of Poland, which was referred to the Committee on Foreign Relations.

BIG HILL DAM AND RESERVOIR, KANS.—RESOLUTION

Mr. CARLSON. Mr. President, I present a resolution adopted by the directors of the Big Hill Improvement Association, at Cherryville, Kans., who recently received a report compiled by the Corps of Engineers, Tulsa District Office, on the Big Hill Dam and Reservoir project which stated that the project had been determined to be feasible. I hope when this matter is presented to the Chief of Engineers' office in Washington, they will recommend funds for the immediate planning and early commencement of construction.

I ask unanimous consent that the resolution be printed in the RECORD, and referred to the Committee on Public Works.

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

Whereas it has now been determined by the Corps of Engineers, United States Army, that Big Hill Reservoir is feasible, and will serve to conserve water and control floods; and

Whereas this project was proposed to be a participating project, wherein several cities were to share with the Federal Government in construction costs; and

Whereas it now becomes essential to determine what those costs may be, so that proper allocation may be made between the various parties: Now, therefore, be it

Resolved by the directors of the Big Hill Improvement Association, and the representatives of the governing bodies of all the interested cities:

1. We reiterate and reemphasize our desire to see this reservoir built at an early date. Excessive rains of recent months have served to break the extreme drought, but they have also again demonstrated that without Big Hill Dam, farmers in that beautiful and fertile valley are at the mercy of the elements and must suffer continuing losses.

2. We see no material change in the problem of water supply which confronts our cities, despite the lessening of the immediate threat of complete famine.

3. In order to make a determination and establish a base on which to negotiate for the apportionment of contemplated costs, it now becomes necessary to make a more detailed study of the location, and arrive at construction costs to be apportioned between the various cities and the Federal Government.

4. We therefore petition the Honorable MYRON V. GEORGE, Congressman, and United States Senators ANDREW H. SCHOEPPEL and FRANK CARLSON to bring our present situation to the attention of the proper parties and secure funds for making the detailed studies and surveys.

Passed and approved by the unanimous vote of directors present at Cherryvale, Kans., this 23d day of July 1957.

CHARLES S. MCGINNESS, *President.*

Attest:

ROY A. WOODS, *Secretary.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 264. A bill to provide for the appointment of a district judge for the district of Kansas (Rept. No. 825); and

S. 2701. A bill to provide for the appointment of an additional district judge for the

southern district of Mississippi (Rept. No. 828).

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

H. R. 5168. An act for the relief of William Henry Diment, Mrs. Mary Ellen Diment, and Mrs. Gladys Everingham (Rept. No. 833).

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

S. 697. A bill to provide for the appointment of a district judge for the district of Maryland (Rept. No. 826).

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

S. 2700. A bill to provide for the appointment of a district judge for the eastern, middle, and western districts of North Carolina (Rept. No. 827).

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

S. 2702. A bill to make permanent the temporary judgeship for the district of Utah (Rept. No. 829).

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

S. 2703. A bill to provide for the redistricting of the judicial district of North Dakota, and for other purposes (Rept. No. 830).

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

S. 116. A bill to provide for the appointment of an additional circuit judge for the seventh circuit, and for the appointment of additional district judges for the northern district of Illinois (Rept. No. 831).

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

S. 430. A bill to provide for the appointment of a district judge for the middle district of Tennessee (Rept. No. 832).

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

S. 1031. A bill to authorize the Secretary of the Interior to construct, operate, and maintain seven units of the Greater Wenatchee division, Chief Joseph project, Washington, and for other purposes (Rept. No. 835).

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

S. 2431. A bill granting the consent of Congress to the Klamath River Basin compact between the States of California and Oregon, and for related purposes (Rept. No. 834).

AMENDMENT OF INTERNAL REVENUE CODE, RELATING TO READJUSTMENT OF TAX IN CERTAIN CASES—REPORT OF A COMMITTEE—MINORITY VIEWS

Mr. BYRD. Mr. President, from the Committee on Finance, I report favorably, with amendments, the bill (H. R. 232) to amend the Internal Revenue Code of 1954 with respect to the readjustment of tax in the case of certain amounts received for breach of contract, and I submit a report (No. 836) thereon. I ask unanimous consent that minority views may also be filed.

The VICE PRESIDENT. The report will be received, and the bill will be placed on the calendar; and, without objection, minority views may be submitted on the bill.

SPECIAL COMMITTEE TO ATTEND MEETING OF COMMONWEALTH PARLIAMENTARY ASSOCIATION—AMENDMENT OF SENATE RESOLUTION 160

Mr. GREEN, from the Committee on Foreign Relations, reported an original resolution (S. Res. 177); which was referred to the Committee on Rules and Administration, as follows:

Resolved, That Senate Resolution 160, agreed to August 5, 1957, is amended to read as follows:

"*Resolved*, That the Vice President is authorized to appoint four Members of the Senate as a special committee to attend the next general meeting of the Commonwealth Parliamentary Association to be held in India on the invitation of the Indian branch of the association, and to designate the chairman of said committee.

"The expenses of the committee, including staff members designated by the chairman to assist the committee, which shall not exceed $15,000, shall be paid from the contingent fund of the Senate, upon vouchers approved by the chairman."

RIGHTS OF UNITED STATES VESSELS ON THE HIGH SEAS—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS

Mr. MAGNUSON. Mr. President, from the Committee on Interstate and Foreign Commerce I report favorably, with amendments, the bill (S. 1483) to amend the act of August 27, 1954 (68 Stat. 883) relating to the rights of vessels of the United States on the high seas and in the territorial waters of foreign countries, and I submit a report (No. 837) thereon.

I ask unanimous consent that the individual views of the Senator from Ohio [Mr. LAUSCHE] be attached to the majority report.

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

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. HOLLAND, from the Committee on Agriculture and Forestry:

Don Paarlberg, of Indiana, to be an Assistant Secretary of Agriculture, vice Earl L. Butz, resigned; and

Don Paarlberg, of Indiana, to be a member of the Board of Directors of the Commodity Credit Corporation, vice Earl L. Butz, resigned.

BILLS INTRODUCED

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

By Mr. MURRAY:

S. 2724. A bill to designate as national historic sites Lafayette Square and certain buildings in the vicinity thereof, in the city of Washington, District of Columbia, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. JAVITS (for himself, Mr. BEALL, Mr. CLARK, Mr. HUMPHREY, Mr. IVES, and Mr. NEELY):

S. 2725. A bill to exempt from taxation certain property of the National Council of Negro Women, Inc., in the District of Columbia; to the Committee on the District of Columbia.

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

By Mr. McNAMARA:

S. 2726. A bill for the relief of Luise K. Bennett; to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 2727. A bill to protect the public health and promote the public interest and to establish standards of identity, sanitation standards, and sanitation practices for the production, processing, transportation, sale, and offering for sale of fluid milk and fluid milk products shipped in interstate commerce or which affects interstate commerce for consumption as fluid milk and fluid milk products in any State, county, or municipality of the United States; to the Committee on Labor and Public Welfare.

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

By Mr. CLARK (by request):

S. 2728. A bill to amend the act entitled "An act to authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes," approved August 11, 1950; to the Committee on the District of Columbia.

By Mr. MORSE:

S. 2729. A bill to authorize the Secretary of the Treasury to extend the maturities of or renew certain loans made by the Reconstruction Finance Corporation in aid of the orderly liquidation of such loans; to the Committee on Banking and Currency.

CONCURRENT RESOLUTION—PRINTING OF ADDITIONAL COPIES OF HEARINGS ON MUTUAL SECURITY PROGRAM

Mr. GREEN submitted the following concurrent resolution (S. Con. Res. 45); which was referred to the Committee on Rules and Administration:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Committee on Foreign Relations, United States Senate, 1,000 additional copies of parts 1 and 2 of the hearings held by that committee during the current session on the mutual security program for fiscal year 1958.

CONCURRENT RESOLUTION— RELATIVE TO PROCEEDINGS ON H. R. 5707

Mr. JOHNSON of Texas submitted a concurrent resolution (S. Con. Res. 46) relative to proceedings on H. R. 5707, an act for the relief of A. C. Israel Commodity Co., Inc., which was considered and agreed to.

(See the above concurrent resolution printed in full, where it appears later in the Senate proceedings of today.)

RESOLUTION

Mr. GREEN, from the Committee on Foreign Relations, reported an original resolution (S. Res. 177) amending Senate Resolution 160, to appoint a special committee to attend the coming meeting of the Commonwealth Parliamentary Association in India, which was referred to the Committee on Rules and Administration.

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

DESIGNATION AS NATIONAL HISTORIC SITES OF LAFAYETTE SQUARE AND CERTAIN BUILDINGS IN THE VICINITY THEREOF

Mr. MURRAY. Mr. President, I introduce, for appropriate reference, a bill to designate as national historic sites Lafayette Square and certain buildings in the vicinity thereof, in the city of Washington.

Mr. President, it may interest the Members of the Senate to know that a companion measure, H. R. 9060, has been introduced in the House of Representatives by the distinguished young Representative from my State of Montana, Hon. LEE METCALF, of the First District.

September 6 of this year will mark the 200th anniversary of the birth of Marquis de Lafayette, hero of the American Revolution, and of the revolution in his native land of France. It is my earnest hope that our Nation will observe fittingly this historic anniversary; and in connection with it, I think it appropriate that we should set aside the beautiful area in the city of Washington that bears his name as a national historic site, together with several of the buildings adjoining the square that are so prominently connected with our national history.

The pressing need for the enactment of a measure such as the one I have introduced today is emphasized by the revelations of the plans of the executive department to raze the remaining historic buildings bordering Lafayette Park, in order to make way for monster office buildings. I refer particularly to the Dolly Madison home, or at least what is left of it today, which was the home of the fourth President of the United States, James Madison. In the CONGRESSIONAL RECORD for last Friday, August 2, Robert E. Merriam, Executive Director, Bureau of the Budget, was quoted as stating that the Treasury Department had plans for expansion which would involve taking over this hallowed site, as well as a number of others on the square.

Lafayette's birthday suggests to me, as I know it will to other Members of the Senate, that this is an opportune time for us to pause for a while in our onward rush for bigger and better Government buildings for the executive, and to rededicate ourselves to the cause for which Lafayette and kindred heroes who are honored in Lafayette Square dedicated themselves. Among those honored in Lafayette Square are President Andrew Jackson, Count Rochambeau, Commodore Stephen Decatur, who fought against the Barbary pirates, and whose home still remains overlooking Lafayette Park, as it did when he lived in it, General Von Steuben, and General Kosciusko.

I ask unanimous consent to have printed in the RECORD, as a part of my remarks, a report made by the Legislative Reference Service of the Library of Congress on Lafayette and the award and the honor paid to him by the Congress in 1824.

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

The bill (S. 2724) to designate as national historic sites Lafayette Square and certain buildings in the vicinity thereof, in the city of Washington, District of Columbia, and for other purposes, introduced by Mr. MURRAY, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The report presented by Mr. MURRAY is as follows:

[From the Library of Congress Legislative Reference Service]

GENERAL LAFAYETTE: AWARD FROM CONGRESS IN 1824

Lafayette arrived in New York in August 1824 and President Monroe in his Eighth Annual Message, December 7, 1824, spoke at length about his visit to this country. Among other things, he said: "His high claims on our Union are felt, and the sentiment universal that they should be met in a generous spirit. Under these impressions I invite your attention to the subject, with a view that, regarding his very important services, losses, and sacrifices, a provision may be made and tendered to him which shall correspond with the sentiments and be worthy of the character of the American people."

Brand Whitlock, in his life of Lafayette, states that "The propriety of such a gift had been discussed ever since his arrival," and adds, "Jefferson was in favor of the donation, and had urged it upon his friends in Congress" (vol. II, p. 246).

Gales and Seaton's Register of Debates in Congress for December 20 to 23, 1824, relates the discussion on the bill to reward Lafayette. Senator Hayne, from the committee to which was referred the subject of making provision for General Lafayette, reported to the Senate a bill providing for a grant of $200,000 and an entire township of land. This passed the Senate the next day, December 21. On December 22 a similar bill passed the House, but with minor differences on how the sum of $200,000 was to be paid to the general. On December 23 the Senate accepted the House version of the bill.

In a volume of Lafayette Letters, edited by Edward Everett Dale (Oklahoma City, 1925), the following footnote appears on pages 54–55:

"By a special act of Congress Lafayette was given a township of land to be selected by him from any part of the public domain. The lands chosen were in Florida. All were eventually sold, or otherwise disposed of, by Lafayette and his heirs.

"(Statement of the land commissioner of Florida.)"

[From Hans P. Caemmerer, A Manual on the Origin and Development of Washington, Washington, 1939]

LAFAYETTE PARK

The L'Enfant plan shows the ground now known as Lafayette Park, or Lafayette Square, comprising about 7 acres, to have been a part of the President's park, extending on the north side from H Street southward to the Monument grounds, between 15th and 17th Streets. Similarly, the subsequent Ellicott plan and the Dermott plan make provision for such a spacious park to surround the President's house. These plans show no street dividing Lafayette Park from the White House Grounds.

When L'Enfant prepared his plan this was a neglected area, a common without trees. A racecourse was laid out, in 1797, on the west side of the grounds, extending westward to 20th Street. Huts for workmen who helped build the President's house were erected on the grounds, and when these were removed a market was established there. This was later relocated farther to the center of the town, on Pennsylvania Avenue, between Seventh and Ninth Streets. Thomas Jefferson first undertook really to improve the grounds and marked the east and west limits as they are today, called Madison Place and Jackson Place, respectively.

Until 1816 the only important building that had been erected adjacent to Lafayette Park was St. John's Church. Then, in 1818, the Dolly Madison House was built, and in 1819 the Decatur House. From then on and for more than 50 years following Lafayette Park became the center of social life in Washington. Nearly every house surrounding it became noted for its historical associations. However, the park seems to have been neglected the greater part of this period. In 1840 there was an ordinary fence around it.

Just when this park area took the name of Lafayette Park is not definitely known. As has been said, originally this area was a part of the President's park, and D. B. Warden, in his volume entitled "Description of the District of Columbia," published in 1816, refers to it as such by saying, in connection with rates of fare for hackney carriages:

"From the President's Square to Greenleaf's Point, and also to Hamburg wharf, or to the western limits of the city, the rate is but 25 cents, and half the distance one-half that sum."

In his voluminous history of Lafayette Square, Gist Blair states:

"Its name has come from the people and arose after this visit of Lafayette to the city in 1824."

Again, speaking of the many social events held in Washington during this visit of Lafayette, Mr. Blair says:

"Socially, the season of 1824–25 was the most brilliant Washington had seen, so it is natural to understand how everyone at this time may have started to call this square Lafayette Square."

In the office of the National Park Service, Department of the Interior, there is a map dated 1852, on which Lafayette Park is shown to be separated from the White House Grounds. The first printed report of the Commissioner of Public Buildings, on file in that office, is of the year 1857. In that report there is a reference to Lafayette Square with an account of certain work being done there in that year.

During more than a quarter of a century past the grounds have been properly maintained as a park. Today there are five notable monuments in Layafette Park; namely, the Jackson, Lafayette, Rochambeau, Von Steuben, and the Kosciusko.

EXEMPTION FROM TAXATION OF CERTAIN PROPERTY OF NATIONAL COUNCIL OF NEGRO WOMEN, INC., IN THE DISTRICT OF COLUMBIA

Mr. JAVITS. Mr. President, I introduce, for appropriate reference a bill to exempt from taxation in the District of Columbia the headquarters building of the National Council of Negro Women, Inc. This measure is cosponsored by Senators BEALL, CLARK, HUMPHREY, IVES, and NEELY.

The National Council of Negro Women is a voluntary organization and is supported by annual dues from its members and by voluntary contributions. Because each national organization is carrying on its own program with financial outlay, the council itself is not in position to seek more than annual dues and voluntary contributions. The council is not a profit-making organization and has struggled through the years to maintain

a high standard of performance in all activities.

The National Council of Negro Women enjoys a well-earned reputation among other organizations as a result of cooperative efforts in programs of national interest and concern. Activities include participation in national conferences on domestic and foreign problems, cooperation with national welfare organizations such as the American Red Cross, CARE, American Heritage Foundation, the NAACP, the National Urban League, the National Foundation for Infantile Paralysis, the American Cancer Society; with Government agencies including the United States Department of State, the Department of Labor, the Women's Bureau of Labor, the United States Department of Health, Education and Welfare, the Federal Civil Defense Administration, the several White House Conferences and the President's Committee on Traffic Safety.

The National Council of Negro Women publishes a monthly publication, Telefact; maintains a staff including a professional executive director and four clerical assistants; maintains the headquarters building where visitors from many foreign countries are received and given a preview of American democracy; it belongs to several organizations—the National Council of Women of the United States and the International Council of Women of the World; it organizes conferences, institutes, forums, and other mediums of education at the national headquarters and in other sections of the United States. To carry out the many faceted program of the council a considerable budget is required so that a great deal of effort is expended in keeping expenses reduced since it does not have sufficient funds to carry out the program as it should in all sections of the United States. The council is faced with financial problems because they are called upon to do many things for which they have insufficient staff to accomplish. Scarcely a week passes when they are not asked for printed material for facts which require research and for other kinds of information which is available but not in printed form.

The National Council of Negro Women was founded by the late Dr. Mary McLeod Bethune on December 5, 1935, in New York City. The purpose was as Dr. Bethune stated, to bring together organizations of Negro women to render more effective service in their communities and in the Nation by participating in the social, political, economic, civic, and cultural institutions and activities of our country.

During the 14 years in which she was president more than 20 national organizations of Negro women joined the council and developed programs relating to education, health, social welfare, youth, human relations, international problems, citizenship education, and religious fellowship.

There are today 22 national organizations affiliated with the National Council of Negro Women. These organizations represent a cross section of Negro women and engage in such worthwhile programs as prevention and elimination of juvenile delinquency, in the improvement of business and professional standards, in human and civil rights, in adult education; in providing library services, camp opportunities, national and international scholarships, recreation for children and adults; Christian education and missionary work, improvements in rural life, in the development of new careers and the inspiration of finer womanhood. Hundreds of local groups, affiliates of the national organizations have made extraordinary contributions to better living on grassroots levels. The demonstrated strength as well as the accomplishments of these national organizations of Negro women is composite proof of the vitality and importance of women's organizations. Unified in the National Council of Negro Women they are the bulwark of the organizational structure.

Local councils are organized in 90 communities and these groups consist of members of local chapters of national affiliates to carry out civic, social, and welfare programs on the local level. Some of these programs are the development of concern for local and school problems and the development of interest in education; provide for nursery care for working mothers; stimulate interest in voting, local issues and candidates; initiate meetings and conferences where women of both races can think and plan together on matters aflecting the welfare of the community and the education of the population as to the work and accomplishments of the United Nations.

One example of the effectiveness of the National Council of Negro Women was the interracial conference held as a part of the annual convention on November 14 and 15, 1956, at the Willard Hotel in Washington, D. C. Thirty-two national organizations sent delegates and a most informative and inspiring series of roundtable discussions were held on problems in America today involving the races.

In addition to the local councils, junior councils are organized where young women between the ages of 16 to 22 carry out the national council program commensurate with their interest and age.

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

The bill (S. 2725) to exempt from taxation certain property of the National Council of Negro Women, Inc., in the District of Columbia, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the District of Columbia.

NATIONAL MILK SANITATION ACT OF 1957

Mr. HUMPHREY. Mr. President, I introduce, for appropriate reference, a bill to protect the public health and interest and to establish sanitation practices, standards of identity, and sanitation standards for all fluid milk and fluid milk products in interstate commerce or which affect interstate commerce. This bill, Mr. President, provides for the Milk Ordinance and Code recommended by the Public Health Service to be uniformly applied throughout the United States.

Under its provisions, no other law through use of sanitation standards, standards of identity, or sanitation practices, could limit or prohibit the shipment of fluid milk in interstate commerce as long as it met the requirements of the United States Standard Milk Ordinance and Code.

Mr. President, in introducing this bill I emphasize that section 16 specifically exempts from the provisions of the bill manufactured dairy products including butter, condensed, evaporated, and sterilized milk. Furthermore, all types of cheese, nonfat dry milk, dry whole milk, part-fat dry milk are exempt unless they are used in the preparation of fluid milk or fluid-milk products.

Mr. President, at present no national standards of identity, sanitation standards, or list of approved sanitation practices exists governing the sanitation of fluid milk and fluid-milk products shipped in interstate commerce. The lack of such standards has led to the development of a multitude of regulations governing the sanitation of fluid milk on the part of State, county, and municipal authorities.

Mr. President, the multiplicity of these regulations and variations between the regulations as developed by a very large number of State, county, and municipal authorities operating independently has led to wasteful and unnecessary duplication of inspection, exorbitant inspection fees and costs, failure or refusal to inspect fluid milk supplies from other than local sources, arbitrary mileage and other limitations of the area in which fluid milk will be inspected by State, county, and municipal authorities, and arbitrary refusal to permit importation into local areas of pure and wholesome fluid milk from outside the jurisdiction of local officials.

Such circumstances, Mr. President, burden and obstruct the production, processing, transportation, and sale of fluid milk products in interstate commerce, and result in building unneeded and unnecessary barriers to interstate commerce. Congress and Congress alone has the right under the Constitution to regulate interstate commerce, and under the provisions of this bill we will be merely carrying out the responsibilities presently delegated by the Constitution.

Mr. President, the development and maintenance of an adequate supply of pure and wholesome milk is a matter of great importance to our municipal population, and is affected with a national public interest.

A number of factors have contributed to the need for action on this bill. Our population is constantly growing and our population centers are shifting. We have made vast improvement in production and processing techniques. We have improved our highways and made possible the development of rapid refrigerated transportation. The packaging of this product has been greatly refined. All of these items have led to a tremendous increase in the shipment of fluid milk and fluid milk products in interstate commerce for our consumption

by our population residing in municipalities.

Mr. President, may I point out that this bill is in no way a departure into a new realm of untried or unproven system of sanitation regulation. It is merely to make uniform a system already in effect in many places, and which has proved to be adequate for the protection of the public health. This proposed code is presently in effect in 12 States, Hawaii, and Alaska. According to the latest information I have available, this includes 472 counties, and 1,364 municipalities.

Mr. President, this bill amends the current provisions of the United States Public Service Milk Ordinance Code so as to make it applicable when it is to be administered as a national mandatory ordinance, and provides for the act to take effect 1 year after date of enactment. This period will provide time for a smooth transition from the multitude of local codes which now regulate interstate commerce under the police powers of the States and municipalities, and allow administrative machinery to be properly established.

I believe this bill will aid the dairy industry of this country by eliminating barriers set up under the guise of sanitation, when in reality, there is often no public health basis for such exclusion. Furthermore, it would reduce the overall inspection costs and insure an adequate supply of fine milk for people in every part of our country.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

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

The bill (S. 2727) to protect the public health and promote the public interest and to establish standards of identity, sanitation standards, and sanitation practices for the production, processing, transportation, sale, and offering for sale of fluid milk and fluid milk products shipped in interstate commerce or which affects interstate commerce for consumption as fluid milk and fluid milk products in any State, county, or municipality of the United States, introduced by Mr. HUMPHREY, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That this act may be cited as the National Milk Sanitation Act of 1957.

SEC. 2. (1) The Congress hereby finds that the growth of the population of the United States, shifts in the geographical location and the densities thereof, the vast improvement in production and processing techniques, the improvement of highways, the rapid development of refrigerated transportation on the Nation's highways and other transportation lines, refinements in packaging, all have led to a great increase in the shipment of fluid milk and fluid milk products in interstate commerce for consumption by our population residing in municipalities.

(2) The development and maintenance of an adequate supply of pure and wholesome milk is a matter of public health importance to our municipal population and is affected with a national public interest.

(3) No national standards of identity, sanitation standards, or list of approved sanitation practices governing the sanitation of fluid milk and fluid milk products shipped in interstate commerce, or which affects interstate commerce, exist.

(4) The lack of such standards of identity, sanitation standards, and approved sanitation practices has led to the development of a multitude of regulations governing the sanitation of fluid milk and fluid milk products on the part of State, county, and municipal authorities. The multiplicity of these regulations, and the variations between the regulations as developed by a very large number of State, county, and municipal authorities operating independently has led to wasteful and unnecessary duplication of inspection, exorbitant inspection fees and costs, failure or refusal to inspect fluid milk supplies from other than local sources, arbitrary mileage and other limitations of the area in which the fluid milk supply will be inspected by State, county, and municipal authorities for shipment to municipalities for consumption as fluid milk and fluid milk products, and arbitrary refusal to permit importation into local areas of pure and wholesome fluid milk and fluid milk products from outside the police jurisdiction of States, counties, and municipalities, all burden and obstruct the production, processing, transportation, sale, and offering for sale of fluid milk and fluid milk products in interstate commerce, result in building unneeded and unnecessary barriers to the interstate commerce in fluid milk and fluid milk products, and are against the national public interest.

SEC. 3. The term "interstate commerce" means (1) commerce between any State and any place outside thereof, including the District of Columbia, and (2) commerce which affects such interstate commerce.

SEC. 4. There shall be in effect standards of identity, sanitation standards, and sanitation practices governing sanitation in the production, processing, transportation, sale, and offering for sale of fluid milk and fluid milk products shipped in interstate commerce or which affect interstate commerce in fluid milk and fluid milk products. Such standards of identity, sanitation standards, and sanitation practices governing sanitation in the production, processing, transportation, sale, and offering for sale of fluid milk and fluid milk products, together with the regulations regarding adulterated, misbranded, or ungraded fluid milk, shall be those specified in the milk ordinance and code recommended by the United States Public Health Service, unabridged form as published in Public Health Service Bulletin No. 229. Such milk ordinance and code is referred to hereinafter as the United States Standard Milk Ordinance and Code, and shall become effective at the time and in the manner set forth in section 7 (a).

SEC. 5. The standards of identity, sanitation standards, and sanitation practices governing sanitation in the production, processing, transportation, sale and offering for sale of fluid milk and fluid milk products, as defined in the United States Standard Milk Ordinance and Code, shall apply uniformly throughout the United States to all fluid milk and fluid milk products which are shipped in interstate commerce to any municipality of the United States for consumption as fluid milk and fluid milk products, or which affect interstate commerce in such fluid milk and fluid milk products.

SEC. 6. The Surgeon General of the United States Public Health Service under the supervision and direction of the Secretary of the Department of Health, Education, and Welfare, shall administer this act. In enforcing its provisions the Surgeon General is authorized to accept certification of interstate milk supplies by the official State milk regulatory authorities upon his determination that their inspection and laboratory services satisfactorily apply to provisions of the United States Standard Milk Ordinance and Code and to authorize as a criterion of compliance a rating method to be established by regulations promulgated under the act. The Surgeon General shall make such ratings, inspections, and laboratory examinations as he may deem necessary.

SEC. 7. Effective date and manner of applicability of the United States Standard ard Milk Ordinance and Code.

(a) The terms and provisions of the United States Standard Milk Ordinance and Code shall become effective uniformly throughout the United States within 1 year after the date of enactment of this act: *Provided*, That with respect to the current source of fluid milk supplies for any municipality which does not meet the sanitation requirements and standards of such ordinance and code, the Surgeon General of the United States Public Health Service may, after satisfying himself that the current source of fluid milk supplies does not endanger the public health in any such municipality, issue an emergency permit for such fluid milk for such municipality, except that such permit shall not be renewable nor shall it be in effect for a period longer than 90 days from the date of issuance.

(b) All provisions of the United States Standard Milk Ordinance and Code shall apply except for the following:

(1) All reference to municipal, county, and State health authority or officials which permit or authorize affirmative action by such authority or officials with respect to standards of identity, sanitation standards, and sanitation practices governing sanitation in the production, processing, transportation, sale, and offering for sale of fluid milk and fluid milk products shall be deemed to be rescinded by this act, and such references and actions authorized thereby shall be vested in the Surgeon General or such person or persons as he may designate;

(2) The term "health officer" as defined in the United States Standard Milk Ordinance and Code shall mean the Surgeon General of the United States Public Health Service or such persons as he may designate;

(3) All other references in the United States Standard Milk Ordinance and Code to any municipality, county, or State authority or official are hereby deleted:

(4) All references in the United States Standard Milk Ordinance and Code to location in the municipality, the county, or the State, are deemed to mean any municipality, any county, or any State in the United States;

(5) Item 1r of section 7 of the United States Standard Milk Ordinance and Code is amended by requiring that within 1 year from the date of enactment of this act all fluid milk and fluid milk products for pasteurization shall be from herds certified by the State livestock sanitary authority as following either plan A or plan B approved by the United States Department of Agriculture for the eradication of brucellosis;

(6) Item 6p of section 7 of the United States Standard Milk Ordinance and Code is amended by deleting the first sentence and the following sentence is added in lieu thereof: "Every milk plant shall be provided with toilet facilities conforming to the requirements established by the health officer.";

(7) All parenthetical references in the United States Standard Milk Ordinance and Code to degrading and regrading are hereby deleted;

(8) Sections 11, 15, 16, 17, and 18 of the United States Standard Milk Ordinance and Code are hereby deleted.

SEC. 8. The Surgeon General of the United States Public Health Service is hereby authorized, on the basis of the record after public hearing, to amend the United States Standard Milk Ordinance and Code if he finds amendments, in view of changes in fluid milk production, processing, transportation, and handling techniques, necessary

to protect the public health: *Provided, however,* That the Surgeon General shall not issue, or cause to have issued, any amendment to such milk ordinance and code which has any purpose other than the protection of the public health or the protection of the public from misrepresentation.

SEC. 9. The Surgeon General is hereby authorized (a) to conduct such research and investigations as may be necessary to determine the public health significance of new processes, equipment, and products used in the production, processing, handling, or transportation of fluid milk and fluid milk products in interstate commerce and to make the results thereof available, and (b) to train State and local personnel in uniform methods and procedures required for enforcement of this act.

SEC. 10. After the effective date of this act as provided in section 7 (a) of this act, no other law, regulation, or order shall prohibit, limit, regulate, or affect, through use of sanitation standards, standards of identity, or sanitation practices different from those specified in this act or in the United States Standard Milk Ordinance and Code as amended in section 7 of this act, the production, processing, transportation, sale, or offering for sale of fluid milk and fluid milk products as defined in such code which is shipped in interstate commerce or which affects interstate commerce in such fluid milk and fluid milk products.

SEC. 11. (a) Any person who violates any provision of this act or the United States Standard Milk Ordinance and Code shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than 1 year, or a fine of not more than $1,000, or both such imprisonment and fine; but if the violation is committed after the conviction of such person under this section has become final such person shall be subject to imprisonment for not more than 3 years, or a fine of not more than $10,000 or both such imprisonment and fine.

(b) Notwithstanding the provisions of subsection (a) of this section, in case of a violation of any of the provisions of this act with intent to mislead or defraud, the penalty shall be imprisonment for not more than 3 years, or a fine of not more than $10,000, or both such imprisonment and fine.

SEC. 12. Nothing in this act shall be construed as requiring the Surgeon General to report for prosecution, or for the institution of libel or injunction proceedings, minor violations of this act whenever he believes that the public interest will be adequately served by a suitable written notice or warning.

SEC. 13. All such proceedings for enforcement, or to restrain violations of this act shall be by and in the name of the United States. Notwithstanding the provisions of section 876 of the Revised Statutes, subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding.

SEC. 14. The authority to promulgate regulations for the efficient enforcement of this act is hereby vested in the Surgeon General of the United States Public Health Service.

SEC. 15. In the case of actual controversy as to the validity of any order or regulation issued pursuant to section 13 hereof, any person who will be adversely affected by such order or regulation if placed in effect may at any time prior to the 30th day after such order or regulation is issued file a petition with the circuit court of appeals of the United States for the circuit wherein such person resides or has his principal place of business, for a judicial review of such order. The summons and petition may be served at any place in the United States. The Surgeon General, promptly upon service of the summons and petition, shall certify and file in the court the transcript of the proceedings and the record upon which the Surgeon General based his order.

SEC. 16. The provisions of this act are not intended to and shall not apply to manufactured dairy products, including but not limited to butter, condensed milk, evaporated milk, sterlized milk or milk products not requiring refrigeration, all types of cheese, or to nonfat dry milk, dry whole milk or part fat dry milk unless used in the preparation of fluid milk or fluid milk products.

EXTENSION OF MATURITIES OF OR RENEWAL OF CERTAIN LOANS MADE BY RECONSTRUCTION FINANCE CORPORATION

Mr. MORSE. Mr. President, I introduce, for appropriate reference, a bill to authorize the Secretary of the Treasury to extend the maturities of or renew certain loans made by the Reconstruction Finance Corporation in aid of the orderly liquidation of such loans. I ask unanimous consent that the bill may be printed in the RECORD at this point.

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

The bill (S. 2729) to authorize the Secretary of the Treasury to extend the maturities of or renew certain loans made by the Reconstruction Finance Corporation in aid of the orderly liquidation of such loans, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to further extend the maturity of or renew any loan transferred to the Secretary of the Treasury pursuant to Reorganization Plan No. 1 of 1957, for additional periods not to exceed 15 years, if such extension or renewal will aid in the orderly liquidation of such loan.

AMENDMENT OF TITLE II OF SOCIAL SECURITY ACT—AMENDMENT

Mr. IVES submitted an amendment, intended to be proposed by him, to the bill (H. R. 8755) to amend title II of the Social Security Act to permit any instrumentality of two or more States to obtain social security coverage under its agreement separately for those of its employees who are covered by a retirement system and who desire such coverage, which was referred to the Committee on Finance and ordered to be printed.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT TO PUBLIC WORKS APPROPRIATION BILL

Mr. DWORSHAK submitted the following notice in writing:

In accordance with Rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 8090) making appropriations for the civil functions administered by the Department of the Army and certain agencies of the Department of the Interior for the fiscal year ending June 30, 1958, and for other purposes, the following amendment, namely: On page 4, after line 7, before the colon, insert ", of which $500,000 shall be made available for the preparation of detailed plans for the Bruces Eddy project on the North Fork of the Clearwater River, Idaho, recommended for construction in the report of the Chief of Engineers, United States Army, contained in Senate Document No. 51, 84th Congress, 1st session, and the preparation of such plans is hereby authorized."

Mr. DWORSHAK also submitted an amendment intended to be proposed by him to House bill 8090, making appropriations for the civil functions administered by the Department of the Army and certain agencies of the Department of the Interior, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

IMPORTATION TAX ON TUNGSTEN—ADDITIONAL COSPONSORS OF BILL

Pursuant to the order of the Senate of August 5, 1957,

The names of Senators BIBLE, MURRAY, MAGNUSON, BARRETT, MANSFIELD, and CASE of South Dakota, were added as additional cosponsors of the bill (S. 2692) to impose a tax on the importation of tungsten, introduced by Mr. MALONE on August 5, 1957.

AMENDMENT OF FISH AND WILDLIFE ACT OF 1956, RELATING TO INCREASED AUTHORIZATION FOR FISHERIES LOAN FUND—ADDITIONAL COSPONSOR OF BILL

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the name of the Senator from Massachusetts [Mr. SALTONSTALL] may be added as an additional cosponsor of the bill (S. 2720) to amend the Fish and Wildlife Act of 1956 in order to increase the authorization for the fisheries loan fund established under such act, introduced by me, for myself and Mr. PAYNE, on August 6, 1957.

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

NOTICE OF HEARINGS ON CERTAIN NOMINATIONS BY COMMITTEE ON FOREIGN RELATIONS

Mr. GREEN. Mr. President, the Senate received today 41 nomination of persons for appointment and promotion in the Foreign Service of the United States.

The list appears elsewhere in the Senate proceedings of this date.

Notice is given that these nominations will be eligible for consideration by the Committee on Foreign Relations at the expiration of 6 days, in accordance with the committee rule.

NOTICE OF HEARING ON NOMINATION OF WILLIAM B. MACOMBER TO BE AN ASSISTANT SECRETARY OF STATE

Mr. GREEN. Mr. President, the Senate received today the nomination of William B. Macomber, Jr., of New York, to be an Assistant Secretary of State, vice Robert C. Hill.

Notice is given that the nomination will be eligible for consideration by the Committee on Foreign Relations at the expiration of 6 days, in accordance with the committee rule.

INTERIM REPORT OF THE THEODORE ROOSEVELT CENTENNIAL COMMISSION

Mr. HILL. Mr. President, there has recently been deliveded to the Congress a most important paper, Senate Document No. 53, which includes the interim report of the Theodore Roosevelt Centennial Commission, prepared by its director, Mr. Hermann Hagedorn, who is probably the best known biographer of Mr. Roosevelt.

In this comprehensive review of its plans, I am glad to see included an extensive program for participation of our public schools, students, teachers and parent-teacher organizations. These groups should be proud of their participation, because Theodore Roosevelt was a stanch and steady friend of the schools, as well as a great teacher himself, especially of the values of the home and family life. In carrying out its basic theme of responsible citizenship, the Commission thus starts with the very beginning of the citizen's growth—the schools and its classrooms. It is especially pleasing to note the promised cooperation of such groups as the National School Boards Association, the Scholastic Press Association, and the National Education Association. The Scholastic Press Association will be actively "on the firing line," as the organization of the editors of student publications reaching the millions of students in our high schools—our citizens of tomorrow.

This is an example of the many-sided approach to the observance of the centennial of this many-sided leader and patriot, Theodore Roosevelt. In the Commission's planning have been included programs covering family life in the home, youth and adventure, the national defense, sound moral and spiritual foundations, and—the ruling passion of "T. R.'s" life—responsible citizenship.

I ask that all Senators and all other Americans give the program their full cooperation and support.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 1321) for the relief of Junko Matsuoka Eckrich, with amendments, in which it requested the concurrence of the Senate.

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

H. R. 1317. An act for the relief of Ralph N. Meeks;

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

H. R. 1411. An act for the relief of George H. Meyer Sons, Brauer & Co., Joseph McSweeney & Sons, Inc., C. L. Tomlinson, Jr., and Richmond Livestock Co., Inc.;

H. R. 1602. An act for the relief of Lillian Cummings;

H. R. 1792. An act for the relief of Dr. Royal W. Williams;

H. R. 2935. An act for the relief of Apolonia Quiles Quetglas;

H. R. 5161. An act for the relief of Mrs. Madeleine A. Work;

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

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

H. R. 8508. An act to provide that there shall be two county committees elected under the Soil Conservation and Domestic Allotment Act for certain counties;

H. R. 8586. An act for the relief of Pasquale Pratola;

H. J. Res. 417. Joint resolution for the relief of Mrs. Sabastiano Poletto, Hideo Konya, Edward H. Turri, and Mario Guiffre; and

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

HOUSE BILLS REFERRED

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

H. R. 1317. An act for the relief of Ralph N. Meeks;

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

H. R. 1411. An act for the relief of George H. Meyer Sons, Brauer & Co., Joseph McSweeney & Sons, Inc., C. L. Tomlinson, Jr., and Richmond Livestock Co., Inc.;

H. R. 1602. An act for the relief of Lillian Cummings;

H. R. 1792. An act for the relief of Dr. Royal W. Williams;

H. R. 2935. An act for the relief of Apolonia Quiles Quetglas;

H. R. 5161. An act for the relief of Mrs. Madeleine A. Work;

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

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

H. R. 8586. An act for the relief of Pasquale Pratola;

H. J. Res. 417. Joint resolution for the relief of Mrs. Sabastiano Poletto, Hideo Konya, Edward H. Turri, and Mario Guiffre; and

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

H. R. 8508. An act to provide that there shall be two county committees elected under the Soil Conservation and Domestic Allotment Act for certain counties; to the Committee on Agriculture and Forestry.

EFFECT ON CONTEMPT PROCEEDINGS IN THE SUPREME COURT AND COURTS OF APPEAL OF THE JURY-TRIAL AMENDMENT TO THE CIVIL-RIGHTS BILL

Mr. KNOWLAND. Mr. President, I ask unanimous consent to have printed at this point in the body of the RECORD, as a part of my remarks, a letter I received under date of August 6 from Mr. William P. Rogers, Acting Attorney General of the United States, together with a memorandum for the Acting Attorney General relative to the effect on contempt proceedings in the Supreme Court and courts of appeals of the jury-trial amendment to the civil-rights bill.

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

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., August 6, 1957.

Hon. WILLIAM F. KNOWLAND,
United States Senate,
Washington, D. C.

DEAR SENATOR KNOWLAND: Pursuant to your inquiry in reference to the effect of the jury-trial amendment to the civil-rights bill on litigation involving the United States Government, I am enclosing herewith a memorandum prepared by the Office of Legal Counsel on the effect of that amendment as it would pertain to contempt proceedings in the United States Supreme Court and the United States Courts of Appeals.

I hope that this gives you the necessary information.

Sincerely,

WILLIAM P. ROGERS,
Acting Attorney General.

MEMORANDUM FOR THE ACTING ATTORNEY GENERAL—EFFECT ON CONTEMPT PROCEEDINGS IN THE SUPREME COURT AND THE COURTS OF APPEALS OF THE JURY-TRIAL AMENDMENT TO THE CIVIL-RIGHTS BILL

This office has been asked by you to make an analysis of the effect on contempt proceedings in the appellate courts of the United States of the so-called jury-trial amendment to the civil-rights bill.

Since the jury-trial amendment to the civil-rights bill applies to all criminal contempt proceedings for violation of orders of any court of the United States or any court of the District of Columbia, the amendment plainly covers the Supreme Court of the United States and the 11 Federal courts of appeals. In all criminal contempt proceedings in those courts for violation of their own orders—except where the contempt was committed in or near the presence of the court, or by a court officer—a jury trial would be required by the bill as it now stands.

1. The Supreme Court customarily issues, each year, various kinds of stay or injunctive orders, for the purpose of preserving its jurisdiction pending a decision in a case. If those orders are violated, criminal contempt proceedings can be instituted by the Court to punish the violator. Up to now, it has not been necessary to provide a jury trial. Under the bill, a jury trial will be mandatory.

For instance, it is not infrequent for the Court (or one of its Justices) to stay the execution of a criminal by State prison authorities while the Supreme Court is considering the prisoner's case. If the prisoner should nevertheless be executed, or given over into the hands of a mob to be lynched, the Court's order would be violated, and the violators could be punished in contempt; *United States* v. *Shipp* (203 U. S. 563, in 1906) was such a case. After a stay of execution had been issued by the Supreme Court, the sheriff was charged with delivering the prisoner—a colored man accused of raping a white woman—into the hands of a local mob which lynched him. The Supreme Court then instituted contempt proceedings, and took testimony through a commissioner whom it appointed specially [1] (214 U. S. 471); on the basis of the written record of this testimony, the Court entered its judgment, after argument, that the defendants were guilty (214 U. S. 386). Some of the defendants were sentenced to 90 days and some to 60 (215 U. S. 580).

[1] When the Supreme Court (in an action commenced in that Court) is in need of testimony, it is its practice to appoint a commissioner or special master to take the testimony at any place in the country where it is convenient to do so. The commissioner, in the Shipp case took testimony at Chattanooga, Tenn., where the lynching took place.

Under the present version of the civil-rights bill, the Supreme Court would be required in these circumstances to impanel a jury (even though no proper provision is now made for finding and impanelling such a jury in the Supreme Court),[2] and to hold a full jury trial (as in the ordinary criminal case), before it could convict the violator and punish him. The jury would have to sit in the District of Columbia and in the presence of the Court; undoubtedly the Court's other business would have to be delayed pending the trial which could take days or possibly even weeks.[3]

By contrast to the obsolescence of title 28, United States Code, section 1872, the Court and its Justices issue, each year, a substantial number of stay orders of various types.

The case would be similar if the Supreme Court should grant bail to a defendant and some official should refuse to recognize that order. The trial before the Supreme Court would have to be by jury. Other kinds of injunctive orders are also commonly issued, staying official or private action of some kind pending review by the Supreme Court, e. g., staying the effectiveness of railroad and other utility rates, staying mergers, staying the enforcement of Federal or State statutes, etc.

2. The same observations can, of course, be made with respect to the 11 courts of appeals which likewise issue stay, injunctive, and bail orders. An example of a contempt proceeding in a court of appeals is the well-known case of *Sawyer* v. *Dollar* (190 F. 2d 623 (C. A. D. C.)), involving the disputed stock in the American President Lines, Ltd. Under the present bill, the criminal aspects of that complicated contempt proceeding would have had to be tried by a jury.

This is a particularly serious matter for the courts of appeals which have constantly to issue decrees enforcing the orders of such agencies as the Federal Trade Commission, the National Labor Relations Board, and others. Under the bill, jury trials in the courts of appeals would have to be had in all such cases—with all the incongruities, difficulties, and delays already mentioned.

OFFICE OF LEGAL COUNSEL.

THE CIVIL-RIGHTS BILL

Mr. SMITH of New Jersey. Mr. President, it is my strong feeling that the Senate should pass the pending right-to-vote civil-rights bill promptly and with conviction. The right to vote is the basic and fundamental civil right. Its protection should be noncontroversial. It is a fundamental feature of our constitutional system and is inherent in the Bill of Rights. If everyone in this great country of ours, without distinction because of race, creed, or color, has an adequately protected right to vote without intimidation or interference, we can better guarantee our sacred liberties which have come down to us through a thousand years of sweat, blood, and tears.

I am disappointed that the jury-trial amendment was added to the bill, because I feel it will bring confusion and uncertainty, and it may be abused. However, the overriding, important issue is the protection of the right to vote, and while the protection afforded by the pending bill may have been somewhat encumbered by the jury-trial amendment, nonetheless it will provide increased protection for all our citizens in the exercise of their right to vote. I believe that the bill as it now stands will represent an advance for the voting rights of our citizens, and it should not be opposed merely because it fails to go far enough.

Let us unite in the North and in the South, and throughout our entire country, to accept and implement this proposed legislation. Let us show the world that all our people are free and can determine their own destiny.

We must act together to solve this great problem.

It can be the biggest advance in uniting our great Nation since the Civil War. We cannot fail now.

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

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MCNAMARA in the chair). Without objection, it is so ordered.

THE CIVIL-RIGHTS BILL

Mr. SALTONSTALL. Mr. President, I shall vote for the passage of the civil-rights bill, H. R. 6127, because I believe this proposed legislation is essential. We can get legislation only by sending the measure back to the House and it can be sent by the House to conference. I hope that it may be improved in conference. I repeat what I said in debate on August 1:

> If our courts are deprived of the necessary authority to enforce their decisions, then the respect for the decisions of the court will be gone and the confidence of the individual citizen in the judiciary will be weakened. To deprive our courts of their traditional power to enforce their decrees against those who disregard those decrees is to undermine the very foundation of our Government.
>
> Our purpose in this bill is to secure to an individual additional opportunities to obtain his fundamental right in a democracy—the right to vote. But our purpose in so doing is thwarted if it is accomplished at the expense of weakening the authority and prestige of the courts. If that authority is weakened, then it is doubtful what the individual gains. It is mighty clear what we all lose—the respect for the authority of our judiciary to enforce its decrees.

So I hope we may act as expeditiously as possible to pass the bill, and I trust that in doing so title IV may be improved so that it will accomplish our purpose of giving every individual entitled to do so the right to vote, without impairing the rights of our courts to enforce their decisions, and at the same time maintaining the prestige of the judicial system.

THE WELCOME VISIT TO THE SENATE OF THE AMERICAN BALLET THEATER

Mr. WILEY. Mr. President, on several occasions it has been my pleasure and privilege to pay tribute to the great contribution which leading American artistic performers are making throughout the world, and when we have had distinguished Americans in the gallery to present them to the Senate. Today there are present some folk representing the artistic side of life who are great performers, who have been traveling throughout the world. They are Americans who are helping acquaint the world with our way of life. They are the members of the world-famous American Ballet Theater. They may be seen each evening in the Carter Barron Amphitheater, here in our Nation's Capital.

They are helping to acquaint the world with the fact that, contrary to Soviet lies about us, in this country "we do not live by bread alone, but by things of the spirit." We do not live, in effect, by material goals alone.

We Americans yield to no land and no people in our interest in cultural affairs—in great music, great art, great ballet.

In a few moments, I am going to ask that they rise in the gallery in order that the Senate may acknowledge their presence.

I believe that they, and all of those associated with the company—especially, Directors Lucia Chase and Oliver Smith—are well worthy of our commendation. I say this especially in view of the fine job which the company has performed in many countries of the world, under the auspices of the President's and the State Department's International Exchange Program.

In other words, they are ambassadors for America. Each and every one of us, as we visit abroad, is an ambassador for better or worse. The members of the American Ballet Theater are selling to the world the fact that America enjoys art, and theirs is great art.

They have drawn enthusiastic notices in many countries.

They have demonstrated our country's deep interest in the ballet.

Not only, however, are the members of the company of native American extraction, but typically enough, they are a melting pot of many outstanding talents from other nations as well.

I should like to ask that they stand in order that their presence be acknowledged by our colleagues and the public.

---

[2] The provisions with respect to the impanelling of juries—contained in title 28, chapter 21, of the United States Code (28 U. S. C. 1861 et seq.)—are phrased in terms of "the judicial district," "the district," or "district courts," and were obviously intended to apply only to the Federal district courts. They do not fit the impanelling of juries in the Supreme Court or the courts of appeals.

[3] It should be noted that the statutes now provide that "in all original actions at law in the Supreme Court against citizens of the United States, issues of fact shall be tried by a jury" (28 U. S. C. 1872). The Court has been able to live with this provision, which is probably required by the seventh amendment guaranty of jury trial in civil "suits at common law" in the Federal courts—because original actions at law in that Court against an individual citizen have been practically nonexistent almost since the beginning of our history. As a whole, original actions in the Supreme Court are very few; those few are rarely at law, but mostly in equity; and they almost always involve States or governmental entities. The obsolescence of this provision of 28 U. S. C. 1872 is indicated by the fact that the United States Code does not contain any mechanism for drawing a jury for the Supreme Court. See footnote 2, supra.

(The members of the American Ballet Theater rose in their places, and were greeted with applause, Senators rising.)

Mr. WILEY. Mr. President, I ask unanimous consent that a brief statement I have prepared on the subject be printed at this point in the body of the RECORD.

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

STATEMENT BY SENATOR WILEY

Some may ask, "Why is it that this particular troupe is singled out?"

The answer is that it is indeed deserving of such recognition.

THIS GROUP'S MANY FIRSTS

Now in its 18th year, it is the only ballet or theatrical organization which has played in each of the 48 States—not simply New York, Chicago, Los Angeles, and some of the other great metropolitan centers, but all 48 States.

It was the first American company to tour the European Continent in 1950. Indeed, it was the first American company to go abroad after the war—as far back as 1946.

It is the first American company to tour under the auspices of the United States State Department. It has conducted no less than 6 international tours since World War II, including tours in 1955 and 1957 under the auspices of the American National Theatre and Academy's international-exchange program.

In this country, it has performed in 219 cities throughout the length and breadth of this land. Thus, it is truly a national ballet company.

It has performed in motion-picture houses, in legitimate theaters, in military hospitals—for benefit performances. For the Red Cross; it even performed on the deck of an aircraft carrier.

ART FOR THE PEOPLE

Obviously, what it is trying to do so commendably, is bring art to the people, the masses, to Americans who may have never before personally seen professional ballet.

And so, the individuals associated with this fine project deserve every recognition.

We must remember that the maintenance of a professional ballet troupe is an exceedingly costly proposition, especially in these days of high cost of stage scenery, transportation, etc. The ballet performers themselves are dedicated artists—interested basically in the merit of their art. Theirs is a rigorous life of training and physical discipline, with financial compensation very modest; considering the years of preparation and devotion.

I am going to list now the individuals who are the officers and governing trustees of the Ballet Theatre Foundation. This civic-minded foundation supports the three mainstays—the ballet company itself, the ballet school, and the ballet workshop.

A description of their work follows, as well.

BALLET THEATRE FOUNDATION

Blevins Davis, president; Lucia Chase, John F. Wharton, vice presidents; Alexander C. Ewing, executive secretary.

Governing trustees: Victor Bator, Millard J. Bloomer, Jr., Mrs. A. William Carter, Mrs. Gilbert W. Chapman, Henry Clifford, Harold Clurman, Agnes de Mille, Mrs. S. Hallock duPont, Mrs. Sherman Ewing, Mrs. Bruce A. Gimbel, A. Conger Goodyear, Richard Hammond, Ralph P. Hanes, Huntington Hartford, Chester J. LaRoche, Eugene Loring, John L. Magro, Arnold Maremont, Charles Payne, Richard Pleasant, John Rosenfield, Oliver Smith, Igor Stravinsky, Charles P. Taft, George W. Tompkins, Harold Weill, Anna Deere Wiman, Mrs. Bernard F. Combemole, Mrs. William Zeckendorf.

The Ballet Theatre Foundation is a national institution which supports three cornerstones: Company, school, workshop.

American Ballet Theatre, now in its 18th year, has performed in more than 200 cities throughout the United States. These nationwide tours insure that people all over the country will have the opportunity to see America's national ballet company.

Ballet Theatre schools are also organized on a national scale. Besides the Ballet Theatre School in New York, three other Ballet Theatre schools are in operation—in Denver, Oklahoma City, and a summer school in Woodstock, N. Y. These schools all give the training required to qualify a dancer for auditions to the American Ballet Theatre.

The Ballet Theatre Workshop was established to give choreographers and dancers the opportunity to create new ballets. The Ballet Theatre Workshop this year doubled its activity, presenting eight new works during the spring. Next year workshop classes have been scheduled as part of the regular curriculum in the Ballet Theatre School of New York to give more choreographers and dancers the chance to work on new ballets while the American Ballet Theatre is away on tour.

Ballet Theatre chapters are working in Cincinnati, Denver, New York, and Oklahoma City to promote the activities of the Ballet Theatre Foundation. Last year committees to organize a local Ballet Theatre Chapter were formed in Cleveland and Detroit. We hope that soon there will be a Ballet Theatre Chapter in every major city where American Ballet Theatre performs.

American Ballet Theatre began its 1956–57 season in Europe and the Middle East and returned to this country for a short American tour in February and March. In April and May, the company undertook one of the most exciting ventures of its history. During a 7-week rehearsal period it prepared seven new works, designed to be presented as previews with only elemental scenery and costumes. Together with eight new productions by the Ballet Theatre Workshop, they were presented in a Festival of Ballet at the Phoenix Theater in New York. The festival was an impressive success and a number of the new ballets will soon be introduced into the American Ballet Theatre repertory.

In its 18th year, American Ballet Theatre inaugurated its 1957–58 season with a transcontinental tour which takes the company west to Los Angeles and north to the Canadian Provinces of Alberta, British Columbia, Manitoba, and Saskatchewan. After appearances in more than 90 cities in the United States and Canada, the company will once again fly abroad for engagements at the Brussels Fair and in European cities, including several behind the Iron Curtain. The company's eighth foreign tour will be under the auspices of the President's international exchange program as administered by the American National Theatre and Academy.

LUCIA CHASE.
OLIVER SMITH.

RECOGNITION TO NEW COMPOSERS

Before concluding, may I note that one of the most commendable features of the American Ballet Theatre has been that its workshop is seeking to develop and give fullest recognition to the outstanding productions of American creative genius.

It is not simply performing the great classical works of ballet which may be seen on stages throughout the world.

Instead, it is experimenting in performing new works by American talent. It is experimenting boldly with new ideas, new music, new choreography.

NATIONAL CULTURAL CENTER FOR CAPITAL

Now, speaking of America, itself, may I conclude with this note:

The time fast is running out in this first session of the 85th Congress.

Unfortunately, there has as yet been no final action on enabling the National Auditorium Commission to acquire the land with which to set up a Cultural Center here in our Nation's Capital.

I am hoping, however, that, notwithstanding this late hour, Congress will at long last flash the green light and adopt the conference report for this purpose.

For years and years, there has been talk of such a center. Always, there has been one stumbling block after another. Surely, this time, we will not allow the project to be torpedoed.

It is my earnest hope that Lucia Chase and her ballet troupe which we welcome to the Senate Chamber today will be back with us and that the American Ballet Theatre will be among the very first to perform in the cultural center when it is opened some years hence.

Mr. JAVITS. Mr. President, will the Senator from Wisconsin yield?

Mr. WILEY. I yield to the Senator from New York.

Mr. JAVITS. In New York we are very proud of the American Ballet. They perform in our city. Their directors are well known and prominent in our cultural life. I enjoy the privilege of joining with my colleague, the Senator from Wisconsin, in this opportunity to introduce them to the Senate.

PROTECTION OF LEAD AND ZINC INDUSTRIES

Mr. WATKINS. Mr. President, there are now pending in the Ways and Means Committee of the House and in the Finance Committee of the Senate bills to provide some protection for the lead and zinc industries in this country.

There has been a significant drop in prices of zinc and lead to a point where United States mines, operating under our high standards of living, have costs which will not permit them to compete with lead and zinc produced in other countries where the wages are as low as one-fourth of the present wages paid the American miner.

Yesterday Secretary of State John Foster Dulles, in a press conference, was asked with respect to the program outlined in the bills to which I have referred, and he replied at some length. I think it would be of help to all Members of Congress to have the question and reply in the RECORD.

For that reason, Mr. President, I ask unanimous consent that there be printed in the RECORD at this point the question asked Mr. Dulles with respect to the support by the State Department of the new lead and zinc protective legislation, and his reply thereto.

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

Question. Sir, do you think that our position on liberal trade at the forthcoming Buenos Aires conference will at all be weakened by the Department's support of new lead and zinc restrictions? I understand that several Latin-American countries who are economically dependent on lead and zinc exports have already protested to the Department on the matter.

Answer. I think it's unfortunate that the situation in the lead and zinc industry here at home is such that it does seem necessary to take certain measures to protect it and keep it in existence as a healthy industry.

I do not think that that means, in fact I'm sure that it does not mean, any basic change in the attitude of this administration toward trade, and our desire to have a liberal flow of trade to mutual advantage. There are always going to be special situations that come along and which as a practical matter have to be dealt with. And the fact that there are exceptions does not in any way vitiate the rule of seeking to have free and liberal trade.

Now, this situation about lead and zinc has been one that has been plaguing us for several years. It came up rather acutely about 4 years ago, I think in 1953, and at that time it was possible to handle the situation through a combination of voluntary restraints by some foreign countries on their exports of lead and zinc to the United States and stockpiling program. Well, the stockpiling program has come to an end. The price of most metals is rather weak at the present time and the situation is back, to be dealt with in some way. The program for dealing with it, as I understand, is on a sliding-scale basis, so that when prices recover, then the duties will go down. We can all hope that there will be a revival of strength in these metals so that in fact any new duties based only upon low prices will not have to be maintained.

CIVIL RIGHTS

Mr. DOUGLAS. Mr. President, I was very much gratified that toward the conclusion of yesterday's session the distinguished majority leader, the senior Senator from Texas [Mr. JOHNSON], asked to have printed in the CONGRESSIONAL RECORD an editorial from the Chicago Tribune. I regret that undoubtedly because of a clerical error, it was not printed in the RECORD as it has been distributed this morning.

In order that the Members of the Senate and the country may know of the editorial from this very important newspaper, which has not always been an enthusiastic admirer of the senior Senator from Illinois, I am very glad to read certain portions of it and ask unanimous consent that it be printed as a whole.

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

(See exhibit 1.)

Mr. DOUGLAS. The editorial starts out under the heading "Negro Hopes Stifled by Democrats." The editorial reads:

The House of Representatives is not likely to accept the Senate amendments to the civil-rights bill. Therefore, the probability is that there will be no civil-rights law adopted at this session.

Even so, the time spent on this legislation has not been wholly wasted. The division in the Senate makes it clear that an overwhelming majority of the Democrats there intend that the Negroes in many of the Southern States shall not be allowed to vote.

The editorial says further:

The Senators who favored jury trials knew that they were voting to deprive Negroes of the franchise. These Senators were confident that in the Southern States concerned, juries would not convict election officials who had violated a court's orders. The insistence on jury trial was insistence on depriving Negroes of their constitutional rights.

On this question how did the parties divide? The Democrats stood 39 to 9, or more than 4 to 1, against assuring the Negro his full rights as a citizen. The Republicans divided 33 to 12, or nearly 3 to 1, in favor of Negro rights.

Then the editorial continues in praise of the senior Senator from Illinois, which is very unusual, and which is therefore all the more welcome, by stating:

Among the nine Democrats who broke with their party on this question was Senator DOUGLAS, of Illinois. He was faithful to his promises, but clearly his party betrayed the confidence that many northern voters placed in it.

Then the editorial continues with a very interesting question, which has much to do with the future of political parties in this country, stating:

The voters of this country now know that the Democratic Party will not help Negroes of the South get their full rights as citizens.

The editorial continues:

It is foolish for anyone who believes that these rights should be enforcible to send a Democrat to Congress—even a Douglas, a Humphrey, or a Neuberger—for if elected these men will vote for a Democratic organization of the Senate and a Democratic organization means the perpetuation in power of the southerners.

Mr. President, I recognize that in the editorial there is a little gall mixed with some honey. The question raised about the future of the political parties and their senatorial candidates is very interesting. I naturally do not agree with the conclusions of the editorial about the individual Senators mentioned, nor with the advice given. But it is quite possible that others may and that one of the consequences of the past Senate votes will be that our esteemed southern friends will not in the future be chairmen of the important committees of the Senate.

EXHIBIT 1

NEGRO HOPES STIFLED BY THE DEMOCRATS

The House of Representatives is not likely to accept the Senate amendments to the civil-rights bill. Therefore, the probability is that there will be no civil-rights law adopted at this session.

Even so, the time spent on this legislation has not been wholly wasted. The division in the Senate makes it clear that an overwhelming majority of the Democrats there intend that the Negroes in many of the Southern States shall not be allowed to vote.

To be sure, the question immediately before the Senate was not the direct one, "Shall the Negroes be allowed to vote as a matter of right in all State and Federal elections?" That question could hardly come before Congress, because the right is granted in unequivocal language in the Constitution itself. Nevertheless, it was this very question that, in fact, was being debated in the long controversy in the Senate over jury trials for those charged with criminal contempt of court orders to let Negroes vote.

The Senators who favored jury trials knew that they were voting to deprive Negroes of the franchise. These Senators were confident that in the Southern States concerned juries would not convict election officials who had violated a court's orders. The insistence on jury trial was insistence on depriving Negroes of their constitutional rights.

On this question, how did the parties divide? The Democrats stood 39 to 9, or more than 4 to 1, against assuring the Negro his full rights as a citizen. The Republicans divided 33 to 12, or nearly 3 to 1, in favor of Negro rights.

Among the nine Democrats who broke with their party on this question was Senator DOUGLAS, of Illinois. He was faithful to his promises, but clearly his party betrayed the confidence that many northern voters placed in it.

The voters of this country now know that the Democratic Party will not help Negroes of the South get their full rights as citizens. It is foolish for anyone who believes that these rights should be enforcible to send a Democrat to Congress—even a Douglas, a Humphrey, or a Neuberger—for if elected these men will vote for a Democratic organization of the Senate, and a Democratic organization means the perpetuation in power of the southerners.

Mr. DOUGLAS. Mr. President, I also ask unanimous consent that an editorial from this morning's Chicago Tribune entitled "What About Civil Rights?" be printed in the RECORD at this point in my remarks. I think it is a good editorial and well worthy of analysis.

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

WHAT ABOUT CIVIL RIGHTS?

A reader has asked us to explain the quarrel in Congress over jury trials for persons accused of denying the vote to Negroes.

To start at the beginning, the right of Negroes to vote in all elections, State as well as Federal, is established in the Constitution itself, in the amendments adopted after the South lost the Civil War. There can be no question, therefore, that Negroes in the South have the constitutional right to vote. The real question is how this right shall be enforced.

The answer requires a knowledge of who is keeping them from voting. In one State it may be local election officials who refuse to place Negro names on the voting register. In another, polling place officials may deny ballots to registered Negro voters on some pettifogging excuse. In still another, mob leaders may picket the polling places to discourage Negroes from trying to vote.

All of these devices and any others that may be employed constitute a denial of the fundamental rights of Negro citizens. But how is the Negro citizen to win recognition of his rights?

To this, President Eisenhower's civil-rights program offered several answers. One was to set up a special civil-rights branch in the Department of Justice, with authority to go into Federal court on behalf of the disfranchised, in the district in which they live, and request orders of court forbidding any interference with registering and voting by Negroes.

After a hearing was held and an injunction of this sort was issued, directed, for example, against a county clerk who refused to place Negro names on the voting register, he would obey it or else face trial for contempt of the court's order. Injunctions are issued every day in the State and Federal courts for one purpose or another and when they are disobeyed, the judges who issue them have the right, as a rule, to send the disobedient person to jail.

The Federal courts recognize two kinds or degrees of contempt. They speak of civil contempt, by which is meant the kind that can be absolved by doing the thing that the injunction ordered done. In contrast, the person charged with criminal contempt cannot escape punishment by tardy obedience. The man who is found guilty of criminal contempt can be punished for his disobedience whether or not he decided, finally and reluctantly, to do what he was ordered to do.

It was at this point that the controversy in the Senate arose. A Senate majority composed overwhelmingly of Democrats and opposed overwhelmingly by Republicans voted for jury trials in these cases.

The purpose was plain enough, though, and it was not plainly stated. The aim was to keep on depriving Negroes of their franchise wherever in the South public opinion among white citizens does not approve of voting by Negro citizens. The jury could be expected to reflect community opinion.

That still left open the road of civil contempt, but this remedy was regarded as unsatisfactory. The election official, for example, could resign his office and thus be in no position to carry out the court's order.

Fundamentally, the question can be put something like this: How can the Negro's constitutional right to vote be protected in States and communities where the dominant public opinion does not approve of Negro voting? It may help to clarify thinking on the problem to recall a few facts.

One is that no Federal judge in the South is likely to punish anybody for contempt of the court's order if there was no contempt. All the judges who will handle these cases in the Federal district courts are white men and all of them are southerners. The reason for interposing a jury is fear not that the judges will be unfair or tyrannous but that they will carry out the law. This fear is justified, for they have shown in their handling of other recent cases involving Negro rights that they are judges first, as they should be, and southerners second.

Another most important fact is that the southern Senators have nothing to fear if their people will obey the law. There is no ambiguity about the law. The southern Senators can argue plausibly that the Constitution says nothing in so many words about segregation in the schools; but the Constitution does require the States to let Negroes vote on exactly the same terms as white men. The purpose of all the talk in the Senate about the sanctity of jury trials was simply to find a convenient means of disobeying the Constitution and depriving some citizens of their rights. In all other cases of criminal contempt in which the Government is the complainant, there is no jury trials.

Dispatches from Washington say that the House will not accept the Senate amendments. It would be far better to have no new civil-rights law than to have the one nearing approval in the Senate.

Mr. DOUGLAS. I may say, Mr. President, I think this is a very excellent editorial. My approval of the editorial is almost as unprecedented as the Tribune's approval of the senior Senator from Illinois.

PROGRAM FOR ERADICATION OF FIRE ANT AND SCREWWORM

Mr. RUSSELL. Mr. President, in the course of the hearings before the Subcommittee on Appropriations on the agricultural appropriation bill, considerable testimony was received with respect to the great losses being inflicted by the fire ant, which is an insect which has been spreading with great rapidity over certain areas of the Nation.

There was also a great deal of testimony in the regard to the program to eradicate the screwworm.

In the committee report there was a clause which requested the Department of Agriculture to outline a program of eradication of these two very injurious pests.

I am in receipt of a letter signed by Mr. E. L. Peterson, Assistant Secretary of Agriculture, which gives the views of the Department on the danger of this menace, as well as a tentative program looking to the eradication of both these pests. In view of the general interest in this subject, I ask unanimous consent that the letter, together with the program of the Department, be printed in the RECORD at this point as a part of my remarks.

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

DEPARTMENT OF AGRICULTURE,
Washington, D. C., August 2, 1957.

Hon. RICHARD B. RUSSELL,
Chairman, Subcommittee on Agricultural Appropriations, United States Senate.

DEAR SENATOR RUSSELL: As requested in Senate Report No. 415 on the Department of Agriculture and Farm Credit Administration appropriation bill, 1958, there are attached explanatory statements with respect to the imported fire ant and the screwworm.

Sincerely yours,

E. L. PETERSON,
Assistant Secretary.

[From the U. S. Department of Agriculture, Agricultural Research Service]

REPORT TO THE CONGRESS ON THE FIRE ANT

The imported fire ant is a serious pest of crops, pastures, lawns, recreational areas, livestock, and wildlife. It was introduced from South America through the port of Mobile, Ala., probably as early as 1920. About 1930 it was recognized as a different and more destructive species than any native to the United States. When it began to move out from the coastal area it appears to have found an environment more suitable to its liking and since 1950 has spread at an alarming rate.

EXTENT OF PROBLEM

The imported fire ant now infests about two-thirds of Alabama, half of Mississippi, a third of Louisiana, eight or nine counties in Texas, three counties in west Florida, and at least two counties in Georgia. Isolated infestations exist or have been eradicated in Arkansas, North Carolina, South Carolina, and Tennessee. In Alabama some infestation occurs all the way to the Tennessee border. All counties in central Mississippi have some infestation. In Georgia and north Florida, spotted infestations occur in a number of counties. In total more than 20 million acres are infested.

PLAN FOR CONTROL

There is general agreement that a successful fire ant eradication program will require joint effort in which the Federal Government, States, local governing bodies, and individual property owners participate. This applies to planning as well as financing. Eradication of the fire ant will involve the insecticidal treatment of all infested areas. Chemicals known to be effective include dieldrin, aldrin, and heptachlor. These may be applied by aircraft, motorized ground equipment or hand applicators, depending upon circumstances. Eradication should begin with outlying infestations and progress to counties constituting the boundaries of areas where infestation is general. The plan provides for technical and supervisory assistance to any county, city, or parish anywhere and at any time that a substantial proportion of the property owners agree to organize for control work on a county or district basis and there is assurance from responsible governing bodies that the program will be pursued until ants have been eliminated without regard to landownership or use.

In any county where general infestation exists, a 3-year period of eradication is anticipated. Where necessary quarantines will be invoked to prevent spread through commercial channels to additional areas and to protect those in which control has been accomplished. One application of insecticide is ordinarily sufficient to effect eradication. Some mopup operations, however, will undoubtedly be necessary.

COOPERATION

The Southern Association of Commissioners of Agriculture and the Southern Plant Board are on record in support of such a program. Detailed plans have been developed for an organization which would insure complete integration of Federal and State effort and the most effective use of funds provided from all sources. It must be expected that local participation would vary considerably between counties and between control districts, depending upon land use and the general economic position of property owners in the area.

A clear understanding exists with States as to: (a) Ultimate objective of the program; (b) type of organization best suited to handle the job; (c) the nature and extent of responsibility to be assumed by States, counties, local governing bodies, and individual property owners; and (d) procedures to be followed. There is basic pest-control legislation in each State adequate to support an ant-eradication program. In some States funds are available to begin work immediately. All infested States have agreed to support State appropriations for the work. It is estimated that Federal expenditures would represent less than 50 percent of the overall cost.

An eradication program on the fire ant would be undertaken in accordance with policies and procedures developed and approved by the Department and the National Association of Commissioners, Secretaries, and Directors of Agriculture in 1955 with respect to pest prevention and control activities.

FINANCING

Farmers would be expected to assume a major share of the cost of treating lands under cultivation. Likewise, property owners in cities and towns would participate on a community basis, assuming much of the cost of both materials and application. The railroads would be expected to clean up rights-of-way. Many State and county highway commissions have indicated active participation where roadside work is necessary. Much of the work on uncultivated lands that produce low annual returns to the owners must be financed from public funds, county, State, and Federal.

Observations that have been made to date indicate that areas totaling more than 20 million acres are generally infested with fire ants. The cost of treatment is about $5 per acre.

In initiating this program, immediate steps would be taken to define limits of infestation and to take adequate measures to prevent further spread, including the eradication of any outlying infestations that are found.

To provide for the regulatory work outlined above and undertake a Federal-State eradication program within areas known to be generally infested, thus relieving farmers, stock growers, and city dwellers from damage from the ants at the earliest possible date, would require an estimated annual Federal expenditure of $3 million to $5 million. Based on known eradication procedures, the overall cost to the Federal Government is estimated at $40 million to $50 million. As the program progresses, a continuing effort would be made to develop less costly eradication procedures.

The Department has no funds currently available for a fire-ant-eradication program. The program will, however, be considered in proper relation with other programs of the Department in the development of future budget plans.

[From the U. S. Department of Agriculture, Agricultural Research Service]

REPORT TO THE CONGRESS ON THE SCREWWORM

The screwworm is a true parasite and, in nature, thrives only in the living flesh of warm-blooded animals. Infestations have been found in practically all kinds of wild and domestic animals, poultry, and in man.

Before the screwworm fly will lay its eggs on an animal, there must be a break in the body surface. Any open wound is attractive to the female screwworm fly and infested wounds become increasingly attractive. The female may deposit as many as 400 eggs at one time. The eggs hatch in from 6 to 21 hours. The developing larvae feed heavily on the live tissues of the host animal, burrowing inward as they grow. If untreated, heavily infested animals are often killed in 10 days to 2 weeks. After completing development, which takes from 4 to 10 days, the screwworms drop from the wound and burrow into the soil where the outer skin hardens and forms a pupa. Seven to fourteen days later, the adult fly emerges and in about 4 days it is ready to mate and lay eggs. During cool weather the pupal state may persist for 2 months. The average life cycle of the screwworm is approximately 24 days.

Screwworms occur generally in Mexico and have been a problem in southern Texas since about 1850. Each year they spread northward during the summer months but usually kill back in the winter. In 1934 screwworms were carried for the first time into Georgia and Florida during the emergency movement of cattle from the Southwest. A few years later they were firmly established in the peninsula of Florida where winters are mild and infestation persists.

ANNUAL LOSSES

Entomologists and livestock growers who have been working on this problem estimate that annual losses in the Southeastern States will be well above $10 million annually. These losses fluctuate considerably due to weather conditions. Following a warm winter, heavy losses are suffered as far north as central Georgia and southern South Carolina. Following a cold winter the losses are apt to be lighter. In 1956, losses in Florida alone may exceed $10 million.

NEW METHODS OF CONTROL DEVELOPED

Female screwworm flies mate only once. Entomologists reasoned that the reproductive cycle of the screwworm could be stopped if sterilized males were systematically released at weekly intervals. In 1954 a large-scale experiment of releasing sterilized male flies was conducted in cooperation with the Netherlands West Indies and resulted in the eradication of the screwworm on the island of Curacao. No screwworms in livestock and other animals have been reported on the island since the program was completed.

ERADICATION

The procedures used in Curacao have been tried in small areas in Florida. There is currently under way a pilot test of this procedure on a 2,000 square mile tract. The Agricultural Research Service and the Florida Livestock Board are cooperating in this effort to improve and perfect the techniques and procedures needed for the production and distribution of 2 million flies weekly. To carry out an eradication program in Florida and the Southeast would require facilities for producing, irradiating, and distributing 50 million flies on schedule each week. Several months would be required to acquire buildings and install the facilities necessary to produce, irradiate, and package the flies. It is estimated that about 24 months of continuous field operations would be necessary to effect eradication in the Southeast.

QUARANTINES

The program would require the establishment of Federal and State quarantines to prevent the reinfestation of Florida once eradication was accomplished.

COOPERATION

The Florida Legislature has appropriated $3 million for the next biennium subject to matching funds from Federal sources. It would be necessary for the bordering States of Alabama, Georgia, South Carolina, and Mississippi, which are annually infested as a result of the migration of flies from the Florida peninsula, to take such steps as may be necessary within their respective borders to insure the success of the program.

FINANCING

The cost to the Federal Government of an eradication program is estimated at $2 million per year for the first 2 years and slightly over $1 million during the third year. These amounts would provide for surveys in the State of Florida and surrounding States; producing, irradiating, and distributing the sterile flies; administering such regulations as may be necessary to protect the southeastern part of the United States from reinfestation; and the use of facilities that may be needed to support such a program. After the eradication is completed it would be necessary to maintain an animal inspection and quarantine program to prevent reinfestation of the screwworm from Texas or other areas not included in this eradication effort. It would be the responsibility of the State to develop and administer intrastate quarantine while the Federal Government would assume the responsibility for preventing the spread of the screwworm between States. The annual cost to the Federal Government of such inspection and quarantine is estimated at $500,000 which is approximately two-thirds of the cost of quarantine activities. Much of the supervision of interstate shipments will have to be carried on in places removed from the States of origin and those receiving protection and, therefore, will become the responsibility of the Federal Government.

A screwworm-eradication program would be undertaken in accordance with policies and procedures developed and approved by the Department and the National Association of Commissioners, Secretaries, and Directors of Agriculture in 1955 with respect to pest prevention and control activities.

The Department has no funds currently available for a screwworm-eradication program. The program will, however, be considered in proper relation with other programs of the Department in the development of future budget plans.

ADVERSE EFFECT OF HIGH INTEREST RATES ON OREGON'S ECONOMY

Mr. NEUBERGER. Mr. President, every week for the past year disturbing reports have come from my home State of Oregon about curtailment of logging operations and closure or part-time operation of sawmills and plywood plants. Unemployment compensation payments in the lumber-producing areas of Oregon appeared to be on a rapidly ascending scale, as were State payments for direct relief.

Joblessness spread as lumber output started to slide. The decline in lumber—Oregon's largest industry—had a chain reaction which was being felt up and down the main streets of cities and towns throughout the State. Bankruptcies in Oregon reached an alltime high. It has been estimated by one lumber industry spokesman that less than half of the 70 small mills which operated in one county last year are still in business. Furthermore, the seriousness of the situation is illustrated by a report from one of the major lumber-producing areas—Jackson County—that unemployment in June totaled 1,150, compared to 550 last year.

Mr. President, it is no exaggeration to say that Oregon's economy has had all the earmarks of an incipient depression.

This unfortunate turn in Oregon's economy was the direct result of the Republican administration's tight-money policy which squeezed the start of new home construction to the lowest level in 8 years. The home-building market is both the cream and the bread and butter of Oregon's lumber output. The tall Douglas-firs and western pine which grow in the State provide a large share of the wood products that go into the building of houses throughout the Nation. When home building is down, Oregon's No. 1 industry suffers in a direct ratio.

High interest rates—the handmaiden of all administration fiscal policies—and stringent restrictions on new home downpayments have dried up a large share of the demand for Oregon lumber. A United Press dispatch from Medford, Oreg., dated July 30, summarized the situation as follows:

> A higher than average level of unemployment and a fairly wide closure of small mills in southern Oregon were indicated today in a survey of lumber officials and the Oregon State Employment Office here.
>
> Emphasis to the situation was added this week with the announcement that the Alley Bros. mill at Phoenix would close on August 2. It employs 150 men.

The story goes on to say that this mill had been in continuous operation since 1940. The effect of tight money on the Alley Bros. mill has been repeated time and time again in other parts of the State. For some inexplicable reason, the administration seemed to have singled out the home building and lumber industry to bear the brunt of its anti-inflation efforts. No other segments of the economy grappled with such stringent restrictions. The stifling effect of this policy on Oregon business life is quite apparent.

I have outlined these facts, Mr. President, because the situation in Oregon illustrates the necessity for the provisions of the Housing Act of 1957, passed by Congress a few weeks ago and implemented yesterday by the Federal Housing Administration. The news of action which has been taken by the Federal Housing Administrator to lower the downpayment requirements on FHA-guaranteed mortgages will be greeted in the woods and mills of Oregon with more than a little rejoicing. I am pleased that the Administrator has at last decided to put to use the tools provided by Congress for alleviating the serious recession in the home building and lumber industries. Although the effects of this action may not be fully felt for some months, there is every indication that a rapid acceleration in construction of lower priced homes will follow. As a consequence, the demand for Oregon lumber products will be stimulated.

It is regrettable, however, that the Administration found it necessary to couple this beneficial action on downpayments with another boost in home

mortgage interest rates. Under the new provisions, the buyer of a $15,000 home may make his purchase with as little as $1,050 down, compared with $2,000 under the former regulations. This would make it possible for a considerable number of potential purchasers to acquire needed housing. But, Mr. President, this market will be curtailed considerably by the raising of the permissible interest rate on FHA-insured mortgages to 5¼ percent. I have no doubt that the larger total cost, and the larger monthly payments, which result from the higher interest rate will act as a deterrent to many families who had hoped to buy new homes. An increase of one-fourth of 1 percent in the interest rate during the span of a 25-year mortgage—a boost from 5 percent to 5¼ percent—adds $1,312 to the debt service cost on a $15,000 home. Instead of a total cost of $24,783, under the 5 percent interest rate, the total outlay comes to $26,095 under the Administration-approved 5¼-percent rate.

Furthermore, Mr. President, it is virtually a foregone conclusion that the higher interest limit on FHA mortgages will, for all practical purposes, end the Veterans' Administration program of loans to GI borrowers. The spread between the FHA maximum interest rate of 5¼ percent and the VA-approved ceiling of 4½ percent is sure to siphon mortgage market funds almost entirely into the FHA mortgage field, except for that considerable portion which still will go into conventional, non-Government-backed loans.

It is too early to predict the net impact of the dual action taken by the Housing Administrator. Perhaps the higher interest rate is necessary to attract mortgage money into home building, due to the attractive yields which are possible through other investments. I am not a member of the Senate Banking Committee, but I know that the able Senator from Alabama [Mr. SPARKMAN] will continue to give the closest surveillance to the housing program and the effects of the new policies established by the Federal Housing Administration.

Businessmen in Oregon, in and out of the lumber industry, will also watch with interest the progress and results of the new program. Tight money and its effect on lumber production has been the subject of considerable discussion in my State. Until the economic picture brightens considerably, this interest will remain. I ask unanimous consent, Mr. President, to include with my remarks a story which appeared in the New Era, a newspaper published in Sweet Home, Oreg., on August 1, 1957, telling of the impact which administration fiscal policy has had on the economy of communities such as those I have mentioned.

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

TIGHT MONEY POLICY HIT BY CHAMBER'S EXECUTIVE BOARD—BUILDING LETUP BLAMED FOR STATE'S FINANCIAL PROBLEMS

Sweet Home's past, present, and future economic picture was the subject of profound discussion Tuesday evening, when the executive board of the Sweet Home-East Linn County Chamber of Commerce met to consider ways and means of easing the economic threat posed by a continued slump in the lumber industry.

The meeting was called by President Stan Soli specifically to consider and act on a resolution, originally directed to President Eisenhower, asking that the Federal Government take whatever action necessary to reactivate home construction and thus prevent further sagging of weakened lumber prices.

Of all present, there was none who did not agree that Sweet Home's present and future outlook was much rosier than many Oregon cities where lumbering is the economic mainstay, but the consensus was that in view of a number of reported earlier logging shutdowns, action should be taken to forestall what conceivably might develop into depression conditions this winter.

Much of the discussion centered on the so-called tight money policy of the Federal Government which, those present agreed, has made it virtually impossible for prospective buyers or builders of homes to obtain financial assistance through normal lending channels. While these conditions are present throughout the country, they are especially prevalent in Oregon, one board member said, with the result that Oregon and particularly Linn County must bear the brunt of a toppled lumber market while the rest of the Nation, not dependent on the lumber industry, continues to prosper.

It was noted that FHA regulations now provide for 3 percent downpayments on certain homes, but the banks and other lending institutions are, almost without exception, requiring 20 percent down.

Among suggestions as to what the State might do to bolster its economy was that of legalized gambling. This drew considerable comment from other board members and while nearly all readily agreed it would solve the State's financial problems, none expressed belief that any such step would be undertaken in the near future.

On the credit side of the picture for Sweet Home, it was pointed out that unemployment levels are about equal to former years; that based on telephone and electric and city water hookups, the city has gained in population during the past 6 months; that the fiberboard plant now under construction, the glue manufacturing plant recently placed in operation, two new service stations, and a new automobile agency, plus current rebuilding programs of a number of local business houses give every indication that depression fever is not about to hit Sweet Home.

Near the close of the meeting, it was decided President Soli, Jess Parker, and Dave Epps would act as a delegation to call upon Governor Holmes and officials of the State industrial development commission in an effort to bring about needed policy changes to affect favorably the lumbering industry.

TIGHT MONEY

Mr. HUMPHREY. Mr. President, a few days ago here on the floor of the Senate I called attention to the fact that marketable Government securities were continuing to drop in value as a result of the Treasury's recent offering of 4-percent notes. I stated that this meant for many Americans who have invested their money in Government securities a tremendous loss.

I did not realize, myself, just how great this loss has been under the Republicans as a result of tight money and soaring interest rates. In the printed hearings of the Senate Finance Committee investigation of the financial condition of the United States, there is a tabulation of the market value of Government securities as of June 30, 1952 and June 21, 1957. This tabulation was made by the Treasury Department at the request of Senator KERR. It shows the following:

The market value of Treasury marketable securities, on June 30, 1952, was $139.985 billion, $0.330 billion below their par value of $140.315 billion.

Five years later, as of June 21, 1957, the market value of Treasury marketable securities was $153.132 billion, $7.199 billion below their par value of $160.331 billion.

In other words, whereas holders of marketable Government securities 5 years ago sustained a loss in value of $0.330 billion, today holders of marketable Government securities have suffered a loss of $7.199 billion in the value of their holdings—yes, a loss of over $7 billion.

Our Republican friends will argue that this is a paper loss and that many holders of such securities will hold them to maturity and thereby suffer no loss. But the tragic aspect of this whole business is that there are a good many Americans who will not be able to hold their Government securities to maturity and they will be hard hit in liquidation. Unfortunately, many who are forced to sell at below par are in no position to sustain such heavy losses in the value of their holdings. It is a deplorable situation when Americans buy Government securities in good faith and then find out that if they try to sell them on the market they will take a heavy loss—a loss which amounts to more than $7 billion as compared to only $0.330 billion 5 years ago under another administration.

I ask unanimous consent, Mr. President, that this tabulation on the market loss in Government securities be inserted at this point in the RECORD.

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

Market value of outstanding Government securities June 21, 1957, and June 30, 1952

[Money amounts in millions]

	June 21, 1957			June 30, 1952		
	Amount outstanding	Market value	Average market price	Amount outstanding	Market value	Average market price
Marketable:						
Bills	$26,777	$26,673	$99.20	$17,219	$17,182	$99.25
Certificates	21,785	21,756	99.28	28,423	28,432	100.01
Notes	30,924	30,601	98.31	18,963	18,755	99.00
Bonds:						
Taxable	78,391	71,652	91.13	68,258	67,750	99.08
Partially tax exempt	2,404	2,398	99.24	7,402	7,808	105.15
Wholly tax exempt	50	51	103.00	50	58	116.08
Total	160,331	153,132	95.16	140,315	139,985	99.24

Market value of outstanding Government securities June 21, 1957, and June 30, 1952—Con.

[Money amounts in millions]

	June 21, 1957			June 30, 1952		
	Amount outstanding	Market value	Average market price	Amount outstanding	Market value	Average market price
Nonmarketable:						
Savings bonds	55,193	55,193	100.00	57,685	57,685	100.00
Investment bonds	11,203	11,203	100.00	14,046	14,046	100.00
All other	210	210	100.00	6,986	6,986	100.00
Special issues	46,137	46,137	100.00	37,739	37,739	100.00
Miscellaneous	2,263	2,263	100.00	2,380	2,380	100.00
Total	275,337	268,138	97.12	259,151	258,821	99.28
			Percent			*Percent*
Market depreciation		7,199	2.62		330	0.125

Source: Investigation of the financial condition of the United States, hearings before the Committee on Finance, U. S. Senate, 85th Cong., 1st sess, 1957, pt. I, p. 140.

Mr. HUMPHREY. Mr. President, it is my sad duty to report to the Senate that for the third week in a row municipal bond interest rates have again risen; this time to 3.48 percent which is unsurpassed since 1935.

In reporting this record yield, the Wall Street Journal of August 5 states:

The yield represented by the present 3.48 percent recording is actually more significant than the mark reached in 1935. For in the thirties, the tax-exempt feature of municipal bonds was not as meaningful as it is now. Corporate and graduated income taxes then weighed less heavily on investors. Municipals of that time more closely resembled corporate bonds. And purchasers of tax-exempt bonds were unable to realize the savings they do now.

Since February of this year when the yield on municipal bonds was a little under 3 percent, bond prices have been steadily slipping. In 5 months, the yield on such bonds has increased by 17 percent. And there is no indication that this trend will not continue. In fact, everything points to higher and higher rates in the weeks to come.

Mr. President, an interesting article appeared in the Washington Star of August 2 reporting that toy production this year is being slowed down due to the administration's tight money policies. Many toy manufacturers are finding it difficult and far too costly to go ahead and borrow funds—as a result they are holding back.

This means there will be spotty shortages of toys this Christmas and that in turn means higher prices. When mom and dad go to the toy stores this winter and see the higher price labels, they should remember that tight money is one of the reasons.

This is but another example of productivity lagging far behind productive capacity, while the administration still insists on monetary policies which limit demand. What our economy needs is economic growth—not cutbacks. The only shortage we have today is of money. There is plenty of everything else, but fewer and fewer people can find the funds with which to buy.

I ask unanimous consent, Mr. President, that this article be inserted at this point in the RECORD.

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

TOY PRODUCTION SLOWED BY TIGHT MONEY

(By Elmer Roessner)

There may be spotty toy shortages this Christmas.

In total, there will be plenty. But many retailers may not be able to stock exactly the items they want. Many shoppers will not be able to find some toys they have heard about.

The reason: Tight money.

The big toy shows are held early in the year. The big buyers, the chains and large independent establishments, look over the field and begin placing orders. By July, manufacturers have a large part of their orders booked and have a pretty good idea of what items will sell and what won't. If they need funds for manufacturing, they can factor their orders; that is, borrow money against them.

But it's different this year.

EVERYBODY HANGING BACK

There was a bit of uncertainty earlier this year. The big buyers placed lighter orders than usual. They had seen television and auto sales dip; toys might be next.

This leaves many manufacturers with fewer orders and less information about the size and preferences of the market. They are sure of demand for some items, such as the old standbys. But they have doubts about the market for newer playthings.

This has clouded manufacturing plans. Furthermore, because of the tight-money situation, only the biggest producers of surefire hits have been able to afford the risk of plunging ahead.

Orders, of course, will come in from now on. In fact, they are expected to reach marks 5 or 10 percent above last year. But a lot of manufacturing time has been lost.

PRICES UP, TOO

The industry is so big and there are so many manufacturers and items that there will be a wide choice for Christmas gifts. But the special toy that Junior has set his heart on may be hard to find.

Toys will be a little more expensive this year. The cost of labor and materials has risen and will be reflected in prices consumers pay.

Toys will be more realistic this year. Melvin Freud, president of the Toy Guidance Council, says that youngsters are continually demanding more realism and the toy Navy Pom Pom guns, Turbojet planes and Nike rocket launchers must be accurate in detail. His statement has borne out by toys displayed at the council's July press preview of educator-approved toys.

CIVIL RIGHTS

Mr. MORTON. Mr. President, I want to make my position clear in regard to the pending legislation—the so-called civil-rights bill. I will vote for the bill as amended in order to send it to conference. I do not think that the House conferees or the House itself will accept part IV of the bill as presently amended. If the bill should come back from conference with part IV in its present form, I will vote against the conference report and would hope that, if it should pass the Congress in such form, the President would veto it.

In adopting the O'Mahoney-Kefauver amendment, the Senate made sweeping changes in a great number of statutes, ranging all the way from the antitrust laws to the labor-management relations law—the so-called Taft-Hartley Act. As we all know, there is a provision in the Taft-Hartley Act which pertains to strikes that would cause a nationwide emergency. Under this provision, after certain steps are taken, an 80-day cooling off period is established, during which time negotiations between management and labor are continued in an effort to arrive at a settlement. I am told by responsible lawyers that the amendment which the Senate adopted last week makes this provision completely ineffective. Perhaps this section of the Taft-Hartley Act should be amended. Perhaps all criminal contempt procedure should be changed. However, I think this should be done only after careful study by the appropriate committees of the Congress and after careful consideration by both Houses of Congress.

This bill is not the appropriate vehicle to be used in rewriting so many of our basic Federal statutes, nor is it proper to revise our system of jurisprudence in an atmosphere charged with political and emotional overtones. I feel sure that if any measure comes from conference, it will not contain the broad applicability of the O'Mahoney-Kefauver amendment. As I have already said, unless changes are made in conference, I cannot vote for the measure, and I believe that there are other Senators who share my convictions.

I was very much impressed with a statement issued by the AFL–CIO executive council. I quote from the statement:

The AFL–CIO cannot and will not permit itself to judge the appropriateness of this proposed change because of any possible advantages to organized labor.

We believe the Congress would be better advised to handle separately and thoroughly the whole question of contempt proceedings and make whatever changes in the law which thorough study dictates.

I can understand the great appeal that goes with the concept of trial by jury. I, of course, favor the jury system as being the best that man has developed throughout human history in the administration of justice. However, we have found that a court must have the power to carry out its orders. We have also used equity proceedings throughout our history as a nation. I was in the Congress serving in the House of Repre-

sentatives 10 years ago when the Taft-Hartley Act was passed. I received communications from many citizens in my State urging me to support legislation which ultimately enabled Judge Goldsborough to slap a $3½ million fine on the United Mine Workers and a $10,000 fine on John L. Lewis. I point out that this fine was imposed because Judge Goldsborough found the United Mine Workers and Mr. Lewis guilty of civil and criminal contempt. There was no jury trial involved. These same people have been writing me in recent weeks asking me to support the opposite position—namely, the jury-trial amendment. I do not believe that they fully understand all that is involved in the action that we took last week in adopting the amendment.

I know that the conferees will study this problem and I hope that they will report a bill which will have the support of a strong majority in both the House and the Senate. I shall vote to send the measure to conference feeling that it is my responsibility to keep something moving and not kill off any legislation in this important field at this session of Congress.

WHY NOT HELP AGRICULTURE, TOO?

Mr. CARLSON. Mr. President, the August issue of the publication, Cappers Farmer—which was started by the late Senator Arthur Capper, who served many years in this body with honor and distinction—includes an editorial entitled "Why Not Help Agriculture, Too?"

It is a most timely editorial, in that at the present time in our Nation's economy, with growing inflation and with a tendency of the taxpayer to be critical of increased Federal expenditures, that they would view with concern the expenditures of approximately $4½ billion for direct and indirect benefits to agriculture.

Most people believe that this entire amount is spent for the farmer and that much of it goes directly to him. The fact is that a very substantial part of this large appropriation and expenditure goes for the movement of surplus commodities into foreign countries and should be charged to the program of mutual aid.

In addition to that, substantial sums are used for supplying farm products to institutions and school lunches, and so forth.

It might be well to see just what has happened to the farmer's share of the national income. In 1947 the national income, personal income was $197.2 billion. The net farm income was $17.1 billion, or 8.6 percent of the national income. In 1950 the national personal income was $240 billion. The farmer received not $17.1 billion, but $12.8 billion, or 5.3 percent.

In 1956 the personal income was $342.4 billion. The net farm income in 1956 was $11.5 billion, or 3.3 percent of the national personal income.

In other words, the farmer's share of the national income went from 8.6 percent in 1947 to 3.3 percent in 1956, and I think we should keep in mind about 13 percent of our population is listed as rural. We have somewhat less than 5 million farms in the Nation.

The Agricultural Marketing Service of the United States Department of Agriculture recently stated that the average worker's family paid 5 percent more, and the farmers received 17 percent less in 1956 for the same kind and quantity of food purchased in 1947.

A recent study by a subcommittee of the Committee on Agriculture in the House of Representatives brought out this interesting information:

When city families purchase bread or prepared cereal products, they pay mostly for processing, packaging, and distributing the product. Very little goes to the farmer for the raw product. For example, there is less than 3 cents' worth of farm-produced corn in a 22-cent package of corn flakes and only 4 cents' worth of wheat in a 28-cent package of soda crackers. The pound loaf of bread that sold at retail for an average price of 17.9 cents in 1956 contained wheat having a farm value of 2.6 cents.

Every housewife, and especially the housewives in the city, is concerned about the increased cost of living, and this, of course, includes food items, but I would urge them to keep in mind that the farmer is not now, nor ever has been, responsible for these greatly increased costs.

It is for that reason that I am calling this editorial to the attention of the Senate and to our citizens generally, and I ask unanimous consent that the editorial be made a part of these remarks.

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

WHY NOT HELP AGRICULTURE, TOO?—TELL YOUR CITY FRIENDS THE TRUTH

Slapping subsidies is fast becoming a popular parlor game. But curiously, and unfortunately, it's a game played with unusual ground rules. The idea, apparently, is to slap only farm giveaways. Other subsidies, direct and indirect, are by inference just, proper, and in the public interest.

It would be deplorable enough if the folks who instituted the game and set up the restrictive rules were merely misinformed. But it's reprehensible when they represent responsible segments of the American economy, including agriculture itself.

Who is slapping farm subsidies? Almost everyone, including some spokesmen for agriculture and some farm organization leaders. And their views make quick headlines in big city newspapers and mass circulation magazines.

No wonder the American consumer, whose knowledge of farming begins and ends at well-stocked supermarket counters, is confused. No wonder he looks upon farmers as public charges with a master key to the United States Treasury.

The farm bloc is split asunder, farm organizations apparently are incapable of presenting a united front for agriculture. So we think it's high time to sort the facts out of clouded half-truths and innuendoes.

Capper's Farmer does not defend the present farm program. We've criticized it loud and clear. But we do defend some safeguards for the industry that produces our food and fiber. For agriculture is an unorganized industry, particularly vulnerable to forces beyond its control.

We do think that farmers—and the Nation—have something to gain in using the ideas inherent in the parity principle until we find a newer and better substitute. And we believe subsidies intelligently used make sense as a means of bolstering segments of the economy for the general welfare of all people.

America's Founding Fathers apparently believed so, too. Historically, the subsidy principle is one of the building blocks of our country. The first Congress of the United States, as its second official act, created a subsidy in the form of a tariff bill.

Subsidies have built our great industries, our transportation systems, our institutions of learning, our science and art. Today nearly all industry is being helped, directly or indirectly, by taxpayers' dollars. For example:

Labor: Government gifts include unemployment insurance, public employment offices, social security.

Maritime industry and airline companies: Subsidies go a long way to help keep our merchant and passenger ships afloat and our airplanes aloft.

(For example: The superliner *United States* cost $76,800,000 to build, $40 million of that was a Federal subsidy.)

Industry: Fast tax writeoff programs give industry, in effect, an interest-free loan in the amount of the deferred taxes. According to the Office of Defense Mobilization, 22,000 companies of various types have received benefits of fast tax writeoffs since the program started during the Korean war in 1950.

Mineral interests: Mineral depletion allowances are another indirect, but nonetheless very real, subsidy. Since mineral production depletes the wealth of the property, the owner is allowed to deduct, for his net profit, a percentage as depreciation costs.

In the case of sulphur mines, it is 23 percent; for oil and gas wells, 27.5 percent; for certain nonmetals, 15 percent, etc.

In a 1955 report of the Congressional Joint Economic Committee, a study of 24 large petroleum companies showed that they paid an average of 22.6 percent of their net income for Federal income tax. The average paid by all corporations was 48.1 percent.

This is an incomplete list. But it's enough, we think, to illustrate that if farmers are riding a gravy train, they share a pretty crowded seat.

However, it is not our intention to point the finger. Rather this is a plea for reason, good commonsense, for a fair evaluation of agriculture's position.

We must not blindly condemn the parity principle, the basic concept of a healthy agriculture, merely because the current attempt at an action program is admitted to be unworkable. Our plea is for a workable program to carry out the parity concept.

A sound, healthy agriculture is indispensable to our economy—present and future. It is vital to our national defense. Petty squabbling, name calling, and finger pointing only confuse and divide. And we never needed clear thinking and unity more.

You and your neighbors are salesmen for agriculture. It's up to you to defend your business. Tell your city friends the truth. Write your Congressmen and the leaders of your farm organizations.

If you don't do your part, if you don't rise to the defense of your business, then you must share the blame when all farm programs are killed.

THE EDITORS.

TOLL CHARGE FOR USE OF MISSOURI RIVER BRIDGE NEAR NEW RULO, NEBR.

Mr. HRUSKA. Mr. President, on Monday of this week the Senate passed Senate bill 2441, a bill to amend the act of March 4, 1933, to extend by 10 years the period prescribed for determining the rates of toll to be charged for the

use of the bridge across the Missouri River near Rulo, Nebr.

An identical bill, House bill 988, was passed in the House yesterday, and messaged to the Senate.

I ask unanimous consent for the present consideration of House bill 988, with a view to passing it without amendment.

The PRESIDING OFFICER. The Chair lays before the Senate a bill coming over from the House of Representatives, which will be read by title for the information of the Senate.

The bill (H. R. 988) to amend the act of March 4, 1933, to extend by 10 years the period prescribed for determining the rates of toll to be charged for use of the bridge across the Missouri River near Rulo, Nebr., was read twice by its title.

The PRESIDING OFFICER (Mr. McNAMARA in the chair). Is there objection to the present consideration of the bill?

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

Mr. KNOWLAND. The distinguished Senator from Nebraska discussed the matter with the majority and minority leaders. I understand the bill is identical with a bill which was passed by the Senate. Apparently the two bills crossed each other, so to speak, and the Senator from Nebraska requests the passage of the House bill covering the same subject matter.

Mr. HRUSKA. The Senator from California is correct.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H. R. 988) was ordered to a third reading, read the third time, and passed.

CIVIL RIGHTS ACT OF 1957

The PRESIDING OFFICER (Mr. McNAMARA in the chair). Is there further morning business? If not, morning business is closed. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. NEUBERGER. Mr. President, I shall vote for the civil-rights bill on final passage despite my keen disappointment over certain of its provisions. I regret the elimination of part III. I deplore the inclusion of the jury trial amendment. Both of these changes weaken and cripple the civil-rights bill which came to the Senate from the House. I did my best—along with some of my colleagues—to prevent these changes. Alas, our efforts in this respect were not successful.

The choice presently before us is to vote for the bill which remains or to vote for no bill at all. Confronted with such alternatives, my choice is clear.

I intend to vote for the bill for 5 compelling reasons.

First. The measure is a step in the proper direction, however limited and modest that step may be.

Second. The self-declared enemies of any and all civil-rights legislation are outspokenly opposed to the bill, and already have said so.

Third. The fact that the Senate has acted at last on a civil-rights bill will make it easier to improve such legislation and to augment it, on subsequent rollcalls.

Fourth. President Eisenhower, who has become the leading critic of the bill from the perspective of its being too weak, himself contributed to its weakening when he confessed at a press conference that he was uncertain of the wisdom of part III.

Fifth. Where would this Nation be today, if all Senators during our past history had allowed themselves the luxury of opposing each piece of legislation which failed to dot every "i" or cross every "t" to suit their own particular taste?

Mr. President, it is the duty of the conscientious lawmaker to fight a hard, clean and fair battle for the legislation in which he believes. Should he lose his fight—as my associates and I have lost—then he must decide whether or not the surviving provisions are better than nothing or worse than nothing. I believe the remaining portions of H. R. 6127 are better than nothing. Thus, it becomes my duty—as I see it—to vote for the bill on final passage. In later months and years, we shall try to improve the voting rights law and make it a more effective instrument with which to oppose bigotry and discrimination at the polls.

Mr. HILL. Mr. President, this historic debate clearly demonstrates the benefits and the blessings that flow from the Senate procedures which permit free and unlimited debate. Prior to the time H. R. 6127 was placed on the Senate Calendar there were few people in the Nation, including the President himself, who had an appreciation and understanding of the full ramifications of the measure.

The debate in this Chamber exposed before the eyes of the Nation the cunningly and deceptively drafted sections which would have permitted a politically minded Attorney General to use the powerful and drastic injunctive processes in an untold and almost unlimited number of situations, in such a manner as to undermine the very foundations of personal liberty and imperil our indestructible union of indestructible States.

The debate demonstrated beyond all doubt that part III of H. R. 6127, which was by far the worst part of the bill, would have authorized the Attorney General to use the injunction to interfere in all matters which could conceivably be embraced under the term equal protection of the laws. As I pointed out in an earlier speech on the bill, the term equal protection of the laws encompasses the plenary powers of the States to legislate and declare law. It includes the entire realm of activities which State, county, municipal, and other local governments may perform in pursuance of all the powers which were reposed in and reserved to the States at the time of the ratification of the Constitution. It embraces, among other things, State right-to-work laws enacted in pursuance of section 14 (b) of the Taft-Hartley Act. It embraces State workmen's compensation laws, State unemployment-compensation laws, State licensing boards and licensing laws. It applies to individuals and corporations alike, and goes to the very core of the economic and social structure of the States and the people.

Under part III of the bill the Attorney General could have used the injunctive and contempt processes to harass and even bring about the destruction of State educational systems and local school systems, public-health facilities and publicly owned hospitals, public parks and recreational facilities. In all these matters and in many more in which the Attorney General could have interfered, the State and local administrative procedures and judicial processes would have been wiped out in one fell swoop.

Parts III and IV of the bill as proposed by the President through his Attorney General and as passed by the House of Representatives would have swept away and denied three fundamental safeguards of a free people the right to indictment by grand jury, the right to trial by petit jury, and the right of an accused person to confront his accusers and adverse witnesses.

We are fortunate that those who adopted the Constitution and the Bill of Rights embodied in those precious documents their determination to protect trial by jury. They were doubtless aware that memories fade and they sought to avert the necessity of having to fight again and again the same old hardwon battles for individual freedom.

After hearing so much of the debate by advocates of the denial of trial by jury, I am constrained to observe how singularly accurate was the awareness on the part of the Founding Fathers that memories do indeed fade. For, despite their efforts to secure forever such cherished liberties as the right to trial by jury, here in the Senate in recent days we have found ourselves once again fighting the battle for individual freedom. We have had to fight that battle against those who would seem to regard trial by jury as a thing of another day, another year, another age; as a ragged old relic of bygone years that perhaps has served its purpose well but has no place in the fast-moving, dynamic modern America. They were willing, perhaps, to shed a tear at its passing in loving memory of its past greatness in protecting against tyranny. But they could not let affection for tried and true institutions quell the tempest generated by powerful pressures or misguided zeal. Thus they were willing to say to the constitutionally ordained institution of trial by jury: "Up to a point you did your job well, and we are grateful. We shall always have sweet memories of you and pay you our tribute whenever the opportunity conveniently presents itself. But when you do not serve our purposes, you must hie thee off to other realms where people still cherish this ancient bastion of human liberty. And so we bid you a fond farewell."

Mr. President, our Nation can ever be grateful that the majority of the Senate

did not succumb to the arguments and the insistence for the denial of trial by jury. We can ever be grateful that there was in the Senate a majority who had the courage of their convictions to oppose the suspension of constitutional rights, who opposed swapping basic rights through the machination of substituting equitable remedies for established criminal procedures, who opposed the denial of the right to trial by jury through the device of claiming to buttress the right to vote.

The Senate rendered the finest and highest service to the American people through its actions in repealing the old Reconstruction statute that would have permited the use of Federal troops to enforce the provisions of parts III and IV; in striking the monstrous provisions of part III from the bill; in providing for jury trials in cases of criminal contempt arising out of part IV of the bill; in amending part I to reduce the likelihood of abuse of the powers granted to the Commission on Civil Rights. The Senate also wisely rejected other proposed amendments which would have made the bill even worse than it was.

All Senators who joined in these memorable battles richly deserve the thanks and the abiding appreciation of all the people of the United States and the lovers of freedom everywhere.

Mr. President, I can never be convinced, however, that there is any merit in the bill even as it is now drawn. The measure is absolutely unnecessary. It contains broad and loosely drawn provisions and it may well be harshly and unfairly administered. I want the record to be abundantly clear that I am categorically opposed to the bill.

I am opposed to part I of the bill for I strongly believe that the Commission on Civil Rights which would be established can serve no useful function, and that the Commission can use its broad powers to harass and injure innocent people. The subpena and investigative powers which H. R. 6127 would give to the Commission, backed up by the contempt process which the Attorney General could invoke under the bill, would empower six men to act as a roving Presidential Commission to wander to and from across the land to investigate anything or anyone the Commission shall designate, to disturb the domestic tranquility, to inconvenience our people and impair their rights and their privacy, and to subvert the ends of justice. I cannot and I will not vote to establish such a body.

I am opposed to part II of the bill because it would set up a bureaucracy of lawyers whose very livelihood would be dependent upon continuing strife in the field of racial relations and upon their abilities to stir up litigation at a cost to the taxpayer which no man can estimate.

I am opposed to part IV of the bill even though it has been amended to provide for jury trials in criminal contempt cases, because it still places the authority in the Attorney General to invoke the equitable powers of Federal courts to bypass established procedures and to interfere with State and local administrative and judicial processes.

From the thousands of cases which are adjudicated each year in both State and Federal courts in the Southern States, proponents of H. R. 6127 have been able to cite only a few rare instances in which they contend that justice was not administered in southern courts. The sparsity of their citations alone constitutes an imperishable answer to the frail and specious argumentative fabric upon which the legislation was woven.

Mr. President, I summarize my objections to the pending bill by declaring that, except for the amendments which we have adopted in the Senate, this measure contains not one provision that can fairly commend itself to the approbation of a free society based on justice. My steadfast opposition to H. R. 6127 springs from my profound confidence in the everyday workings of our democracy, for democracy after all is nothing more or less than government by the people. A system of justice based upon law and not upon men and buttressed by such protections as indictment by citizen grand juries and trial by citizen petit juries is nothing more or less than democracy working at its very best. Government by injunction, based on the premise that our people do not have the wisdom or the integrity to operate their State and local governments and their system of justice, will never solve the problem in the difficult and complex field of human relations.

Senators, let us all, men of both great political parties and from all parts of our beloved America, array ourselves in defense of constitutional liberty.

Let us hope that when the sober judgment of history reflects upon our times, it shall record that the Senate struck down this measure and fastened itself indelibly in the annals of history as the temple of human freedom and the impregnable fortress of constitutional liberty.

Mr. MURRAY. Mr. President, the pending civil-rights bill is not entirely satisfactory to any of us in the Senate. Some feel that any legislation in this field is unwise. Some of us would like to help enact legislation which goes a great deal farther and assures all our citizens additional rights.

But the measure which has been worked out here on the floor of the Senate—the first civil-rights bill likely to be enacted in 80 years—is a real gain. I voted to hold the bill on the calendar. I am glad the Senate took that course. Real progress has been made.

The measure before us at this time reinforces the right of all citizens to vote. It assures all citizens the right to serve on juries. It extends the right to trial by a jury of one's peers—the right of trial by jury—to criminal contempt-of-court cases. Although some sincerely disagree, I feel that this is a wise extension of a basic safeguard against possible tyranny in some courts.

While further gains might have been made, time may prove that a moderate course on civil rights was most advisable. In the last 20 to 25 years we have moved a considerable way in assuring our citizens greater equality. The poll-tax barrier to voting in many States has been removed. The Federal Government has acted to establish fairer employment practices. Decisions of courts have advanced the cause. Now this bill carries us forward another step toward the goal of nondiscrimination.

The debate on this measure has been conducted with a dignity for which every participant is entitled to be congratulated. The most undignified, thoughtless behavior we have had, of basic importance in connection with the handling of this issue, has been the threat to kill the Senate bill. Whatever the cause or motive—disappointment, political advantage or something else—this threat is thoughtless and unworthy.

A careful, objective, and dispassionate review of the pending measure can result only in the decision that is a real gain.

We should now give it final Senate approval.

VISIT TO THE SENATE BY W. H. MAINWARING, MEMBER OF THE BRITISH PARLIAMENT

Mr. SMITH of New Jersey. Mr. President, we have the honor today of having in the Chamber with us a distinguished guest, a member of the British Parliament from the Labor Party, Mr. W. H. Mainwaring. I ask Mr. Mainwaring to rise so we can greet him on the floor of the Senate.

[The distinguished visitor rose and was greeted with applause, Senators rising.]

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The Chair wishes to state, on behalf of the Senate, that we are delighted to have our distinguished visitor present.

CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. STENNIS. Mr. President, I am glad to have an opportunity to speak on some phases of the remaining parts of the civil-rights bill, although I shall not detain the Senate at great length.

Mr. President, before I discuss the provisions of the bill itself, I shall yield slightly to the temptation to say a few words in response to a great deal of matter and material, a high percentage of it untrue, which has been poured out on the floor of the Senate during the debate, and which tends to constitute a slander and libel not only against the people of my State, but also against the people of other States in the Southland.

Mr. President, even though there is tremendous sympathy on the part of some of the Members of the Senate who

are proponents of the bill for the problems of the South and the way those who live in the South try to deal with them, there is a lack of understanding and a lack of sympathy, I am sorry to say, on the part of other Senators who, I believe, have been somewhat careless in some of the things they have said.

However, Mr. President, I can say that both the white people and the colored people of my State realize that there is a problem, and that the great percentage of our colored people have a spirit of appreciation for what the white people and the colored people have tried to do about it over the years. Most of our colored people love the South and leave it for the most part only for economic reasons.

I hold in my hand some pictures which were taken in Jackson, Miss., on Wednesday of last week. I do not present the pictures in an effort to make an invidious comparison. However, our area of the country has been compared in an unfavorable way with other areas. These pictures were taken in the Union Station in Jackson, Miss., and they show great crowds of colored people with their handbags, after they have just gotten off a southbound train—a train from Chicago. The accompanying text—the photographs were published in one of the newspapers—states that great numbers of colored people are returning to Mississippi from Chicago and are happy to return to Mississippi, since the recent unfortunate race trouble in Chicago. The accompanying article states that on the night these pictures were taken, there was only one colored person who left on a northbound train for Chicago, whereas there were throngs of colored people returning to Jackson from Chicago.

Mr. President, I hold the pictures in my hand. They speak for themselves. I shall be pleased to have other Senators examine them.

They show one of the aisles in the railway station and one of the stairways filled with returning colored passengers.

I do not emphasize the trouble in Chicago. I do emphasize that when the colored people shown in these pictures decided to leave Chicago because of that trouble, they did not go to some other place, but came back home to Mississippi. They are happiest there. I certainly am not happy about the unfortunate incident in Chicago, and hope there will be no recurrence of it; but it certainly does strengthen the proposition that such difficulties are not confined to one area of the country.

I remember one of the most impressive stories I ever heard was told to me by a colored friend who had moved to a northern city with his entire family. A race riot broke out in that city, and he told me how his family stayed in a little flat day after day and night after night, afraid to move, afraid to breathe. He told me about his child. This sounds almost inhuman, but I am sure it was truthful, coming from him. His child kept coughing and making noise, and they were afraid he was going to reveal the fact that they were in the flat or apartment. Matters became so extreme that he actually considered that he might have to smother the little baby in order to save the others. That story was told to me by a very responsible, reputable, and reliable colored friend of mine. He went through such an experience. He came back and lived the rest of a useful life in the South, happy to be there.

I am sorry that such incidents occur, but they do show a striking contrast between conditions in different areas, and they let our friends who live in other parts of the country realize that this is a problem which is not confined alone to the South.

I also wish to bring out another point. We are not putting up any poor mouth, but much has been said to the effect that it has been almost a hundred years since the War Between the States and nothing has been done with reference to the colored people, and they have been suppressed and enslaved. I wish to say, Mr. President, that, by and large, a great percentage of the colored people have made the same relative progress as that which the white people have made. In many ways, their progress has exceeded that of the white people.

I have some figures which I should like to place in the RECORD. In 1860, in my State, the assessed valuation of property was $509,572,000. Due to the devastating effect of that unfortunate war, the assessed valuation of all the property in the State of Mississippi did not equal that amount again until 55 years later. By 1910 the assessed valuation of the property had climbed back to $393 million. In 1920 it had climbed to $510 million. Sometime during that decade the valuations for the first time reached what they had been when that most unfortunate of all wars started in 1860.

It has been pointed out before that there was no Marshall plan, there was no rehabilitation plan, there was nothing but the hard nub of the worst kind of adversity for both groups. Most Senators have read and know about the political struggles, the economic struggles, and the clash between the races during that time. I have nothing to apologize for. To the contrary, I am proud of what my State has been able to do and the way it has come back under adverse conditions, because of the contributions made by the white people and the colored people. I am especially proud of the fine progress which has been made by the colored people of my State in such a short time. They are definitely a part of our State, and they are a part of our future. By and large, they are very happy to be there. What progress has been made with reference to working out the problems which exist so very acutely, since the 2 races live in that area in such large numbers, has been brought about solely through the leadership of those 2 races, the individuals of those races who live there. That is the only source of such progress for the future. That is one of the main reasons why I say I think the pending bill, even in its modified form, should be defeated and abandoned.

Mr. President, many great improvements in the bill have been made on the floor of the Senate. The philosophy of enforcement of civil-rights cases at the community level at bayonet point has been specifically repealed.

The right to a trial by jury in criminal contempt cases has been written in by the Senate, whereas no such right was available under the administration bill.

The importance of these two significant changes cannot be minimized as a vindication of and an overwhelming endorsement of American traditional attitudes of fair play and orderly processes of government. These two amendments have been properly hailed as major achievements, and reflect the great wisdom of the Senate rules permitting extended debate.

By the way, I wish to congratulate sincerely and most heartily every single Member of the Senate who has taken part in the debate for the very fine, wholesome attitude and approach. Especially do I want to emphasize the wisdom of the Senate rules which permit every bill of major importance to be considered at length. The bill has been debated on the floor of the Senate for several weeks, but I do not believe, Mr. President, that one minute of that time has been spent with a deliberate design on the part of anyone to kill it or consume time, unless it was on some occasion when a conference could not be terminated at a given moment and a few more minutes were needed for consultation. I believe this is one of the very finest debates which has ever taken place in the Senate, and much good will come from it, and that good is not limited to the provisions of the pending bill.

The authority of the Civil Rights Commission to use large numbers of personnel paid by and drawn from pressure groups has been stricken from the bill by the amendment of the distinguished minority leader. As originally written, voluntary personnel of this type could have numbered 2½ times the Commission personnel, and probably would have been drawn from the ranks of the more highly paid employees of these groups. This would have had the effect of cloaking controversial racial organizations with the authority of the Federal Government in harassing southern election officials and other good citizens for selfish political purposes.

Of course, the greatest victory for the Nation was the deletion of part III, which, as it was written in the administration bill and as it came to the Senate, would have embraced and encompassed every known constitutional right, as well as any new constitutional right, which might be discovered by the present Supreme Court. The Supreme Court has been discovering these new rights with alarming frequency in recent years, and the elements of uncertainty and doubt as to what rights were covered would have insured the fact that this part of the bill, had it been enacted into law, would be the subject of acrimonious litigation for many years to come. Action taken by the Senate in the last few weeks should go far toward removing this delicate area of human relationships from the political arena, because the patriotism and character of Senators from areas outside the South can be counted on when the chips are down to vote their conscience and preserve the

constitutional concepts of American Government. The triumph for the delicate balance and equilibrium of our Federal-State union can hardly be estimated at this time, but it is gratifying to me and others who believe the States should not be reduced to meaningless zeroes on the Nation's map that the Senate of the United States has met this emotional issue squarely and the verdict for constitutional government has been loud and clear.

We in the South face a severe problem in race relations, and although we have not ever had the kind of violence which has occurred in other sections of the country—and most recently in Chicago last week—a great deal of harm is being done to the people of both races by the continuous political agitation involved in the so-called area of civil rights.

The turning point in the race relations in the South was the Supreme Court decision on school integration of 1954. Good relations between the races painstakingly built up over the years are deteriorating rapidly in the South under the impact of the Supreme Court decision. That is the basis of what might be called the new trouble we have.

As this course continues, the toll will doubtless be heavy and the way long. After outside agitators have run their course, those responsibie for the destruction of what were good race relations will retire from the scene of their damage. Then, as heretofore, the patient and understanding local leaders of each race will again start their painstaking labors, and gradually rebuild the understanding and good will between the races.

This rebuilding process will require years, but it will come through the very groups that have built it up in the decades past, those of good will in each group.

What now remains of H. R. 6127 contains enough danger to warrant its clear and resounding defeat on the merits. Despite the amendments of the Senate, the bill still inflicts a multitude of grievous wrongs which cannot accomplish good but must result in resentment, anxiety, and tensions, and which cannot make a real contribution to the racial problem.

Let us analyze in a painstaking manner the language still remaining for consideration by the Senate.

PART I—ESTABLISHMENT OF THE COMMISSION ON CIVIL RIGHTS

Although the Commission is created as a part of the executive branch of the Government, the functions it proposes to exercise are more properly within the sphere of the legislative branch, since any possible good which could come from such an area of activity must result in legislative recommendations. The President has the power to appoint an Executive Commission at this time, and the only possible reason for a Congressional act in this field is that thereby the Commission could be given the power of subpena. The Commission could not perform a single function which could not be performed by a Congressional committee, and the delicate function to investigate is described only in the vaguest terms.

The only qualification for appointment to the Commission required by the language of part III is political affiliation.

The Chairman has certain preferential rights in exercising the prerogatives of the Commission. This preferential standing is based on appointment rather than by election of the Commission. There is no requirement for an advance announcement of the subject of a hearing, nor any requirement that a witness subpenaed by the Commission shall have adequate knowledge of the scope of the inquiry before which he was called to testify.

The Commission is given the power to write its own rules of procedure. This power is not qualified by any statutory language to require adherence to constitutional safeguards available to witnesses in judicial cases, nor as limited by court decisions for Congressional committees.

Mr. President, I desire to point out clearly, by way of a warning, that if the Commission is dominated by an aggressive partisan group, either by membership or by staff, it will lead to the most serious trouble.

Counsel should be guaranteed witnesses summoned to Commission hearings. The right to representation so graciously accorded by the language of this act is merely a restatement of existing law, but this would be a mockery if the person subpenaed was unable to provide for his own counsel, even though grave constitutional rights might be involved during the course of his examination by the Commission.

The Chairman, or his designee, has the unqualified power to define breaches of order and decorum and unprofessional ethics on the part of counsel by censure and exclusion from the hearing. This unqualified authority could result in the arbitrary deprivation of counsel of a witness in derogation of section 102 (c) and his constitutional right to benefit of counsel.

Defamatory testimony tending to defame, degrade, or incriminate any person cannot be heard by the person slandered, since the testimony must be taken in executive session. There is no requirement in the proposed statute that the person injured by defamatory testimony shall have an opportunity to examine the nature of the adverse testimony. He has no right of confrontation nor cross-examination, and his request to subpena witnesses on his behalf falls within the arbitrary discretion of the Commission. There is no right to subpena witnesses.

Mr. President, one of the most severe and well-founded criticisms of a loyalty and security program, developed during the study of that program by the Commission on Government Security, was that the accused person lacked the authority to subpena witnesses on his behalf, did not in specific language have the charges available to him at any time during the proceeding, and had no opportunity to confront his accuser or cross-examine him. Every thinking American knows what difficulty this presented in the administration of the security program. The parallel here is perfect. Here we have a local official, respected in his community, the victim of an unknown charge by a faceless informer, subpenaed before the Commission to answer charges taken in executive session. He has never seen the charges, has no advance notice of them, made by a person he does not know and whom he can never cross-examine. What is right for the suspected Communist working in a sensitive position in our Government must also be right for this locally respected and trusted public official in State government.

I believe that both classes of persons should have the same rights available to them, and that the failure to require these rights in statutory language is not only an insult to the people who will be most affected, but may render the statute unenforcible and unconstitutional because of the deprivation of these fundamental rights.

Mr. President, if the bill becomes law and if the Commission undertakes to be a roving grand jury or undertakes to coerce or intimidate people in any way, I believe the law will be challenged, and if challenged, I believe the law will be held unconstitutional, for the grounds I have set forth.

It is not enough to say that this power once granted will be used wisely. The danger of placing this bad law on the books, which certainly involves the repetition of the tragic examples of injustice which resulted from the administration of the loyalty-security program—and bills to correct these fatal defects are now pending before the Congress—should be apparent to all.

While all of us are concerned about the recurring allegation by members of the journalistic profession of the arbitrary withholding of information pertaining to Government activity which is and should be public knowledge, the bill would provide a $1,000 fine or imprisonment for 1 year for the use of or publication of evidence taken by the Commission in executive session. There is no exception provided for the person most directly concerned; that is, the witness himself. It is his reputation which is at stake, his character which is subject to defamation, his reputation and standing in the community and society which is on the line; but if he complains about the manner in which he was treated in these vital matters pertaining to him, if he defends himself publicly or attempts to explain what actually happened in that sealed chamber, he and the members of the press or other news mediums who feel that he has a side of the story which must be heard, incur the risk of drastic criminal penalties. This is a most arbitrary restriction on the freedom of the press. They should object to it strenuously.

The laws of evidence are not available for the protection of witnesses appearing before the Commission. The defendant must answer vague rumors, hearsay evidence, innuendoes, and defamatory charges which could not stand the light of day in any court of record, State or Federal, in the country. Even

the opportunity to submit brief and sworn statements pertinent to charges he has heard about or has been told about must be done with the permission and at the discretion of the Commission, which is the sole judge of the pertinency of testimony and evidence adduced at its hearings. The witness must pay for a copy of his testimony at any public session. He must depend upon the generosity of the Commission for access to his own testimony taken in executive session.

There is no right of appeal on any of these issues. The discretion of the Commission to determine its jurisdiction, to write its rules of procedure, choose its time and place of hearings, to determine the extent of examination, to conceal forever most relevant portions of testimony developed, and to deprive the witness of confrontation, cross-examination, and even access to his own testimony, is completely arbitrary and untrammelled, subject only to the limitations the courts have imposed on procedures designed to protect our Government against subversives.

The Commission, by use of the word shall describing its duties, must investigate all allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have their vote counted by reason of their color, race, religion, or national origin. Under rules of statutory interpretation, the Commission would not have the discretion to ignore such allegations even though obviously unfounded and wholly false.

For the same reason, the Commission must study and criticize all State statutes, municipal or other local ordinances, and all court decisions dealing with the question of equal protection of the law.

There is no definition in the bill of the term denial of equal protection of the law under the Constitution.

Interim reports are discretionary with the Commission.

Limited only by its appropriations, the Commission may appoint as many persons as it deems advisable. Consultants or experts are authorized to be employed, without limitation as to number, at $50 a day, although many conscientious and dedicated Federal employees are serving for considerably less than half that amount.

In addition to its own personnel, the Commission may organize advisory committees with State and local government officials and private organizations of citizens within the State. The difference between an advisory committee drawn from a pressure group and the services of voluntary unpaid personnel is nebulous, and there is no numerical limitation on the former in the provisions of this bill.

All Federal agencies are enjoined to cooperate fully with the Commission. Does this include opening of investigative files of the FBI?

There is no limitation on the power of subpena except the conscience of the Commissioners and the humane requirement—102–K—that some witness may not be dragged across State lines to answer charges the substance of which he is not informed of at great personal inconvenience to himself and to gross neglect of duties if he happens to be a State official.

The power of contempt is available to secure compliance even with the most arbitrary subpena issued under this act.

PART II—TO PROVIDE FOR AN ASSISTANT ATTORNEY GENERAL

There is only one reason for inclusion of part II in this bill: It is advance warning to the legislative branch that the Department of Justice is seeking to employ a sufficient number of new attorneys to handle civil-rights cases which they expect to be instituted under this bill to justify the addition of this new Assistant Attorney General. The Department refused to accept any limitation on the number of lawyers who would be employed when this bill is enacted. This has given us additional reason to be concerned about the objectivity and moderate attitude with which the Department assures us will be used to enforce this measure once the authority prescribed by the bill becomes enacted into law.

PART III—TO STRENGTHEN THE CIVIL RIGHTS STATUTES AND FOR OTHER PURPOSES

This part has been greatly improved by action of the Senate, and thoroughly discussed elswhere during the debate on this bill.

PART IV—TO PROVIDE MEANS OF FURTHER SECURING AND PROTECTING THE RIGHT TO VOTE

Much has been said about the arbitrary power being vested in the Attorney General to grant or withhold his favor at his own absolute discretion in cases concerning voting rights. The distinguished Senator from North Carolina [Mr. ERVIN] has pointed out that this in effect is giving the Attorney General the power to suspend the operation of State law, because unless he intervenes the State law continues to operate. When he grants the powers of his office to assist some favored person, then the whole executive and judicial processes of State government are suspended under this bill and the provisions of this part IV determine the rights of the parties. A more perfect vehicle of unequal protection of the laws is difficult to imagine, and in voting on this provision it cannot be said that the Senate is not put on notice as to the effect of these terms.

What are the acts necessary to put this law into operation? All that is necessary to give the green light to a proceeding under this section are "reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b)."

Prior to this instance I have never seen before the Senate a major bill more vague, indefinite, or uncertain in its language, particularly in view of the fact that the purpose of the section, as disclosed by its very language, is to suspend and supersede absolutely the operations of State law with respect to a vital part of the body of the law itself.

Who makes the determination that the grounds are reasonable? In the past, the general question about the conduct of reasonable men or reasonable grounds has been entrusted to the jury. Under the provisions of the pending bill a jury in all probability will never hear the facts. The court itself is charged with a mandatory jurisdiction over the subject whenever the Attorney General makes some unappealable determination that there are reasonable grounds to believe, and so forth. Whether these grounds are reasonable or not, the investigative power of the FBI is brought into the case, hordes of Government lawyers from the new division in the Department of Justice in Washington descend on the local court district, and the financial resources and power of the United States are put at the disposal of some person, either with or without his consent, because the Attorney General has decided that there are reasonable grounds to believe that some person is about to engage in some act somewhere which would deprive him of his right to vote. The district court must take jurisdiction regardless of the absurdity of the facts alleged in the pleadings. It does not have its customary authority to dismiss for a number of reasons which would justify such a conclusion of the case or controversy in other fields of law.

The person may never have attempted to register to vote. There is no requirement that he must do so before such a case might be instituted on his behalf, but inevitably the question of that person's qualifications as an elector under State law must be determined by a district court of the United States, and the administrative and judicial procedures prescribed by State law are thrown out in favor of a determination by a lone Federal judge whenever the Attorney General seeks to institute such an action.

One of the most regrettable features of this debate, in my opinion, is that in connection with the consideration of the Case amendment, present language requiring the district court to proceed in cases involving the right to vote under all the facts and circumstances, without regard to anything that had been done or sought to be done in any way with reference to local laws, local procedures, and administrative remedies, certain points were not brought out clearly enough. I think that was one of the very unfortunate features of the debate. There was not time to stress the points.

The procedure provided for in the bill involves one of the gravest transgressions of local law. Also it places upon the court itself a burden which it cannot carry. Courts favor administrative law. Courts favor the idea of issues having to go through the process of being determined, if possible, before being brought into court for a necessary adjudication. I wish the Case amendment had been adopted.

It is no answer to say in a case where a person is found to be disqualified that the judgment of the court upheld the local election officials. The power to review is the power to revoke, and the substitution of any Federal officer for any duly constituted State administrative tribunal on matters specifically reserved by the States under the Constitu-

tion is an unlawful usurpation of State authority.

This happens to be a subject matter which by the Constitution itself is expressly reserved to the States. I am not arguing that there could not be circumstances under which there would be rightful cause for Federal intervention. My point is that, without any investigation or determination by the court, all the local law is set aside, and, in effect, the court is told, "You shall not dismiss this case."

It is hard to conceive of a case where the real issue to be determined by the Federal judge is not the question whether the individual for whom the suit is ostensibly brought is qualified to vote. That is and will be the issue in every case brought under this bill.

Any other conduct which might come under the provisions of this bill would be violations of criminal law which should be prosecuted. But here the United State judiciary will become the arbiter of voting qualifications under State law in those cases where the Attorney General seeks to exercise the powers conferred on him by this bill. As pointed out above, United States district courts have been deprived of their customary authority to dismiss on grounds of jurisdiction, and have had their role changed to cast them in the field of determining voters qualifications; but perhaps the most severe deprivation of authority of the local judge is the loss of power to dismiss suits because the petitioner has not exhausted adequate and available remedies at law.

Thus the language is badly written in this bill that

> The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

This is true regardless of whether such remedies are sound, reasonable, or adequate to protect the rights of the petitioner.

I am aware, of course, that the general legal principle that administrative remedies must be exhausted prior to resort to the courts is not immutable and inviolate.

I recall several cases in recent years in which the court determined as a matter of law that the administrative remedies fitted to the particular facts and circumstances of the case then under consideration were not and could not be adequate. But this was a judicial determination on the individual case, and the decision was made as a matter of law. But by the quoted language of this bill conferring jurisdiction on district courts of the United States, the court itself would be bound to accept any pleading, affidavit, or other matter brought before it under this section, assume jurisdiction of the case, and determine the rights of the parties, even though it might be apparent on the face of the pleading that the remedies were both adequate and just, that the relief sought was fictitious, and the action of the Attorney General in instituting the proceeding was arbitrary and perhaps politically inspired.

Remedies established by State law would not even be considered by the courts, and the specific language of the Constitution relating to the power of the States to qualify their electors under article I, section 2, and under the 17th amendment would be effectively repealed.

The quoted provisions of this bill are repugnant to the whole concept of equity jurisdiction. The distinguished Members of the Senate who are lawyers will recall the history of the equity jurisprudence in the English law, and its deep-rooted traditions and maxims in American law at the time the Constitution was adopted. Important limitations were earlier adopted in the equity courts by the discipline of the Chancellor himself. One was that equity would not interfere where there was an adequate remedy at common law. Senators will recall the rigidity of the forms of action and almost fanatical technicality observed by early common law judges which created areas in which relief could not be obtained through the law courts. This, of course, led to appeal to the Sovereign, and later, the Chancellor in order that justice might be achieved. This was the foundation of equity—to secure justice where the law was inadequate. Here the whole history of equity is disregarded and reversed so that government by injunction will replace government by law.

We will regret the day when we continue innovations in extending the field of government by injunction, rather than government by law. We will regret the day, as we already have in many instances, when we extend the field of Federal operations and leave out of consideration the greatest single institution of the common crossroads of justice we have, namely, the jury; and we will be thankful for a long time for the vote which wrote into the bill the provision for a jury trial in criminal contempt proceedings.

In my humble opinion, Mr. President, instead of weakening the courts, as has been contended in some quarters, the amendment will strengthen the courts. The judicial system of our country has received its main strength from the jury system, rather than from the judges themselves, or from the wisdom of legislation or judicial law. The jury system is what has given to it fiber and meaning and continuity. That is true in spite of a jury verdict here and there which may not be in line with what is the general concept of the conclusion that should be reached.

The distinguished senior Senator from North Carolina [Mr. ERVIN] did a magnificent job in alerting the country to the summary proceedings involved in the application and issuance of a temporary restraining order. This might be done by affidavit without the person so enjoined—under the penalties of contempt—having an opportunity to cross-examine or even confront the petitioners for such an injunction. They could appear, presenting only an affidavit, probably prepared in Washington, and possibly bearing a Government form number.

Should a local election official decide to obey the State and local laws creating his office and prescribing his duties, and ignore such injunction or restraining order, he could be imprisoned for an indefinite period without any reliance on the fundamental concept of American justice of his constitutional right to a trial by jury. The evil is that this could be done even though adequate remedies existed for the petitioner. The local officer or other person might be honest and entirely right in his opinion that the existing administrative or other lawful remedies provided would have been sufficient for the orderly settlement of the controversy in accordance with due process of law. That would be true also even though the same opinion might be shared by the judge who was called on to hear the cases.

No greater lingering damage to our Government as we know it could be effected than by the wholly indefensible extension of this summary power to situations where adequate administrative and legal remedies have long existed. No long-range good can come from empowering the Federal Government to disregard due process of law. That is the substance of what I believe to be the reckless authority which is conferred for use against American citizens.

The bill has many overwhelming major defects both in its departures from sound legal principles and in its utter disregard of the practical ways of handling governmental problems through local cooperation and local activities. Because of these fatal defects, the entire bill should be defeated.

Whatever legislation may conceivably be needed in this field should certainly be drawn within sound constitutional limitations and within the framework of sound and practical principles of Government.

For Congress boldly to set aside statutes and State powers which are controlling, and to deny the Federal court itself the power to dismiss a case, even though the facts may show clearly that there is an even better remedy available than that which the court would be able to afford the parties, is to go so far out of bounds of what is the proper use of power as to render any such grant of power unconstitutional.

We are in effect asked to say by legislative fiat that these cases, under the slightest pretense of facts, are mandatorialy to be tried by the courts themselves, thus robbing the courts of the inherent power and inherent sound discretion that should otherwise prevail.

For the reasons I have given, and other reasons, Mr. President, I believe that the bill, even in its present form, transgresses the fundamentals of the Constitution, both in the provisions affecting the Commission and those affecting the court's power, and should be held fatally defective on constitutional grounds.

I submit to the wisdom of the Senate not only these points, but other points as well which have been made, and I respectfully say that the bill should not pass.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT FOR VOTE ON BILL

During the course of Mr. STENNIS' speech:

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Mississippi [Mr. STENNIS] may yield to me, in order that I may propose a unanimous-consent request on behalf of the minority leader and myself, with the understanding that the Senator from Mississippi not lose the floor and with the further understanding that this action will appear at the conclusion of the Senator's remarks.

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

Mr. JOHNSON of Texas. Mr. President, I propose the following unanimous-consent request on behalf of the minority leader and myself:

Ordered, That effective upon the conclusion of the address of the Senator from Mississippi [Mr. STENNIS], further debate upon the question of the passage of H. R. 6127, the Civil Rights Act of 1957, shall be limited to 7 hours, to be equally divided and controlled by the minority leader and the Senator from Georgia [Mr. RUSSELL], respectively.

Mr. HOLLAND. Mr. President, reserving the right to object—and I shall not object—I should like to remind the majority leader that I have not spoken at any length throughout the course of the debate, and I do not propose to do so now, but I should like to have assurance that I may speak for not to exceed 30 minutes between now and the time for voting.

Mr. JOHNSON of Texas. The Senator may have that assurance. I am sure the Senator from Georgia will yield to the Senator from Florida that much time. We have called upon all Senators we thought might desire to speak in opposition, and we have asked what time they thought they would use. We have made ample allowance over and above that for any Senators who may come in later.

Mr. HOLLAND. Mr. President, I have no objection.

Mr. BUSH. Mr. President, reserving the right to object—and I shall not object—I should like to inquire whether the agreement means we will have a vote on the bill today.

Mr. JOHNSON of Texas. If the agreement is entered into it means that approximately 7 hours from the time the Senator from Mississippi concludes his address we will have a quorum call and then proceed to vote on final passage of the bill.

Mr. President, I ask for the yeas and nays on final passage, so that all Senators may be advised.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. THYE. Mr. President, will it be possible for me to make an insertion in the RECORD?

Mr. JOHNSON of Texas. If the unanimous-consent agreement is obtained, I am sure the Senator from Mississippi will be good enough to yield for that purpose.

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

Mr. JOHNSON of Texas. I thank the Senator from Mississippi.

Mr. KNOWLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The Senator will state it.

Mr. KNOWLAND. The distinguished Senator from Mississippi having concluded his remarks, do I correctly understand that the unanimous consent agreement is now in operation?

The PRESIDING OFFICER. The unanimous consent agreement now becomes effective. The time will be controlled by the Senator from California [Mr. KNOWLAND] and the Senator from Georgia [Mr. RUSSELL].

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that I may make a brief statement, without the time being charged to either side.

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

Mr. JOHNSON of Texas. Mr. President, I congratulate the Senate for having entered into the agreement, and the minority leader for his influence in that direction.

I remind the Senator from California of our discussion early in the morning, in which we agreed that we would have speakers from each side alternate, and try to arrange the speaking in that way. The last several speeches have come from this side of the aisle. The distinguished Senator from Florida [Mr. HOLLAND] desires 30 minutes. I hope that at the conclusion of 30 minutes, the speakers for the bill will be available to make their presentations.

Mr. KNOWLAND. Mr. President, in all unanimous-consent agreements, as the Senator from Texas knows, I have always tried to keep the time balanced between the two sides of the aisle and the two sides of the question. When the distinguished Senator from Florida has finished, we shall be prepared to have one or more speakers use approximately the same amount of time.

Mr. JOHNSON of Texas. I appreciate the courtesy of the Senator from California.

Mr. President, on behalf of the Senator from Georgia [Mr. RUSSELL], I yield 30 minutes to the Senator from Florida [Mr. HOLLAND].

The PRESIDING OFFICER. The Senator from Florida is recognized for 30 minutes.

Mr. HOLLAND. Mr. President, the bill (H. R. 6127) has been so greatly improved in the course of the debate on the Senate floor that I feel, since I am one of those who shall not vote for it in its final form, but against it, I owe it to my brethren in the Senate, and to the public, as well, to make a brief statement concerning my present attitude on the bill.

I shall list some of the very great and manifest improvements—at least, they are improvements in my opinion—which have been made during the course of the debate.

The first was the action which I have heard only briefly mentioned, but which has great importance in the history of our Nation, namely, in unanimously adding to the bill a section which repeals the old section of the Reconstruction laws which, up to this time, has permitted the use of the Armed Forces in the protection of civil rights. It is good for the whole Nation to have the sinister shadow of Thaddeus Stevens, and others of his ilk, fade more and more into obscurity and, I hope, into ultimate oblivion. To have that course followed will help the Nation to forget some of the dreariest days which it has known.

Second, the change made in the Commission section of the bill, upon the motion of the distinguished minority leader [Mr. KNOWLAND], to whom I wish to tender my congratulations in this regard, was also by unanimous action of the Senate. It was a splendid action. It assured that the Commission to be set up under the bill will have a better chance to function effectively.

There were other objectionable features relative to the Commission, and they have been listed by my able colleague, the junior Senator from Mississippi [Mr. STENNIS]. But, in my judgment, the most serious objections to the Commission section of the bill were cured by the unanimous action of the Senate in adopting the amendment offered by the senior Senator from California.

The third and most telling action taken in improving the bill was that by which most of part III was stricken from the bill, so as to confine the bill, so far as its protective features go, solely to the protection of voting rights. I think that was wholesome, because that was a named field in which abuses exist; and if legislation were competent to deal with those abuses, we now have a bill which is confined to the one field to which it is most easily made applicable.

Of course, I am one of those who feel that legislation of any type will not deal effectively with this problem. I congratulate the Senate upon its limitation of the bill, by the action which I have just mentioned, to a specific objective, and its shaping of the bill in other particulars, so as to better serve that objective, at least in my opinion, and that of the majority of the Senate.

The fourth change for the good was the amendment to allow the right of trial by jury for persons who may hereafter be charged with criminal contempt. That action preserves to citizens the right which they now have under existing law when injunctions are issued by the Federal courts upon the suits of private persons. I think it is wholly in the interest of sound law and good government to permit the continuance of that practice to protect individual citizens and to prevent the subversion of courts of equity, so that in a very fulsome way equitable action might have been substituted for criminal procedure and criminal law.

Notwithstanding these four manifest improvements of the bill, and others so ably mentioned by my colleague, the distinguished Senator from Mississippi,

and other Senators, and while I think the final Senate version of H. R. 6127 has been greatly improved from the terms of the bill when it reached the Senate, I shall nevertheless vote against the bill on final passage, for several reasons, of which the most compelling, to me, are these:

First, part IV of the bill gives to the Attorney General the right to institute in Federal district courts, in the name of the United States, injunction proceedings against any person whenever, in the sole judgment of the Attorney General—and I quote from the bill—"there are reasonable grounds to believe" that such person is about to engage in any act or practice which would deprive any other person of his right to vote. It would be most unwise, in my opinion, to give to any single person, even to a United States Attorney General, so much power based on his sole discretion and judgment. To do so would create vast opportunity, whether used or not, for political or other abuse of this unprecedented power by an Attorney General and his agents.

My second objection is that the Attorney General is empowered to institute these injunction proceedings and it is provided that the district courts "shall" act therein—and I emphasize the word "shall"—"without regard to whether the party aggrieved shall have exhausted any administrative or other remedies which may be provided by law."

It would be most unwise, in my opinion, to allow such power of the Attorney General to be exercised in such a way as to completely by-pass the State or local administrative or other legal remedies, thus departing from the general rule that such remedies must be exhausted before recourse to the courts is permitted.

This would mean that even though a State or local official was moving effectively to correct the evil complained of, either by administrative proceedings or through local or State courts, the United States Attorney General in his sole discretion, disregarding said proper pending actions, could nevertheless hale persons into Federal court, even though the other persons, whose rights were being protected by the local or State administrative or legal procedures, were completely satisfied with the protection which they were about to obtain. This is flagrant destruction of both State and individual rights. If such a revolutionary procedure as this were set up an open invitation would be given to extend the same unwise pattern of arbitrary Federal action to other fields, thus destroying more and more of the rights of State and local governments and of individual citizens.

Third, I am one of those who do not believe that any coercive legal action will bring the desired result in this case or in this kind of case.

In company with other southern Senators I have for years introduced a proposed Federal constitutional amendment which, if submitted by Congress and ratified by the States, would forever prohibit any State from preventing its citizens from voting for Federal officials by the imposition of a poll tax or other similar tax or by the setting up of any property ownership qualification. I still think that this procedure is the wisest course to follow and that, when followed, it will bring about the progressive elimination of the practices existing in some States by which citizens are discouraged from registering and voting. It has been made completely clear in the course of this debate that most of the troubles now complained of are found in the five States where the poll-tax system still exists.

Just as the voting participation problems in my own State of Florida have been progressively solved since 1937, when we entirely repealed the poll-tax requirement, so that now 148,700 Negro citizens of Florida are registered to vote in all elections, and thousands of others are completely protected in their right to register and vote whenever they wish to do so, I believe the same problem would be settled progressively in other States if the poll-tax requirement were legally repealed. Unfortunately, the pending bill has a complete blind spot as to the plight of the many thousands of citizens in the five poll-tax States who are now prevented, in part at least, by the poll-tax requirements, from voting for Federal officials.

Since five States have failed to act to repeal their poll-tax systems, I believe the Federal Government can accomplish such legal repeal only through a constitutional amendment. Such a clearly lawful approach is vastly preferable to the coercive program included in H. R. 6127, which, in my opinion, would arouse resentment, encourage clandestine obstruction, inflame racial strife, and set back immeasurably the orderly and harmonious program already successfully followed by Florida and by a majority of the other Southern States.

Mr. President, I have carefully noted the various charges made on the Senate floor and in the press against the South, with reference to alleged wholesale efforts to prevent the Negro in the South from exercising his constitutional right to vote. One of the most flagrant misstatements on this subject was contained in a so-called printed message sponsored by the NAACP, which appeared in the Washington Post and Times Herald on July 26, setting out, among other things, the number of Negroes of voting age and the number and percentage permitted to register in 11 Southern States. Mr. President, in that connection I emphasize the use of the words "permitted to register."

In using and applying the words "permitted to register" to the total number of Negro registrants in the several Southern States, the NAACP distorted the facts and indicated that Negroes who did not register were not permitted to do so, either by law or by the operation of discouraging pressures.

Mr. President, the fact is that many thousands of Negroes simply chose not to register or vote, as an exercise of their own preference in the matter.

The advertisement in question shows 148,700 Negroes permitted to register in Florida, which is approximately 40.7 percent of the number of adult Negroes in Florida in 1950 as shown by the decennial Federal census of that year. I take strong exception to this statement, and a quick look at the figures for some of the larger counties in Florida will show clearly the reason why I do so. The figures I shall use were compiled for me by Mr. Hugh D. Price, author of The Negro and Southern Politics, to whom I am greatly indebted for his assistance. The figures used by Mr. Price are taken from the 1950 census and the report of Secretary of State Gray, of Florida, showing the number of Negroes registered for the 1956 general election in each of Florida's 67 counties.

First, Mr. President, let us look at Hillsborough County, which has within its boundaries the city of Tampa. There has never been, to my knowledge, any claim that the Negro is deterred from voting in any manner in Hillsborough County. But, to the contrary, strong efforts have been made to encourage the Negro to vote in this county, which is 1 of 4 counties making up the only Republican district in Florida. However, we find only 35.5 percent of the Negroes of voting age registered. Does this mean to the NAACP and our ultraliberal friends in the Senate that 64.5 percent of the eligible Negro voters in Hillsborough County have not been permitted to register?

In Pinellas County, the only other large county in the Republican district—the first district—statistics show that only 29 percent of the eligible Negro voters have registered. Certainly in this county, which contains the city of St. Petersburg, and has probably more Republicans and former northerners in it percentagewise than does any other county in our State, and where there has not been a scintilla of evidence which would indicate that there is any effort to prevent the Negro from voting, it cannot be said with any degree of truth that 71 percent of the eligible Negro voters have not been permitted to register.

In Palm Beach County, another county heavily populated with Republicans, and where the Negro votes as freely as anyone else, can it be said that because only 29.3 percent of the eligible Negro voters are registered, 70.7 percent are not permitted to register? In Sarasota County, which is similar in makeup to the counties previously mentioned, where only 27 percent of the adult Negroes are registered, have we thus not permitted to register the other 73 percent, who apparently had no desire to make the effort to register? In Orange County, the home of Orlando and Winter Park, where only 21.9 percent of the eligible Negro voters are registered, have we not permitted to register the other 78.1 percent?

Mr. President, these named counties are not so-called white supremacy counties where it is claimed that all sorts of pressures, economic, and otherwise, are applied to prevent the Negro from exercising his voting rights. In these counties, and I could mention many others, the Negro is not only permitted to register and vote, but is actively encouraged to do so. Yet, in the propaganda campaign against the South, members of the colored race in the areas I have just mentioned, who have not interested

themselves in voting are listed in large paid advertisements as having been not permitted to register to vote.

Mr. President, it is difficult to say why Negroes, or white people either, do or do not take the time and make the effort to register or vote. The problem of lack of interest in taking advantage of this basic right is not peculiar to the South. Just why, in counties like Duval, which includes the city of Jacksonville, where Negroes have been actively urged for years to register to vote, without intimidation, only 51.8 percent of the eligible Negro voters are registered, I do not know. In that county, which had 52,832 Negroes of adult age in 1950, and showed only 27,368 registered for the 1956 election, every opportunity was certainly given to the more than 25,000 who did not choose to register or vote.

The main reason why the percentage of Negroes registered in Duval County—Jacksonville—is nearly double the percentage registered in Pinellas County—St. Petersburg—when both cities have large Negro communities, a growing Negro middle class, and no open opposition to the exercise of his voting right by the Negro, and why approximately that same ratio exists as between Dade County—Miami—and Orange County—Orlando—appears to lie, according to Mr. Price, in the extent to which local white politicians have invested time and money in actively seeking Negro support.

Mr. President, the fact that in the South many Negroes, like many hundreds of thousands of all races throughout the country, do not have the desire to exercise their voting rights, should not be used as a propaganda club against the South. Certainly in the State of Florida many more than 148,700 Negroes are "permitted to register" to vote; and I deplore the use of such misleading statements as that used by the NAACP in its propaganda effort to inflame a very explosive issue which has, in my opinion, been debated on a high plane and in a constructive manner on the floor of the United States Senate.

Mr. President, I ask unanimous consent to have printed at this point in my remarks a compilation prepared for me by Mr. Hugh D. Price, showing for each of the counties I have mentioned the population of Negroes over 21, according to the 1950 decennial Federal census; the number of Negroes registered to vote in the 1956 general election, according to the report of the secretary of state of Florida; and the percentage of adult Negroes registered to vote in the 1956 general election.

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

County	Negroes over 21	Negroes registered	Percentage registered
Dade	42,682	19,048	44.6
Duval	52,832	27,368	51.8
Hillsborough	24,941	8,856	35.5
Orange	14,321	3,137	21.9
Palm Beach	22,253	6,520	29.3
Pinellas	12,118	3,477	29.0
Sarasota	2,896	783	27.0

Mr. HOLLAND. Mr. President, I think the figures I have submitted not only illustrate the unsoundness and the inaccuracy of the propaganda which has been directed toward the passage of this bill, but also represent even better the fact that now we are dealing with a problem which will not be solved by the passage of any law, and will not be solved overnight, in any case, but will be solved in the changed and changing attitudes of the white people who are involved and of the colored people who are involved. We speak often of the changing attitude of the white people, and it is largely changed now in my part of the country. Not enough emphasis is laid on the fact that the attitude of the colored people has been such that up to this time there has not been any general use of their voting right and privilege, notwithstanding the fact that we in Florida repealed the poll tax in 1937. In most parts of our State there has been no general interest and participation since that time although in most places there have been invitations to the colored people to register.

If I had time I could develop the problem further by showing that in our State, after the repeal of the poll-tax amendment, the change in the voting pattern was a slow one and not an immediate one. In the first 2 or 3 general elections, and after those first 2 or 3 general elections, there were only about 20,000 Negroes voting, whereas now the number of registrants, as shown by the records, is nearly 150,000. The pattern of increased voting by our Negro citizens seems to move county by county and area by area, from one part of the State to another. The change of mind is not required solely in the minds of the white people, but just as fully is that change of mind and change of purpose required in the minds of our colored citizens. We simply threw the doors open in 1937 to our colored citizens to vote.

Mr. President, this problem will not be solved by the passage of a bill, particularly a coercive bill such as H. R. 6127. There could be no clearer showing of the type of steady progress that would be made under a fine, progressive bill, such as the repeal of poll tax by ratifying a constitutional amendment repealing the poll tax, than the experience of my own State of Florida. The poll tax was repealed in 1937, as I have stated previously, as a prerequisite for voting for officials, Federal, State, and local. It resulted 19 years later, in 1956, and after 10 general elections, in the registration of only a little over 40 percent of the adult Negroes of our State.

The attitudes of our various communities differ. The attitudes of our various States differ. If we proposed a Federal constitutional amendment, and that is what I think is the sound approach to the whole problem, we would not find, upon ratification, that the problem would be solved everywhere immediately, or in the communities affected, or that it would be completely solved in the course of decades. It would take a generation or more to become fully effective.

This coercive measure, as any other coercive measure, is doomed to failure if enacted, because it can result only in the antagonism of people who are trying to do the job fairly, and will bring about much destruction of progress, rather than an accentuation of the great progress already made.

In closing, Mr. President, I want to emphasize that we here in the Senate, we here in Congress, and people who are flocking about the Congress as this debate approaches its end, all arrogate entirely too much importance to the legislative process. The mere passage of a law in such a case as this is not going to solve the question, and the nature of such a law may make even more difficult the solution of the problem, as I sincerely believe would be the case if this proposed law becomes operative, because the American people are much alike, whether they live in the North, in the South, in the East, or in the West. They like to think things through for themselves. They like to figure out what they regard as justice and apply it with their own methods. They do not like to be coerced into it by a law enacted in Washington, and, in my humble judgment, they are not going to be. So far as I am concerned, I am going to preach law observance, whatever law is passed, and so will other Members of this body; but the fact remains that it is the human nature of Americans to resent and resist efforts to coerce, ahead of time, decisions that are being made gradually in the consciences and minds of the people of our States, both white and colored. The solution to this problem lies in the hearts and minds of men and women living in the areas affected. It will not be solved anywhere else.

I close on the same note I have mentioned in my previous statements. Our good friends who have become so zealous in following this proposed law through to passage—and they are zealots in every sense of the word, and I admire them as zealots—are wrong if they think their conception of civil rights is the only proper conception, and they are wrong if they think their conception of civil rights which might possibly apply as a remedial course in their areas would apply in some other areas and would be helpful to anybody in that part of the Nation against which this proposed legislation is primarily directed. It just will not do the job. We have adopted civil-rights programs in our own States. We brought to an end lynching in the South. We did it on our own volition, not because Federal injunctions or bayonets were aimed at us. We have, in all but five States, been successful in eliminating the poll tax, despite the fact that Negroes in large measure have not accepted the benefits. Is it because they have not risen to the challenge of full participation in citizenship? I do not know. Is it because some of the timidity which exsted under former stuations still exists? I do not know. Is it because there has not been an issue of sufficient importance to the colored people in some areas to induce them to register and vote? I do not know what the answer is. The same answer would have to be made with reference to some hundreds of thousands of white people in Florida, and I am sure there are millions throughout the Nation to whom

that question could likewise be directed. The fact is that we have heretofore brought about a large and increasing measure of civil rights in my State and in various other Southern States. While the rights programs are not being perfectly carried out—and I would not maintain before anybody that they were—I want to say that in the areas in Florida where about 95 percent of the Negro citizens live there has not only been no hindrance to their voting, but in most places there has been an open invitation to their registration and their voting.

In my home county of Polk, an agricultural county, I believe the greatest agricultural county in the South, and one of the greatest in the Nation, Negroes were voting even before the poll tax was repealed. Since 1937 the poll tax has been repealed, but even yet only a small percentage of our Negroes vote—I believe about 32 percent. I have become accustomed, when going to the polls in the county where I was born, to having Negro citizens lined up ahead of me and behind me in the line. We have no objection to their participation. We want them to exercise the rights which we helped to give them, and which they have every right to exercise.

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. HOLLAND. Will the Senator yield me 1 additional minute?

Mr. STENNIS. I yield 1 additional minute to the Senator from Florida.

Mr. HOLLAND. I have been pleased to note that those who have participated represent the best trained and best informed members of their race, in most instances; but there is no educational test, there is no literacy test, there is no grandfather clause, or other artificial handicap in my State.

I just hope this thought will finally pervade the minds of our Senators and House Members. No matter how well intentioned this proposed law is, even though it has been amended and made more workable in important particulars, it is doomed to failure, because we cannot coerce the solution of a problem when the real solution lies in the hearts and minds of men and women.

Mr. President, I yield the floor.

Mr. KNOWLAND. Mr. President, I yield 8 minutes to the distinguished senior Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 8 minutes.

Mr. AIKEN. Mr. President, regardless of the fate of the bill which is now before the Senate, I should like to say for the RECORD that the debate of the past 4 weeks has been one of the finest debates which I have listened to during the 17 years I have been a Member of this body. It has been a credit to the Senate of the United States.

I wish not only to compliment the majority leader and the minority leader for their successful efforts in holding the debate on an exceptionally high plane, but also to compliment all speakers who have taken part on both sides of the issue.

The bill, Mr. President, is not exactly in the form I would have it, but on the other hand, no legislation of such importance is ever fully satisfactory or complete when it passes through one of the legislative bodies. I would prefer that there be no provision for jury trial in part IV. I believe extending the right of jury trial beyond application to the matter of voting rights was a mistake, and may complicate the ultimate enactment of the bill into law.

However, Mr. President, to say that the bill as now constituted is as valueless as some have implied would be a plain denial of the facts. If part I, establishing a Commission to study the situation, is now valueless, why was it written into the bill to begin with? If part II, creating the office of an Assistant Attorney General for the enforcement of civil-rights laws, existing and new, is valueless, why was it made a part of the original bill? If that portion of part III of the bill which authorizes a citizen to sue to protect his rights does not mean what it purports to mean, why were we asked to approve it at all? If part IV, which permits the Government to intercede on behalf of voters threatened with disfranchisement, is valueless, simply because under certain circumstances the accused may demand a jury trial, then my understanding of human nature is at fault.

As I have said, I would prefer that part IV be approved without the jury-trial provision, I believe the importance of such a provision has been subject to exaggeration by both sides of the controversy. Frankly, I cannot picture many violators spending a month in jail to obtain the pleasure of facing a jury when, by complying with the court order, they would not have to go to jail at all.

It has been said that some judges might cooperate with a violator to such an extent that the enjoined person would not have to go to jail at all, but could obtain an immediate jury trial. I do not believe our judiciary is made up of men of that type. I think the Federal judges take their positions very seriously. If, however, there were a judge who was inclined to cooperate with a violator and employ such tactics as I have indicated, such judge would not be very likely to punish a violator severely by a court order, to begin with.

There may be some fanatics who will seek the publicity of self-imposed martyrdom by going to jail and eventually demanding a jury trial, but it is a safe bet that 90 percent of those who seek to deprive others of the right to vote will obey a Federal court order.

We understand there are some proponents of voting-rights legislation who are opposed to any legislation at all unless it can be 100 percent perfect. If we adhered to that line of reasoning there would not be much criminal law on our statute books today.

It has been said that perhaps we might better let the issue go over until next year, which will be an election year. We do not want this subject to be used as a political issue. We want to keep civil rights out of politics to the maximum extent possible, because civil rights affect all of us, regardless of the party of which we may be members. We want to go into the next election on a record of accomplishment rather than on a platform of promises.

As I have said, there will be flaws in the proposed legislation if it becomes law, even if the bill is modified so as to make it what some of us think will be a better bill. There will still be amendments necessary and clarifications necessary in some parts of the law, if the bill is enacted.

The Commission provided for in part I is to be established for the express purpose of making recommendations for improvement in the law after a study of conditions. With proper modification of the jury-trial amendment in part IV, Mr. President, the bill can become an epoch-making law. Let it not be said we are insisting on all or nothing. If we cannot get everything we seek, let us not spurn 60, 70, or 80 percent of the ultimate objective.

Let us not delay, by putting the bill over until next year, but let us pass the bill by such an overwhelming vote that with the modification of part IV, as I have indicated, we may be proud of having had a part in enacting one of the great laws of our generation.

Mr. KNOWLAND. Mr. President, I yield 10 minutes to the able Senator from Illinois [Mr. DOUGLAS].

The PRESIDING OFFICER. The Senator from Illinois is recognized for 10 minutes.

Mr. DOUGLAS. Mr. President, those who helped to cripple the civil-rights bill are now making mutually contradictory claims for the final measure. On the one hand, they are encouraging the Deep South to believe that they have won a great victory and have so gutted the bill as to make it almost completely ineffective. Yesterday I read into the RECORD numerous editorials from southern newspapers to this effect. On the other hand, they are leading the North and West to believe that the bill is an epoch-making forward step in the relations of the races.

Both of these claims cannot be true. Which, however, is the closer approximation to the truth?

Sober analysis, I think, shows that it has been the advocates of segregation and of white domination who have won the major triumph.

Thus, by eliminating part III, the Federal Government is prevented from coming to the aid of hard-pressed citizens whose civil rights to unsegregated schooling, transportation, and other public facilities are denied. Not only must these people, who are almost universally poor and weak, fight their costly and protracted legal battles alone, but, under the so-called antibarratry laws which are sweeping the South, friends from the outside are prohibited from coming to their aid with contributions of either money or services.

Secondly, by including the jury-trial provision in criminal contempt cases, the Senate has made the right-to-vote section largely ineffective. Cases of civil contempt can, in all probability, be fairly easily converted into cases of criminal contempt by the simple act of noncompliance. Can one then picture a jury

from the Deep South unanimously finding a white election official guilty for depriving a Negro of the right to vote? Here it should be noted that a hung jury is almost as good as an acquittal, and that one juror, by voting not guilty, can create a hung jury and let the guilty defendant go free. Since there will be little fear of Federal action under the bill as amended by the Senate, the law, in my judgment, will be about as ineffective as that which was passed in 1870 to enforce the 15th amendment.

The bill, therefore, in its present form resembles the big glasses of root beer which I used to see the sideshow barkers sell at the county fairs. The contents of the glasses had a fine color and the glass mugs were large in size. But when one tasted the drink, one found that it was nothing but insipid water with enough coloring to fool the buyers. That is the way with the present bill.

Why, then, do I not vote against it on final passage? I have been tempted to do so, but I have been deterred, because it does provide for the creation of a Commission which is to make a report after 2 years and which may possibly bring more facts to bear on the situation. And because resolute and resourceful judges, even though deprived of normal criminal contempt procedures to back up their decrees, may find a way in a few cases to protect voting rights by injunctions and civil contempt actions. There is only a little bit of root beer in the glass, but I will not throw even that drop out.

At the same time, I think we should not let a false bill of goods be sold to the American public and that they should not nurse any false hopes.

I hope, of course, that the bill may be strengthened and that much of its original effectiveness may be restored in the House or in conference. This will only be possible, however, if the Senate now passes H. R. 6127 and sends it back to the House. And I am willing then to sweat through a further Senate debate to secure Senate approval of such a strengthened bill.

But if the bill in its present form is killed in conference or vetoed by the President, I shall not utter one word of protest or shed a single tear. But I shall deeply regret that by the votes of so few in the Senate, the rights of so many in our country will continue to be dwarfed and denied.

Perhaps this is enough, but let me add a personal note. We, who on our side have stood out against party pressure and resisted these almost fatal amendments, have been told that we are unduly self-righteous and dogmatic, that we are acting out of hatred for the South, and that we are sanctimonious hypocrites.

What then is the faith upon which we base our actions? In the first place, we believe that justice is universal and equal for all men and races. We should not have one law for whites and another for blacks, one for English and another for Spanish-speaking people. We should not make the color of a man's skin the test as to whether he is to be permitted to vote. And when these rights are grossly and widely violated, is it not the duty of citizens and public officials to protest and to try to restore justice to a more equal position? If this be dogmatism or inflexibility, then both ethics and the dictionary are sadly at fault.

Secondly, we believe that friendship, not fear, should be the cement to bind men and races together in a good society and a noble state. Acts of friendship create their answering counterparts and transform enemies into friends. But to humiliate others, to insist that they must bear the open stigma of branded inferiority creates hatred, not friendship. For a time, this may be restrained by fear. But this is not permanent, and if persevered in, the ultimate explosion becomes all the worse. The white man in all sections of our country has perpetrated many abuses upon the Negroes—for which we should be ashamed. Slavery and all the evils connected with it was in itself a great crime. The denial of educational and other opportunities to the Negroes after emancipation has also been unworthy. And there are many other wrongs which we as a race commit daily and which we should remedy.

Some assert that we are unduly cocksure and that we should consider it possible that we are mistaken. Believe me when I say that we are well aware that our faith in friendship and active good will, or what is called love, may indeed be mistaken. Perhaps the forces of hatred, suspicion, and fear may be stronger. Perhaps the world may indeed explode in a bitter race war touched off by the detonation of atomic and hydrogen bombs which will reduce the material monuments of civilization into a shapeless rubble with only a few weakened survivors creeping about, whose minds will be as infected as their bodies. Perhaps all this may come to pass and on the words of Prospero in the Tempest:

> The cloud-capp'd towers, the gorgeous palaces,
> The solemn temples, the great globe itself,
> Yea, all which it inherit, shall dissolve;
> And, like this insubstantial pageant faded,
> Leave not a rack behind.

Perhaps we are wrong, and our hopes and aspirations may be in vain. But we are staking our all on the belief that love is stronger than hate and that hope is more powerful in the long run than fear. If the skeptics should, on the other hand, be proved right, we will accept the verdict, but be grateful that we strove to the very end and tried to make a happier lot come true for mankind. It will not be because of us if the races of men fly at each other's throats and if the world as we know it dissolves. But if, as we believe, the universe is basically friendly, we shall have harnessed our acts to that faith and have helped to bring about that in which we believe.

Are we then swayed by hatred, as is charged? On the contrary, we seek a friendly country. We feel active friendship for the oppressed and disinherited, friendship for those who, though they regard themselves superior, are nevertheless political and intellectual prisoners of the system which they inherited but did not create, and most certainly friends to those who, though temporarily silenced, nevertheless cherish in their hearts the desire to return to the teachings both of Christianity and of that noble American, Thomas Jefferson.

In that spirit of friendship, and without the slightest touch of either bitterness or self-righteousness, we shall press on to help bring greater justice and more amity into the relations between the races in this beloved country of ours.

Mr. POTTER. Mr. President, I yield 10 minutes to the distinguished junior Senator from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. President, we are approaching the final vote in the normal consideration of House bill 6127, that is, a vote upon the passage of the bill itself, as it has been amended.

At this time it seems to me appropriate to say that the result will probably not be a bill which any single Member of the Senate would have written if he had started out to write it alone. It may not suit any Member of the Senate in every particular, but it does represent the result of the legislative process, whereby we start toward a goal, and progress step by step.

Sometimes I have thought that the course of legislation in the Congress was much akin to the progress of a football player, who tries to carry the ball down a broken field. Sometimes he goes to the left, and sometimes to the right. Sometimes he has to zig, and sometimes he has to zag. But the important thing is that finally he achieves the goal line and makes a touchdown.

Sometimes the course of legislation is like that. It requires recognition of a certain situation here, and the recognition of a different situation somewhere else, in order to produce a bill which is generally acceptable, or which represents a common denominator of all of the many feelings and opinions which are brought into play.

This is a large country. The problems of civil rights in my State of South Dakota, and the problems incident to voting in my State of South Dakota, are not those of every other State in the Union. That has become more and more evident during the debate on the bill.

We have reached the point where no further amendments can be offered to the bill. We are ready to send it back to the House of Representatives for consideration of our amendments. What its fate will be there, of course, no one can predict with certainty. I anticipate, however, that the bill will go to conference, as such a bill normally does. There the result probably will be some adaptation to the views of the respective Houses, and the bill will then come back to the Senate for concurrence in the conference report.

By and large, it seems to me the bill as it stands today is a more effective bill and a better bill than one could have predicted a year ago would be passed by the Senate.

In the first place, a year ago a person would have been bold indeed if he had said that the Senate, within the period of time which has been accorded to the debate on the bill, could have produced a bill like the pending bill without engendering bitter feelings, without bringing about some nightlong debates, and without causing an upset in the legislative schedule which would have done

considerable damage, perhaps, to other measures.

We now have a bill which has been the subject of thorough and comprehensive debate. It is the result of amendments which Senators have chosen to offer, and the Senate to accept or reject.

The provisions of the bill, it seems to me, represent a great step forward in the development of our statutes with respect to civil rights, with all that that broad term implies.

Even if there were no other provision in the bill than the part which establishes the Commission on Civil Rights, the creation of that Commission would constitute a legislative landmark.

Much will depend, of course, on the quality of the members of the Commission, and much will depend upon the attitude of the members of the Commission, and what they wish to do. However, the powers of the Commission are broad. I should like to read them for the RECORD, to evidence that this bill is a major advance in the field.

Section 104 provides that the Commission shall—

(1) Investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

Incidentally, Mr. President, that description of the basis of the possible deprivation of the voting right is considerably broader than the so-called constitutional guaranties which protect against abridgement of the right to vote. The introduction of the subject of national origin is a variance from the words in the Constitution.

The second provision under section 104 provides that the Commission shall "study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution."

The provision that the Commission shall "study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution" is one of the broadest authorities ever given to any commission created by statute.

Its authority is not limited to an examination of voting rights; it is not limited to an examination of the rights of citizens under a special statute; but extends to acts constituting a denial of equal protection of all the laws under the Constitution.

The third responsibility and power given to the Commission is even more significant in its potentiality. The section provides that the Commission shall "appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution."

Appraising the laws—this means doing something normally reserved for committees of the Congress.

The provision relating to the appointment of the members of the Commission does not require that they be Members of Congress. This is a far-reaching directive, possible of far-reaching consequences within the initiative of the Commission's membership.

There is a requirement for the members of the Commission to name an executive director, whose nomination shall be submitted to the Senate for confirmation. Presumably the qualifications of that person may be scrutinized considerably, and he may have a great deal to do with the fields in which the Commission shall exercise its responsibility. However, the fact remains that we here propose to create a noncongressional Commission, not composed of Members of Congress, which shall have the responsibility of appraising the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

The Commission may second-guess the legislative branch of the Government. It may second-guess the executive branch of the Government. It is to "appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution."

The Commission is given the power to compel testimony and to subpena witnesses and to examine records and to require attendance of persons and to have them bring evidence with them. That means that the Commission has as much power as an investigating committee of Congress itself.

With the broad investigative field which is given to it, the Commission certainly can accomplish a great deal in exposing any injustice and any deprivation of equal rights, and in making corrective recommendations.

Therefore I say that if the bill did no more than carry part I, creating the Civil Rights Commission, it would of itself constitute the greatest single forward step for the improvement of the civil rights of the citizens of the country that has been taken in the last 75 years.

Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER (Mr. BIBLE in the chair). The Senator from South Dakota has 1 minute remaining.

Mr. CASE of South Dakota. I wonder whether I may have the attention of the acting minority leader. I should like to ask if I may have a few additional minutes.

Mr. POTTER. Mr. President, how many additional minutes does the Senator request?

Mr. CASE of South Dakota. Oh, 2 or 3 if I may. Thank you.

Mr. POTTER. I yield 2 additional minutes to the Senator from South Dakota.

Mr. STENNIS. I yield 1 minute to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator is recognized for an additional 3 minutes. He has a total of 4 minutes remaining.

Mr. CASE of South Dakota. Mr. President, I shall not have the time to review the other parts of the bill in detail. Most of the current controversy on amendments added relates to the breadth of application for the amendment providing for jury trial in cases of criminal contempt. On that I would say that since part III of the bill, which would have established a new enforcement power in the general field of civil rights, has been eliminated, and the bill, so far as its enforcement provisions are concerned is limited to voting, it seems to me in conference the conferees might well limit the so-called jury-trial amendment to criminal contempt in violation of voting rights.

That modification would be consistent in principle, so far as the scope of the bill is concerned, with what we did with respect to part III.

Part II of the bill establishes the Office of a Special Assistant Attorney General, who, it is presumed, would head up a Division on Civil Rights. The right man in that position can give real vitality to that activity.

Parts IV and V of the bill establish for the first time a definite and effective interest of the Federal Government in maintaining and protecting the voting rights of the individual citizens. Parts IV and V of the bill mean that hereafter even the humblest citizen, when he walks to the auditor's office or registrar's office, or to the voting booth, walks with the majesty of the Federal Government at his side.

We are trying to say here that no man hereafter may make even the humblest citizen of the country fearful as he goes to cast his ballot, and that hereafter Uncle Sam himself walks side by side, arm in arm, with such a citizen when he goes to the polls to cast his ballot.

Mr. President, nothing more significant could be said than that, namely, that hereafter when a citizen wishes to cast his ballot the majesty of the Federal Government walks into the voting booth with him, and enables him to have a voice in his Government. Out of that will flow whatever reforms and whatever other steps and progress the commonsense and good judgment of the voters of the country may seek to accomplish. This bill enacted into law will more fully make ours a government of the people and by the people.

In conclusion, Mr. President, I should like to say that the passage of the bill by the House of Representatives, its passage by the Senate, and its eventual enactment into law will constitute a great tribute to the leadership of President Dwight D. Eisenhower in placing the enactment of an effective civil rights measure so high on his legislative program.

Its accomplishment will be a credit to the distinguished minority leader, the Senator from California [Mr. KNOWLAND], for his insistent and steel-like determination that the bill should be considered by the Senate at this session. Without his steadfast leadership at a critical juncture the bill would not have been up for consideration much less passage at this time.

It will be a credit to all who have participated in the preparation of the bill, in its improvement, and in its passage.

I certainly shall vote for the bill. I hope that when the bill comes back from the conferees, it will be in such form that it will command overwhelming approval by the Members of the Senate and the House of Representatives.

Mr. POTTER. Mr. President, I yield 15 minutes to the Senator from Michigan [Mr. McNAMARA].

The PRESIDING OFFICER. The Senator from Michigan is recognized for 15 minutes.

Mr. McNAMARA. Mr. President, for all practical purposes, the Senate is now conducting a wake over the corpse of the civil-rights bill.

There are those who tell us that it is not a corpse.

Indeed, they would have us believe that it is a giant dragon, breathing fire at any who would deny the right to vote to any of our citizens.

It is my belief that if there is any fire left in this forlorn mass now called a civil-rights bill, it is only a small flickering flame.

Perhaps we can look on this flame, tiny and feeble as it is, as an omen of things to come.

It is a flame we will protect and feed over the years until the constitutional rights of every American citizen are assured.

The civil-rights obstructionists who have governed the Senate for so long can watch it grow and can perspire from its heat.

It is true that they have been able to achieve a certain victory. They were able, through pressures and other stratagems, to rally a number of converts to their cause.

Indeed, if all these pressures were laid end to end, they would stretch from Natchez to Mobile.

Together, this coalition, perhaps the strangest ever seen in the Senate, was able to change H. R. 6127 from a meaningful civil-rights bill into a parody of one.

I find it ironic, if not downright insulting, that some who fought most bitterly against this bill ever reaching the Senate floor are now mouthing pious words about the strength and substance of the bill.

Those who protest so loudly against the future political aspects of this fight are the ones who really are trying to turn this issue to their own political advantage.

They remind me of the saying: "The louder he talked of his honor, the faster we counted our spoons."

Now we are about to vote upon and, I suppose, to pass by a large majority the tattered remnants of a measure which came to us from the House as a minimum but meaningful civil-rights bill.

It seems to some of us important to put in the RECORD an explanation of why and how the cuts and changes were brought about.

From a civil-rights bill it was reduced first to a voting-rights bill when part III was stricken. Then it became primarily a jury-trial bill, with successive editions of the O'Mahoney-Kefauver-Church amendment.

Although the bill may, if it becomes law, give some protection to the right to vote, I fear that it will be an illusion and a mockery for hundreds of thousands of persons who have been deprived of their constitutional rights.

Such a recapitulation as I propose to make—and I shall make it as brief and painless as possible—is a matter of practical importance as well as academic interest.

We meet here to bury the hatchet, so to speak, for the time being. But it is important that we mark well the spot where it is buried and record the cause and terms of its burial.

It will be helpful when we, or our successors, return to the issue of civil rights.

This great issue has not been settled. It has been sadly compromised, if in fact it has not been lost for the time being.

The defenders of segregation have won a great defensive victory which, in the opinion of some of us, will cost our country dearly, internally and in our standing among the nations and peoples of the world.

The defenders of segregation fought with skill and determination. They were united. They were able to win the support of many who were and, I believe, still are, opposed to the continuance of segregation and first- and second-class citizenship in this country. Why?

Without attempting to detract from the skill, stamina, and success of those who are opposed to civil-rights legislation, it must be said that their victory was won, not on July 24, when part III was stricken from the House bill by a vote of 52 to 38, nor on August 1 when part IV was largely nullified for Negroes in large areas of the South by the 51 to 42 vote for the so-called jury-trial amendment, but on January 4, 1957. That was when the Senate voted, 55 to 38, to put King Filibuster back on his invisible but very real throne overlooking and dominating this Chamber.

Mr. President, I ask unanimous consent to have the vote whereby the motion to adopt rules, including a new rule 22, was tabled printed at this point in my remarks.

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

Mr. JOHNSON of Texas. Mr. President, on the pending question I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Texas [Mr. JOHNSON] to lay on the table the motion of the Senator from New Mexico [Mr. ANDERSON].

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Illinois will state it.

Mr. DOUGLAS. Will the Chair restate the pending question?

The VICE PRESIDENT. The pending question is on agreeing to the motion of the Senator from Texas [Mr. JOHNSON] to lay on the table the motion of the Senator from New Mexico [Mr. ANDERSON].

On this question the yeas and nays have been ordered, and the Secretary will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from West Virginia [Mr. NEELY] is absent because of illness.

I further announce that if the Senator from West Virginia [Mr. NEELY] were present and voting, he would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Wisconsin [Mr. WILEY] is absent on official business. If present and voting, he would vote "nay."

The result was announced—yeas 55, nays 38, as follows:

Yeas, 55: Barrett; Bennett, Bible; Bricker; Bridges; Butler; Byrd; Capehart; Carlson; Case, South Dakota; Cotton; Curtis; Daniel; Dirksen; Dworshak; Eastland; Ellender; Ervin; Frear; Fulbright; Goldwater; Gore; Green; Hayden; Hickenlooper; Hill; Holland; Hruska; Jenner; Johnson, Texas; Johnston, South Carolina; Kerr; Knowland; Langer; Long; Malone; Martin, Pennsylvania; McCarthy; McClellan; Monroney; Mundt; Revercomb; Robertson; Russell; Saltonstall; Schoeppel; Scott; Smathers; Sparkman; Stennis; Talmadge; Thurmond; Watkins; Williams; Young.

Nays, 38: Aiken; Allott; Anderson; Beall; Bush; Carroll; Case, New Jersey; Chavez; Church; Clark; Cooper; Douglas; Flanders; Hennings; Humphrey; Ives; Jackson; Kefauver; Kennedy; Kuchel; Lausche; Magnuson; Mansfield; Martin, Iowa; McNamara; Morse; Morton; Murray; Neuberger; O'Mahoney; Pastore; Payne; Potter; Purtell; Smith, Maine; Smith, New Jersey; Symington; Thye.

Not voting: Neely, Wiley.

So the motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move to reconsider the vote by which the motion of the Senator from New Mexico was laid on the table.

Mr. KNOWLAND. Mr. President, I move to lay on the table the motion to reconsider.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from California to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. McNAMARA. Mr. President, on that vote 21 Democrats and 17 Republicans voted to substitute majority rule for filibuster rule exercised by a minority, through the veto power of even threatening endless talk, to prevent a vote.

Twenty-seven Democrats and 28 Republicans voted against majority rule and for a continuation of the filibuster rule in the United States Senate.

Again and again, prior to and during the debate now ending, the determining argument was the filibuster, not as a fact, but as an overhanging threat. We have been told, and the supporters of civil rights all across the country have been told, that this bill is all we could get without a filibuster. We were told many times in many ways to take it or leave it—that if we provoked the opposition we would get a filibuster and no bill.

We were told that we could not produce 64 votes to break a filibuster which was always threatened, and probably would have been launched, against a stronger bill, against the bill as it came to us from the House.

We were told that, failing to produce 64 votes for cloture which would limit debate, we could not wear down and break a filibuster conducted by some 22 Senators against any such bill as the House bill. I am afraid many Senators believed that and thus made it true.

The bill we are about to pass is the sorry product of a step-by-step surrender to the threat of filibuster.

Of course, this time the anti-civil-rights forces have conducted their diversified attacks upon the bill with great skill that at times has verged on downright gentleness. The sharp point of the blade has seldom been allowed to prick our skin.

We have been offered an occasional apple along the road, or what looked like an apple, the jury trial amendment, the broadening of that amendment to cover some 35 other statutes, and the provision that Negroes shall not be barred from juries in Federal courts.

In exchange for this mock apple, the obstructionists have been given an orchard.

It has been suggested that the reason for this new soft touch by the filibuster forces is that they know that the days of the filibuster are numbered; that one more actual use of the filibuster in full parliamentary battle would be the last because it would kill the king and bring to the Senate majority rule instead. Hence the reliance upon the mere threat of filibuster.

I am sure that those who rely upon the threat of filibuster to divide and weaken, and thereby to defeat the will of the majority in the Senate, well remember last January 4.

That was when majority rule in the Senate, and full civil rights for all Americans, were within seven votes of victory.

In addition to the 88 votes shown in the rollcall I have had printed in the RECORD, 3 other absent Senators were reported as in favor of adopting rules that would have included a new rule 22.

This total of 41 Senators in support of establishing majority rule in the United States Senate represents a gain of 20 in 4 years.

On January 7, 1953, only 21 Senators voted to free the Senate from the rule of King Filibuster.

On that vote 15 Democrats, 5 Republicans, and 1 Independent voted for majority rule.

Twenty-nine Democrats and forty-one Republicans voted against majority rule and for continuing King Filibuster on his throne.

Mr. President, I ask unanimous consent that that vote be printed at this point in my remarks.

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

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Ohio [Mr. Taft] to lay on the table the motion of the Senator from New Mexico [Mr. ANDERSON], for himself and other Senators, that the Senate immediately consider the adoption of rules for the Senate of the 83d Congress. On this question the yeas and nays are demanded.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. MAGNUSON (when his name was called). I have a pair with the senior Senator from Kansas [Mr. SCHOEPPEL]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. SALTONSTALL. I announce that the Senator from Nebraska [Mr. Griswold] is absent on official business.

The Senator from Kansas [Mr. SCHOEPPEL] is necessarily absent, and his pair has been previously announced by the Senator from Washington [Mr. MAGNUSON].

Mr. CLEMENTS. I announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

The Senator from Tennessee [Mr. KEFAUVER] is absent on official business.

The result was announced—yeas 70, nays 21, as follows:

Yeas, 70: Aiken; Barrett; Beal; Bennett; Bricker; Bridges; Bush; Butler, Maryland; Butler, Nebraska; Byrd; Capehart; Carlson; Case; Clements; Cooper; Cordon; Daniel; Dirksen; Dworshak; Eastland; Ellender; Ferguson; Flanders; Frear; Fulbright; George; Gillette; Goldwater; Gore; Hayden; Hickenlooper; Hill; Hoey; Holland; Jenner; Johnson, Colorado; Johnson, Texas; Johnston, South Carolina; Kerr; Knowland; Langer; Long; Malone; Martin; Maybank; McCarran; McCarthy; McClellan; Millikin; Monroney; Mundt; Payne; Potter; Purtell; Robertson; Russell; Saltonstall; Smathers; Smith, Maine; Smith, New Jersey; Smith, North Carolina; Sparkman; Stennis; Taft; Thye; Watkins; Welker; Wiley; Williams; Young.

Nays, 21: Anderson; Douglas; Duff; Green; Hendrickson; Hennings; Humphrey; Hunt; Ives; Jackson; Kennedy; Kilgore; Kuchel; Lehman; Mansfield; Morse; Murray; Neely; Pastore; Symington; Tobey.

Not voting, 5: Chavez; Griswold; Kefauver; Magnuson; Schoeppel.

So Mr. Taft's motion to lay Mr. ANDERSON's motion on the table was agreed to.

Mr. McNAMARA. Mr. President, to complete the record on this point, I ask unanimous consent to have printed in the RECORD at this place in my remarks the yea-and-nay vote on March 17, 1949, by which the Senate adopted, 63 to 23, Senate rule 22 requiring 64 votes to limit debate.

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

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Nebraska [Mr. Wherry] for himself and other Senators, in the nature of a substitute for Senate Resolution 15.

Mr. Wherry and other Senators asked for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RUSSELL (when Mr. MCCLELLAN's name was called). Repeating the announcement I have heretofore made respecting the pair of the Senator from Arkansas [Mr. MCCLELLAN] with the Senator from Montana [Mr. MURRAY], I wish to announce that if the Senator from Arkansas were present he would vote "yea" and if the Senator from Montana were present he would vote "nay."

Mr. TAYLOR (when his name was called). On this vote I have a pair with the junior Senator from Arkansas [Mr. FULBRIGHT], who is absent on public business. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. MYERS. Mr. President, I again wish to announce that the Senator from Maryland [Mr. O'Conor] and the Senator from Wyoming [Mr. O'MAHONEY], who are absent on public business, are paired on this vote. If present and voting, the Senator from Maryland would vote "yea," and the Senator from Wyoming would vote "nay."

I announce also that the Senator from New Mexico [Mr. Chavez], the Senator from Montana [Mr. Murray], the Senator from Oklahoma [Mr. Thomas], and the Senator from New York [Mr. Wagner] are necessarily absent.

The Senator from Arkansas [Mr. MCCLELLAN] is absent because of a death in his family.

I announce further that, if present and voting, the Senator from New Mexico [Mr. Chavez], the Senator from Oklahoma [Mr. Thomas], and the Senator from New York [Mr. Wagner] would vote "nay."

The result was announced—yeas 63, nays 23, as follows:

Yeas, 63: Baldwin; Brewster; Bricker; Bridges; Butler; Byrd; Cain; Capehart; Chapman; Connally; Cordon; Donnell; Eastland; Ecton; Ellender; Flanders; Frear; George; Gurney; Hayden; Hendrickson; Hickenlooper; Hill; Hoey; Holland; Hunt; Jenner; Johnson of Colorado; Johnson of Texas; Johnston of South Carolina; Kefauver; Kem; Kerr; Knowland; Long; McCarran; McCarthy; McFarland; McKellar; Martin; Maybank; Miller; Millikin; Mundt; Reed; Robertson; Russell; Saltonstall; Schoeppel; Smith of Maine; Smith of New Jersey; Sparkman; Stennis; Taft; Thye; Tydings; Vandenberg; Watkins; Wherry; Wiley; Williams; Withers; Young.

Nays, 23: Aiken; Anderson; Douglas; Downey; Ferguson; Gillette; Green; Humphrey; Ives; Kilgore; Langer; Lodge; Lucas; McGrath; McMahon; Magnuson; Malone; Morse; Myers; Neely; Pepper; Thomas of Utah; Tobey.

Not voting, 9: Chavez; Fulbright; McClellan; Murray; O'Conor; O'Mahoney; Taylor; Thomas of Oklahoma; Wagner.

So the amendment, in the nature of a substitute for Senate Resolution 15, proposed by Mr. Wherry for himself and other Senators, was agreed to.

The VICE PRESIDENT. The question is on agreeing to Senate Resolution 15, as amended by the substitute.

The resolution, as amended, was agreed to.

Mr. RUSSELL. Mr. President, I move that the Senate reconsider the vote by which the resolution, as amended, was agreed to.

Mr. KNOWLAND. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from California to lay on the table the motion of the Senator from Georgia.

The motion to lay on the table was agreed to.

Mr. MCNAMARA. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD excerpts from the CONGRESSIONAL RECORD in the case of 2 cloture votes taken in 1950, showing that, although many more than a majority of the Senators voted to limit debate, the majorities fell 12 and 9 short, respectively, of the 64 required by rule XXII.

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

[From the CONGRESSIONAL RECORD, vol. 96, pt. 6, pp. 7299–7300]

The VICE PRESIDENT. A quorum is present. The question before the Senate is, Is it the sense of the Senate that the debate shall be brought to a close? Those who favor bringing the debate to a close will vote "yea" when their names are called; those who are opposed will vote "nay." The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAPMAN (when Mr. Withers' name was called). My colleague, the junior Senator from Kentucky, Mr. Withers, is necessarily absent today. I am authorized by him to say that if he were present he would vote "nay."

The rollcall was concluded.

Mr. MYERS. I announce that the Senator from New Mexico [Mr. CHAVEZ] and the Senator from Oklahoma, Mr. Thomas, are absent by leave of the Senate.

The Senator from California, Mr. Downey, and the Senator from North Carolina, Mr. Graham, are absent because of illness.

The Senator from Delaware [Mr. FREAR] is absent by leave of the Senate on official business.

The Senator from Montana [Mr. MURRAY] is absent because of a death in his family.

The Senator from Florida, Mr. Pepper, is absent on public business.

The Senator from Maryland, Mr. Tydings, is absent on official business in connection with his duties as chairman of a subcommittee of the Committee on Foreign Relations.

I announce further that if present and voting, the Senator from New Mexico [Mr. Chavez], the Senator from Delaware [Mr. Frear], the Senator from Montana [Mr. Murray], and the Senator from Oklahoma, Mr. Thomas, would vote "yea."

Mr. SALTONSTALL. I announce that the Senator from North Dakota [Mr. Langer], the Senator from Colorado Mr. Millikin, and the Senator from Oregon [Mr. Morse] are absent by leave of the Senate. If present and voting, the Senator from North Dakota [Mr. LANGER] and the Senator from Oregon [Mr. MORSE] would each vote "yea."

The yeas and nays resulted—yeas 52, nays 32, as follows:

Yeas, 52: Aiken; Anderson; Benton; Brewster; Bricker; Butler; Cain; Capehart; Cordon; Darby; Donnell; Douglas; Dworshak; Ferguson; Flanders; Gillette; Green; Hendrickson; Hickenlooper; Humphrey; Hunt; Ives; Jenner; Kem; Kilgore; Knowland; Leahy; Lehman; Lodge; Lucas; McCarthy; McMahon; Magnuson; Martin; Myers; Neely; O'Conor; O'Mahoney; Saltonstall; Schoeppel; Smith, Maine; Smith, New Jersey; Taft; Taylor; Thomas, Utah; Thye; Tobey; Vandenberg; Watkins; Wherry; Wiley, Williams.

Nays, 32: Bridges; Byrd; Chapman; Connally; Eastland; Ecton; Ellender; Fulbright; George; Gurney; Hayden; Hill; Hoey; Holland; Johnson, Colorado; Johnson, Texas; Johnston, South Carolina; Kefauver; Kerr; Long; McCarran; McClellan; McFarland; McKellar; Malone; Maybank; Mundt; Robertson; Russell; Sparkman; Stennis; Young.

Not voting, 12: Chavez; Downey; Frear; Graham; Langer; Millikin; Morse; Murray; Pepper; Thomas, Oklahoma; Tydings; Withers.

The VICE PRESIDENT. On this vote the "yeas" are 52, the "nays" 32. Under the rule, the votes of 64 Members of the Senate, or two-thirds of those duly elected and sworn, would be required to carry the motion, and not having received a sufficient number, the motion is not agreed to.

[From the CONGRESSIONAL RECORD, vol. 96, pt. 8, pp. 9981-9982]

The VICE PRESIDENT. A quorum is present.

The question is, Is it the sense of the Senate that the debate shall be brought to a close? Under the rule, the Secretary will call the roll. Those who are in favor of the motion will answer "yea" when their names are called. Those who are opposed to the motion will answer "nay" when their names are called.

The legislative clerk called the roll.

Mr. CHAPMAN. My colleague, the junior Senator from Kentucky [Mr. Withers] is absent by leave of the Senate. If he were present, he would vote "nay."

Mr. MYERS. I announce that the Senator from Idaho [Mr. Taylor] is absent by leave of the Senate. If he were present, he would vote "yea."

I also announce that the Senator from California [Mr. Downey] is absent because of illness.

The Senator from Maryland [Mr. O'Conor] is absent by leave of the Senate on official business, having been in attendance at the sessions of the International Labor Organization at Geneva, Switzerland, as a delegate representing the United States.

The Senator from Florida [Mr. Pepper] is absent because of the death of Judge Curtis Waller, a personal friend, whose funeral is being held today.

Mr. SALTONSTALL. I announce that the Senator from Washington [Mr. Cain], the Senator from Kansas [Mr. Darby], and the Senator from New Hampshire [Mr. Tobey] are absent by leave of the Senate. If present and voting, the Senator from Washington [Mr. Cain], and the Senator from New Hampshire [Mr. Tobey] would each vote "yea."

The yeas and nays resulted—yeas 55, nays 33, as follows:

Yeas, 55: Aiken; Anderson; Benton; Brewster; Bricker; Butler; Capehart; Chavez; Cordon; Donnell; Douglas; Dworshak; Ferguson; Flanders; Frear; Gillette; Green; Hendrickson; Hickenlooper; Humphrey; Hunt; Ives; Jenner; Kem; Kilgore; Knowland; Langer; Leahy; Lehman; Lodge; Lucas; McCarthy; McMahon; Magnuson; Martin; Millikin; Morse; Murray; Myers; Neely; O'Mahoney; Saltonstall; Schoeppel; Smith, Maine; Smith, New Jersey; Taft; Thomas, Oklahoma; Thomas, Utah; Thye; Tydings; Vandenberg; Watkins; Wherry; Wiley; Williams.

Nays, 33: Bridges; Byrd; Chapman; Connally; Eastland; Ecton; Ellender; Fulbright; George; Graham; Gurney; Hayden; Hill; Hoey; Holland; Johnson, Colorado; Johnson, Texas; Johnston, South Carolina; Kefauver; Kerr; Long; McCarran; McClellan; McFarland; McKellar; Malone; Maybank; Mundt; Robertson; Russell; Sparkman; Stennis; Young.

Not voting, 8: Cain; Darby; Downey; O'Conor; Pepper; Taylor; Tobey; Withers.

The VICE PRESIDENT. Fewer than the required number of 64 Senators having voted in the affirmative, the motion is rejected.

ORDER OF BUSINESS

Mr. LUCAS. Mr. President, I ask unanimous consent that the motion just voted upon be withdrawn, and that the Senate proceed to the consideration of Senate bill 7786, the appropriation bill which the Senate has heretofore been considering.

Mr. McNAMARA. Mr. President, it is important now that the American people understand that if the Senate passes this bill in its present emaciated and misshapen form, that will not prove that rule XXII is tolerable; neither will it prove that the Senate can function despite the threat of filibuster; but it will prove that Senate rule XXII is intolerable.

Because rule XXII substitutes the rule of a filibustering minority for majority rule, the Senate cannot function as a democratic body, but has been coerced into taking part in the systematic emasculation and distortion of a minimum civil-rights bill which the House passed by a vote of 286 to 126.

Certainly we can return to the issue of majority rule no later than the opening moments of the 86th Congress.

Meanwhile, we can take the issue of civil rights versus King Filibuster out of this Chamber and to the American people between now and the 1958 elections. If we do that, I believe there is good reason to believe that the Senate will topple King Filibuster from his invisible throne above this Chamber.

We shall then be free to legislate by majority rule—thus meeting the needs and desires of the American people as they develop—instead of being too late with too little.

Until that day comes, civil rights in this Nation and majority rule in the United States Senate will continue to be a top moral and political issue. We who believe in both have our work cut out for us.

It is going to take hard work to get the facts and the meaning of the facts to the American people.

If we do that, I have every confidence that we shall remove the roadblock of the filibuster which bars the way to full civil rights for all Americans.

Once that is done, the Senate can pass civil-rights measures which will give genuine, equal protection of the laws to all Americans, regardless of race, religion, color, national origin, or ancestry.

Mr. NEUBERGER. Mr. President, will the Senator from Michigan yield to me?

The PRESIDING OFFICER. (Mr. BIBLE in the chair). Does the Senator from Michigan yield to the Senator from Oregon?

Mr. McNAMARA. Yes; if I have time in which to yield.

The PRESIDING OFFICER. The Senator from Michigan has 3 minutes remaining.

Mr. McNAMARA. Then I am glad to yield.

Mr. NEUBERGER. First of all, I desire to compliment my personal friend and colleague, the junior Senator from Michigan, for the leadership and the persistent courage he has shown in advocating the enactment of civil-rights legislation. I am sure the people of the United States, who want to have a strong and meaningful civil-rights bill enacted, know that if the views and efforts of the junior Senator from Michigan had prevailed, such a bill would have been adopted by us.

The Senator from Michigan referred to his belief that the bill was crippled and weakened when part III was eliminated from it. Is that correct?

Mr. McNAMARA. Yes; that certainly is true.

Mr. NEUBERGER. I agree with the Senator from Michigan in that particular respect, just as I agree with him in the case of some of the other things he has had to say.

Is it not true that the President of the United States has deplored the bill as it is now before the Senate, and has contended that the bill is too weak?

Mr. McNAMARA. According to the press, I find that to be true.

Mr. NEUBERGER. Is it not equally true that the President of the United States himself contributed to the weakening of the bill, when, at one of his press conferences, he personally expressed grave doubt about the wisdom of part III, as included in the bill as it was passed by the House of Representatives, and as that part was included in the bill which was originally before the Senate?

Mr. McNAMARA. Yes. I think his vacillation was very harmful to the bill.

Mr. NEUBERGER. As I recall, if I am not mistaken, the President himself felt that part III should go into effect only when a local official in a community requested the Attorney General of the United States to apply the provisions of part III.

Mr. McNAMARA. That is also my understanding.

Mr. NEUBERGER. Of course, such a procedure in the bill would be like suggesting to a person who has robbed a bank that he pull the burglar alarm.

Mr. McNAMARA. That is true.

Mr. NEUBERGER. As we know, in the cases of the denial of the right to vote in certain parts of the country, the local officials themselves have at times been confederates in that particular situation.

Mr. McNAMARA. That is true.

I desire to thank my distinguished colleague, the Senator from Oregon. It has been a pleasure to work with him, and he has worked enthusiastically for the viewpoint I have expressed. I appreciate having him as a real partner in that work, and I thank him.

The PRESIDING OFFICER. The time yielded to the Senator from Michigan has expired.

Mr. STENNIS obtained the floor.

AMENDMENT OF SECTION 22 OF THE INTERSTATE COMMERCE ACT

Mr. MAGNUSON. Mr. President, will the Senator from Mississippi yield to me, in order that I may request the Chair to lay before the Senate a privileged matter? It will take only a moment to consider it; and I would ask unanimous consent, in that connection, that the time required for that purpose not be charged to the time available to either side in connection with consideration of the civil-rights bill.

Mr. STENNIS. Mr. President, I must object unless an understanding about the matter is reached.

Mr. MAGNUSON. Only 1 minute will be required to have the Chair lay the matter before the Senate and to have conferees appointed.

Mr. STENNIS. Very well; I yield for 1 minute for that purpose.

The PRESIDING OFFICER. The Senator from Washington is recognized for 1 minute.

Mr. MAGNUSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives regarding Senate bill 939.

The PRESIDING OFFICER (Mr. BIBLE in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 939) to amend section 22 of the Interstate Commerce Act, as amended, which was, to strike out all after the enacting clause and insert:

That section 22 of the Interstate Commerce Act, as amended (49 U. S. C. 22), is amended as follows:

(a) By inserting "(1)" immediately after "SEC. 22.".

(b) By striking out the words "nothing in this part" where they appear after the first semicolon and inserting the following: "except that the foregoing provisions of this section shall not apply to the carriage, storage, or handling of shipments of 'household goods' as defined by the Interstate Commerce Commission in Practices of Motor Common Carriers of Household Goods (17 M. C. C. 467) by duly authorized motor common carriers of household goods, when such carriage, storage, or handling is for the United States Government. Nothing in this part."

(c) By inserting at the end of such section the following:

"(2) All quotations or tenders of rates, fares or charges under paragraph (1) of this section for the transportation, storage, or handling of property or the transportation of persons free or at reduced rates for the United States Government, or any agency or department thereof, including quotations or tenders for retroactive application whether negotiated or renegotiated after the services have been performed, shall be in writing or confirmed in writing and a copy or copies thereof shall be submitted to the Commission by the carrier or carriers offering such tenders or quotations in the manner specified by the Commission and only upon the submittal of such a quotation or tender made pursuant to an agreement approved by the Commission under section 5a of this act shall the provisions of paragraph (9) of said section 5a apply, but said provisions shall continue to apply as to any agreement so approved by the Commission under which any such quotation or tender (a) was made prior to the effective date of this paragraph or (b) is hereafter made and for security reasons, as hereinafter provided, is not submitted to the Commission: *Provided*, That nothing in this paragraph shall affect any liability or cause of action which may have accrued prior to the date on which this paragraph takes effect.

"Submittal of such quotations or tenders to the Commission shall be made concurrently with submittal to the United States Government, or any agency or department thereof, for whose account the quotations or tenders are offered or for whom the proposed services are to be rendered. Such quotations or tenders shall be preserved by the Commission for public inspection. The provisions of this paragraph requiring submissions to the Commission shall not apply to any quotation or tender which, as indicated by the United States Government, or any agency or department thereof, to any carrier or carriers, involves information the disclosure of which would endanger the national security."

Mr. MAGNUSON. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives, request a conference thereon with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SMATHERS, Mr. LAUSCHE, Mr. YARBOROUGH, Mr. SCHOEPPEL, and Mr. PURTELL the conferees on the part of the Senate.

CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. STENNIS. Mr. President, I yield 20 minutes to the Senator from North Carolina [Mr. SCOTT].

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 20 minutes.

Mr. STENNIS. Mr. President, may we have order? There is considerable disorder on the floor of the Senate, because of the presence of certain persons not Members of the Senate, and also because of considerable conversation and moving about.

The PRESIDING OFFICER. The Senate will be in order; all conversations will cease. The Senator from North Carolina, who has been recognized, will not proceed until there is order in the Chamber.

The Senator from North Carolina may now proceed.

Mr. SCOTT. Mr. President, in my home neighborhood we have a small community which has a good Methodist Church and a good Presbyterian Church. These two denominations work very closely together on all civic matters and on all church matters.

For a long time the Methodist Church had its good Methodist minister and his wife, and the Presbyterian Church had its good Presbyterian minister and his wife. Then it so happened that the Methodist minister died, and a short time thereafter the wife of the Presbyterian minister died. Not very long afterward, the Methodist widow and the Presbyterian widower decided to get married.

After they had been married a little while, the former widow of the Methodist minister became exasperated at her new husband, John; and she told him about it in no uncertain terms.

She said to him, "John, you are so contrary and so stubborn—I hate to say it, but you are so stubborn—that I just have to say that you are going straight to hell."

In fact, she was bearing down on him, as one could well imagine.

Finally, he stood up—he was a long, Ichabod-type of man—and said, "Well, Martha, I would rather be a Presbyterian and know I was going to hell than be a Methodist and never know where in the hell I was going." [Laughter.]

Mr. President, we in North Carolina know where we are going, as regards this civil-rights business, if others will just let us get there, and will not monkey with us too much.

Mr. President, on several occasions since I have been in the Senate, I have found myself in the strange position of agreeing with President Eisenhower.

While reading the newspapers during the past weekend, I became convinced that once again the President has seen the light, and has decided that his civil-rights bill is no good.

The speculation in the newspapers lately has been very strongly to the effect that the President would veto the civil-rights bill if it is sent to him.

If these reports are true, then I think the President will be displaying rare wisdom in vetoing the bill, in the event he gets the opportunity to do so.

It is strange how many of us have mixed emotions about the news that comes out of the White House from time to time. At times it has been difficult to determine just how the President does feel about his own civil-rights bill.

In view of what we have seen happen at the White House on civil rights, I think it would be better to go ahead and fix things here in the Senate so the President would not have to worry about making up his mind again on this thing.

If it should pass all the legislative hurdles, there is always the danger the President might change his mind while the bill was getting from the Capitol to the White House.

Since the President is at times allergic to sticking by the decisions he makes, it would certainly be in the public interest to go ahead and kill the bill while we still have it. I say this because of the importance of the decision facing us. I say it is the responsibility of the Senate to defeat the bill if it is the purpose of

Congress to promote good race relations and to further insure the actual practicing of the right to vote.

We were told in the beginning that this was a bill to put into practice the right to vote—just a "little" bill that would bring about the guaranty of this cherished right.

At that point, I am reminded of a neighbor at home we called Uncle Fisher Clendenin, a white man. He had a horse which had the blind staggers, but he thought a lot of the horse. One of his neighbors knew Uncle Fisher was quite a trusting fellow. He said, "I'll tell you what you do to cure your horse of blind staggers." He said, "All right." The neighbor said, "You get up on a chopping block and take the mall and hit the horse behind the ear." Hs did. Of course, he promptly killed the horse. In a day or two the man came around to see Uncle Fisher, and he said, "How did the remedy work?" Uncle Fisher said, "It was a fine remedy. The only trouble was I hit him just a 'leetle' too hard." That is the situation here. It seems to me they have overreached and have gone just a little too far.

Now that we have gotten this little bill amended to be almost what it was advertised to be, we hear that it is unacceptable because it is not strong enough. In spite of the fact that we have improved the bill a great deal, in spite of the fact we have filed down its horns, it is still a bill that would do more harm than good. Remember, it was just a little bill to start with, but I have never in my life seen any bill, regardless of what size it was, stir up so much dust as this one has.

After working on the bill for weeks and making a halfway respectable bill out of it—after making it pretty near what the self-styled righteous civil-righters and the buzzards of iniquity have been yelling for—we find that it is not acceptable.

The Philistines say it is no good after all—they do not want a civil-rights bill as long as it is a piece of civil legislation. To me this is proof of what the people of the South have felt all along about the whole civil-rights controversy, and that is this: The do-gooders—the uninformed and misinformed petty politicians who spend their time slobbering about how cruel the South is to the Negro—are concerned only about how Negroes vote, rather than whether or not they have the right to vote.

That is the crux of this whole thing. Frankly, I feel that many of those who seem so concerned about people voting really care far more about voting results than voting rights. The supposed fight for civil rights in the South has become the battle for ballots in the big cities. This, Mr. President, is the root system of this whole issue. And it is the reason it would be a serious mistake to pass the bill we have before us in the name of civil rights.

If this little bill goes on the lawbooks, it will mean that the President would immediately appoint a so-called Civil Rights Commission that is provided for in section 1.

All of us know that the President is not interested in politics. At least, that is what he says. If anybody doubts it, all they have to do is ask him. Last week, for example, he got as mad as a wet hen when somebody implied there were politics and campaign contributions involved in the appointment of a certain ambassador. All of us know the President is an honorable man, and when he says something nobody ought to have the nerve to disagree with him or question him, or at least I get this impression from what he says. After all, he is above politics; so he is above all this business of angling for votes and figuring out how to get people to vote for him or his party.

I point this out because if the President's little bill is enacted, it will establish a Commission to go around the country checking up on elections officials and other people. It could be a sort of roving election-year Gestapo, if it wanted to be. But again, I am confident that the President wouldn't consider making anything political out of the Commission.

I am afraid, however, that some of the bugle boys in the palace guard around the White House might have some interest in politics and might make hay out of the Commission, regardless of the good intentions of the President.

It would be very simple, for example, for the Commission to march through the country every 2 years and shout and holler about how the colored people are faring in the South. I can say that with all sincerity, because that is what they have been doing ever since the Civil War.

The Commission would also have the power to reach down into any community in the United States and jack up local officeholders when they get in the way of troublemakers who are out to agitate and stir up the emotions of the people. There would be ample authority vested in the Commission to bring about complete chaos at all levels of local government.

There seems to me to be a lot of evidence that the Commission section was stuck into the bill as a sort of gimmick to set up a clearinghouse for election-campaign material. Certainly the other sections of the bill would more than suffice as a guaranty that nobody would be run over roughshod when he tried to register and vote.

So, if it is the purpose of the bill to be strictly a voting bill, then there is no earthly reason to create another commission that could do little more than act as a political propaganda machine.

First and foremost, then, it seems very unwise to me for Congress to give birth to such an animal as the so-called Civil Rights Commission. With emotions and tensions over race relations as sensitive as they are today throughout the South, it would be a serious mistake to create what could easily turn out to be a monster. The gamble is too great because we are already walking on eggs in the crosscurrents of bitterness and strife—and they are thin eggs, too—at least Cousin Ezra says so.

I say to you, Mr. President, let us leave well enough alone.

I am trying to emphasize this point because to me it gets at the overwhelming and compelling reason why Congress would be doing a lot more in the long run for civil rights if it would kill this bill rather than enact it into law.

I say it because we in the South will make much more progress toward a solution of problems in all the fields of discrimination if we are left to do the job in our own way.

It has been only a few years since we were hearing a lot of screaming and yelling about lynching and the poll tax.

No antilynching bill was passed, but we do not hear of any lynching going on in the South today.

No antipoll tax bill was passed, but we hear very little these days about the poll tax laws which are still in existence being used to hurt colored people in the South.

It just so happens that the issue right now is the so-called right to vote. It might come as a surprise to many people, but the South has been making tremendous progress in this field in recent years. Last year alone it is estimated that some 20,000 new Negro voters were put on the registration books in North Carolina, which is quite an increase in 1 year.

The point I should like to make is that the South is moving right along in this field, as well as in others.

If the bill should be enacted, I am afraid that serious damage would be done to the overall progress that is being made in the South.

In the bill are the makings—the basic ingredients—for setting man against man, neighbor against neighbor, and people against people. And when that is done, any and all progress suffers.

When I think about voting rights in the South I always think about an election we had in our community around the turn of the century—in fact, in 1902. My father told me about it when I was just a boy, and I shall never forget it.

There was an elderly Negro man by the name of Loftin Chaves who lived in the community. Loftin Chaves voted under the grandfather clause. He was an ex-slave. I recall that the people in the community, as we do here in the Senate and everywhere else, had made a check to see how the election would result, and it was found that the vote would be a tie vote, or so it looked.

The people of the neighborhood can tell us about the occurrence now, though there are not many left who know about it. I was only 5 years old at the time the incident occurred. I believe, however, that I could go within 5 yards of where I last saw Loftin Chaves.

Loftin Chaves was splitting rails. In splitting the rails he was using a wooden maul and a glut made out of dogwood. He was splitting a white oak tree which had been cut.

As I recall, some of those who were on the other side in the election decided they had to get Loftin Chaves out of the way, so they hatched up a scheme. They tried to get Loftin Chaves to carry some wheat to be ground up at the mill in Person County.

So Luftin Chaves was sent with a one-horse wagon and a load of grain to get the wheat ground.

When the citizens there checked up, the folks who were in favor of the school district discovered that Loftin Chaves

was gone, so they immediately put two men on horses to attempt to catch up with him. They did overtake him, and they hitched his horse to a little sapling and put him on one of the horses they had and brought him back to vote. After he had voted they carried him back to let him finish with his errand.

As they did that they realized that Loftin Chaves was the ex-slave who voted under the grandfather clause, and it was he who saved the election for us.

I shall never forget that story, though I was barely 5 years old at the time of the incident, and my reason for telling it is that the election carried by one vote. The people in my neighborhood began to ring the farm bells.

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired. It is the understanding of the Chair that the acting majority leader yields an additional 3 minutes to the Senator from North Carolina, and he may proceed.

Mr. SCOTT. The residents thereabouts started to ring the farm bells. I can remember hearing them at home. I did not know exactly what had happened, but they started to ring the bells, one member of the family and then another taking turns ringing the bells far into the night, because they had won the election.

Due to the winning of that election, I was conscious as a little boy that something very momentous had happened in our neighborhood. The bell ringing went on into the night. Incidentally, our farm bell is still there at the old home place.

When I go home I have the pleasure of seeing a Negro school bus, with either a Negro boy or a Negro girl driving the bus, coming by my house, and a white school bus, for the white children, coming by at the same time. The children often get off in front of my house, where I have a big pecan tree. If one goes by there, he will see it.

One thing which has happened, which I shall never forget when I think about those two school buses, is that we have established good high schools for the white children and good high schools for the Negro children, and buses for both races. But those two buses would never have been employed as they are if it had not been for old Loftin Chaves. Some day a marker ought to be set up in memory of that man, because his one vote carried the election.

I should like to remind Senators that President Lincoln, before he reached the Presidency, was famous for splitting rails. Loftin Chaves won an election by one vote, and he was a rail splitter, also—he did not split hairs, as some do here, but he split rails.

So in our community at home we not only have to make sure everybody votes, but we go to a great deal of trouble to convince our citizens what is the best way to vote.

I want the Members of the Senate to understand that every time I get interested in an election I encourage everybody I can reach to vote with me. I want the record to show in no uncertain terms that I have never deprived anybody of the right to vote for me.

Aside from the dangers which are involved in passing this little bill and thus giving birth to another commission, and the experience that we have had with lynching and poll taxes, for example, there is another important factor to keep in mind when we are considering this little bill. It is the inherent and deeply rooted conviction that southerners have about independence. By and large, I think southerners love independence more than any people on the face of the earth. We in North Carolina feel very deeply about our independence, and we take pride in our patriotism, and the fact that we are firm and determined in our loyalties and convictions.

For many years historians have said that it is no idle boast to say that North Carolina was "first at Bethel, farthest at Gettysburg and Chickamauga, and last at Appomattox," and that "North Carolina heroism hallowed and marked every important battlefield."

We have these basic characteristics of independence and patriotism because we are people who are close to the soil, people who make up a region that is primarily agricultural. Even the people who live in our cities today and those who are building up the South's industrial empires either were born in rural areas or have close relatives who are still on the farm.

For the most part, we are a people with deep religious convictions. This is because we are at the mercy of the elements and we have been taught from childhood that God is our landlord, and we are proud of the fact that we come from the Bible Belt of this Nation.

People who live by the soil are rugged people, honest people, God-fearing people, and independent people.

Being an independent people, southerners do not much cotton to the idea of outsiders telling them how to run their affairs.

This business of civil rights has a lot in common with the old story about the slick book salesman who rode up in the farmer's yard and wanted to sell him a book on a thousand new ways to make money on the farm.

The farmer gave him a funny look and said:

"Nope, I'm not a bit interested because I'm not farming now nearly as well as I already know how."

There is a lot of basic human nature in that story because none of us ever do everything as well as we should or as well as we might know how.

But, most of all, we resent others telling us how to do what, and when.

Those who doubt our good intentions, those who think the southern people are the ones who have never caught on to the notion of giving every man a fair break, should take a look at history. What has happened from time to time in my home State is a good example.

If the history books are checked it will be found that North Carolina held up her ratification of the Constitution of the United States for 2 years. And the reason is very significant: My State insisted that the Constitution have an itemized bill of rights added as a vital part of the Constitution.

So history shows clearly that this business of individual rights was important enough to our North Carolina forebears to refrain from joining the Union for about 2 years.

I point this event out to illustrate that in many ways we are like the common mule, the beast of burden in the South. We have a reputation for bridling and snorting and rearing when somebody tries to put a harness on us.

There is another event in history that shows very clearly that North Carolina is a State of free thinkers and people who do not like to be pushed and shoved. North Carolina was the last State of the Confederacy to secede. There was a great deal of sentiment in our State against pulling out of the Union because, as history shows, we had a great deal of misgiving about entering into any kind of association leading to war. So North Carolina remained loyal to the Union until President Lincoln, on April 15, 1861, issued an order for all the States to raise troops to march on the South as a result of the attack on Fort Sumter.

I think this is an important point in the history of our State, and it certainly illustrates that we are a tolerant State so long as there is no talk about using force, pushing us around, and calling out the troops.

I mention these snapshots out of history to show that North Carolina and the South throughout the life of this Nation have demonstrated time and time again that we have minds of our own, and that we know how to use them.

Our history also shows that we have been aware of our problems, and have not been negligent in facing them.

But more important, history shows that we have made more progress doing things in our own way rather than being forced to do them.

My own experience as Governor illustrates what I am talking about under conditions of today.

As I pointed out in a recent speech on the floor of the Senate, I appointed a Negro to the State board of education while I was Governor. I did this—an unheard of thing in my State until then—because I sincerely felt the parents of Negro children should have representation on the board that establishes the policy for their education. I made this decision of my own free will, and I have never regretted it.

But I will say this, I would have resigned as Governor before I would have made that appointment under a court order.

I am making these remarks as a plea to every Member of the Senate to leave the affairs of the South to the South.

We have race problems in the South. We know we have them, and we are determined to settle them in a peaceful way. I ask every Member of the Senate to study these factors very closely before voting.

If my colleagues are concerned about the right to vote in the South, I can assure them we are making progress to see that that right is not denied anyone. I also assure them that we will make more progress by handling the problems ourselves than by having such a bill as

that now pending hung around our necks.

The question to be resolved is of the gravest nature. I beg every member of the Senate to search his soul before the vote is taken.

Whatever course is decided, we must all admit that the good will of people who must continue to live as neighbors is far more important to the well being of this Nation than is the result of any political campaign.

Mr. STENNIS. Mr. President, I yield 10 minutes to the distinguished senior Senator from North Carolina [Mr. ERVIN].

Mr. ERVIN. Mr. President, the Supreme Court of the United States declared, quite correctly, in Texas against White, that the Constitution, in all of its provisions, looks to an indestructible Union composed of indestructible States.

I expect to vote against the bill on final passage because it is utterly repugnant to that constitutional concept. Although the Constitution states, in the 10th amendment, that all powers not granted by the Constitution to the Federal Government nor prohibited by it by the States are reserved, respectively, to the States or the people, the bill undertakes to have Congress delegate to the Attorney General power to nullify State statutes, enacted by State legislatures in the undoubted exercise of the power to legislate reserved to the States by the 10th amendment.

Furthermore, the bill proposes to enact a public law, and to place that public law in the personal possession of one fallible human being, the temporary occupant of the office of Attorney General, whoever he might be, to be used or not used as he wills. Therefore, the bill is utterly repugnant to the basic concept that this country ought to have a government of laws rather than a government of men. In fact, the bill does not even provide for a government of men. It provides for a government by the whim and caprice of the Attorney General.

The bill likewise makes the constitutional rights of American citizens dependent upon the uncontrolled discretion of the Attorney General.

Our forefathers valued the right of trial by jury so highly that they inserted guaranties in the Constitution of the United States to protect that right for all Americans in criminal cases. And yet, under the terms of the bill, the right of trial by jury is made to rest upon the whim and caprice of one man. If the Attorney General refuses to bring a suit against certain individuals under the proposed act, those individuals retain their constitutional right of trial by jury, whereas, if the Attorney General elects to bring a suit against certain individuals, under the terms of the bill, he thereby automatically robs those individuals of their constitutional right to trial by jury. This is indefensible.

The bill would pervert the injunctive process and the contempt process by extending them to a field in which they were never designed to operate; namely, the field of criminal law. If Congress can rob Americans of this constitutional right of trial by jury in criminal cases by converting crimes into equity suits in voting-rights cases, it can do the same in the whole category of crimes and nullify the constitutional guaranties of jury trials in criminal cases.

The bill is dangerous in its other implications. If the Federal Government is to depart from its historical role in the criminal field, and bring equity suits to enforce personal and political rights of individuals, there is no point at which such extension of Federal power can end. This is true because any group which possesses enough political power to influence the conduct of a majority of Congress can call upon Congress, successfully, to do the same thing for it that is being done in this field; that is, to carry on private litigation at public expense for the benefit of private individuals.

The bill is not only bad from the standpoint of its impact upon the constitutional and legal systems of the United States, but it is bad as a matter of policy. I have listened to Senators from distant areas of this country describe the conditions in the section of the country from which I come. I cannot even identify my section from their description.

It was said by one Senator that we have done nothing for the colored race in 90 years. I say to that Senator that the white people of North Carolina have spent a greater proportion of their earthly substance for the education of colored people than have the white people of any other State in the Union.

My State of North Carolina has a colored population of slightly more than 1 million within its borders. The States of Illinois, Indiana, Ohio, Pennsylvania, New Jersey, New York, and the 6 New England States—a total of 12 States—have 3,500,000 colored people residing within their borders. And yet my State of North Carolina, with only 1 million colored people, employs at least a thousand more colored teachers in its public school system than do the 12 States I have mentioned combined, with many times our colored population.

In the State of North Carolina Negroes own and operate, under a public franchise, a public transportation system in one of our cities. Moreover, they own and operate the largest Negro insurance company in the world. I challenge anyone north of the Mason-Dixon line to point to comparable situations in any of the Northern States.

In my State we maintain five fine colleges for the education of colored people, which colleges are headed by distinguished colored educators and staffed by distinguished colored faculties.

The white people of my State have done as much for their colored people as have the white people of any other State in the Union. Our races live there together in peace and harmony. When I hear some Senators who come from sections where that is not true proposing to take care of our ills, and representing themselves to be doctors, I am reminded of a story told by the late beloved Will Rogers.

Will Rogers once said that at one time he had written an article in which he advised everyone to go to a specialist when he was sick. He said he was confined to a California hospital a few days later with arthritis. His old family doctor from Ardmore, Okla., came in the next day, and said, "Will, you tried to put us old family doctors out of business by advising everyone to go to a specialist when they are sick. But I forgave you for that when I read that you were confined to the hospital with arthritis. I was afraid you might fall into the hands of some specialist in arthritis, so I have come here to look after you."

Will said he asked the old family doctor, "Doctor, do you know anything about arthritis?" The old doctor replied, "Yes; I ought to, because I have had it myself for 50 years." [Laughter.]

I say to some of my friends from the North who set themselves up as doctors and undertake to prescribe for supposed racial ills of the South, that if they would first cure their own racial ills which are much more violent than ours, I would have more faith in their panaceas.

The bill is a bad bill from the constitutional and legal standpoint. It is a bad bill from the standpoint of policy. The two races are living together in peace and harmony, so far as my State is concerned, and they are both working together to build a great Commonwealth. Outside interference of the kind this bill contemplates will not help, but will tend to hinder the situation.

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from North Carolina.

Mr. ERVIN. Mr. President, the bill is a bad bill from the standpoint of constitutional law, from the standpoint of our legal system, and from the standpoint of policy. But I am glad that the Senate, by writing in the jury-trial amendment, made it plain that a majority of the Senate is not willing to throw the right of trial by jury in criminal-contempt cases into the discard. I rejoice in the fact that a majority of the Senate have manifested their unwillingness to strike down completely the only security the people of this Nation have against governmental oppression—the right of trial by jury.

Mr. POTTER. Mr. President, I yield 15 minutes to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I rise in support of H. R. 6127, as amended. All of us in the Senate know that the processes of legislation frequently include the processes of alteration. H. R. 6127 as reported from the House of Representatives, has been rather drastically amended in the Senate. I did not vote for those amendments, except one. I not only voted for that one amendment, but I cosponsored it with the able minority leader of the Senate, the Senator from California [Mr. KNOWLAND]. The amendment struck from the bill the provision which would have permitted the use of the Armed Forces, under a law which was passed in the reconstruction period of our national history.

I am happy to have been associated with the minority leader in that effort, and I am exceedingly well pleased that

our effort was unanimously approved by the Senate.

I did not support the amendment to strike from the bill the major portions of part III. I vigorously opposed that amendment, because I felt part III, which was designed to strengthen certain major civil rights belonging to our people, should be adopted. I further felt that the Senate's action in striking part III from the bill might be interpreted as a failure to support certain important decisions by our Supreme Court in the field of civil rights.

I want the RECORD to note that the decisions of the Supreme Court still stand. The Court has interpreted the Constitution and has applied it. In cases involving public education, public recreational facilities, and public transportation, the Court has been unequivocal. It has implemented its decisions relating to the 14th amendment by placing within the jurisdiction of the Federal district courts the power of gradualized enforcement. Nevertheless, Mr. President, I am sorry that the Senate spurned this opportunity to lend its support to the implementation of the Court's decisions by defeating part III.

Mr. President, the second major weakening amendment related to section IV of the bill. That amendment was in the nature of a new section, and is listed in the bill as part V. It is the so-called jury-trial amendment.

During the discussion of this amendment, I paid what I believed was a worthy tribute to those who had attempted to perfect the amendment. I felt, and I still feel, that the jury-trial amendment weakened the bill before us. It assuredly did not improve the civil-rights measure insofar as protection of voting rights is concerned.

However, the majority of the Senate felt that a jury-trial amendment relating to criminal contempt proceedings was desirable. I wish the RECORD to note that that amendment does limit the so-called jury-trial provisions to a specific set of circumstances.

I would also have the RECORD note that the same amendment made crystal clear that where there is a civil contempt proceeding, no jury trial is provided. It is within the tradition and history of our Republic to have no jury-trial proceeding insofar as civil contempt actions are concerned.

The bill, as amended in the Senate, is to my mind the best bill that we could have obtained. I will not say that it is a good bill. However, I will say that it is the first bill in some 80 years which has proceeded this far in the Senate.

I say to my civil-rights friends that this is indeed an historic moment. Surely we did not get all we wanted, but I submit that we now have an opportunity to vote on a bill which improves the civil-rights statutes and the entire civil-rights picture in the United States. We have waited 87 years for this historic moment. I submit that we have made a sizable and significant advance.

I say that those who want all or nothing, generally get nothing. I say that those who feel this is an unworthy effort are unworthy of the faith and trust of those who would seek the practical advancement of civil rights.

This bill represents measurable progress. It may not represent a gallop, but it does represent a sturdy forward stride in civil-rights legislation.

Mr. President, let me be extremely candid. I am no Johnny-come-lately to this area of legislation. I have, as United States Senator, suffered the criticism of many of my colleagues and hundreds of editors and publishers and columnists, for many years, because I have supposedly been one of those Senators who has been defying the South and advocating proposals which would tear the Democratic Party apart.

I can remember when in the Senate we had little or no cooperation for any civil-rights bill. I can remember making speeches on the floor of the Senate on a civil-rights measure when we could not get 10 or 20 votes for any kind of civil-rights measure. I can remember when we pleaded in the Senate for a civil-rights commission, and when we could not even get a pleasant or courteous hearing.

I can remember, Mr. President, when there was a working coalition on both sides of the aisle to prevent the passage of a civil-rights bill.

Therefore, I would make it quite clear that if the bill is acceptable to those of us who have struggled for civil-rights legislation for a decade, it ought to be all right for some people who have joined us this year. If that is not plain, I will make it plainer. If the bill is an adequate advance for those of us who have had to fight the year-round fight in the winter and in the summer, for those of us who have had to do battle on the issue when it was very unpopular and when we did not have help in high places, it ought to be a tolerable advance for those who have come onto the bandwagon when victory was almost assured.

Mr. President, I repeat, the bill as amended is not all I wanted. I wanted more. However I submit that in this bill, under section 1, we establish a commission on civil rights. I introduced the first bill in Congress for the establishment of a commission on civil rights. That was in the 81st Congress. The provisions in the bill on the establishment of the commission are almost identical with the provisions of the bill I had introduced. If it was good enough for me in the 81st Congress—and I reintroduced the bill in the 82d, 83d, and 84th Congresses—I am willing to take it in the 85th Congress, and be grateful for it.

Oh, Mr. President, I know one can say, "You watered this bill down so much, we are not going to have anything to do with it." One can be a political purist. One can even be so pure as to commit political demagoguery in that respect. However, as I have said to my friends in the Senate on both sides of the aisle and on both sides of the question, all I ever sought in the field of civil rights was progress. I have pleaded an opportunity to make some advance in our effort to assure the people of the country that we were concerned about their rights.

We are making more than a little advance. We are making a substantial advance. I say that part I of the bill is important, significant, basic legislation in the field of civil rights. The provision for a Civil Rights Commission is a sound provision, long overdue, and will be of great significance to the people of America in the days to come.

Part II of the bill provides for the designation of an additional Assistant Attorney General, who shall be appointed by the President, and who shall assist the Attorney General in the performance of his duties.

What is the purpose of this? It is to emphasize the purpose to protect civil rights, and to have in the Department of Justice an Assistant Attorney General to do what needs to be done for the effective protection and guaranteeing of civil rights.

I say very candidly that this could have been accomplished without legislation. Had the Attorney General desired, he could have done it last week, last year, or 5 years ago, without legislation. He did not do so, and for that reason I and others introduced legislation to help him out. Now Congress will speak, and legislation will be adopted to provide for this advance. In a sense, the bill is a mandate and a directive.

Part III of the bill has been practically removed, although an individual's civil rights are again reaffirmed.

Finally, in part IV, we come to the meat of the bill. Congress is guaranteeing here the right to vote of every citizen regardless of race, color, creed, or national origin. Congress is using the authority of section 2 of the 15th amendment to the Constitution to strengthen and guarantee the right to vote.

Ninety-five percent of all the cases under the right-to-vote provision of the bill will hopefully be handled by civil proceedings. Criminal contempt cases should be fewer than hen's teeth. Criminal contempt cases will be at a minimum.

Let us remember that most of the duly elected officers of any State, locality, or political subdivision desire to obey the law. They take an oath to obey the law. They do not take an oath to be liars. They do not take an oath to be perjurers. They take an oath to be public servants, and to obey the law. I submit that any man or woman who raises his or her hand and says, "I will uphold and defend the Constitution of the United States," is a better citizen the day he or she says so. It makes him or her a better person. We have now a formal commitment. I am of the opinion that public officials, if given the opportunity and if given the support which the bill provides, will make certain that people are permitted to register, will see to it that people are permitted to vote, and will become better public officials because of the action of Congress.

If they do not, a Federal judge will have the power to use his authority as a judge in civil-contempt proceedings to hold a dissident individual in contempt of court, and to seek, through persuasion, to get the individual to obey the law. What kind of persuasion? The judge can put the person in jail, if need be,

until the person does what he ought to do. When he does what he ought to do, he will get out of jail.

If the day comes that the election is over and the individual has not done what he ought to have done, then, indeed, under the bill the violator will be entitled to a trial by jury in criminal contempt proceedings.

I shall work on the assumption, however, that there are more good people than there are bad ones. I shall work on the assumption that there are more people who want to obey the law than there are those who want to disobey it. I shall work on the assumption that my friends in the Southern States and the public officials of those States will respond to the will of the American people in the passage of the proposed legislation. I think they will. I want to give them all the advantage that comes with what we call the classic Anglo-Saxon doctrine that a person is innocent until he is proved guilty.

If we find that the jury-trial provisions in the bill stand in the way of justice; if we find that the jury-trial provisions in the bill do not permit the effective guarantee of voting rights; then I will be the first to introduce a measure in this chamber to strike from the legislation the provision for jury-trial proceedings, in order more effectively to guarantee voting rights.

There is another right guaranteed in the bill; namely, the establishment of qualifications for Federal jurors. That provision reads:

Any citizen of the United States who has attained the age of 21 years and who has resided for a period of 1 year within the judicial district, is competent to serve as a grand or petit juror unless:

(1) He has been convicted in a State or Federal court of record of a crime punishable by imprisonment for more than 1 year and his civil rights have not been restored by pardon or amnesty.

(2) He is unable to read, write, speak, and understand the English language.

(3) He is incapable, by reason of mental or physical infirmities, to render efficient jury service.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. POTTER. Mr. President, I yield 2 additional minutes to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, this bill can pass the Senate, and it will. I predict that it will pass by an overwhelming vote. The question is, Will it pass the House?

I raise my voice in an appeal to every person who has ever said a good word for civil rights to do everything in his power to convince his friends and associates in the other Chamber to act on the bill. I plead that the bill not be sent to conference, where it may be buried. I plead with the Members of the other body to make certain that the bill passes the House of Representatives. The House can pass the bill if the House Committee on Rules will permit a rule for its consideration, and then if the Members of the other body proceed with an affirmative vote the bill can be passed, and even amended, if there is that will.

But if the friends of civil rights keep saying that this is not a good-enough bill; if the friends of civil rights keep condemning it; if the friends of civil rights keep saying it ought not to pass; and if some friends even say they are going to veto it, then I submit there will be no civil-rights legislation.

I submit to my colleagues in the Senate that if they want civil-rights legislation in the 85th Congress, this is their chance to get it. If they want to play politics with it, they can play politics and kill the measure. The burden of responsibility for political shenanigans will rest on those who are unwilling to stand up and be counted for what is a reasonable measure.

The PRESIDING OFFICER. The time of the Senator from Minnesota has again expired.

Mr. POTTER. I yield 1 additional minute to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I appeal to my colleagues not to give the bill a burial. It has barely the breath of life in it. It needs the kindly attention of every friend of the people who is interested in civil rights.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks a statement concerning the civil-rights bill which has been designed and prepared by the representatives of some dozen or more organizations and their responsible officers.

I note for the RECORD that the individuals representing those organizations, while they are not happy with the bill, ask that it be passed. Some of the organizations have devoted a lifetime of service to the cause of civil rights. If there are any purer than these, let them stand forward and answer the roll.

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

CIVIL RIGHTS GROUPS CALL FOR COMPLETED LEGISLATIVE ACTION THIS YEAR

Calling the civil-rights bill before the Senate a bitter disappointment, 16 organizations supporting meaningful civil-rights legislation, in a statement to all Members of Congress, said the bill does contain some potential good and urged completed legislative action this year.

The statement exhorted Senate supporters of civil rights to vote for the bill in the hope that some means will be found to strengthen it in the House, and called upon the friends of civil rights in both political parties to place the goal of some progress in this area ahead of any fancied political advantage.

The organizations said any bill passed now will be the beginning, not the end of our struggle, and they pledged themselves to continue "to demand legislation implementing the Supreme Court's decisions against segregation * * * and other civil-rights laws. Above all," the statement said, "we shall continue to press for an end to King Filibuster. The sorry crippling of H. R. 6127 in the Senate is the most eloquent argument for the establishment of majority rule in the United States Senate."

Following are the names of the individuals who signed the statement on behalf of their organizations:

Earl W. Jimerson, president, and Patrick E. Gorman, secretary-treasurer, Amalgamated Meat Cutters and Butcher Workmen of North America, AFL–CIO.

John T. Blue, Jr., director, American Council on Human Rights.

Shad Polier, chairman, executive committee, American Jewish Congress.

Joseph L. Rauh, Jr., vice chairman, Americans for Democratic Action.

E. Raymond Wilson, executive secretary, Friends Committee on National Legislation.

Hobson Reynolds, director, civil-liberties department, Improved Benevolent Protective Order of the Elks of the World.

James B. Carey, president, International Union of Electrical Workers, AFL–CIO.

Adolph Held, chairman, Jewish Labor Committee.

Bernard Weitzer, national legislative director, Jewish War Veterans of the United States of America.

James B. Cobb, president, National Alliance of Postal Employees.

Roy Wilkins, executive secretary, National Association for the Advancement of Colored People.

David L. Ullman, chairman, National Community Relations Advisory Council.

William Pollock, president, Textile Workers Union of America, AFL–CIO.

Michael Quill, president, Transport Workers Union of America, AFL–CIO.

Walter P. Reuther, president, United Automobile Workers, AFL–CIO.

Francis Shane, executive secretary, civil-rights committee, United Steelworkers of America, AFL–CIO.

STATEMENT ON THE CIVIL-RIGHTS BILL

The civil-rights bill before the Senate is a bitter disappointment to the supporters of meaningful civil-rights legislation. Once again the power of King Filibuster has been demonstrated. This time it was accomplished by threats; an actual filibuster was unnecessary.

The action of the Senate in deleting part III of the House bill and attaching a jury-trial amendment to part IV seriously restricts a program which was modest and moderate to begin with.

Disappointing as the Senate version is, the bill does contain some potential good. The constitutional right of Negroes to vote is given Congressional recognition for the first time in 87 years and some new tools are provided for the enforcement of that right. A strong Commission with subpena powers and a vigorous Assistant Attorney General can do much to improve civil rights in America.

Although no improvements in the Senate bill are possible in that Chamber at this time, failure to pass the bill will end all possibility of enacting civil-rights legislation in this session. Accordingly, we urge Senate supporters of civil rights to vote for the bill in the hope that some means will be found to strengthen it in the House.

Unless the efforts to improve the bill are handled with skill and devotion, there is danger of winding up with no bill at all. We call upon friends of civil rights, in both political parties, to place the goal of some progress in this area ahead of any fancied political advantage. The millions of victims of discrimination and intolerance have every right to demand completed legislative action this year, letting the political debits and credits fall where they may.

The bill as finally enacted by the Congress, whether in its present Senate form or with some improvements, will be far less than the people of America want and deserve. Any bill passed now will be the beginning, not the end of our struggle. We shall continue to demand legislation implementing the Supreme Court's decisions against segregation, for fair employment practices, for an anti-poll-tax law and other civil-rights laws. Above all, we shall continue to press for an end to King Filibuster. The sorry crippling of H. R. 6127 in the Senate is the most eloquent argument for the establishment of majority rule in the United States Senate.

Mr. HUMPHREY. Mr. President, finally I ask unanimous consent to have printed in the RECORD a statement I made on January 9, 1957, with respect to a bill to protect the right to vote, along with 11 other bills introduced in the field of civil rights, so that we may know that what we are doing here has been the subject of long consideration in days gone by.

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

CIVIL RIGHTS: AN IDEA WHOSE TIME HAS COME

(Statement by Senator HUBERT H. HUMPHREY, of Minnesota, in the U. S. Senate, January 9, 1957)

Mr. President, 20 years ago, in the New York Times for September 23, 1937, there was published a dispatch from Czechoslovakia, which pointed a moral for our generation. The writer was apprehensive, but he could not then have known that 1937 was the twilight of Czechoslovakian democracy; that two decades of Nazi and Communist tyranny were shortly to follow. The statement read:

"Our country might conceivably be overwhelmed by superior military forces, but our democracy will never be imperiled by outside attacks. Democracy is always weakened from within. Only its own feebleness or complacency destroys it. It dies unless it draws life from every citizen. The job of those who believe in the democratic process is to be positive, not negative, to build it up, expose, and correct its mistakes, keep it alive."

Mr. President, whether the democracy we live in be as small as Czechoslovakia or as large as the United States, this task remains an essential one: To improve and increase the strength and vitality of our democratic processes. No conscientious observer who has ever examined the American scene has failed to put his finger on our greatest national weakness; the gap between our pretensions and our performance in the field of civil rights.

By civil rights we mean the personal, political, and economic rights and privileges guaranteed under the Constitution and the law, and implicit in the democratic way of life—rights and privileges which are morally the heritage of every human being, regardless of his membership in any ethnic group. To be specific, I believe these rights include the right to work, the right to education, the right to housing, the right to the use of public accommodations, of health and welfare services and facilities, and the right to live in peace and dignity without discrimination, segregation, or distinction based on race, religion, color, ancestry, national origin, or place of birth. These are the rights and privileges without which no individual can participate freely or completely in our democratic society. These are the rights which Government has the duty to defend and expand.

I appreciate, Mr. President, that even the statement I have just made will not attract the unanimous concurrence of my colleagues. I am aware that the 96 Members of the United States Senate come here from widely scattered localities, backgrounds, traditions, and interests. These differences are legitimate, and it is the first major purpose of the legislative structure to allow these differences to be expressed.

I believe it is equally true, Mr. President, that the second major purpose of the legislative structure is to provide for action, once these differences have been reasonably accommodated and balanced. It is self-evident that Senators are sent to Washington to represent the needs and desires of their own constituencies. But it is equally true that we share common responsibilities toward the national good, and that these responsibilities may—and in this case do, I believe—extend beyond the current attitudes of important segments of opinion in some of our States.

The issue of human rights, Mr. President, also goes beyond partisanship—concerning, as it does, the very life of our democracy, whether our homes happen to be in the North, the South, the East, or the West. I know full well that some of us would prefer not to face these problems; but the fact of the matter is, Mr. President, that the problems are facing us. The fact of the matter is that they must be dealt with. Since we must deal with them, let us hope that we may approach them in the spirit of toleration and understanding, rather than with recrimination or bitterness.

For myself, Mr. President, human rights is not basically a social issue, an economic issue, a political issue, or even a legislative issue. It is primarily a moral issue, and it is for that reason that I feel as I do about it. I know, of course, that it is an issue, and a very real one, in all of these other contexts. Most particularly, in the past few years it has become an issue which has begun to affect with a sudden and dramatic impact the conduct of our foreign policy. Brotherhood and equality of opportunity have now become central aspects of the image we cast abroad. Just as Lincoln decided upon emancipation of the slaves, not only as an act of justice but also as a military necessity, so the achievement in America of racial equality is now urgently needed on both of these grounds.

We know, too, Mr. President, that this is an issue which has taken on new force and meaning for the millions of uncommitted peoples throughout the world. We know that their spokesman, Mahatma Ghandi, once asked of Anglo-Saxons everywhere, "What can conquer your unpardonable pride of race?" We know in our hearts that we must answer him; and we know, too, that the Kremlin gloats every time our answers seem hesitant and insincere.

Nevertheless, it seems to me, Mr. President, that world reaction is a shallow and insufficient motivation to impel us to take the great strides which are required of us. We shall not even convince others if our motivations are essentially tactical or political in nature. Our proper response, both to the Kremlin, which is waiting for us to falter, and to the millions of people in Asia and Africa who want to believe in us, but are undecided, is to do what we should have done anyway to make this Nation, in Lincoln's words, the "last best hope of earth."

It is undeniable, of course, that we have made great progress during the past 100 years—from the Dred Scott decision, which totally denied the Negro the protection of our laws, to the 1954 decision of the Supreme Court in the school segregation case, which affirmed the right of the Negro to full protection of the law. It has been a long fight, in which the power of American principles has slowly overcome the imperfections of American practice. It has been a long process of remolding old attitudes and reestablishing old truths. And it is not yet finished.

Mr. President, I like to think that both political parties are beginning to recognize their responsibility in taking up this moral challenge. We have just completed a national election. During the campaign, spokesmen for both of our major parties went before the people as the champions for human rights. Both parties have claimed credit for the progress which admittedly has been made, especially in the last decade. While much of this progress was nonlegislative—flowing, instead, from voluntary action, court decisions, or administrative measures—the record from 1948 to 1957 has been an encouraging one. An excellent summary of this record has just reached my desk. It is entitled "The People Take the Lead," and is the latest annual authoritative report of its kind published by the American Jewish Committee. I ask unanimous consent that the text of this report be printed at the conclusion of my remarks.

Mr. President, during last fall's campaign civil-rights statements were bolstered by the platforms of both the Democratic and Republican Parties.

Hence, Mr. President, we have reached a point where a commitment to civil-rights legislation, both as Senators and supporters of our respective party platforms, can no longer be denied. I think our consciences are equally impelling. Consequently, on behalf of myself and several of my colleagues, I send to the desk, for reintroduction in the 85th Congress, 12 civil-rights bills which constitute a comprehensive human-rights program.

Mr. President, other Members of the Senate know that these measures are the product of long legislative refinement. These proposals now embody the considered judgment of present and past Members of the Congress from both parties, and of interested citizens, educators and religious leaders. I have presented earlier versions of most of these bills to each Congress since the 81st, and on most of them I have had bipartisan support.

Members will know, too, Mr. President, that extensive hearings have already been held on many of these measures—hearings which themselves have contributed to revision and refinement in the proposals. The substance of at least three of these bills was favorably acted upon by the House during the 84th Congress, and is now supported by the executive branch. Bills similar in most respects to four of the measures which I now reintroduce were favorably reported by the Subcommittee on Constitutional Rights, last year. Those were the bills and other measures which I was privileged to introduce with the cosponsorship of many of my colleagues who are present in the Chamber today.

A brief list of the 12 measures which I now introduce and send to the desk is as follows:

First. A bill to protect the right to political participation, and prohibiting any intimidation, coercion, or other interference with the right to vote.

Second. A bill to establish a bipartisan Commission on Civil Rights in the Executive Branch of the Government.

Third. A bill to establish a Civil-Rights Division in the Department of Justice, headed by a new Assistant Attorney General.

Fourth. A bill to provide relief against certain forms of discrimination in interstate transportation, designed to implement Supreme Court rulings that segregation in interstate transportation is a denial of constitutional rights.

Fifth. A bill to extend to members of the Armed Forces the same protection against bodily attack as is now granted to personnel of the Coast Guard.

Sixth. A bill to protect persons within the United States against mob violence or lynching.

Seventh. A concurrent resolution to establish a Joint Congressional Committee on Civil Rights.

Eighth. A bill to establish equal opportunity in employment.

Ninth. A bill outlawing the poll tax as a condition of voting in any primary or other election for national officers.

Tenth. A bill to strengthen existing civil-rights statutes.

Eleventh. A bill to strengthen the criminal laws relating to peonage, slavery and involuntary servitude.

Twelfth. An omnibus bill including all the above measures in one general measure.

I want to emphasize, Mr. President, that I have listed first the bill to protect the right to vote, because it is becoming increasingly clear that this is the key to all of the rest of our human-rights objectives. I have

more to say about the importance of this measure in the summary of it which I have prepared, but I want to stress here and now that a strong case may be made for saying that Federal protection for the right to vote is the greatest civil right in a democracy. I welcome President Eisenhower's recognition of the special need for action in this direction.

While all of these bills are desirable, and while it is not up to me to assign priorities, nevertheless I do want to say that the first five can, and should, be enacted by this Congress. In addition to the right-to-vote bill the second, third, fourth, and fifth are of especially timely importance: The bipartisan-commission bill, the civil-rights-division bill, the interstate transportation bill, and the bill to protect members of the Armed Forces against discrimination.

I mentioned a moment ago, Mr. President, that I have prepared statements containing detailed but not burdensome summaries of all of these bills, except the last, which is a general omnibus bill incorporating the first 11.

Mr. President, the bills I introduce today constitute singly and together an attempt to add the strength of a Congressional mandate to the continuing challenge before us—to hasten the day in a variety of ways when American practice conforms with American principle. The challenge itself has never been stated more eloquently than in the complaint of a Negro student a generation ago:

"If you discriminate against me because I am uncouth, I can become mannerly. If you ostracize me because I am unclean, I can cleanse myself. If you segregate me because I am ignorant, I can become educated. But if you discriminate against me because of my color, I can do nothing. God gave me my color. I have no possible protection against race prejudice but to take refuge in cynicism, bitterness, hatred, and despair. I am a Negro-American. All my life I have wanted to be an American."

Mr. President, this is why prejudice and discrimination cost too much for democracy to afford. This is also, Mr. President, why history has a claim on the 85th Congress. Human rights is a concept whose time has come. It is a concept with the highest priority on the world's agenda, and it deserves a priority no less high on the agenda of the United States Congress.

We know that our Constitution guarantees full equality of rights and opportunities to Americans of every race, color, religion, and national origin. We know that proposed legislation to assure to every American his constitutional rights has been introduced in Congress after Congress, only to die in committee, on the calendar, or by the veto of the filibuster.

I am convinced, however, that the strong upsurge of liberal strength evidenced last week in the rules fight proves that dramatic changes are on the horizon. We are coming to realize that a Congress, which continues to be unresponsive to the greatest moral demand of our generation is an irresponsible Congress. We are coming to realize that, to the degree that procrastination, temporizing, delays, and obstruction continue, we are convicting ourselves of hyprocrisy. We are coming to realize that the enemies of society are not those who promote the processes of freedom but those who try to block them.

Mr. President, the danger to any civilization or any living thing whatever lies not in progress but in stagnation; not in growth but in decay; not in change but in the lack of change.

Mr. President, the peril is that under the pressure of locally entrenched and satisfied majorities we shall stone the prophets once too often. The danger is that we shall cling to the shell of social and economic institutions too long after they have been outgrown—that we shall adhere to the husk and form of ideas too long after they are dead.

It is for this reason, Mr. President, that I am a liberal without apology, a liberal without misgivings, a liberal without regret. Insofar as I am sorry for anything, it is not because I am a liberal, but it is because I am not more liberal than I am.

As a liberal, I am confident that we shall not progress too fast. The overwhelming danger is that we shall not be able to progress fast enough. There is plenty of conservatism in the world to adjust the balance, if that is needed. The Belgian author, Maurice Maeterlinck, once made an observation that is profoundly true: At every crossway on the road that leads to the future, each progressive spirit is opposed by a thousand men appointed to guard the past. The least that the most timid of us can do is not to add to the immense deadweight that nature drags along.

In matters like these, Mr. President, the legislative process, in general, and the Congress of the United States, in particular, has a special obligation not to add any longer to the deadweight of retrenchment, obstinacy, and inaction. Now, more than ever before, spirits are ready, and the time is right for progress.

Mr. President, in the same sense that history has a claim on the 85th Congress, I am convinced that the 85th Congress may have a claim on history. We have an excellent chance, if we will seize it, to pass the first meaningful civil-rights legislation in 80 years.

I want to say that I am convinced that we shall. I am convinced that this Congress, despite the debate which will take place, and despite the honest differences of opinion, will adopt meaningful civil-rights legislation. I have enough faith in the wisdom, reasonableness, and sheer Americanism of my colleagues to hold high hope for legislation in 1957 to safeguard the dignity and promote the security of all of our fellow citizens.

Mr. POTTER. Mr. President, I yield 5 minutes to the senior Senator from Connecticut [Mr. BUSH].

Mr. BUSH. Mr. President, the long awaited moment has come. We face today a vote in the Senate on a civil-rights bill. It is an historic moment because, for the first time in 80 years, the Senate appears ready to take a modest step forward to correct an injustice to millions of our fellow Americans.

Yet, the moment is sadly disappointing to this Senator from Connecticut for three reasons:

First. The elimination of part III of the bill deprived it of much of its character. The decision to delete part III simply denies the fact that there are other civil rights in need of protection in addition to the right to vote. Or perhaps one should say that it denies effective enforcement to these other rights which have been so fully described in the debate and in the record of the hearings.

Second. The jury-trial amendment is a disappointment of serious proportions. This amendment deprives the Federal district judge who seeks to protect the right to vote of sufficient power to enforce an order. It is a blow to the prestige and honor of the judiciary. Without depriving a judge of his right, or his duty, to issue an order or injunction, it leaves him stranded and helpless if the order is disobeyed with willful intent. The amendment paves the way for open defiance of the courts. It cannot help but weaken respect for law and order.

I have felt that the injunction process is a sound one for the civil actions contemplated by this civil-rights bill, but without sufficient means to enforce an order, a judge may hesitate to issue it, and thus the bill will be self-defeating.

Mr. President, I regret the adoption of the jury-trial amendment, especially for the reason that it disarms the Federal judiciary and thus belittles and offends that important coordinate branch of our Government. The jury-trial amendment is like telling a man to fight with one hand tied behind his back.

Third, Mr. President, I especially oppose the jury-trial amendment for the reason that it goes far beyond the purpose of the civil-rights bill and may have profound and disastrous effects upon other acts of Congress far removed in substance from civil rights. The bill before us is no place for such sweeping legislation. I supported the Lausche and Javits amendments which sought to confine the jury-trial amendment to this civil rights bill. They were howled down with less than adequate consideration. I regret that we did not have a yea-and-nay record vote upon them.

So here we are, Mr. President. I shall vote for the bill as amended only because it is better than no bill at all, and because I hope the bill will go to conference, and that the House conferees will be able to eliminate the jury-trial amendment, and will improve the bill in other respects, as well. I trust this is not too much to hope.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, an editorial published on August 6 in the Hartford Courant.

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

SHOWDOWN ON CIVIL RIGHTS IS AT HAND

A final vote on the civil-rights bill is expected in the Senate tomorrow. It is entirely possible if the provision calling for jury trials in contempt cases is not softened, the entire thing will be vetoed by President Eisenhower. Contempt proceedings are an inherent part of our jurisprudence. Stemming from the common-law theory that every superior court has a right to find individuals in contempt without a trial by jury, this principle has threaded its way through a great deal of Federal law. As the civil-rights bill now stands the broad provision for trial by jury will undo more than it will do.

Reports are that the President has really got his dander up now and is bitterly disappointed at the bill that is being considered by the Senate. Actually, if the President vetoes the measure as he seems likely to do if it is not revised, he will be doing exactly what some southern representatives want.

However the measure still has a long way to go even if the Senate insists on passage as is. After that the House will choose from three alternatives. It may accept or reject the bill as it stands. It may vote to amend it in which case it will go back to the Senate. Or it may vote to send it to a joint Senate-House conference to iron out disagreements and to produce a compromise.

But even at this stage of the game the leaders of both parties are doing their utmost to get as much profit from the situation as they can. Democrats, unmindful of the way the original bill was watered down, are now

speaking of the diluted measure as a great step forward and that any veto of the measure would be unwise. Senator JOSEPH C. O'MAHONEY, unmindful of the sordid spectacle presented by his southern colleagues now sees our position as world leader done irreparable damage if "civil rights be sacrificed as a burnt offering on the altar of narrow partisanship." Page Senator EASTLAND.

Senator HUBERT HUMPHREY echoes this when he says "civil rights is not dead. It can be killed only by Republicans." But Congressman JOE MARTIN says it is dead and that it was murdered by too much compromise. It is doubtful if very many Negroes are being kidded by the political smokescreen now being sent up. The Republican Party sought and worked for a strong civil-rights bill. Faced with a situation that could have been just a little short of open rebellion by southern Democrats the Republicans have sought for a reasonable compromise. To say now that the Republicans killed civil rights by refusal to accept the diluted version is nothing but political bilge. The chances are the bill will be amended to include only the right to vote and that a small step forward shall be taken.

Mr. BUSH. Mr. President, the editorial states in part that the distinguished Senator from Minnesota [Mr. HUMPHREY], who spoke a few minutes ago, made the following statement:

Civil rights is not dead. It can be killed only by Republicans.

Mr. President, I think that is an amazing statement. In the last vote taken on the civil-rights bill—it was the vote on the question of adopting the jury-trial amendment—four times as many Republican Senators as Democratic Senators voted against the amendment. Furthermore, I submit that the Republican Party demonstrated, in its 1956 platform, that the Republicans strongly favor a civil-rights program that is meaningful and important.

The PRESIDING OFFICER (Mr. SCOTT in the chair). The time yielded to the Senator from Connecticut has expired.

Mr. BUSH. Mr. President, I should like to have 1 additional minute.

Mr. POTTER. Mr. President, I yield 1 additional minute to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 1 additional minute.

Mr. BUSH. Mr. President, I submit that at the time the Republican platform was adopted, in 1956, the Democratic platform contained a weak and meaningless plank regarding civil rights—one which was a disappointment to all the friends of civil rights.

So, Mr. President, in differing with my good and distinguished friend, the Senator from Minnesota, whom I have quoted, I say that, far from being killed by Republicans, the civil-rights issue has been made principally by the Republicans, and can be saved only by the Republicans. I hope it will turn out in that way.

Mr. President, I yield the floor.

Mr. POTTER. Mr. President, I yield 1 minute to the distinguished Senator from West Virginia [Mr. REVERCOMB].

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 1 minute.

Mr. REVERCOMB. Mr. President, I desire to have printed in the body of the RECORD an editorial which was published in the Charleston Daily Mail, of Charleston, W. Va., on Sunday, August 4, 1957. The editorial is so temperate, so well reasoned, and so fair in commenting upon those who have strongly advocated the enactment of a civil-rights bill, that I believe it should be printed in the CONGRESSIONAL RECORD. Accordingly, I ask unanimous consent that it may be printed in the body of the RECORD.

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

THE SENATE CHARTS A COURSE BETWEEN TOTAL COMPULSION AND MASSIVE CIVIL RESISTANCE

Practically everybody, including Senator RUSSELL, says he is for the right to vote. It would be pretty difficult to hold otherwise in a nation which makes no legal distinctions among its citizens and looks upon all of them as equal with the vote as the least common denominator of this equality.

And yet there is no denying that, while this is what the book says as a matter of democratic principle, it is not universally the practice. There are many areas, notably in the South, where a man who may be called upon to defend his country and pay its taxes is denied by various stratagems the right to participate in its elections.

This is so clearly unjust (not to say hypocritical) that it must be wondered how we can debate so long over the details of a problem whose answer we are so nearly agreed upon. And there, of course, is the difficulty. For it is the "how to" which occasions all the resistance and all the fears.

One way is to call out the Federal troops and assert the full sovereignty of the Federal Government in the enforcement of its laws. This remains as a theoretical possibility, but it is to the Senate's credit that once Senator RUSSELL had spelled out its implications it agreed almost unanimously that this sort of citizenship by martial law at the point of a bayonet is not what the Nation wants.

This being the case, there is only one other way. It is by law—a particular law which will give effective meaning to the sentiments and principles we profess. It must be, furthermore, a law which so nearly conforms to the commonsense of what is just and proper that it can be enforced. Such a law must rely almost equally upon the courts and public opinion for its effectiveness.

What the Senate has put together laboriously along this line can now be examined. It has strengthened the arm of the Federal Government for the enforcement of the right to vote. And then, to safeguard against the abuse of this power, it has extended the right of a jury trial to the defendant in a case of criminal contempt. That is to say that the man who pursues his contempt of the court's order past the point where he cannot right the wrong done cannot be punished further without a jury determination of the facts in his case.

This is a compromise, and like all compromises is unsatisfactory to the more extreme partisans on both sides. It is not to be discounted on that alone. First of all, this compromise is the fruit of an earnest, open, and enlightening debate—a debate in the highest traditions of senatorial determination.

Secondly, it conforms to a long-established liberal principle that the police powers of the State should not be greatly enlarged without a corresponding increase in the safeguards against their arbitrary use.

And thirdly, it represents an advance which a determined minority in the South is willing to live with and presumably to abide by. The suspicion that it is relying on trial by jury to save it from any real compliance with the purpose of the law may be well founded. The fact remains that the risks of defying it have been measurably increased.

Whether the House of Representatives will concur in this remains to be seen. In the lower Chamber the South is even less a minority than it is in the Senate and cannot take refuge in the filibuster. Until that is determined, the Senate bill has at least one merit: It is a formula for orderly change which avoids both the dangers of total compulsion and massive resistance.

There may yet be a better way to effect a national understanding on this troubled point, but this is better than nothing.

Mr. STENNIS. Mr. President, I yield 20 minutes to the Senator from Virginia [Mr. ROBERTSON].

The PRESIDING OFFICER. The Senator from Virginia is recognized for 20 minutes.

THE RIGHTS BILL STILL IS WRONG

Mr. ROBERTSON. Mr. President, on June 6, before H. R. 6127 had been passed by the House, I stated on this floor my concern that:

Under the mocking label of civil rights the President and his chief law-enforcement officer, the Attorney General, are pressing upon the Congress legislation which would undermine our constitutional liberty and restrict rights which have been cherished since colonial days.

On that occasion, I said that I considered legislation of this type ill-considered, inadvisable, and unnecessary; but I sought to focus attention particularly on the proposed provisions which would deny trial by jury in contempt cases.

I said trial by jury never was intended as a quick and easy way to obtain convictions; that trial by ordeal or by torture would be much more effective from that standpoint; that trial by jury was a bulwark of constitutional liberty, revered throughout the history of the English speaking people; and I warned that H. R. 6127 contemplated, as a Washington Star editorial had accurately stated, "a radical and even dangerous projection of the Federal judicial power."

On June 24, the Senate voted to take out of the pending bill most of part III, which would have reactivated the punitive legislation aimed at the South shortly after the War Between the States, and would have given the Attorney General additional authority to nullify State laws and to evade by legal trickery the right of his selected victims to a jury trial.

As was brought out in the debate on part III, the powers which would have been granted could, and undoubtedly would, have been used to speed up integration in public schools and to wipe out lines of racial distinction generally. Although the President disclaimed any intention of using his statutory power to call out the Armed Forces and militia to enforce this social-reform program, that power existed until the Senate amended the bill.

With part III eliminated, the bill came much closer to being what the President had said he thought it was—a measure dealing with voting rights. Part IV, which dealt with voting rights, still included, however, the device to get around jury trials by shifting action from the

field of law to that of equity and by making the United States a party to suits which were for the benefit of individuals.

Therefore, on June 25, I spoke again on this floor, explaining why I thought it would be more appropriate to call H. R. 6127 the anti-civil-rights bill, instead of saying it was a civil-rights bill, and enlarging on my previous discussion of the importance of the right of trial by jury.

My purpose in that speech was to prove that the Congress should not pass a bill which would constrict the right of any accused man to be tried by his peers on issues of fact.

The more I studied the bill, the more convinced I was that the changes it proposed to make in our legal system were not only inadvisable, but also were unconstitutional.

So, on August 1, I made one more brief speech on this floor, citing my reasons for believing that it was unconstitutional to do by indirection what could not be done directly—that is, to take away the rights granted by Article III of the Constitution and the 6th and 7th amendments to a trial by jury and to nullify the 10th amendment which reserves to the States and the people all powers not delegated by the Constitution to the Federal Government.

I was happy when the Senate voted that night, by a substantial majority, to place in the bill a guaranty of jury trials to defendants in contempt proceedings when criminal penalties are involved, but Mr. President, even with this amendment and other lesser changes which were made, H. R. 6127 does not appear to me to be desirable legislation.

Therefore, I must repeat now the statement I made here on June 6, that I consider it undesirable and unnecessary. I shall outline my reasons for that conviction only briefly. My purpose is not to delay final action by the Senate, but simply to get on the record an outline of the features of the bill which I must emphatically disapprove.

To begin with part I, I oppose the establishment of a commission on civil rights which will be political in nature and disruptive in its effect.

I know the bill provides that in appointing this Commission the President is allowed to name no more than half of its members from the same political party, but everyone knows that when the political football called civil rights is being kicked around the players on each side cannot always be distinguished by their Democratic or Republican uniforms. The votes we have had on amendments to the bill clearly illustrate that fact.

Politics can be played, therefore, by stacking the Commission with persons most likely to be subject to pressure from organized groups like the NAACP, and giving no representation to that section of the country where the problems supposed to be studied are most acute. Hearings and reports can then be manipulated with an eye on minority blocs of votes in pivotal States. If this works out to the advantage of members of the President's party, that is pure gain. And if in some instances individual members of the opposite party find the Commission helpful, that still might be useful to administration leaders who have watched hopefully for a serious split in Democratic ranks which they thought might be provoked by debate on this issue.

The Congress has all the investigatory commitees and all the powers required if a new study of civil-rights problems is indeed needed, in spite of all the past studies on that subject and the extensive hearings which have been held over the years on civil-rights bills. From an economy standpoint alone, the setting up of this new Commission is unjustified, and considering its possible abuse by pressure groups, it is doubly undesirable.

Coming then to part II, the bill provides for an additional Assistant Attorney General, who, according to testimony given at hearings on the bill, will head an expanded civil-rights division. That is merely an invitation for the Justice Department to expand bureaucracy and to waste money. While the bill does not specifically authorize additional employment other than of this one official, the new Assistant Attorney General will want a staff to justify his position, and I predict that if this bill becomes law the Congress will be asked to approve employment of hundreds of additional FBI agents to investigate thousands of trivial or groundless complaints and hundreds of high priced lawyers to prepare cases against citizens, who will have to stand the cost of defending themselves against the might of the Federal Government, which will be on the side of soreheads and crackpots.

I may add at this point it is a well known fact that the bill, as it now stands, gives Congress the unlimited power to appropriate as much for this new commission and for the new agency in the Department of Justice as Congress sees fit to appropriate. There is no limit. When the Attorney General was on the stand—I forget whether on the House or the Senate side—and he was asked how many new employees he wanted under the new special assistant, he declined to specify.

In making the statement that a lot of money could be spent uselessly, I am not indulging in fancy, but have in mind statistics which may be found in the hearings earlier this year on H. R. 6127.

The chairman of the House Judiciary Committee, a leading advocate of the bill, had inserted in the hearings, on the other side of the Capitol, a report which had been prepared by former Attorney General, and now Supreme Court Justice, Clark in 1949, covering work of the Civil Rights Section of the Justice Department.

The report showed that complaints received by the Department ranged from 8,000 in 1940, the year after the Division was established, up to 20,000 in the 1944 fiscal year. Complete information was not given on the handling of these civil-rights complaints, but for the years in which data on disposition was given the implications are significant.

In 1946, for example, there were 7,229 complaints, of which the Justice Department found only 152 worthy of investigation. These investigations led to 15 prosecutions, but the Government obtained only 5 convictions.

In 1947 there were 13,000 complaints, 241 investigations, 12 prosecutions, and 4 convictions.

In 1948 there were 14,500 complaints, 300 investigations, and 20 prosecutions, results of which were not reported in the 1949 summary.

Quite understandably, when the other body of Congress was debating the pending bill a speaker referring to these statistics suggested that they indicated establishment of a world's record for the filing of groundless complaints.

Very properly, in our Senate committee hearings a question was raised as to the later record of the Justice Department in handling civil-rights complaints, and the Attorney General was asked for statistics brought up to date as to the number of complaints received and disposition made of them, including the number of indictments and convictions.

To this committee request the Deputy Attorney General responded with the statement that "records of the Department of Justice do not give us sufficient basis to furnish the statistical data requested." The letter of refusal added that the task of obtaining the information requested would be too great to permit completion in time to include it in the record of the hearings and "we doubt that the results which could be obtained would be of sufficient reliability to justify the time and expense."

Mr. President, if the Department of Justice does not consider it worth the time and expense to find out for its own information, to say nothing of the Congress, how many civil-rights complaints it is receiving and what proportion of them are worthy of any attention, I say we are inviting a waste of Federal funds to authorize expansion of this division.

The wide publicity given to the pending bill, and the added authority which it would give the Attorney General to intervene in cases allegedly involving the right to vote, will stimulate more complaints. With the latest available statistics showing a conviction record of less than 1 to each 3,000 complaints, and the Justice Department unable to show any recent improvement in that ratio, the outlook if H. R. 6127 becomes law is highly discouraging to anyone who believes, as I do, in the necessity for promoting economy in government.

My major objections to the bill, however, now that part III has been virtually eliminated, are centered in part IV. This is the part on which sponsors of the bill have sought to center attention, dealing with voting rights. Even as it has been amended, this part, in my judgment, is contrary to the spirit of our system of government, if it is not literally unconstitutional.

I say that because: First, it strikes beyond officials acts and seeks to reach individuals; second, it improperly delegates to the Attorney General authority to pick and choose in deciding whether or not to prosecute and thereby violates the equal protection provision of the Constitution; third, it permits bypassing of administrative remedies and nullification

of State laws in violation of the 10th amendment.

Section 131 of the amended bill says in paragraph (b):

> No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote.

By that provision, the bill seeks to extend the power of the Federal Government to protect voting rights beyond infringement by State laws, forbidden by the 14th and 15th amendments, and beyond the action of officers and employees who are carrying out the policies of the State. The bill authorizes action against an individual acting solely as an individual to deny rights to another individual.

The 14th amendment says, "No State shall make or enforce any law which shall abridge the privileges," and so forth and the 15th amendment says, "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude."

In the Slaughterhouse cases, from which I quoted in my previous speeches on this floor, and in numerous other cases, which have never been overturned, the Supreme Court has held that these amendments, as their wording indicates, apply only to official, and not to individual, actions.

If the Attorney General can intervene whenever one individual claims another individual has interfered, or even (as proposed in this bill) is believed to be about to interfere with another individual's right to vote, what becomes of the authority of the States to handle such matters and what is left of the reserve powers of the States to deal with matters not delegated to the Federal Government by the Constitution? This one provision is a denial of the whole theory of a division of powers on which our Government was founded.

The proposed grant of power to the Attorney General to intervene in types of cases which have not been under jurisdiction of the Federal Government is aggravated, as I have indicated, by permitting him to intervene when there are reasonable grounds, and he is the one who decides whether the grounds are reasonable, to believe that any person is about to engage in any act or practice which is prohibited. Furthermore, although he is dealing with a dispute between two individuals, he may institute his action in the name of the United States, and the United States is made liable for the cost of the prosecution, but not for the cost of the defense.

Here also my second point of objection is involved. The bill says the Attorney General may institute proceedings. Whether he does this in one or a thousand cases is up to him, and to him alone. If a complaint is made and a politically minded Attorney General should decide it is best for his own party not to stir up controversy in that locality, he can ignore the complaint. On the other hand, if a complaint comes from a sensitive area where a widely publicized prosecution of an election official or of an opposition party leader might affect the outcome of future voting, the Attorney General can step in with the full resources of the Federal Government behind him.

Obviously, the delegation of such discretionary authority even to the most honest and conscientious official sets a bad precedent, and it also seems clear to me that this delegation is unconstitutional, and should be so held by the courts if it is tested, because it may mean violation of the cardinal principle of equality before the law.

The proposed injunction procedure is cumbersome and can be used only in a limited number of cases, unless there is a proliferation of assistants to the Attorney General. Those who catch the eye of this official will have the support of the Federal Government behind them, while others who suffer a denial of voting rights but who do not catch his eye will have to prosecute their claims through established legal instrumentalities in the States before coming to the Federal courts. How can any such system be squared with the test of equal justice before the law?

Finally, in paragraph (d) of section 131 of this bill we find the provision that district courts of the United States shall have jurisdiction "without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law."

That simply pitches State laws and regulations governing voting out of the window, despite the fact that the Constitution leaves voting qualifications to the States.

The doctrine of the exhaustion of administrative remedies not only is reasonable from a practical standpoint but it also is important to the preservation of the balance of power between Federal and State Governments. If all complaints about voting in elections where Federal officials are involved, including primaries as well as general elections, can be taken directly into the Federal courts, State jurisdiction will wither on the vine. The State authority will suffer not only from lack of use, but also will lose repute because of the inference that can be drawn that Federal action was necessary because the State would not act.

To illustrate: Last week there was published in the press and reprinted in the CONGRESSIONAL RECORD an interview with the head of NAACP in Virginia in which he said complaints about voting rights in my State had been cleared up promptly by telephone calls to individual registrars or the State board of elections.

If we really are interested in the protection of voting rights, is it not better to encourage that type of procedure rather than to encourage formal proceedings in a Federal court? But, if the injunction procedure is made easy, with no expense to the individual complainant, and with plenty of opportunity for publicity to those involved, there will be constant temptation to use this method even where administrative remedies are both available and effective.

I believe as firmly as any Member of this body in the importance of protecting the voting rights of all persons who are qualified to vote. I believe, however, that the States should continue to determine the qualifications of voters, as the Constitution specifies, and that if the State fixes the qualifications the State should have the first opportunity to enforce its provisions.

I believe we have all the laws already on the statute books which are needed for Federal supervision of the limited area in which the Central Government is supposed to deal with voting rights.

I believe passage of H. R. 6127 will introduce dangerous elements into our legislative system and will serve no useful purpose.

Therefore, I shall vote against the bill.

Mr. President, I yield back the remainder of my time.

Mr. STENNIS. Mr. President, I yield 20 minutes to my colleague, the Senator from Mississippi [Mr. EASTLAND].

NOTICE OF CONSIDERATION OF TREATIES ON THURSDAY—LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, will the Senator yield to me before he makes his statement?

Mr. EASTLAND. I yield.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that I be permitted to make a brief statement without the time being charged to either side, and that the Senator from Mississippi be permitted to yield to me without losing the floor.

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

Mr. JOHNSON of Texas. Mr. President, I should like to announce that, if it is agreeable with the minority leader, we shall take up the treaties tomorrow in executive session and have a yea and nay vote on each of some 6 or 7 treaties. I had previously announced that when we concluded action on the pending bill we would proceed to the consideration of the executive calendar and the treaties on it. I had thought that perhaps would be Friday. I should like all Senators to be on notice that we will take a vote on the bill around 8 o'clock this evening, or earlier if time is yielded back. I think all Senators should be on notice that we may have a vote any time from 6 o'clock on, and that tomorrow we will call up the treaties, unless the minority leader, who is not present in the Chamber at this time, disagrees.

I should like also to inform the Senate that it is likely we shall proceed to the consideration of Calendar No. 471, H. R. 4602, the veterans' housing bill; Calendar No. 615, S. 1908, the District of Columbia Hospital Center Act; Calendar No. 620, S. 2520, to amend section 31 of the Securities Exchange Act of 1934; Calendar No. 626, H. R. 3775, to amend section 20b of the Interstate Commerce Act in order to require the Interstate Commerce Commission to consider, in stock modification plans, the assets of controlled or controlling stockholders, and for other purposes; Calendar No.

629, Senate Resolution 15, to express the sense of the Senate on the establishment of the United Nations force; Calendar No. 635, H. R. 7813, to organize and microfilm the papers of Presidents of the United States in the collections of the Library of Congress; Calendar No. 707, S. 1411, to amend the act of August 26, 1950, relating to the suspension of employment of civilian personnel of the United States in the interest of national security; and Calendar No. 725, S. 1384, to revise the definition of contract carrier by motor vehicle as set forth in section 203 (a) (15) of the Interstate Commerce Act, and for other purposes.

I should like to have the minority attachés take notice of these additional calendar numbers we should like to have considered: Calendar No. 340, S. 377, to establish the finality of contracts between the Government and common carriers of passengers and freight subject to the Interstate Commerce Act; Calendar No. 488, S. 1730, to implement a treaty and agreement with the Republic of Panama, and for other purposes; Calendar No. 576, S. 1386, to authorize the Interstate Commerce Commission to prescribe rules, standards, and instructions for the installation, inspection, maintenance, and repair of power on train brakes; Calendar No. 438, S. 1873, to amend section 401 (e) of the Civil Aeronautics Act of 1938 in order to authorize permanent certification for certain air carriers operating between the United States and Alaska.

As I have previously announced, I expect to get clearance shortly on the TVA bill, Calendar No. 584, S. 1869, and certainly we want to bring the Niagara power bill before the Senate soon.

I think, generally speaking, every bill which is on the calendar will be considered for possible action by the Senate before we conclude our deliberations. No one can estimate how long the Senate will be in session until we know more about what action the other body is going to take. However, if we want a right-to-vote bill this year I think we can obtain one. If we want to play politics and have an issue, I think we can do that, also.

What happens will depend largely on the other body. Until matters are cleared up there and until they give us their views, recommendations, and suggestions no one can tell about adjournment. However, I am hoping we will be able to get away from Washington the latter part of this month. I will work to that end.

Several Senators rose.

Mr. JOHNSON of Texas. Mr. President, I shall yield to the Senator from Arizona [Mr. GOLDWATER] and the Senator from Virginia [Mr. ROBERTSON] and any other Senator who desires to have me do so.

Mr. GOLDWATER. Mr. President, I should like to ask the majority leader what his plans are for Saturday.

Mr. JOHNSON of Texas. We have made no definite plans yet. I will try to announce tomorrow whether we will have a Saturday session. I hope the bills I have announced for consideration will be noncontroversial. I do not think they will require yea-and-nay votes, but we will have 6 or 7 yea-and-nay votes on the treaties.

The minority leader is very anxious to proceed to consider some executive nominations. I want to talk to the minority leader about that. Perhaps he will want the Senate to stay in session this week to do that. I want to accommodate myself to his pleasure.

I yield now to the Senator from Virginia.

Mr. ROBERTSON. Is it the plan to consider first tomorrow the appropriation bill for public works?

Mr. JOHNSON of Texas. No; we have not scheduled that bill for consideration as yet. I will make an announcement about it later. I have not been able to talk to the chairman of the subcommittee or the minority leader about it, but I should like all Senators to be on notice that the appropriation bills take high priority and that perhaps we will call the Public Works Appropriation bill (Calendar No. 625, H. R. 8099) up tomorrow.

I yield now to the acting minority leader.

Mr. JAVITS. Mr. President, I wish to express my appreciation—and I know I speak also for my senior colleague from New York—to the Senator from Texas for evidencing how uppermost in his mind is the Niagara power bill. I thank the Senator.

Mr. JOHNSON of Texas. I appreciate the Senator's interest. I do not know when we will reach the Niagara power bill, because I did not know this morning when we would get through with the bill under consideration. I do know we will get to the Niagara bill soon. If my suggestions are carried out, I will make a motion to proceed to its consideration. Since such a good job has been done on the bill in the committee, and since a great deal of interest has been evidenced on both sides of the aisle, I hope we can take favorable action on it. I have received a request from some Democratic members to have conferences in connection with certain amendments they desire to offer to the bill, and I have assured them I will give them a chance to have the conferences, but in no event would I delay the bill more than a day or two because of them.

Mr. JAVITS. I thank the Senator.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

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

S. 42. An act to provide for the construction by the Secretary of the Interior of the San Angelo Federal reclamation project, Texas, and for other purposes;

S. 294. An act for the relief of Mrs. Marion Huggins;

S. 469. An act to authorize the United States to defray the cost of assisting the Klamath Tribe of Indians to prepare for termination of Federal supervision, to defer sales of tribal property, and for other purposes;

S. 591. An act for the relief of Seol Bong Ryu;

S. 651. An act for the relief of Sister Clementine (Ilona Molnar);

S. 669. An act for the relief of Mrs. Antonietta Giorgio and her children, Antonio Giorgio and Menotti Giorgio;

S. 811. An act for the relief of Fannie Alexander Gast;

S. 876. An act for the relief of Katharina Theresia Beuving Keyzer;

S. 1053. An act for the relief of Poppy Catherine Hayakawa Merritt;

S. 1071. An act for the relief of David Mark Sterling;

S. 1102. An act for the relief of Adolfo Camillo Scopone;

S. 1240. An act for the relief of Panagiotis Tulios;

S. 1309. An act for the relief of Susanne Burka;

S. 1311. An act for the relief of Maria Gradi;

S. 1353. An act for the relief of Ayako Yoshida;

S. 1363. An act for the relief of Vassilios Kostikos;

S. 1397. An act for the relief of Angeline Mastro Mone (Angelina Mastroianni);

S. 1452. An act for the relief of Francesca Maria Arria;

S. 1472. An act for the relief of Triantafilia Antul;

S. 1489. An act to amend title 14, United States Code, entitled "Coast Guard" with respect to warrant officers' rank or retirement, and for other purposes;

S. 1502. An act for the relief of Erika Otto;

S. 1508. An act for the relief of Salvatore LaTerra;

S. 1509. An act for the relief of Fumiko Bigelow;

S. 1774. An act for the relief of Yee Suey Nong; and

S. 2027. An act for the relief of Vendelin Kalenda.

CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. EASTLAND. Mr. President, the purpose of the bill in the beginning was to bring about Reconstruction Era No. 2 in the South. There has evolved in the Southern States a system which is satisfactory, which is supported, and which is believed in by the vast majority of the people of both races. It is a system based upon justice and righteousness for both races. The belief of both races that each should be free to work out its own destiny, have its own recreation facilities, its own churches, and its own schools, and that under such a system each race could develop its own culture and could progress much faster, and in a more satisfactory manner, was under attack in the pending bill.

I do not believe that anyone can deny the fact that members of the colored race in the South have more rights than they have in any other area of the country. I know that we have more peace and harmony in the South than prevails in any other area of the United States. We have less racial friction, less tension, because both races realize that when they must live together, they must get along, and that the proper system is for the races to live apart. There is absolute economic equality; and the fact that they live separately is not a badge of inferiority or superiority for either race.

Mr. President, I desire to make these statements to preface my remarks in opposition to the bill.

I oppose the bill, H. R. 6127, as amended by the Senate. This bill is still much like others which have passed this way before. It is classed as a civil-rights bill, as they were classed as civil-rights bills, primarily because they were directly aimed at the relationships between peoples in the South. The phrase "civil rights" is not a word of art and not easily definable. It is a rather nebulous phrase used as a nameplate for this type of proposal. This bill, like its predecessors, basically contains the same thinking. All of these bills have certain things in common, and I think that an enumeration of the common denominators running throughout all of the bills would start us toward understanding the basic division between those of us who oppose this bill and those who support it.

These bills:

First. Attempt to regulate social relationships between people;

Second. Place authority to regulate and punish in the Federal Government;

Third. Specifically circumscribe the State's power and duty to punish and regulate in this field;

Fourth. Circumvent the provisions of the Constitution preserving States' rights;

Fifth. Are keyed to minority voting blocs in northern cities, for to control the minority is to control the city, in many cases the State, and by controlling a few key States, control the national election;

Sixth. Are steeped in politics between parties, and even within parties;

Seventh. Seek to discredit State and local governments;

Eighth. Centralize power in the Federal Government;

Ninth. Seek to create love, respect and cooperation and other emotional intangibles by legislative fiat; and

Tenth. Seek to preempt the field of civil rights through the enactment of Federal legislation so that State action will thereby be precluded.

These points should be known by every American and understood by him, for this bill will not satisfy the insatiable thirst of those who yearn for a civil rights program which will change the entire structure of our Government. This bill is but a part of a system of bills, which are essentially vehicles to usurp State and local functions and transfer them to the Federal Government. They constitute an attempt to reduce the State and its political subdivisions to mere geographical entities. Those who initiate these bills desire complete dominance of Federal authority to the point of exclusion of State authority. They seek to break down State lines and State authorities. I do not see how any other conclusion can fairly be drawn from the repeated submission of such bills.

In this connection, I remember so well that only a few Congresses ago we were confronted with a bill which was being sold to the American people on the basis that it would prevent lynchings. Today, the present Attorney General of the United States is in the position of having said before the Congress of the United States that he thinks that measure should have been submitted as a constitutional amendment—in other words, as a legislative enactment, the Attorney General says, it was unconstitutional. Those of us who opposed that bill at that time were accused of being obstructionists, racists, and any other epithet that quickly came to mind. I find it somewhat ironic that now, some 10 years later, we have an admission of record that what was there proposed was unconstitutional.

Who of us here today can say that in another 10 years, when the political situation is different and the animosities which have been promoted have subsided, another Attorney General may not come before the Congress and suggest that this bill is unconstitutional?

Mr. President, as I see it, we are reaching the last bastion in the road of centralized government. If the States give up, or lose control over their local affairs, and become archaic and obsolete appendages to the body politic, this Nation will wither and die. We have recently witnessed two assaults on State authority, not emanating from the Congress but from the Supreme Court, and which proceed in the very direction I have outlined. I am referring, of course, to the restrictive-covenant case, Shelley against Kramer, and the school-segregation case, Brown against Board of Education. The first strikes at the power of individuals to contract with each other on personal affairs. The second is the beginning of assumption by the Federal Government of control over the education of our children.

If State authority is undermined by eroding influences of Federal pressure, a governmental vacuum will surely be created which will be filled by the only other entity in existence capable of filling that vacuum, namely, the Central, or Federal, Government. Gone will be our natural restraints, our checks, our balances; and the single dominant power remaining—the Federal power—will then be subjected to the blandishments of demagogs and others who seek to stampede judgment.

In a government of checks and balances, with divisions of power between State and Federal Governments, such a technique cannot flourish. In a centralized government, particularly in times of hunger and economic distress, fear and fright are rampant and the centralization of government is explosively dangerous.

Right here, Mr. President, I think that I should emphasize one fundamental tenet which has been missing throughout this debate, namely, that the improvement in the relationships, socially, economically, religiously, racially, and otherwise, between various groups in this country, including the South, has been the most remarkable in the history of civilized man.

Mr. President, it has been nearly a month since a few of us first sought to bring the many faults of this bill to the attention of the Senate. After much discussion and many days of debate, some of the major inequities in the bill have been eliminated or, at least, partially corrected. Others remain, and it is my purpose today to focus attention on those faulty aspects of the bill which remain unchanged.

Little attention, thus far, has been given to the Commission created by this bill. Yet, the possibilities for interference, for abuse, and for positive harm, lie dormant within this Commission awaiting only the guidance of a politically motivated chairman or a politically motivated staff director to give them vitality.

H. R. 6127 establishes a Commission in the executive branch of government to perform studies and investigations relating to the right to vote and the equal protection of the laws. Before proceeding to discuss the manner in which this Commission may interfere in State and local affairs, I desire to point out that the duties of this Commission are within the existing authority of the Standing Committees of the House and Senate. Under Senate rule XXV, the Committee on the Judiciary has jurisdiction of civil liberties. There is a similar delegation of authority in rule XI of the rules of the House of Representatives for the House Committee on the Judiciary. In addition, section 134 (a) of the Legislative Reorganization Act gives each standing committee of the Senate, including any subcommittee, authority to hold hearings, to subpena witnesses and documents, and to take testimony. Civil rights, as referred to within this bill, is clearly encompassed by the broader term "civil liberties" and is therefore a matter within the jurisdiction of the two Committees on the Judiciary of the Congress. There can be little question, therefore, that what this bill really seeks to accomplish is a further delegation by the Congress of its authority to the executive branch of Government, for H. R. 6127 specifically places the Commission within the executive branch.

This is but the most recent in a series of proposals by which the Congress is asked to delegate its authority to an agency of the executive branch of the Government. To my mind, however, it is one of the most indefensible instances, for several reasons. First of all, there is no contention that the existing committees of the Congress are incapable of conducting any proposed study in these fields. Someone suggested that to delegate this authority to a commission would result in removing the object of the investigation from political influences, but I would not be so naive. This subject has been the target of so much political maneuvering that a bill of divorcement in my judgment could not be granted merely by transferring it to a commission. There is no magic in commissions. There is additional cost to the Government in them, however, and this is another reason why I cannot support this proposal. There must be a staff, the director of which is to receive $22,500 annually. There will be expenses for the Commissioners, travel expenses, hearing expenses, and per diem expenses. There will be witness fees and expenses. And, I would add this thought: No one has yet submitted a reasoned estimate of the cost of the Commission, although if I recall correctly, the Republican conference adopted a resolution requiring submission of

a cost estimate on each bill before passage.

Placing the Commission within the executive branch has advantages insofar as the Attorney General is concerned, for under this bill the Commission is authorized to conduct hearings, issue subpenas, and act at such time and places as the Commission may deem advisable for the purpose of carrying out the provisions of this act. Of course the main purpose of the bill is to harass and hound and attempt to intimidate the southern people.

The language to which I have referred appears in subsection (f) of section 105 at pages 7 and 8 of the bill. The Attorney General has no such authority. Note that the Commission is not to hold hearings solely for the purpose of carrying out the duties prescribed by part I of this bill. The Commission may hold hearings for the purpose of carrying out the provisions of this act. The Attorney General, in his testimony before the Senate committee, pointed out that he thought it would be improper for the FBI to investigate complaints involving the violation of the rights which might result in civil actions, and he said that the Commission was, therefore, needed. (Hearings on S. 83, pp. 12–14.) That testimony taken with respect to this provision of the bill, Mr. President, certainly suggests that what the Attorney General contemplates is that the Commission shall be an investigative arm for the Attorney General, gathering evidence in those areas where the bill confers new jurisdiction in the Attorney General.

As I said, it is a "fishing expedition," to harass and oppress the southern people. If I am right in this conclusion—and the bill and the testimony relating to the bill bear out the conclusion—then Senators should not be deluded in thinking that the term of this Commission will be limited to 2 years. I feel certain that, at some time prior to the expiration of 2 years, Congress will be asked again to extend the life of this Commission.

Section 104 sets forth the duties of the Commission. The first line of that section provides that the "Commission shall," and then follows three duties. I want to call particular attention to the fact that this language is mandatory; it is not permissive. Thus, under the first duty, if the Commission is presented with allegations in writing under oath that certain citizens of the United States are being deprived of their right to vote by reason of race, the Commission must, in that event, investigate those allegations. The Commission is required to investigate whenever it receives sworn complaints that certain citizens are being deprived of their right to vote. It is not necessary under the terms of the bill to name the certain citizens. Action is required on the part of the Commission whenever a general allegation is issued that certain citizens are being denied the right to vote. This allegation acts as the trigger mechanism by which the Commission may proceed to inject itself into the disposition of cases by local registrars. I see utterly no reason why a complaint submitted to the Commission should not be compelled to contain the names of those persons who it is alleged are being deprived of the right to vote or the right to have their vote counted. It is no answer to this problem to say that the sworn complaint must set forth the facts upon which the belief is based, for, as we have seen in countless instances in this debate, the facts may be no more than statistics showing that a certain percentage of the alleged voters within a given district register to vote.

It would seem to me that orderly procedure in the conduct of the affairs of the Commission would dictate the necessity for writing into this provision a requirement that the person whose rights have allegedly been denied be specifically named in the complaint.

The Commission also has the duty to study and collect information concerning local developments constituting a denial of equal protection of laws under the Constitution. It is further charged with the duty to appraise the laws and policies of the Federal Government with respect to equal protection of laws under the Constitution. In order to carry out this delegation of authority, H. R. 6127 proposes to confer upon the Commission the power of subpena and, with the aid of the courts, the power to punish for contempts.

Traditionally, the power of subpena has been used primarily by the courts and legislatures. Only in the comparatively recent past has it been available to the members of agencies of the executive branch of the Government. As early as the 16th century English courts were given the power of compulsory process to summon persons to testify concerning any type of cause or matter which was pending in the courts—Act of Elizabeth, chapter 9, section 12, 1562. The judiciary in the United States was first authorized to use the power of subpena by the First Judiciary Act—September 24, 1789, chapter 20, section 30, First Statute, pages 73, 88. Either House of the Congress and the committees of the Senate possess the power of subpena as an incident to their power to investigate in aid of legislation. Various executive departments may exercise the power of subpena, but in each instance this authority was specially conferred by the Congress. Two examples of the general exercise of the subpena power are to be found in the Interstate Commerce Act and the Civil Aeronautics Act. The Interstate Commerce Commission exercises the subpena power pursuant to 24th United States Statutes at Large, page 383, 1887, as amended, 26th United States Statutes at Large, page 743, title 49, United States Code, section 12. The Civil Aeronautics Board exercises the subpena power pursuant to 52d United States Statutes at Large, page 1021, title 49, United States Code, section 644.

While there are instances in which the Congress has granted the right of subpena to executive agents or agencies, certain practices of the executive branch suggest the necessity of having Congress couch the grant of the subpena power with certain safeguards insofar as its own interest is concerned. Many times recently the Presidents have denied to the committees of Congress access to documents within the custody of the executive branch of the Government, even in instances where the Congress attempted to obtain those documents by use of its subpena power.

I repeat, Mr. President, if effect is to be given to the recent decisions of the Supreme Court, be they right or wrong, there is no legislative purpose outlined in the bill, and the provision to which I have referred is in violation of the Constitution of the United States.

While the subpena power may aid in the conduct of the investigation, certainly the Congress does not wish to become a victim of its own creature. The power to subpena witnesses and documents is granted in the proposed legislation, but the Commission is made a part of the executive branch of Government. Consequently, should committees of Congress later desire access to documents and records obtained by the Commission through its power of subpena, the Commission may—unless an appropriate amendment is adopted—refuse to submit such documents, even upon issuance of a subpena by the Congress, by claiming that the papers are confidential or privileged communications within the executive branch of the Government. I do not think that the Congress intends that any documents and papers acquired or used in the investigation shall become executive documents beyond its reach, but this result may very well obtain unless an amendment is adopted to this legislation.

The duties of the Commission relating to "equal protection of laws" are as broad as the desires of the Commission. It is difficult to reconcile this broad delegation to the Commission with the criticism of the delegations of authority by the Congress to its Congressional committees in recent Supreme Court opinions. The Supreme Court was extremely critical of the Congress for what it deemed the lack of particularity in the title of, and expression of, duties of one of its standing committees. I refer, of course, to the Watkins decision handed down by the Court on June 17, 1957, in which the Supreme Court observed as follows:

> The authorizing resolution of the Un-American Activities Committee was adopted in 1938 when a select committee, under the chairmanship of Representative Dies, was created. Several years later, the Committee was made a standing organ of the House with the same mandate. It defines the Committee's authority as follows:
>
> "The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation."
>
> It would be difficult to imagine a less explicit authorizing resolution. Who can define the meaning of "un-American"? What is that single, solitary principle of the form of government as guaranteed by our Consitution"? There is no need to dwell upon the language, however. At one time, perhaps, the resolution might have been read

narrowly to confine the Committee to the subject of propaganda. The events that have transpired in the 15 years before the interrogation of petitioner make such a construction impossible at this date.

The members of the committee have clearly demonstrated that they did not feel themselves restricted in any way to propaganda in the narrow sense of the word. Unquestionably the committee conceived of its task in the grand view of its name. Un-American activities were its target, no matter how or where manifested. Notwithstanding the broad purview of the committee's experience, the House of Representatives repeatedly approved its continuation. Five times it extended the life of the special committee. Then it made the group a standing committee of the House. A year later, the committee's charter was embodied in the Legislative Reorganization Act. On five occasions, at the beginning of sessions of Congress, it has made the authorizing resolution part of the rules of the House. On innumerable occasions, it has passed appropriation bills to allow the committee to continue its efforts.

Later on in the course of the same opinion the Supreme Court said that it was not the function of the Court to prescribe rigid rules for the Congress to follow in drafting resolutions establishing investigating committes, but then the Court went on to point out "that is a matter peculiarly within the realm of the Legislature, and its decisions will be accepted by the courts up to the point where their own duty to enforce the constitutionally protected rights of individuals is effected." I emphasized those last words because it seems evident to me that if the Congress must state with particularity the duties of the investigating committees which it creates, is it not logical to suppose that the Court would exact a similar requirement whenever the Congress creates a commission to investigate and arms that commission with the powers of subpena and contempt? If the Supreme Court thought that the term "un-American" was ambiguous and susceptible to several meanings, what could the Court say when it was confronted with a contempt citation arising out of a study by a congressionally created commission of the "equal protection of laws under the Constitution"? Even the Supreme Court itself has no idea over any extended period of time what the words "equal protection of the laws" mean. In the decision of *Plessy* v. *Ferguson* (163 U. S. 537 1896)), it was construed by the Court to mean separate but equal—and I might add, parenthetically, that that interpretation was followed in a number of subsequent decisions. However, when the matter again came before the Court in the case of *Brown* v. *Board of Education* (347 U. S. 483), the Supreme Court said that the words "equal protection of law" did not mean separate but equal, but meant instead integration.

If the Supreme Court saw the vice of vagueness in the term "un-American" and in the terms "principle of the form of government as guaranteed by our Constitution," how in the world could it find otherwise when presented with the question as to what was meant by "equal protection of the laws" as it has been used in defining the duties of the Commission in H. R. 6127?

A person appearing before a commission, under the authority of the decision of the Supreme Court in the Watkins case, is entitled to clear and unambiguous language in the prescription of the duties of the Commission in order that he may judge adequately the pertinency of the matters put to him by the Commission. Are Senators prepared to say that the words used to describe the duties of this Commission are sufficiently descriptive to give a witness that constitutional protection?

With this background of information on the provisions of the bill relating to the Commission, I want to make another point, namely, that the Commission is another instrument by which the Federal Government seeks to interfere in State and local functions.

The Commission, by its power to compel attendance at its hearings of State and local officials, may call them from their positions and subject them to examination for such periods of time as to interfere with the administration of their office. They may examine into the application by that office of the State laws as well as the Federal laws for they have the broad authority to collect information concerning legal developments constituting a denial of equal protection of the laws.

In addition to this examination of State and local officials by the Commission itself, Commission personnel would be permitted to investigate the operation of the offices of State and local officials under the guise of developing information upon which hearings could be conducted in the area of equal protection of the laws. Records may be placed under subpena for extended periods, without any allegation against the official having been made.

I think the Senate should take a much closer look at the provisions of this bill relating to the Commission to be created. I find no provision in the bill to prevent the Commission from investigating individuals for alleged denial of the right to vote at a time when such persons are under prosecution for violation of existing criminal statutes for the same offense. Nor do I find any prohibition against a similar investigation by the Commission when an individual is defending a civil action for damages brought by the private individual whose rights have allegedly been violated. Nor does the bill prevent an investigation by the Commission at a time when the Attorney General has pending an application for injunctive relief under other provisions of the bill. Since the Commission may study and appraise the equal protection of the laws, it is possible under this bill for the Commission to interrogate in that area while suits by individuals, or prosecution by the Government, are being pressed in the courts. All of this is made possible in this bill under the guise of protecting civil rights. This is not civil rights; it is uncivil persecution. The mere possibility should offend the sensibilities of all those who pride themselves in protecting the innocent. Surely protection in such cases is not to be left to the whimsy of the Commissioners.

During this debate very little attention has ben focused on the provisions of part II, by virtue of which an Assistant Attorney General is provided for in the Department of Justice without any assignment of duties to him or his staff. It has certainly been the contemplation of those who have considered this legislation, however, that the Assistant Attorney General thus provided for would be placed in charge of a Civil Rights Division. No justification of any substance has been made for this increase in the personnel of the Department of Justice. No cost estimate has been given to the Senate by which the Senate could determine the advisability of creating such a division.

At the present time civil-rights complaints are handled by a Civil Rights Section in the Department of Justice composed of seven attorneys and five clerks. It is noteworthy, I think, that although President Truman's Commission on Civil Rights in 1946 advocated the enlargement of this Section, it has neither been increased nor decreased since that time. Further, in the same year in which the Attorney General sought by legislation to elevate the Civil Rights Section to a division in the Department of Justice, he made no request for an additional appropriation for that Section. I do not know why it should be thought necessary to elevate a section into a division before a justification is made on the basis of caseload or workload. If the personnel now within the Section is not sufficient to take care of the work of that Section within the Criminal Division, it would seem the better part of wisdom simply to increase the size of the Section and then, as experience warrants it, to take such later action as may be desirable. From 1953 to 1956, no one from the Department of Justice appeared before the Committee on the Judiciary to urge this step.

What information, Mr. President, does the Senate have with respect to the workload of this Section? My recollection is that when the Attorney General appeared before the Constitutional Rights Subcommittee of the Committeee on the Judiciary, he was requested to furnish such information. Later, however, he informed the committee by correspondence that such information was not readily available and it would not be feasible by reason of cost to attempt to collect it. I refer Senators to page 222 of the hearings.

Others in this debate have brought forward the fact that in earlier hearings on other civil-rights bills, Mr. Tom Clark, then Attorney General of the United States, submitted figures which indicated that, though a substantial number of complaints were received, a pitifully small number of those complaints were actually prosecuted and of this number, an even smaller fraction resulted in convictions. This information is substantiated by figures which are contained in the report of the activities of the Department of Justice for the fiscal year ended June 30, 1954. This information is reprinted in the hearings before the Committee on the Judiciary conducted in the 84th Congress, at page 15. The report points out that approximately

10,300 complaints, letters, documents, investigative reports, memorandums, and other items of correspondence were received and analyzed. While this may seem a substantial number of complaints, I would again point out that apparently the staff of seven attorneys and five clerks were sufficient to handle all of them, for no requests for additional appropriations were made by any of the Attorney Generals from 1946 until 1957. During this fiscal year the FBI instituted 1,458 preliminary investigations in civil-rights cases. This resulted in a total of 18 convictions over that 12-month period.

Other Senators may read statistics differently than I do, but it seems to me that on the basis of those I have just recited there is little or no need for the creation of a division within the Department of Justice in this field. Moreover, I want to point out that if the civil-rights section is elevated to the status of a division, it would seem likely that the criminal cases now handled by the attorneys in that section would be handled by the Criminal Division. If this is so, will it be necessary to add additional personnel to the Criminal Division to replace those persons formerly with that division in the civil-rights section? I know that some Members will say that this is a matter to be determined by the Attorney General in his capacity as the head of the agency. However, I do not think that Congress has yet become so impotent as to acquiesce in the creation of a new personnel pyramid in the executive branch of the Government, without making reasonable inquiry into the ultimate cost of the project. Congress is given the power under the Constitution, to authorize expenditures and appropriate moneys necessary for the cost of Government. This being the authorization, I see no reason why the Congress may not reasonably and profitably inquire concerning the cost of this proposal which was so unnecessary insofar as the Attorney General was concerned that he failed to reply to a request by the Committee on the Judiciary for a report on similar legislation, for over a year prior to the submission of this type of proposal.

In his testimony on part II of this proposal before the Subcommittee on Constitutional Rights the Attorney General stated that the provisions of part II are in conformity with similar proposals previously enacted to add an Assistant Attorney General to the Department of Justice. However, I call attention of the Senate to the fact that the provisions of section 295 of title 5 of the United States Code, provide authority for the appointment of six Assistant Attorneys General, and in that section appears the important qualification that such assistants must be "learned in the law." No similar qualification appears in H. R. 6127. The President is authorized to apppoint a layman who has had no experience whatsoever either in the preparation for, or in the pleading of, cases in this field. I can think of no place in the Department of Justice where there is more possibility for such a development than in this politically explosive area. Nor do I know of any area in which such a requirement is more needed than this for the same reason. This is a position which is being created, not for a few years, but if experience is any indicator, for as many years as the Department of Justice exists. Once created, these personnel pyramids are seldom dissolved but instead show an amazing vitality for growth.

At the time the amendment to part IV was before the Senate, I called attention to the ludicrous result which could obtain if the provisions of that part remained unchanged. They did remain unchanged and for that reason I want to reiterate my objection to the language of that part of the bill. I previously pointed out that the present section 1971 was to become simply a subsection of that section and that four additional subsections were being added. The new subsection (b) is essentially the same language as section 594 of title 18, United States Code. The annotations of that section in the code cite not a single case. When this subsection is read, together with the new subsection (c), it becomes possible for the Attorney General to institute an application for an injunction whenever he has reasonable grounds to believe that a person is about to engage in an attempt to threaten a person in the exercise of his franchise. This is about as abstract a concept as has ever been written into law in my recollection. I do not recall any instance in which the Congress has provided that court action could be taken when someone was about to attempt to intimidate. If this were a criminal statute, where precision is required, I have no doubt that it would be stricken by the courts as unconstitutional. In those cases where an injunction issues, and a criminal contempt is charged, it may yet be found defective.

Furthermore, I regret that the Senate has decided to retain that provision of part IV which waives State administrative remedies. The bill as presently constituted not only provides that the district courts shall have jurisdiction over any actionable wrong under part IV without regard to whether the party aggrieved shall have exhausted any administrative remedies provided by State law, but it fails even to require a showing that by reason of time, or for any other substantial reason, utilization of such remedies would be futile. It seems to me that in the preservation of Federal-State relationships this was the least that the Senate could do. However, as matters now stand, if any person has a complaint against a registrar, and an appeal is provided to a State board, the party alleging that he has been wronged may ignore the State remedies and appeal to the Attorney General, who may, in turn, institute proceedings in a Federal court. I am not insensible—nor do I think the Senate should be—to the possible political implications which may be inherent in any such procedure. If it were desired at a time near election to discredit a candidate for office, it would only be necessary for an individual to bypass his State administrative remedies and apply to a political officer, the Attorney General, who might then institute a complaint in Federal court that the candidate was attempting to intimidate a person to vote contrary to his wishes in an election. That a temporary restraining order or any temporary injunction thus issued might later be dissolved is ineffectual, since, by the expiration of the time set for a hearing on the application for the permanent injunction, the desired political damage may well have been accomplished. Remember, in this connection, that the new subsection (b) of section 1971 of title 42 will not require that the intimidation or the threat, for the purpose of interfering with the right to vote, be for reasons of race or color. The ingredients of an actionable wrong under subsection (b) are simply a threat made for the purpose of interfering with the casting of a vote for a particular candidate in any election where a so-called Federal officer is nominated or elected. Thus, if a candidate for elective Federal office seeks a vote from a constituent by stating that unless the constituent votes for him in the ensuing election he will, if elected, vote against a project favored by the constituent, that candidate may well find himself faced with the injunctive features of this bill.

This is typical of the loose language which the Congress is now being asked to approve by passage of this bill. This bill, in those provisions which remain untouched by amendments, is poorly drawn and imprecise in meaning. In no other field would the Senate be likely to approve language so loosely drawn. The emotion, however, which has surrounded this proposal from its inception, and the political sensitivities which it has engendered, seem to have impaired the normal ability of the Senate to discern imprudent language and replace it with terms easily understood and readily applied.

Therefore, despite the obvious efforts which have been made by some of my colleagues to perfect the bill, I feel compelled to cast my vote against its passage.

Mr. President, I have tried to analyze the proposed legislation as best I can with the materials available to me. The hearings which were conducted were on another bill which, while some of its provisions may have been similar, is not identical to the bill which it is now proposed we approve. As a Member of this body I do not feel that I can properly discharge my obligation to legislate wisely with the information at my disposal. There are too many provisions in this bill which are imprecise. There are too many provisions which are open to question. There are too many provisions which are dangerous to harmonious Federal-State relationships.

To me, States rights is more than a slogan. It is the concept which permitted the birth of this Nation. I will not be a party to a measure which could easily result in the strangulation of that concept. It may be popular today to lynch States rights, but we have witnessed in history evidence that today's folly brings tomorrow's tragedy.

Mr. President, the funeral pyre of free nations is fed by the centralization of power in the hands of the few. Even as amended, this bill unnecessarily cen-

tralizes power. I cannot place the noble framework of freedom which this Nation represents on the sacrificial altar of expediency erected here.

Mr. GOLDWATER. Mr. President, I yield 25 minutes to the distinguished Senator from Nebraska.

Mr. CURTIS. Mr. President, I am proud to be a Member of the United States Senate. I am proud of the way the Senate of the United States has conducted itself in recent weeks. A most difficult subject upon which to legislate has been before us. It has been a subject surrounded with deep feeling. Yes, it has been charged with emotion, and perhaps some trace of prejudice.

It has been a subject not lacking in legal problems. Good men have disagreed on how to reach the same objective. The issue involved not only a conflict of opinions among strong-willed individuals, it involved the complexities of law, human nature, economics, and sociology.

Mr. President, as I have followed this debate on civil rights through these weeks, I am thoroughly convinced every Senator has been motivated by the highest purpose. Those who have contended the hardest on each side of this question have done so in the belief that they were doing that which was best for our Republic.

We must remember that, as the problem is complex and many sided, so is the answer complex and many sided. A part of the remedy is legislative. A just and permanent solution must include also education, understanding, tolerance, and social evolution. This is a domestic problem. Today it appears in one section of the country, but who is there to say where it will appear 25 years from now?

Mr. President, I rise to defend the bill. It is a good bill. We need not apologize for it. It is a landmark both in legislative procedure and in accomplishment. The fact that the measure which we are about to complete is different from the original concepts held by those in both extremes of this controversy does not mean that the measure is defective or basically wrong. The contrary is true. Of course, it is not a perfect measure. Perfect measures are not written by mortal men.

On last Monday, August 5, the able and well-known columnist, David Lawrence, said:

> All the talk about the Senate's civil-rights bill being weak and as likely to be rejected by the House or possibly vetoed at the White House seems to have been largely the result of emotional pique or hasty judgment.
>
> For if the House now accepted the measure—even without any changes—it would represent the biggest single victory in nearly a century for the proponents of a so-called right-to-vote bill.

A wise decision was made by the Senate in limiting the bill to voting rights. The Supreme Court of the United States has already taken a broad step in regard to our public schools. It has vested the district courts with certain powers of enforcement. The bill, dealing with the right to vote, if wisely administered, will bring the right to vote to many, many more of our citizens. It will result in additional gains for those who benefit from this right. The 15th amendment to the Constitution clearly and specifically deals with the right to vote without discrimination. The making of that amendment effective should be our goal. The right to vote when properly exercised is the basis of free government.

Under existing statutes the right to vote is proclaimed. However, a violation of that right can only be dealt with in our courts by an action after the right is obstructed. In this bill we vest in the Attorney General, representing the dignity and force of the United States Government, the power to intervene ahead of time, invoke the equity powers of the court, and secure appropriate orders preventing the obstruction of the right to vote and commanding those officials to do that which the law says they must do. This is a new accomplishment in the field of such legislation. It is not to be passed off as weak and insignificant.

Now it is said that this injunctive power of the court has been drastically weakened or destroyed by reason of the jury-trial amendment. Mr. President, I have been around Washington for a long time. On countless occasions, in every session of Congress, there are those who, in opposing an amendment, declare, "This will emasculate it." Experience proves that that desperate cry of "Wolf, wolf" often is meaningless. To declare something devastating does not make it so.

Let us examine the subject of the jury trial in this bill.

I do not make the argument that the right of a jury trial in criminal contempt cases is specifically guaranteed by the Constitution. On the other hand we cannot ignore the fact that the belief in, the reliance upon, and the reverence for the principle of the right of trial by jury, in all cases where punishment is sought, is embedded in the hearts and minds of millions of our American people.

Now the question arises, Can a jury trial be permitted in criminal contempt cases and at the same time preserve the powers of the court to determine that its orders are carried out? This question commanded my attention for days. I was disturbed about it. I finally came to the conclusion that a jury trial can be granted in criminal-contempt cases without destroying or materially weakening the powers of equity courts to see to it that their orders are carried out.

Mr. President, I call attention to certain language in the O'Mahoney jury-trial amendment. On page 3, lines 14 through 21 of the amendment, as voted upon, we find this language:

> Nor shall anything herein or in any other provision of law be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

Mr. President, there it is, the plain intent of the Congress, for the courts to read. In that language the Congress declares that nothing shall deprive the courts of their power to secure compliance with their orders, and it makes a distinction between cases seeking compliance and obedience and cases wherein a prosecution is brought to punish someone for his acts.

That identical language is carried in the previous section of the amendment; and it is found on page 2, in lines 15 to 22, inclusive.

Furthermore, when the Attorney General goes into any section of the country to enforce a law which in many instances will result in broad and sweeping changes within the area involved, let us arm him with a law that is just, a law that is reasonable, a law that is moderate, and a law that will win the respect of those who must change their manner of doing things, in order to live under that law. Let our acts be so filled with reasonableness and understanding that we shall win the confidence, the cooperation, and the respect of those who must be faced with the law we write. If our acts create antagonism or strife, we do the cause of civil rights harm which may take years to overcome.

This bill establishes a commission. The language establishing it has been amended and strengthened. The commission will have the power of subpena and the power to lay before the country the problems which must be solved not alone by legislation but also by education and understanding.

The bill not only gives added powers to the Department of Justice; it also calls for a special section and a new Assistant Attorney General to carry out specific duties. We have not emasculated this bill. We have not made it a hollow shell. It is a bill that can be defended anywhere.

Mr. President, this brings me to the prime reason why I arose to speak. I wish to pay tribute to the man who, for the first time in 90 years, had made it possible for civil-rights legislation to become a reality.

Who is the man who made it possible to have the civil-rights bill brought to this floor? I refer to the able, distinguished, devoted, and patriotic Senator from the State of California, the Honorable WILLIAM KNOWLAND.

The Senator from California, as minority leader, and as a leader of a group devoted to civil rights, has brought this measure to the floor of the Senate, for the purpose of having serious, determined, and successful legislation enacted. Other great leaders have served in this body in the past, but never before has what the Senate has done this year been accomplished.

Senator KNOWLAND'S leadership, backed by his integrity and the respect that follows him, has been the great factor in affording the orderly, thorough, searching, dignified, and scholarly debate which has occurred in the Senate for weeks. Through Senator KNOWLAND'S efforts, the Senate has proven to the whole world that the reputedly greatest legislative body in the world is in fact the greatest legislative body in the world. That Senators can proceed with unlimited debate and, at the same

time, can have unlimited devotion to principle and unlimited respect for each other, is an accomplished ideal.

This has been a trying time for Senator KNOWLAND. It has offered disappointments. It has been filled with tension and even heartache. But never once has his temper flared. Never once has he been unfair or unkind to any person here. Never has he questioned the motives of others. Mr. President, it has been our privilege to observe leadership at its very best.

Regardless of how fortune may smile upon our distinguished minority leader in the months and years that lie ahead, his name will be inscribed in the minds and hearts of our people, and in the history of our country, as a Senator without peer throughout our entire history.

Mr. GOLDWATER. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. GOLDWATER. Mr. President, I intend to vote for the bill as it is now written. I think it is a good bill.

I do not agree with those in the executive branch or those in the legislative branch who say that the amendments have killed the bill. I voted against part III of the bill and I voted for the jury-trial amendment. I think both of those votes will stand the test of time. I am not ashamed of either one of them.

Mr. President, in the Washington Evening Star of today there appears an article on the bill. The article has been written very learnedly by a man with whom I have had many occasions to disagree. I wish to read one sentence from the article, and then I shall ask unanimous consent to have the entire article—written by Dean Acheson—printed in the RECORD, as a part of my remarks.

Mr. Acheson writes:

> It will be a great pity if a chance to advance the civil rights of our Negro citizens beyond anything achieved in three-quarters of a century is lost because liberals do not realize how much has been accomplished by the bill now before the Senate.

Mr. President, I ask unanimous consent that the entire article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit A.)

Mr. GOLDWATER. Mr. President, I am convinced that reasonable men, honest men, sincere men—and they are the kind of men who make up both branches of the Congress—can in conference agree upon a bill which will accomplish the original intent, as expressed; namely, to assure the right to vote on the part of all our Negro citizens and, for that matter, all citizens of the United States. One of the Senators who will participate in the conference, I feel relatively sure, will be our minority leader, Senator KNOWLAND, of California. BILL KNOWLAND is that kind of a man. It took real courage to do what BILL KNOWLAND has done in bringing forward the bill and in getting around the rules of the Senate in order that it might be considered by the Senate. BILL KNOWLAND knew there was a division in the Republican Party, not because of the purpose of the bill, but because of the amendments which would be needed in order to bring it into line with what we believe are the constitutional guaranties to all the American people. But BILL KNOWLAND went ahead, and I say that is typical of him. He is a man who is motivated completely and entirely by principle.

Mr. President, I will say here that if politics is played with the bill in conference, it will not be played by him.

This is one of the rare times in our private lives and in our political lives when I have had to disagree with Senator KNOWLAND. I say to my colleagues it was not an easy thing to do, because I usually find myself in complete agreement with his principles and his actions. I will say too, Mr. President, contrary to what has been done in the past, our minority leader did not use the force of his office or friendship to try to change the vote I cast. He leads on principle, not on expediency. I like that kind of leadership. It is to be expected of a Republican, and he gives that kind of leadership. BILL KNOWLAND is a Republican's Republican.

Mr. CASE of New Jersey. Mr. President——

Mr. GOLDWATER. Does the Senator want me to yield?

Mr. CASE of New Jersey. I would be most grateful if the Senator would yield. I do not think there could be a greater difference between the Senator and myself on the bill now before the Senate, which has been read the third time. Yet I am sure no two persons could agree more than we do on the quality of leadership the Senator from California [Mr. KNOWLAND] has provided in this whole fight. As the Senator from Arizona has said, it was utterly without partisanship, it was utterly without any kind of pressure or improper influence or attempt to use improper influence, but, nevertheless, fearless, steady, determined, and extraordinarily effective.

Since the Senator from Arizona has mentioned one distinguished Member of this body from California, I should like to suggest that the same kind of credit should be accorded to the Vice President of the United States, because of the leadership which he has exercised, and which he continues to exercise, on this issue. We are very fortunate in having the California influence.

Mr. GOLDWATER. It s not very easy for the Senator from Arizona to agree that any kind of good comes from California, but at this particular time I am forced to agree with the Senator from New Jersey that both the Vice President and Senator KNOWLAND have given us exemplary service on this issue.

The PRESIDING OFFICER. The time of the Senator from Arizona has expired.

Mr. JAVITS. Mr. President, I yield two additional minutes to the Senator from Arizona, and I ask him to yield to me. I should like to join the Senator from New Jersey and the Senator from Arizona in paying tribute to the minority leader. I tried to do it before this time. However, this is a very appropriate time to do so. The leadership of the minority leader has been distinguished for its consistency. One always knows where he stands. He acts from deepest conviction. My relationship to him in this issue has been quite close. I am of the opinion that he is entitled to the highest praise one Senator can pay another Senator.

I should also like to praise the Vice President of the United States for the way he has presided and has handled difficult rulings. He has demonstrated the qualities that have made him a famous American.

Mr. GOLDWATER. I thank the Senator from New York. As one who voted for the jury-trial amendment on this side of the aisle, I hold our distinguished minority leader in the greatest respect and admiration.

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

Mr. GOLDWATER. I yield.

Mr. KUCHEL. I remember the long days and nights that have ensued in the Senate since the minority leader first stood on the floor and made the motion that the Senate proceed to the consideration of the civil-rights bill. Never in the entire history of the Senate, since the days immediately after the War between the States, did Members of the Senate have an opportunity to stand up and be counted on whether they wanted to implement that part of the Constitution which guarantees equality before the law to all Americans, and the right to vote to every citizen in the land.

It is to the infinite credit of my colleague from California [Mr. KNOWLAND] that he stood up in the Senate, that he proceeded not as a partisan, but as an American Senator attempting to represent the best interests of the American people, and that he made his motion. I remember that in the Presiding Officer's chair sat the Vice President of the United States, likewise a Californian. I remember the praise given to him, even by those who hoped his decision would be the other way, when he forthrightly laid down the law as he saw it with respect to the rule under with the senior Senator from California made his motion. Certainly I am glad to join with my able friend from Arizona and other Senators in their expressions of commendation, and I should like to add that I am proud to have participated under the dynamic leadership of a great American, who represents, in part, a great State in the American Union, and who has added to his luster by the manner in which he led those of us from this side of the aisle and the nine Senators from the other side of the aisle who joined us in attempting to go forward in the field of civil rights.

Mr. GOLDWATER. I thank the distinguished junior Senator from California. I should like to correct the remarks I made earlier when I said, rather facetiously, that there were two good influences from California in this body, which surprised the Senator from Arizona. I should like to add another good influence to the previous two. There are three Californians who have exerted good influence on this body.

Mr. KUCHEL. I thank the Senator.

Mr. DIRKSEN. Mr. President, will the Senator yield to me?

Mr. GOLDWATER. I yield 2 minutes to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, I know intimately some of the patience in the face of frustration, some of the hope in the face of disappointment, that has entered into the effort of the minority leader to secure an effective civil-rights bill. It was my privilege to sit in on a great number of conferences, so I can give personal testimony to the efforts of Senator KNOWLAND, and I commend him for the courageous, forthright job he has done in this field. It is no easy task to undertake an effort of this kind, knowing exactly what the difficulties are and the treacherous road that lies ahead. So I can only reaffirm what I previously said on this floor in tribute and in testimony to the courage, leadership, and patience of a very distinguished statesman of our times and generation, the minority leader.

Mr. GOLDWATER. I thank the Senator from Illinois.

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

Mr. GOLDWATER. The Senator from Arizona has only about 10 seconds left to speak, but if the minority leader will allow me to yield 1 minute, I shall be happy to do so.

Mr. KNOWLAND. Mr. President, I yield 1 additional minute to the Senator from Arizona.

Mr. POTTER. Mr. President, that is one of the great characteristics of our minority leader. He is very generous, particularly with himself.

I should like to say to my colleagues, in paying tribute to the leadership of the minority leader in this great emotional issue, that the Senate has worked its will, which is not in accord with the will of the minority leader, but he has carried on a fight which has been bold and forthright, and the American people certainly know that Senator KNOWLAND has provided leadership in the great historic battle for the principles in which he believes. Those who have watched him on the floor would never suspect that he acts through political motivation. The fight which he has led is a fight in which he believes. I commend his leadership and also that of our great Vice President on this issue.

Mr. GOLDWATER. I thank the distinguished Senator from Michigan.

In concluding my remarks, I merely wish to say that the service of the Senator from California [Mr. KNOWLAND] to the Nation as a soldier and a statesman stamps him as one of this century's outstanding men. I sincerely hope and pray I may be allowed to serve our common cause with him for many years to come.

EXHIBIT A

[From the Washington Evening Star of August 7, 1957]

DEAN ACHESON ON JURY TRIAL

Having heard that Mr. Acheson had been among those who helped to perfect the jury-trial amendment in the Senate civil-rights bill, the Star asked him for a statement, which appears below:

"It will be a great pity if a chance to advance the civil rights of our Negro citizens beyond anything achieved in three-quarters of a century is lost because liberals do not realize how much has been accomplished by the bill now before the Senate.

"It will be a disaster for the country if bitter sectional animosity is aroused by attempting to change the jury-trial amendment to gain something of little or no value. In all respects, save one, opinion is unanimous that the bill in its protection of the right to vote is first class. The argument arises over the requirement that in certain cases a person, before being punished for violating a judge's decree, must be convicted by a jury.

"This requirement of a jury trial in cases of criminal contempt is said by some to nullify the act.

"Nothing could be more wrong. Those who make this charge usually have no idea what criminal contempt is or what great powers the amendment gives to the judge to enforce his decree by civil contempt proceedings.

"Exactly what are we talking about? Recently the press has carried stories of a registrar of voters who was preventing the registration of Negro voters by opening his office only for short periods when voters could not readily attend and by dilatory proceedings.

"In such a case the United States Attorney could, under the amendment, bring suit and the court could issue its decree ordering proper and effective registration. If his order should not be obeyed, the judge could put those defying him in jail or under continuing fines until they should obey. If necessary he could order that no list of voters not made in accordance with his decree be certified or used. No jury would be required for these enforcement proceedings.

"Now let us assume that the registrar has attempted to deceive the judge into believing that he has complied, when he has not. Here is a situation where punishment is called for—not coercion to enforce compliance, but retribution for a wrong. Before this punishment can be inflicted, the defendant must be found guilty by a jury. To say that this requirement nullifies the law is nonsense.

"In the first place, it assumes that in some sections juries will not convict, hence retributive punishment will not be possible, hence the law cannot be enforced. I do not believe the assumption that under proper guidance from the court juries will not convict the guilty.

"But, even if I am wrong, the real enforcement powers are in the civil contempt proceedings where no jury is required. In the second place it assumes that in a section of the country so opposed to the law that no jury could be found to impose punishments, the same punishments would be meekly accepted if imposed by a judge alone.

"This is not only fantastic, but the Federal courts would be destroyed in such an effort.

"Finally, it is said that the amendment is so broad that it will impede the enforcement of decrees in other fields—the antitrust field is mentioned. I can't recall any proceedings for criminal contempt in an antitrust case—though there may have been some. But I venture to say that in a proceeding of this sort a jury would be more of a terror to the defendant than to the Government. However, if any difficulties do develop not now anticipated, they can easily be dealt with by legislation.

"At the present time, fears expressed about the amendment are unfounded, usually based on misunderstanding, and sometimes insincere. It would, as I said, be a great pity should they prevent an accomplishment of inestimable importance.

"DEAN ACHESON.

"AUGUST 6, 1957."

Mr. JAVITS. Mr. President, I yield 30 minutes to the Senator from New Jersey [Mr. CASE].

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 30 minutes.

Mr. CASE of New Jersey. Mr. President, it is a wonder that the Members of the Senate and of the House—yes, all whose daily tasks are plied on Capitol Hill or in its environs—have escaped suffocation. The cascade of rosewater and every other imaginable perfume which has been poured upon the pitiful remnant of a civil-rights bill which is now before the Senate for a third reading, in an effort to make it palatable, has surely been enough to choke anyone on whom it fell. And though its effect may not have been lethal, it does indeed seem to have bemused a good many normally clear-thinking and sincere believers in the cause of civil-rights.

Already it appears that some of them are ready to give up the fight before the battle is over.

Mr. President, it is time to open the windows—to let in the fresh air and blow away this suffocating, even poisonous cloud. The battle is not over. It can be won if those of us who believe in this cause will clear our heads and, with just a fraction of the determination which the opponents of this bill have shown, will stand our ground.

Mr. President, there are two things about which we must be very clear. First, the bill is not a good bill. Second, those of us who believe in civil rights do not have to accept the choice between this bill and no bill at all.

The St. Louis Post-Dispatch, surely no rabble rouser, said on Saturday, August 3:

That the passage of a jury-trial amendment was a smashing defeat for civil rights there can be no doubt.

Mr. President, the St. Louis Post-Dispatch is right.

The New York Times, no rabble rouser, said on Saturday, August 3:

It seems today that the Senate has said "no" to any real extension of civil rights at this session. It did this after 4 weeks of maneuvering in which a nucleus of 18 southern Senators distinguished themselves for their parliamentary genius, if not for their sense of democracy. It did this in its vote of 51 to 42 on the jury trial amendment, with some highly respected northern Senators inexplicably voting with the majority.

Mr. President, the New York Times is right.

The Decatur Herald and Review said:

It makes no difference now whether the Senate passes the civil rights bill. There is nothing left in it except some nice language. When the Senate approved the jury trial amendment by a vote of 51 to 42 early Friday morning the South's victory was complete.

Mr. President, the Decatur Herald and Review is right.

The Southern Illinoisian on August 4 said:

Despite all the attempts of the southern Senators to obscure the provisions of the legislation, the issues were simple. The purpose of the bill proposed by the administration and approved by the House was to

guarantee the same rights to Negroes that other Americans have. Yet a majority of the Senators would not give Negroes just the right to vote. Friday was, as Vice President NIXON said, "one of the saddest days in the history of the Senate."

Mr. President, the Southern Illinoisian is right.

The New York Post on Sunday, August 4, said:

The country will survive the newest southern triumph in the Senate civil-rights battle. But will the Demcratic Party? The battle for equality under the law will go on. But how long can the Democratic Party endure amid the cynicism and doubletalk that dominate its performance on Capitol Hill?

Mr. President, the New York Post is right.

On June 12 the Christian Science Monitor said:

In the Senate an amendment providing for jury trial in place of the contempt proceedings has been attached to the bill. Advocates of the legislation declare this is simply a device for nullifying it. They contend that jury trials would permit delays that would deny effective remedies against the denial of the right to vote. And there is wide belief that juries would repeat the history of the Emmett Till case.

Now the right to trial by jury is one Americans cherish and should vigorously safeguard. But it is not provided in the Constitution for this type of litigation. The States whose Representatives are pressing for a jury trial amendment make no such provision themselves in the same type of court action. There is even some question whether it would be constitutional to deprive the courts of power to protect themselves by contempt action—as Congress protects itself. The ends of justice would not be served if in an effort to insure a jury trial for individuals who had flouted a court order both the authority of the courts and the right to vote were destroyed.

The Christian Science Monitor is right.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks editorials from two great newspapers of the United States, the Newark Sunday News and the New York Herald Tribune.

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

[From the Newark News of August 4, 1957]

KILLING CIVIL RIGHTS

The same Democratic forces that wrote the meaningless civil-rights plank into the national party platform last August, with such disastrous consequences in the presidential election of November, have prevailed again.

Thus the mischief that began in Chicago was carried to fulfillment in the early hours of Friday morning on the floor of the United States Senate. What happened there to the civil-rights bill was a natural sequel to the compromises and vacillations of the Democratic National Convention.

We do not know whether what's left of the administration's bill will survive in the House, which had already rejected the crippling jury-trial amendment voted by the Senate. Senator KNOWLAND, Republican minority leader, thinks it will not. Others competent to judge share his opinion.

But even should the House take the Senate's emasculated version, we would still have a bill whose acceptability would be predicated on the barren ground that it is better than no bill at all.

That is not good enough. This was supposed to be a right-to-vote bill. By Senate attrition it has been converted into what may well be a no-right-to-vote bill.

The extent of the damage may be measured by the fact that Georgia's Senator RUSSELL declared that with a few more amendments the South itself could vote for the bill.

Part IV, the enforcement provision, was initially designed to open the polling booths of the South to Negroes by recourse to the injunctive powers of the Federal court, which are traditional. When the jury-trial amendment was added, the heart of the bill was destroyed.

The destruction was perpetrated by 39 Democrats. Among them were the votes of such supposed liberals of MAGNUSON and JACKSON, of Washington; KENNEDY, of Massachusetts; PASTORE, of Rhode Island; and MANSFIELD, of Montana.

They wound up in strange company—with the Eastlands and Ellenders of their own party and a dozen such Republicans as CAPEHART, GOLDWATER, MUNDT, and REVERCOMB.

From this ill-assorted coalition, New Jersey's Republican Senators, Messrs. CASE and SMITH, were happily missing. Indeed, to the State's and his own credit, Senator CASE was one of the leaders in the fight for the bill.

No doubt the Senate's "saddest day," as Vice President NIXON described it, will be acclaimed as another Democratic triumph over President Eisenhower.

But a few more "victories" of this character and the Democratic Party may discover that its saddest days are yet to come in the elections up to and including 1960.

[From the New York Herald Tribune of August 3, 1957]

SAD DAY FOR THE SENATE

"This was one of the saddest days in the history of the Senate," said Vice President NIXON after the votes were in on the jury-trial amendment to the civil-rights bill, "because this was the vote against the right to vote."

The proponents of the amendment would reject that contention, of course. They will argue that the right to vote is written into the bill; that the Federal Government is empowered under it to take steps to insure that the right will not be infringed, and that the only difference between the measure as amended and as originally proposed is that punishment for violation of Federal court orders—criminal contempt—would only be inflicted after a jury trial. And they would also argue that the basis for selecting juries has been altered to allow Negroes to serve in such cases, even when they are barred by State law. Finally, they would bring up the practical obstacle that a Southern filibuster might have presented to any civil-rights legislation if the jury trial amendment had not been accepted by the Senate.

Yet in spite of this, Mr. NIXON's characterization is still accurate. It is a tragedy that, in order to secure the elementary right to vote—a right which no Senator has even hinted should be abridged—a basic reconstruction of all the laws dealing with contempt must be made. Forty statutes or more are affected, as well as the hitherto uncontested assumption that when the United States is a party to a case involving contempt, the case is heard without a jury. The reasons for this are sound; the Federal sovereignty may have to be exerted in times of civil commotion, or contrary to what a local community may consider its own interests. The right of appeal remains against abuse; the quality of the Federal courts is high. But the injunctive process is essentially an emergency one, to meet an immediate situation. It is to be noted that Mr. John L. Lewis, who has been effectively restrained by Federal injunctions from harming the national welfare through his United Mine Workers Union, approved the amendment.

The extension of jury service to Negroes by establishing a uniform standard for Federal juries overriding State qualifications that now bar Negroes in some States, is in itself a good thing. But it is doubtful whether it would aid in extending the right to vote in communities where Negroes are barred from the ballot by various forms of coercion and evasion of the law. Juries must be unanimous to convict, and, in any case, what is important here is not how the juries may decide but the cumbersomeness of the whole procedure, the vagueness of the line between civil and criminal contempt, and the need for expedition in enforcing lawful orders of the court.

Finally, there is the practical question of whether the House will go along with this watered-down version of the original civil-rights legislation. Just as the South threatened a Senate filibuster, so the North, in the House, has shown a strong disposition to reject the compromises imposed under the threat of filibuster. Representative CELLER, who would head the House delegation to the conference committee on the civil-rights bill, has warned that he would fight any crippling amendments. This was before part III—accepted by the House—was taken out by the Senate. Part III was sacrificed in the hope of winning an effective affirmation of the right to vote. Burdened by the jury-trial amendment, it may well be, as Senator KNOWLAND has said, that the "bill will not likely emerge in this session and perhaps not in the next" from the conference committee of the two Chambers.

This would please those southerners who want no civil-rights legislation at all. But will it please those "liberal" Democrats who evolved the jury-trial amendment? And will it please the voters? The Republicans, sustained by President Eisenhower and Vice President NIXON, fought hard for a sound, firm bill. Some, unhappily, deserted under fire. But Senator KNOWLAND can have the satisfaction of waging a good, principled campaign for a good principle; the great majority of his party colleagues did the same.

The blame for the Senate's failure rests with the same group which compromised the civil-rights platform of the Democratic Party in Chicago a year ago—those liberal Democrats whose party allegiance, when the chips were down, was stronger than their liberalism.

Mr. CASE of New Jersey. Mr. President, let me remind my colleagues again of the statement made by the distinguished Senator from Oregon [Mr. MORSE] earlier in the debate. I quote:

It gives me pause, in this regard, to read in the New York Times of May 31, 1957, that the Montgomery, Ala., trial of two white defendants on charges of bombing a Negro church:

"The defense appealed for a verdict that would give encouragement to every white man, every white woman, and every white child in the South who is looking to you to preserve our sacred traditions."

It is only partially pertinent that the defendants were acquitted. The appeal to prejudice, the force of community pressure, were there.

Let me remind my colleagues again of the statement made by William Shaw, assistant attorney general of Louisiana, and one of the defense counsel in the Clinton, Tenn., trial. Immediately after the verdict in that trial Mr. Shaw, as reported in the New York Times on July 25, said:

There won't be any convictions by juries in segregation cases down South.

Perhaps the best appraisal by one whose right to testify as an expert on this matter will not, I think, be impeached, comes from Gov. J. P. Coleman, of Mississippi.

Governor Coleman, during a recent visit to Washington on his way home from the Governors' Conference at Williamsburg, was reported by the United Press as predicting that if the civil-rights bill did pass it would call for jury trial. The Governor said:

> Then it especially would be a fairly harmless proposition.

Mr. President, the Governor is right.

A. Philip Randolph, international president of the Brotherhood of Sleeping Car Porters, sent a telegram yesterday to Vice President NIXON. It read as follows:

> In the name of officials and members of the Brotherhood of Sleeping Car Porters, urge rejection of civil-rights bill with jury-trial amendment. It is worse than no bill at all.

Mr. President, the bill in its present form is not a good bill. The question those of us who believe in civil rights have to answer, today to our own conscience, and tomorrow and thereafter to what will surely be an awakened American public, is whether we will take this bill lying down—whether we will give up without a fight.

We are told that we have no choice. Either we accept this pitiful excuse for effective legislation, or we get no legislation at all.

I refuse to accept that alternative. We do not have to accept that alternative if we will but determine not to.

The bill can go to conference. It should go to conference. It will go to conference if the proponents of civil rights in the House refuse, as I am confident they will, to be bemused, and insist on standing for the cause in which they believe.

In conference, a reasonable solution can be worked out, one which represents reasonable concessions by each House to the other, not a surrender by either.

Mr. President, I recognize that conferees for the Senate as well as for the House have a duty to represent the views initially expressed by the body to which they belong. But conferees also have a duty to attempt honestly to reconcile the differing views of their two bodies and to reach a fair accommodation and adjustment between them.

This implies a reasonable give-and-take, an honest effort to arrive at a middle ground. For without such an effort no legislation is ever possible, and it is the constitutional duty of Congress to legislate.

Specifically, Mr. President, it is the constitutional duty of Congress to enact legislation which will assure every qualified American citizen the right to vote.

Mr. President, I emphasize the responsibility which will rest, directly and heavily, on those who will select the Senate conferees.

Mr. President, when a conference report comes back to the Senate it will be privileged. No one Senator and no group can block its consideration. But it is suggested that when a conference report comes before us it will touch off a filibuster. I make no prediction about this except to say I think it is unfair to the members of this body to suggest that a filibuster is inevitable.

But, Mr. President, if a filibuster should come, I predict that it will not succeed. I suggest that a filibuster cannot succeed unless those engaged in it are convinced of the moral rightness of their cause.

Mr. President, does anybody really believe that it is morally right to deny an American citizen the right to vote because of his color or his race?

And, Mr. President, the jury trial issue has no real substance. It involves no question of constitutional rights. It is utterly unnecessary to insure fair treatment of defendants in voting rights cases. It comes down simply to the question whether orders of the United States courts, made after full hearings and all the protections provided by the Constitution and the rules of civil procedure, shall be obeyed, or whether those who illegally deny Negroes the right to vote shall continue to do so with impunity. Mr. President, I suggest that kind of issue is utterly lacking in the moral justification without which a filibuster cannot succeed.

Mr. President, when I say that a filibuster cannot prevent the Senate of the United States coming to a vote on a conference report, I do not necessarily mean that it will slide through easily or even quickly. But if any of us who believe civil rights is by far our most serious domestic problem have had any illusion that real progress toward its solution would not take a little effort and a little time we had better get rid of that illusion right now. We never had a chance to be carried to the skies on flowery beds of ease.

But we can win, Mr. President, if we do not simply cave in under pressure, cajolery, or threats, or from simple laziness, or because we do not really care enough to try.

Mr. President, those who believe in civil rights—and I am confident they include the great majority of the Members both of the Senate and of the House as well as the overwhelming majority of the American people—have not sought, and do not seek, to harass, oppress, or hurt any segment of American life or any section of the country. We seek and we demand, however, that a reasonable, moderate, but effective voting rights bill be adopted at this session.

If we failed now for whatever reason, history and the American people will not lightly judge our conduct when the present miasma has lifted and we face the cold, clear light of the morning after.

Mr. President, I yield the floor.

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

Mr. CASE of New Jersey. I yield.

Mr. JAVITS. I should like to say to the Senator that he has touched on a note which I hope will be developed further in the minds of all of us, and that is the fact that, although a filibuster has not occurred, the constant threat of it, I am convinced, has had an effect upon our actions. I think it has had an effect on the way the bill has finally eventuated. As the Senator has so eloquently stated, the bill is a very weak one. Indeed, at the moment it is no bill at all, and will not be until it comes back to us in some form worthy of supporting in an effective way. So I hope very much, as a member of the subcommittee of the Committee on Rules and Administration dealing with rule XXII, and the whole question of filibusters, that the case history of what has happened in this particular debate will be fresh in the minds of all us when we come to consider what should be done about rule XXII, following the report of the subcommittee.

Mr. CASE of New Jersey. I thank the Senator. I agree with everything he has said.

Mr. JAVITS. Does the Senator from New Jersey yield back the remainder of his time?

Mr. CASE of New Jersey. I yield back the remainder of my time.

Mr. STENNIS. Mr. President, I yield 35 minutes to the Senator from Louisiana [Mr. ELLENDER].

Mr. ELLENDER. Mr. President, although the pending bill has been greatly improved, I am still opposed to it. I have reached that conclusion because while this measure is allegedly designed to protect one of freedom's most basic rights—the right to vote—the methods proposed for achieving that purpose are bad. I hope never to join the school of thought which adheres to the theory that the ends justify the means. This bill sets a dangerous precedent which in time may prove disastrous.

My primary objection to the bill is a basic one. It perverts the equity powers of Federal courts.

Senators who are attorneys are familiar with the history of equity jurisprudence. Equity came into existence as a means of supplying remedies which did not exist in common law. I confess that my legal education in the history of the English common law is not as complete as that of some Senators who have studied and have practiced law in so-called common-law States. As Senators know, Louisiana's jurisprudence is based upon the French and Spanish civil laws.

Be that as it may, the history of the development of equity demonstrates that the purpose of this system of remedies was to provide a means of vindicating wrongs which were originally ignored in the law.

Early English common law was complicated; it was rigid and unbending. Only a limited number of writs were available, and although later developments extended the scope of the early common-law actions, the law side of English courts refused to give redress in certain cases.

Thus, when litigants were unable to obtain relief from the law, they turned to the King, their sovereign, the ultimate authority. If the King found their case just, he gave them the assistance best suited to their circumstances. This system was the genesis of equity.

Later, as more and more aggrieved persons began turning to the King for help, he appointed a special official—the chancellor—who dispensed justice to the King's subjects when the rigid writs of common-law courts were deficient. With the growth of England's population, a complete system of equity courts

was established to provide aid to persons denied adequate relief at common law.

In time, this system was transplanted to the United States. In our judicial system, the equity courts and the law courts have been merged, as opposed to the old English practice of maintaining two sets of courts with separate judges. Hence, our Federal courts can tailor their remedies to the needs of a given situation.

While the functions of equity and law courts have been merged in our Federal judicial system, the basic principles of equity jurisprudence have not been changed. Equity is still in the nature of discretionary relief. In order to obtain relief in equity, a litigant must show that there is no adequate remedy at law.

Because equity is a discretionary power, and because courts will exercise it only when there is no adequate remedy at law, English equity courts long ago propounded the maxim that "Equity will not enjoin a crime."

In other words, the power of equity to enjoin the performance of an act should not be exercised when that act is a crime because the criminal law offers an adequate means of protection.

Yet, what the Senate has before it today is a legislative directive to the Federal courts to enjoin the commission of a crime—that is, to prohibit by injunction an act which is already prohibited by statute.

I would remind Senators that a court order, an injunction, does not and cannot physically prevent the performance of an unlawful act. It is merely a mandate of the court forbidding the act, and, in this instance, the same mandate has already come from Congress in the form of a statutory prohibition against the crime of denying the right to vote.

Senators have heard much talk of late to the effect that the authority awarded the Attorney General in this bill would permit the Federal Government to halt any deprivation of the right to vote before it ripened into action.

This, it has been alleged, would be accomplished by that magic word, "injunction." Senators have been led to believe that all that a Federal court must say is "do not," and, as surely as night follows day, the prohibited act will not be performed.

This is erroneous, Mr. President.

It seems to me that the supersalesmen who purvey the doubtful wares manufactured by Mr. Brownell and company are meeting themselves coming around the corner. According to their brand of logic, criminal statutes prohibiting the act involved—that is, denial of the right to vote—have not worked, but, by permitting courts instead of Congress to impose the prohibition, all prospective violations will magically fade away.

They admit that Congress has said, "Do not deny the right to vote," and they say that the word of Congress has not been heeded.

Yet, they would have us believe that if a Federal judge says, "Do not deny the right to vote," all potential violators will roll over and play dead.

This is not going to happen any more than the crime of murder would become extinct merely by permitting Federal courts to issue injunctions forbidding the taking of human life.

During the recent study I have conducted of injunctive authority, I had occasion to read a most enlightening article in the April 1903, issue of the Harvard Law Review, written by Edwin S. Mach. This article, dealing with the rise of criminal equity in the United States, was obviously inspired by the action of our Government and the courts in the disastrous Pullman strike of 1894. In that year a strike of the employees of the Pullman Palace Car Co. resulted in much violence in Chicago. The United States, acting to protect its property interests in the mails, secured an injunction from a Federal court prohibiting a number of acts, most of which were also crimes. This injunction was violated, the violators were jailed, and they appealed to the Supreme Court. In the case of *In Re Debs* (158 U. S. 564, 39 Lawyers' Edition 1092) the Supreme Court affirmed the authority of Federal courts to enjoin acts which threatened the property rights of the Federal Government in the United States mail.

The article to which I referred made this observation in connection with the original injunctions in the Pullman case:

> These injunctions were disobeyed; and it was not until troops were marshaled and rioters were apprehended by force that order was restored. True, the courts inflicted summary punishment for contempt, but fear of that punishment did not become a deterrent from crime till it had behind it the strength of the Army. It was really martial law that restored peace at Chicago.

Thus, Mr. President, I cannot see what possible deterrent will be made by extending the injunctive authority of Federal courts to an area which is already covered by a network of criminal law prohibitions.

As a matter of fact, the position taken by some that the magic word "injunction" will automatically end all deprivations of voting rights is only a smokescreen. The real object behind this bill was to permit Federal courts to punish criminal acts without Federal prosecutors having to prove their case before a jury.

As for authority to deter, or nip in the bud, any act which might result in denying a citizen his right to vote, that authority already exists.

For example, the Attorney General, today, at this very moment, does not have to wait until a citizen has been denied his right to vote before taking action. On the contrary, any attempt to deny the right to vote is a crime. A conspiracy to deny that right is also a crime. Neither one of these acts—both of which carry criminal penalties—require that the Federal Government wait until a threat has ripened into an actual deprivation of the right to vote before punishing offenders as the criminal law now provides.

I have no doubt at all that the reason this legislation was originally presented to Congress was to empower the Federal judiciary to punish summarily, without jury trial, for an act which otherwise would have been a crime. The flowery and high-sounding talk about preventing wrongs before they occur was only window dressing.

This conclusion is bolstered by the hue and cry that has been raised as a result of the Senate writing into the bill a jury-trial guaranty. What on earth, Mr. President, is wrong with a statute which guarantees to all citizens the right of trial by jury before being punished for violating a court order?

The jury-trial language in the pending bill does not apply to contempts committed in the presence of the court—contempts of the dignity of the court. These can still be punished by summary action.

All in the world the amendment does is to guarantee trial by jury to an individual before he is packed off to jail for punishment. For my own part, I think that jury trial before punishment is a basic civil right, and I am proud that the Senate has determined to guarantee that right to our people. I can find no pity in my heart for the Federal prosecutors who must now convince a jury of an accused's guilt beyond any reasonable doubt before carting him off to jail, despite the anguished cries which arise from the halls of the Justice Department and the sacred sanctums of the White House.

But even with this guaranty, Mr. President, the bill is fatally defective. As I have stated, it extends the equity power of Federal courts to the enjoining of crimes. This, I submit, is a precedent which should not be set.

I am sure that it is extremely tempting, particularly in some political climates, to make the key to Federal jails a bit more accessible than it is now. However, by leaving the jail doors only slightly ajar, we are making it easier for them to be swung wide open some later occasions. Despotism, like cancer, breeds quickly once a tiny cell is firmly planted.

How long will it be, Mr. President, before the Senate is called upon to empower our courts to enjoin all crimes? How many years of constant whittling away by our eager Federal prosecutors will be required before a complete system of criminal equity has been substituted for criminal law?

Do Senators know what criminal equity is? Are Senators familiar with the only experience the English-speaking world has had with a judicial system which permitted equity to enjoin the commissions of crime?

Such a system was in effect in England just after the War of the Roses. It was known as the Star Chamber, and it punished summarily for the commission of crimes. The English people put up with the tyranny of criminal equity only until 1645, when the Court of Star Chamber was abolished.

To this day, criminal equity has lain dormant, but the Senate is now presented with the wedge which can later be used to pry our judicial system open wide enough to admit another star chamber.

That is the danger I see in this bill, and I believe it is a real and present danger. Of course, the Federal prosecutors would like to see such a system instituted, because it would make their work much easier.

The only question the Senate must answer, then, is whether it desires to be

so solicitous of the Federal prosecuting corps that it will agree to purchase their increased comfort at the price of individual liberty.

Mr. President, in my remarks before the Senate on July 13, 1957, I discussed in detail the legal, moral, and commonsense objections to the proposed legislation now before the Senate. I shall not review those objections today, except to again point out a few of the most vicious and dangerous remaining features of the bill as amended by the Senate.

I am opposed to part I of the bill because it would give the President carte blanche authority to appoint a six-member Civil Rights Commission which, armed with the subpena power, could and undoubtedly would become a roving grand jury, nationwide in scope and unparalleled in power. Under the pretext of developing information regarding alleged deprivations of the right to vote and alleged denials of equal protection of the laws under our Constitution, this seemingly innocuous band of pro-civil-rights and antisouthern political appointees would be given the blessings of Congress, the purse strings of the Federal Treasury, and the facilities of the Federal judiciary's power to punish summarily for contempt. Armed with these Federal trappings, it would be turned loose upon the country to embarrass, harass, and intimidate American citizens for 2 years—a 2-year hunting license, if you please, with open season on southern election officials in particular.

Mr. President, what is this nonsense the Senate is about to engage in? Why should the Congress give a 2-year hunting license to the NAACP and other so-called liberal groups to plague and intimidate the white citizens of the South? Whose function is it to investigate and obtain facts concerning the need for additional Federal laws, or the modification or repeal of existing Federal laws? Who but Congress can pass laws implementing the 14th and 15th amendments to our Constitution? The answer is plain: It is to be found in the very first grant of power contained in our Federal Constitution—in the opening words of article I, which read:

> All legislative powers herein granted shall be vested in a Congress of the United States—

Both amendment 14 and amendment 15 contain clauses stating:

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

No language could be clearer, no mandate more distinct, no grant more specific, than those carefully chosen constitutional phrases. Congress is the Federal body whose duty it is to investigate the charges and countercharges that have filled the air and covered the newspapers in recent years on the subject of equal protection of the laws and on the subject of voting rights. The Congress has been in the past and is now active in this field, as my colleague, the distinguished Senator from Missouri [Mr. HENNINGS] can testify. The Senate appropriated $100,000 in 1956 and another $100,000 in 1957 to the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary, headed by the senior Senator from Missouri [Mr. HENNINGS] and I daresay that most of the money has already been expended in the course of the subcommittee's investigations.

The subpena power already vests in the Senate's Constitutional Rights Subcommittee; the pro-civil-rights advocates have never had a more zealous champion than the present chairman of the Senate Constitutional Rights Subcommittee. Therefore, I ask again—what valid grounds exist for this extraordinary delegation to the executive department of investigative powers as envisioned in part I of the pending bill?

I have reviewed much of the hearings and the debates on the proposals now before us. I have yet to find in either the hearings or in the debates a single cogent reason why the Congress should surrender this extraordinary and extremely dangerous power to the executive department. Nor can I find any good reason why Congress should waste the taxpayers' money on a useless extravagant duplication of Congressional investigative efforts—especially at a time when we have been slashing governmental appropriations to the bone in trying to balance the budget. Mr. President, reasons of political expediency emerge throughout the testimony, but reasons of substance are conspicuous by their absence.

As for part II of the bill, the creation of a new Assistant Attorney General's position can no more be justified from a substantive viewpoint than can the creation of the President's Commission on Civil Rights as provided for in part I. The hearings, as well as the Senate and House debates, amply demonstrate that the Attorney General has Assistant Attorneys General galore at his beck and call; he can transfer them here and there and yonder at will, so long as he keeps them within the Justice Department. He could with one stroke of the pen assign an Assistant Attorney General to handle civil-rights matters. There is no reason why the Attorney General has to come to Congress at this time for authority to appoint another Assistant Attorney General, unless it be that the party he represents desperately needs another political plum with which to reward the party faithful.

Of course, Mr. President, those of us who have been on the Washington scene for some time know that the Federal bureaucrats have devious ways of going about their empire-building business. They know that if they should come to Congress at this time and ask for authority to establish another huge, sprawling Government agency, they would be turned down. They know too that Congress would probably rap them on the knuckles for suggesting the creation of a gigantic Government agency whose tentacles will eventually creep into every community and every home across the width and breadth of the land. That, of course, would be the honest, straightforward way to go about establishing within the Justice Department a Civil Rights Division that everyone in authority in the Justice Department knows is destined eventually to become as large as, if not larger than, the FBI. But we are not dealing with public servants who are willing to lay their cards on the table and to tell the public and the Congress, openly and aboveboard, what it is they really want and aim for—what the legislative language they propose really means. We are dealing, instead, with the most skillful group of legal loophole manipulators we have ever known. We are dealing with Government career lawyers who spend their days and nights dreaming up ways of pulling the wool over the eyes of the Congress and thwarting the will of Congress. We are confronted with an army of attorneys whose primary justification for staying on the Federal payroll is their ability to draft simple-sounding legislative language that will be used to extend the long arm of the Federal Government far beyond the limits intended by Congress and more and more into the personal, intimate lives of the American people.

Mr. President, can anyone doubt that the next step, should this new Assistant Attorney General be authorized, will be to give him a complete entourage of deputies and assistants, and assistant-assistants, and assistants to the assistant-assistants, and so on, ad infinitum? Of course the buildup will be gradual, but the goal is ever present. At first, the cry will be that funds are needed to provide only legal advice and technical assistance to the Federal district attorneys; then will follow the demands for funds to supplant the Federal district attorneys by a horde of legal eager beavers from the Civil Rights Division in Washington. Mr. President, it does not take a prophet to foretell where this proposed new Civil Rights Division is headed. Anyone who has observed the Federal empire builders at work as long as I have watched them, can see through this scheme at a glance.

I shall not again discuss part III of the bill as it passed the House. Enough has been said on the floor of the Senate to prove beyond a shadow of a doubt that part III is undoubtedly the most vicious, the most provocative, the most outlandish, the most unwarranted proposal that has come before the Senate since the sickening force bills of the Reconstruction Era—an era of which I am sure none of us here today is proud, and which all of us hope and pray will never again be visited upon a free people.

Before taking my seat, Mr. President, I wish to remind Senators once again that the so-called right-to-vote section of the pending bill—part IV of the House-passed measure—is subject to all of the objections that have been urged against part III, which the Senate has already voted down. The only difference, basically, between the two parts is that part III dealt with all rights that are embraced within the meaning of the privilege and immunities and equal-protection clauses of our Federal Constitution, while the right-to-vote part is concerned with only one of the so-called Federal rights secured to United States citizens under the Constitution and laws of the United States.

The American public has been sold on the idea that this is a right-to-vote bill—a bill intended to secure to each and every qualified American voter the right to cast his ballot for the Federal candidates of his choice. Certainly no Member of the Senate can quarrel with that laudable objective. I know that each and every one of us in this Chamber has always and to the utmost of his ability exercised every facility at his command to encourage and obtain a wider and more enlightened use of the ballot on the part of the American people.

What I and other Senators who have studied the language of the bill take issue with is the ingenious method, the almost diabolical method, its drafters have employed in seeking to protect and preserve the sanctity of the ballot. Why, I ask, should it be necessary to gut our Constitution and desecrate the sovereignties of the 48 State governments, as has been proposed in this measure? Why should the Congress authorize the Attorney General of the United States to bypass State administrative agencies, supplant State and local election officials with Federal judges, marshals and deputy marshals; and prejudge and impugn the motives and integrity of State legislatures? Why, I repeat, should our equity courts be transformed into criminal courts? Is it not plain, Mr. President, that in the guise of protecting and securing the civil rights of a few Americans, we are about to violate and compromise the civil rights of our entire populace?

I would never raise my voice in objection to, or lift my hand in obstruction of, a legislative program which would seek to secure the maximum exercise of the electoral franchise on the part of all qualified voters, irrespective of race, color, creed, or any other criteria, provided the guaranty of the right to vote is accomplished in a constitutional manner and in compliance with the procedures embodied by our Nation's founders in the United States Constitution. As a matter of fact, Mr. President, we already have in the law the machinery whereby any person who has been denied the right to vote in a Federal election, can obtain an injunction, through a Federal court proceeding, directed to State and local election officials, and thereby enforce his constitutional, Federal right to vote. If additional statutory authority is needed to insure the availability of this remedial action to any person or group of persons in the United States, qualified to vote under State laws, let us lay aside the pending unconstitutional measure, and get down to the business of writing a constitutional bill that will do the job.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from New Mexico [Mr. ANDERSON].

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair). The Senator from New Mexico is recognized for 1 minute.

ATOMIC ENERGY LEGISLATION

Mr. ANDERSON. Mr. President, on yesterday the members of the Joint Committee on Atomic Energy had something to say about the authorization bill which soon will be considered by the Senate.

Nucleonics magazine, a McGraw-Hill publication, in the August issue, which will be on the newsstands next week, contains an editorial entitled "Atoms for Peace in Jeopardy."

Mr. President, I think the editorial is about as bad as any editorial I have ever read in all my life. I believe it is an example of how far wrong a good man can go, and I have told the editor that.

In order that Senators may have a chance to discuss the matter, and in order that other persons may have a chance to follow it and to see how the large utility companies will go after the Joint Committee on Atomic Energy for trying to protect the cooperatives, for trying to keep them from being destroyed, and for trying to keep our country abreast of the other countries of the world, I ask unanimous consent that the editorial be printed at this point in the RECORD.

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

ATOMS FOR PEACE IN JEOPARDY

On July 30, the Joint Congressional Committee on Atomic Energy took action that may prove to be the turning point in the world race for preeminence in civilian nuclear power, a turning point against the best interests of the United States. For on that date the committee effectively announced to the world that, although up until that time, the United States had the most advanced program for the development of enriched-uranium power reactors and although the United States had been promoting the advantages of such systems to its foreign friends, now the Congress felt that the British natural uranium system was better and that consequently there was no need to be so liberal in dispensing U–235.

The JCAE made these points via two actions: One to hamstring the President on making U–235 available to the International Atomic Energy Agency by requiring Congressional approval of such allocations, and the other by forcing the Atomic Energy Commission to build a 40-mw. Calder Hall-type reactor.

Regardless of the merits of the arguments of enriched versus natural uranium, the fact remains that the AEC and American industry have built up an unsurpassed competence in enriched-reactor technology. At the moment, to be brutally realistic—and right or wrong—this is all we have to sell to other nations. And we have been selling it—successfully.

But to back up the sales efforts, it has been necessary to assure our foreign customers of a continuity of supply of U–235, whether through their bilaterals with the United States or through the International Agency, fed largely by the United States. Now, possibly in actuality, but certainly psychologically, that assurance has been wiped out by the JCAE action.

If that were not enough, the committee has passed judgment on a technical matter, namely that the Calder-type plant that so suits the British needs should be pushed hard by the United States in the face of recommendations by our top reactor specialists that other types of natural uranium systems would pay more handsome dividends outside the British Isles.

Here, too, we're shouting to the nations of the world, many of which are still debating the merits of the United States versus the United Kingdom system, that the British were right and all should buy British.

In addition to these actions directly hitting at the United States atoms-for-peace effort, the JCAE may well have stabbed in the back AEC's whole power demonstration program, which calls for joint participation by AEC and industry. It did this by voting to rescind the promise AEC made to the Power Reactor Development Co. to support it to the tune of four to five million dollars. The danger here is that the entire demonstration effort to build large plants on a cooperative basis is jeopardized because companies that enter into agreements with AEC in good faith may later find that Congress has knocked their props out from under them.

The future of the United States reactor program is at stake in the action that Congress takes on the recommendations of the JCAE. Those who have a firm belief in the essence of the course we have been following thus far can only hope that Congress will rebuff these recommendations.

Mr. ANDERSON. Mr. President, in the editorial there are phrases we shall long remember. For example, we find the following in the editorial:

In addition to these actions directly hitting at the United States atoms-for-peace effort, the JCAE may well have stabbed in the back AEC's whole power demonstration program, which calls for joint participation by AEC and industry. It did this by voting to rescind the promise AEC made to the Power Reactor Development Co. to support it to the tune of four or five million dollars.

Mr. President, if the man who wrote that editorial can go through the report and can find one line which even remotely indicates that the committee voted to rescind any promise made by the Atomic Energy Commission, he is a wizard of an editorial writer.

The entire editorial is an example of the deceitful and, I believe, dishonest type of propaganda we can expect from now on.

CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. POTTER. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Mr. POTTER. Mr. President, it is my purpose to speak briefly on the so-called civil-rights bill as we come to the closing hours of the debate on it.

Mr. President, it is my intention to support the bill, although knowing full well that the bill as it now stands is most unsatisfactory to me.

I think it well to review briefly what has happened to the bill since it left the House of Representatives. At the time the House acted it was overwhelmingly in support of all four major provisions of the bill.

Part I of the bill, to create a President's Commission to make a study and recommendations to the Congress and to the administration as to how we can better effectuate a solution of the problems that affect the rights of all citizens, is left in the bill pretty much as passed by the House.

Part II of the bill, which provides that an Assistant Attorney General shall be

appointed to deal solely with the problems of civil rights, still is in the bill.

Part III of the bill, which allowed the Federal Government to give protection to other rights guaranteed citizens other than those guaranteed in the 15th amendment, and primarily those in the 14th amendment, has been pretty well nullified by the action of the Senate. I think it is a sad commentary on those of us who believe in equality for all citizens that it happened.

Part IV of the bill, which deals with so-called voting rights of citizens, we have largely nullified by the so-called jury-trial provision for criminal contempt. We know the amendment will greatly hamper bringing about the purposes for which the bill was originally submitted, which was to assure all citizens that their constitutional rights to vote would not be infringed.

Mr. President, I shall support the bill despite all its inadequancies at this time. I shall support the bill, hoping it will go to conference and be improved. I think the House is in a good bargaining position.

While I personally feel that all sections of the bill are important, if the House, in conference, has to yield, it can possibly yield in its position on part III; and the Senate, of course, in a spirit of compromise, which always has to take place in the enactment of legislation, can yield on part IV, the jury-trial provision. I say it would be a compromise which many of us would dislike, but knowing that compromises are necessary in the legislative process, it seems to me it would be a sensible compromise, and one whereby the House could go a long way in meeting the position of the Senate.

The PRESIDING OFFICER. The 5 minutes of the Senator from Michigan have expired.

Mr. POTTER. I yield myself 30 additional seconds.

Under those conditions, I intend to support the bill, in the hope that it will be greatly improved when it comes from the conference.

I yield 30 minutes to the Senator from Utah [Mr. WATKINS].

The PRESIDING OFFICER. The Senator from Utah is recognized for 30 minutes.

Mr. WATKINS. Mr. President, in his second inaugural address, Abraham Lincoln declared:

> Now at the expiration of 4 years during which public declarations have been consistently called forth on every point and phase of the great contest which still absorbs the attention and engrosses the energies of the Nation, little that is new could be presented.

Those words are strikingly appropriate for the present occasion. After decades of intermittent debate on the civil-rights problem, and in the present consideration of it after many weeks of intensive discussion and the utterance of millions of words, surely there can be little that is new to be presented, and yet there seems to be a great deal of confusion, not only in the public mind, but in the minds of many Members of this body.

I hope that what I shall say today will, at worst, not add to the confusion and, at best, may throw some small ray of light on this most troublesome and difficult matter.

I hope also, in presenting my views, that I shall be able, in so far as humanly possible, to put myself in the position of the white people of the South. This we were urged to do by the distinguished senior Senator from Georgia [Mr. RUSSELL] in one of his earlier eloquent pleas to this body, and I think it would be appropriate at this point to call upon the Senator from Georgia and his distinguished colleagues who are opposing this measure to reciprocate by putting themselves in the position not only of the proponents of this bill, but, more important, the colored people of the South and all other sections of the Union. This kind of reciprocal exchange of positions could possibly be the catalyst which would result in a measure, if and when this bill goes to conference, that would not only be fair to all races, but workable. And that last point is extremely important.

In trying to put myself in the position of the opponents of the bill, I may say that for the past 10½ years I have resided in Arlington, Va. I have met many southerners. I have traveled through the South, and I have heard two series of very extended debates on civil rights, including two sets of hearings in the Judiciary Committee of the Senate. It also has been my privilege to serve in this body with the very charming, distinguished, and able Senators who are opposing this measure. I have the deepest respect for their ability and devotion to their country.

Mr. President, in the remaining days when we shall be reconsidering these highly emotional issues, it would be well for us to approach that consideration in the spirit with which Lincoln closed his second inaugural address: "With malice toward none, with charity for all, but with firmness in the right as God gives us to see the right."

In my brief remarks today, I should like to approach this matter in that spirit. If we all do so, we shall be able, I believe, to accomplish something in this historic debate, and the action which shall follow it, which will help heal remaining wounds that resulted from that great struggle of the last century, and prepare a way to peace between the races, where men of good will, and in all sections of the United States, may go forth hand in hand to build a still greater Nation.

In the discussion which is to follow, I shall limit myself to part IV of the pending bill.

The southern position is that there is no necessity for legislation of this kind, since there is no discrimination whatsoever in the South between the races when it comes to voting. It is claimed that all citizens, irrespective of race, color, or religion, are permitted to vote. The point is made that this bill seems to be a blow aimed directly at the South.

We have now amended the bill so that a person accused of criminal contempt will be entitled to a jury trial to determine whether or not contempt has actually been committed.

It was claimed during the debate that to permit a judge to determine the question of guilt would be a violation of the constitutional right of citizens to a jury trial.

The proponents of the bill contended that there is no constitutional right to a jury trial in contempt proceedings, and, as some of the cases have decided, that Congress may as a matter of policy determine whether or not there should be jury trials in such cases. Whatever the merits were on that issue, the matter has been decided as of this moment in the Senate.

I think I can understand the feeling of the southern people who contend that there is no denial of voting rights anywhere in the South. They feel that this bill is a direct slap at them, even though the proposed legislation is general in character and applies to the whole United States, including the Territories. If it is true that no voting rights are denied anywhere in the South, then the southerners would be justified in their attitude in claiming that no new proposed legislation such as provided in the bill passed by the Senate, or which will be provided when the vote is cast tonight is required.

I have considered the arguments pro and con on the question of whether legislation is needed, and also on the effect of provisions of the bill which gives the Attorney General power to intervene in certain conditions, and I have done a post mortem in my own thinking on the amendment to part IV which has been adopted.

It is my considered judgment that the proponents of the measure have made a clear case, by a strong preponderance of evidence, that legislation is needed to secure for all the citizens of the United States equal protection of the laws when it comes to voting in the elections for President, Vice President, and Congressional offices, as well as for State officers.

I shall not review the details of the evidence which I believe sustains the position I am taking, but there are some general conclusions worthy of consideration. It seems significant to me that no other area of the United States except the South is making objection to the measure. That seems to be the record of past contests relating to civil rights. At least it was the case early in my service in this body.

Opponents of the measure who claim they favor universal sufferage have never answered to my satisfaction the argument that if full voting rights are allowed to all citizens in the South, irrespective of color, race, or religion, then why should there be such die-hard opposition to this legislation, since it applies equally to all sections of the United States?

It is long-established policy in the courts to take judicial notice of facts which are so generally accepted that evidence of their existence is not required.

I would not go so far as to say that in the South we may rest the case entirely on this general rule, but I do say that all the evidence received at the hearings, added to what students of the question generally accept as true, plus the reaction of Congressional representation from that area, makes an overwhelming case, in my opinion, against

the contentions that Negroes may freely vote everywhere in the Southern States.

On the other side of the voting-rights coin is the Negro point of view. They, of course, are bitterly disappointed that part III of the pending bill has been stricken and that part IV has been so weakened by amendment that it is practically worthless to protect their rights to vote.

It should also be remembered that, except in recent years, Negro concentration in various parts of the United States was not of their own doing. Ancestors of the colored people in this country were torn from their homes in their native Africa, brought to this country in chains, and sold into slavery, with the heaviest concentration of slaves in the southern section of the United States.

For more than 200 years slavery existed in the Colonies and in the States. Slaves played an important part in the development of the economy of the South, which in early times exceeded that of the North, where the holding of slaves was not so profitable.

I shall discuss this matter in connection with another issue later in this statement. At this point I should like to comment on the amendment which has been adopted to part IV of the bill. I am referring to the O'Mahoney-Kefauver-Church-Case of South Dakota amendment.

Part IV amends title 18, United States Code, section 402, criminal contempts, to read as follows:

> Any person, corporation, or association willfully disobeying or obstructing any lawful writ, process, order, rule, decree, or command of any court of the United States or any court of the District of Columbia shall be prosecuted for criminal contempt as provided in section 3691 of this title and shall be punished by fine or imprisonment, or both: *Provided, however,* That in case the accused is a natural person, the fine to be paid shall not exceed the sum of $1,000, nor shall such imprisonment exceed the term of 6 months.

That language is so sweeping that it includes all Federal courts in the United States, its Territories, or the District of Columbia.

The distinguished minority leader, the Senator from California [Mr. KNOWLAND], placed in the RECORD a memorandum from the office of the Attorney General which supplies incontestable evidence that what I have just said is true, namely, that the decrees and orders of the Supreme Court and the circuit courts of appeals throughout the United States cannot be enforced in a criminal-contempt proceeding without the concurrence of a jury after a trial held in accordance with the practice in criminal cases, as it now exists in Federal courts. And it has been estimated that 90 percent of contempt proceedings growing out of voting rights will be criminal in nature.

This memorandum should be an eye opener to those Senators who claim to be in favor of civil rights and yet voted for the O'Mahoney-Kefauver-Church-Case of South Dakota amendment. I recommend that it be read by all.

I submit without fear of successful contradiction that this amendment is a direct blow at the Federal courts of the United States; that it is an invasion of the powers given them by the Constitution; and that if such an amendment were to go into effect, and should be carried to its logical conclusion, it could largely destroy the effectiveness of the Federal courts. That would be a result, I am sure, none of us would want to happen.

Historically it has been necessary for courts to have power to enforce their orders. They do this by writs of execution, either by injunction or orders which are in effect writs of mandamus, or by both.

Just how much respect will be left for the Federal courts if an amendment of this kind finally becomes law?

I realize that there is widespread criticism of many of the decisions of the Supreme Court of the United States, as well as the circuit courts of appeal. I personally do not agree with all these decisions. I think some of them are detrimental to the best interests of the United States. But because courts have made some decisions with which I do not agree, and with which numerous others may not agree, that still is no reason why the judicial department of Government as set up in the Constitution should be stripped of its constitutional powers to carry out its orders, decrees and writs.

There are two legal ways to limit the powers of courts, in my judgment: one by Congressional act, where appropriate, and another by amendment to the Constitution.

The distinguished senior Senator from Georgia, for whom I have the greatest respect and admiration, suggested in one of his earlier speeches that one of the civil-rights matters should be submitted to the voters of the United States by referendum.

I submit to the distinguished Senator and to the Members of this body that if the Senator from Georgia really desires a referendum on the question he had in mind, if he will submit a proposed constitutional amendment for the consideration of the Congress, and will provide in the proposal that a constitutional convention be elected to decide the matter so that the people of the States will have an opportunity to vote on the proposal, I shall join with him in attempting to have it enacted by the Congress and submitted to the people.

I shall do that, not because I would likely agree with his proposal, but because, if there is sufficient support to justify the action, I think there ought to be an opportunity to give the people an opportunity to decide whether or not the Supreme Court and other Federal courts have too much power and whether their jurisdiction and power should be limited.

Some merit is claimed for the amendment because it gives Negroes the right to sit on juries.

Negroes now have the right to vote, to sit on juries, and other civil rights too numerous to mention in my limited time, but they have not, in many situations and in many areas, been able to exercise these rights. So according to Negroes the right to sit on juries in all the States in the United States gives them small comfort when it comes to enforcing their civil rights.

Incidentally, in most States they now have that right but cannot use it because of interference, directly or indirectly, by those who do not want them to vote, let alone sit as jurors for one reason or another.

It should also be kept in mind that juries sitting in Federal courts on criminal cases must be unanimous in their verdicts in order to convict. Therefore, one juror can "hang" the jury. He can make the hearing result in mistrial.

The process can be repeated time and again. So it finally comes down to this: One juror can make ineffective any order issued by any Federal court in the United States which results in a criminal contempt proceeding by simply refusing to vote for a conviction and by holding to that position until a mistrial is declared by the court.

This is true in all criminal prosecutions in Federal courts, and by the O'Mahoney-Kefauver-Church-Case of South Dakota amendment the criminal contempt trials shall "conform as near as may be to the practice in criminal cases."

Opponents of this bill, however, have said that southern juries will do their full duty in this class of cases. I personally hope that they will be proved to be right in this claim if the bill, as passed by the Senate, becomes law without amendment.

However, we should not close our eyes to the record. What, in brief, is the record? Notwithstanding amendments to the Constitution have been adopted for the very purpose of protecting the rights of Negro citizens, there is ample evidence that they have not enjoyed civil rights granted to them by the amendments, and there has been very little protection given them in their attempt to enjoy their rights.

Time will not permit me to do more than add an item to that which I have already said in this speech on the question whether there has been an invasion of civil rights.

Detailed evidence presented before the Senate shows clearly that only a small proportion of the Negroes living in the South actually vote. There is evidence that this number is to some undefined extent kept as small as it is by reason of interference with the Negroes when they do attempt to vote.

I have made some investigation and have found that within the past 4 years grand juries in several of the Southern States have refused to return even one true bill against those accused of being violators of the voting rights of colored citizens. This is the result of studies made by the Department of Justice, after careful invetigation and preparation of hundreds of cases. Juries simply refused to indict. If they refuse to indict, or to begin the prosecution, the question arises: Then are they—presumably the same type of people—likely to convict?

I cite the situation in Ouachita Parish, La. Since time will not permit me to read the evidence, I ask unanimous consent that the statement of the Attorney General on this particular situation, and as given before the Judiciary Commit-

tee of the Senate, be printed in the RECORD at this point as a part of my remarks.

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

STATEMENT OF ATTORNEY GENERAL HERBERT BROWNELL BEFORE THE JUDICIARY COMMITTEE OF THE UNITED STATES SENATE AT HEARING ON CIVIL RIGHTS, 1957

In March 1956 certain members and officers of the Citizens Council of Ouachita Parish commenced an examination of the register of the voters of Ouachita Parish. Thereafter they filed approximately 3,420 documents purporting to be affidavits but which were not sworn to before either the registrar or deputy registrar, as required by law. In each purported affidavit it was alleged that the affiant had examined the records on file with the registrar, that the registrant's name therein was believed to be illegally registered, and that the purported affidavit was made for the purpose of challenging the registrant to remain on the roll of registered voters. Such affidavits were filed, challenging every one of the 2,389 Negro voters in ward 10. None of the 4,054 white voters in that ward were challenged. With respect to another ward, ward 3, such affidavits were filed, challenging 1,008 of the 1,523 Negro voters. Only 23 of the white voters in ward 3 were challenged. The registrar accepted their affidavits, even though she knew that each affiant had not examined the registration cards of each registered voter he was challenging. On the basis of these affidavits, citations were mailed out in large groups requiring the challenged voters to appear within 10 days to prove their qualifications. Registrants of the Negro race responded to these citations in large numbers. During the months of April and May large lines of Negro registrants seeking to prove their qualifications formed before the registrar's office, starting as early as 5 a. m. The registrar and her deputy refused to hear offers of proof of qualifications on behalf of any more than 50 challenged registrants per day. Consequently, most of the Negro registrants were turned away from the registrar's office and were denied any opportunity to establish their proper registration. Thereafter, the registrar struck the names of such registrants from the rolls. With respect to those registrants who were lucky enough to gain admission to the registrar's office, the registrar imposed requirements in connection with meeting the challenge which were in violation of Louisiana law. The registrar refused to accept as witnesses, on behalf of challenged voters, registered voters of the parish who resided in a precinct other than the challenged voter or who had themselves been challenged or had already acted as witnesses for any other challenged voter. By these means the number of registered Negro voters in Ouachita Parish was reduced by October 4, 1956, from approximately 4,000 to 694.

On October 10, 1956, Assistant Attorney General Warren Olney III, testified concerning the facts regarding Ouachita Parish before the Senate Subcommittee on Privileges and Elections and recommended that the subcommittee hold public hearings in advance of the general election. The subcommittee took no action with respect to the situation. Had the administration's program been in effect the Department would have been able to initiate a civil action for the purpose of restoring the Negro voters to the rolls of registered voters in time to vote in the November election.

Our investigation has revealed similar situations in several other Louisiana parishes. Related problems have developed in other States.

Mr. WATKINS. Mr. President, I have had occasion to review some of the editorials which have been printed in the southern press subsequent to the action of the Senate in adopting the O'Mahoney-Kefauver-Church amendment. I note no real feeling of cooperation, or of willingness, in the South to help Negroes to exercise their full civil rights with respect to voting. The general spirit is one of exultation over the "great" victory won by southern Senators. I also note the extremes to which the people of the South say they are willing to go in the matter of school segregation. It appears that the majority of them would rather have public schools abolished than accept Negro children in the schools now attended exclusively by white students. In making these references, I am not criticizing the people for feeling as they do. I believe they are sincere in this feeling, but in their minds they will be fully justified going to almost any length to win their point on the matter of school integration and other civil rights.

I am convinced they have strong feeling that if the Negroes are given the right to vote they will have enough power to bring about reforms which southern white people say they never can accept and that accounts for their determined opposition.

A witness appeared before a subcommittee of the Judiciary Committee of the Senate holding hearings on the nomination of Simon E. Sobeloff for the position of circuit judge in the fourth circuit court of appeals. This gentleman, Mr. O. L. Warr, was a farmer from Darlington County, S. C. He said he was a graduate of the University of South Carolina in 1927 and a member of Phi Beta Kappa. This should indicate the degree of his scholarship.

He made a very able statement, calmly and clearly. He revealed the language of a scholar and a man who had thought clearly on his subject. Mr. Warr, in testifying as to the feelings of southerners with respect to integration of the races in schools and on other civil rights, stated:

I would beg of you not to be misled by the comparative outer calm that has thus far prevailed in the South. The forces that are so powerfully surging there today remind me of Tennyson's "tide as moving seems asleep, too full for sound and foam." But its strength and its direction I well know, because I am myself moved upon it, whether I would or no.

There seems to exist a casual and mistaken acceptance of the belief that the South is completely helpless and unable to defend its way of life. Let me impress upon you gentlemen that the people of the South do not share that belief, that feeling, although they realize full well they do not have the physical force to protect their rights against the encroachments that we feel are threatened.

I believe that you would be interested in knowing what they plan to do, and that knowledge might have a bearing in your consideration of this nomination that is before you.

I would not wish you to infer from what I say in the next few sentences that I necessarily agree with every detail of their decision. But I do hope that you will believe me when I say that this decision has already been made.

Should southerners become the objects or victims of any overt act of judicial or executive force, they mean to use to the fullest the weapons of passive resistance and noncooperation.

If any southern citizen should be ordered to Federal jail because of refusal to obey decrees regarded by them as tyrannical, or if troops should be sent to attempt to impose integration by force, then the men of the South are determined and ready to regard every Federal court as a sworn enemy from that day forward.

I have listened carefully to many a conversation, and if my ears have heard aright, southerners plan to defend themselves by steadfastly refusing thenceforth to convict any citizen of any crime in any Federal court. They do not intend to confine their "not guilty" verdicts to cases involving civil rights, but they propose to apply that effective veto to every criminal proceeding in every Federal court.

And it should always be remembered that each individual juror is a law unto himself, and that in the end it is the verdict of the juror that determines the law of the land. (Subcommittee of Judiciary hearings on nomination of Simon E. Sobeloff, May 5, 1956, pp. 65–66.)

Under cross-examination by me he said that he would say that he spoke for about 100 people in his own neighborhood. I tried to find out to what extent he had investigated to ascertain the feelings of the people of the South.

I realize that his is an extreme statement, but in view of past history and the actions of many leading officials in Southern States and also the written and oral expressions of many citizens in that area, it does not seem to be too far out of line with the thinking and intentions of a large segment of the people of the South. I say this regretfully.

In closing my comments, I should like to say that in spite of a record of failure to protect the rights of colored citizens to vote in the South and some other parts of the United States, and in spite of features of this bill with which I do not agree, I shall vote for it, with the hope and belief that if and when it goes to conference a measure that is workable and a measure that will partially satisfy, at least, both sides to this issue will be agreed to and reported back to each House.

In closing, Mr. President, I express the hope that some measure of progress will have been made as a result of the long hearings and debate on the civil rights issue.

I also hope there will be a feeling of rapprochment between the white people of the South and their colored fellow citizens, to the extent that, instead of obstruction being thrown in the way of enjoyment of civil rights, there will be a helping hand extended which will go a long way to bring peace between the races not only in the South but in the whole United States.

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

Mr. WATKINS. I yield to the distinguished Senator from New York.

Mr. JAVITS. I should like to compliment the Senator on a thoroughly reasoned presentation, with a background of vast experience, supported by unusual prestige in this Chamber.

I think it should be carefully noted, as all Senators know, that the Senator

from Utah arrives at his own judgments in his own way, and according to the dictates of his own conscience. I believe that the conclusions to which the Senator has come—which I share—are historic in this debate.

I should like to point out something which the Senator has indicated in his recital of the statutes. Not only does this amendment introduce a jury trial where none has existed before, thus complicating enormously the work of the circuit court of appeals and the Supreme Court itself, which often issues stays which can be violated, but it sets a new standard of punishment, under which the United States Government cannot live—a standard which is different, and very much lower than any that exists today, namely, a fine of $1,000 and imprisonment of not to exceed 6 months, regardless of who is the violator, and regardless of how powerful he may be.

Mr. WATKINS. I think the Senator will agree with me that that kind of punishment would be no deterrent to an aggressor who is determined to have his way. It could easily happen that corporations and other organizations or even persons, in consideration of the various violations, could well afford to pay any fine, pay the individual violator a good salary while he was in jail, and build a monument to his memory when he got out.

It seems to me that those who wrote the amendment and supported it failed to take into consideration its wide scope, and the vast number of Americans who would be deeply interested in and affected by it. As I recall, there are at least 28 statutes which would be affected by the amendment.

Mr. JAVITS. There are at least that many.

Mr. WATKINS. I do not see how any President could sign such a bill into law, unless he wanted to do away with the effectiveness of the courts and gravely hamper the effectiveness of so many laws.

Mr. JAVITS. I thank the Senator.

Mr. STENNIS. Mr. President, does the Senator from Utah have sufficient time available so that he may yield to me?

Mr. WATKINS. I shall be glad to yield if I have the time.

Mr. STENNIS. I wished to refer to the witness who gave a summary of the attitude of the people of the South toward the duties of the courts and jurors. He was a witness who appeared in connection with the Sobeloff nomination, as I recall. What is the name of that witness?

Mr. WATKINS. His name is O. L. Warr. I believe I gave the citation where his testimony appears in the hearings. The distinguished Senator from Wyoming is on the floor, and I believe he will recall the testimony of that witness.

Mr. STENNIS. May I ask where the witness was from? Did he say whom he represented?

Mr. WATKINS. He said he was from South Carolina. I do not remember the name of the county. I asked him, "How many people did you talk to? How do you know that that is the feeling in the South?" He said, "I have talked to at least 100 people."

Mr. STENNIS. Was he attempting to give the attitude of the hundred people, or the attitude of all the people of the South?

Mr. WATKINS. I thought he was attempting to give the facts as far as he knew them. In consideration of all the other things that I knew and had heard about, and the resistance of the people of the South, not only to the pending bill, but to other measures, and in view of the criticism of some recent decisions of the Supreme Court, I thought he was probably trying to express the views of a rather large segment of the southern people on this question. I realize it is an extreme view, but it would not be fair if I did not call the matter to the attention of the Senate.

Mr. STENNIS. I should like to say to the Senator that in my humble opinion the witness is entirely incorrect. What he said is not true. It hurts me to say that the Senator from Utah has been led astray by such testimony as that, without any cross-examination, without any refutation. Apparently a witness, someone who has never been heard of before, merely stumbles in and gives the committee such slanderous testimony as that.

Mr. WATKINS. I am not prepared to say that the Senator is correct in calling it slanderous testimony. There is evidence that backs up his statement. He did not say he was expressing the view of the entire South. However, after I considered what I had heard and seen, I believed he did represent quite a large segment of the South in his views although he may not have had authority to speak for them.

It must be somewhat significant to the Senator when he considers the willingness of the South to give up its public schools rather than admit colored children. That is certainly an expression of a very deep feeling on the matter of race.

Mr. O'MAHONEY. Mr. President, will the Senator yield to me?

Mr. STENNIS. May I ask just one more question?

Mr O'MAHONEY. What I have to say deals with the same subject. It is probably altogether relevant.

Mr. WATKINS. Mr. President, I ask unanimous consent that the entire statement of the witness I referred to be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). Is there objection?

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

STATEMENT OF O. L. WARR, DARLINGTON COUNTY, S. C.

Mr. WARR. I am O. L. Warr, a farmer from Darlington County, S. C.

I speak only for myself and other individuals with whom I have talked on this question.

We feel that—I have a prepared statement. I am just going to touch the high spots of it.

Senator O'MAHONEY. Your prepared statement will be received and made a part of the record, and it will be very kind of you just to summarize it.

Mr. WARR. I will make it very brief.

We feel that the legal and intellectual qualifications of a judicial appointee are by no means the only factors that should be considered by this committee.

The attitude of the people over whose fates and fortunes he is given tremendous authority is a matter of prime importance. Although you would have the power to do it if you wished, you will agree that it would not be wise to impose on the Virgin Islanders or the people of any other Territory a governor or a judge who was known in advance to be personally objectionable to them.

The reasons that might underlie their opposition would be of little importance. The fact of their antagonism, and its intensity, are something which do merit, and which we feel should merit, your consideration.

Surely the attitude of citizens of old and sovereign States should merit the attention and understanding that is at least equal to that which would be accorded to the likes and dislikes of the inhabitants of the Nation's most insignificant and outlying possession.

I would beg of you not to be misled by the comparative outer calm that has thus far prevailed in the South. The forces that are so powerfully surging there today remind me of Tennyson's "tide as moving seems asleep, too full for sound and foam." But its strength and its direction I well know, because I am myself moved upon it, whether I would or no.

There seems to exist a casual and mistaken acceptance of the belief that the South is completely helpless and unable to defend its way of life. Let me impress upon you gentlemen that the people of the South do not share that belief, that feeling, although they realize full well they do not have the physical force to protect their rights against the encroachments that we feel are threatened.

I believe that you would be interested in knowing what they plan to do, and that knowledge might have a bearing in your consideration of this nomination that is before you.

I would not wish you to infer from what I say in the next few sentences that I necessarily agree with every detail of their decision. But I do hope that you will believe me when I say that this decision has already been made.

Should southerners become the objects or victims of any overt act of judicial or executive force, they mean to use to the fullest the weapons of passive resistance and noncooperation.

If any southern citizen should be ordered to Federal jail because of refusal to obey decrees regarded by them as tyrannical, or if troops should be sent to attempt to impose integration by force, then the men of the South are determined and ready to regard every Federal court as a sworn enemy from that day forward.

I have listened carefully to many a conversation, and if my ears have heard aright, southerners plan to defend themselves by steadfastly refusing thenceforth to convict any citizen of any crime in any Federal court. They do not intend to confine their "not guilty" verdicts to cases involving civil rights, but they propose to apply that effective veto to every criminal proceeding in every Federal court.

And it should always be remembered that each individual juror is a law unto himself, and that in the end it is the verdict of the juror that determines the law of the land.

Senator WATKINS. May I ask you a question at that point?

Mr. WARR. Yes.

Senator WATKINS. You pretend to speak for the South. You think that is the universal feeling down there?

Mr. WARR. Amongst—we will say my own feeling and that of all my neighbors; they do feel that way.

We realize it is a very serious step, but I believe all the people I know are willing to take that step.

Senator WATKINS. Let's see how many you are speaking for.

Mr. WARR. Only myself and the neighbors I have talked with.

Senator WATKINS. How many neighbors would you say?

Mr. WARR. I would say 100.

Senator WATKINS. One hundred.

Mr. WARR. Yes, sir.

Senator WATKINS. I wanted to be sure, because it sounds like you were trying to speak for the whole South, and I wanted to be sure how far you go.

Mr. WARR. For the people whose opinions, we will say, are similar to mine. We feel like we are neighbors, but that is subject——

Senator O'MAHONEY. May I ask if I interpret you correctly when I understand you to mean that if certain conditions, which do not now exist, should develop, then this plan of which you speak would probably be evolved?

Mr. WARR. Yes. I bring up the seriousness of the situation that exists in the South.

Senator O'MAHONEY. You are not talking about present conditions?

Mr. WARR. No, not now. But the seriousness—I don't wish to imply any word of threat, but rather of advice, and a warning as to the seriousness of the feeling that exists.

Senator O'MAHONEY. Let me say, Mr. Warr, that I can say to you that in my judgment, from my conversations with Members of Congress, it is generally recognized that this is a serious question, and that it calls for the exercise of the greatest amount of patience and tolerance and good will and understanding among the peoples of the North and South and East and West. And I think that persons—you speak temperately. I think you are a temperate man.

Mr. WARR. I feel that way.

Senator O'MAHONEY. Surely, and I think that is the general attitude of all the people of America, and even the most difficult problems can eventually be worked out in that spirit.

Mr. WARR. Well, that was as much as I had intended to say on that, merely to bring the seriousness of the situation out.

I would say that this nomination which you are considering is regarded by the people that I know as sort of an insult and a provocation. Its approval would be like throwing fat into a fire.

We feel that when so many other able men are available for this important position, that it would be an imposition and an error to grant power over our lives and fortunes to that individual who is most prominently associated in our minds with the attempt to overturn our way of life.

We do not regard the man who directed the effort to change lifelong and history-long habits of human beings as being adaptable to the task of fairly and impartially deciding disputes which spring from disagreement over the meaning and the extent of these new and untried and undefined precepts which he has sought to clothe with the force of law.

For many years to come the roster of the Fourth Circuit Court of Appeals will probably be predominated by cases involving racial disputes and constitutional interpretation. If ever there was an occasion which demanded the presence upon that bench of men in whose calm and impartial judgement every citizen might have confidence, surely that time is now.

I question neither the ability nor the integrity of the nominee whom you now consider—I would like to assure the person of that—and there are many offices of public trust that he could fill with distinction other than the one he holds, and we would have no objection to his filling them.

But at this tense moment in the affairs of the Nation, it would be neither wise nor proper, we feel, to invest with the tremendous power of judicial review and decision any man who has acquired the reputation of a crusader, whether justly or not, upon one side of the very arguments over which he would be called most often to preside and to adjudge, and who is already the object of such bitter animosity as to preclude any public acceptance of his judgments as being fair and impartial.

We cannot believe that his should be the role to "ride in the whirlwind and direct the storm."

That is my feeling as a "deep southerner."

Mr. Warr's prepared statement is as follows:

"The legal and intellectual qualifications of a judicial appointee are by no means the only factors that should be considered by the committee.

"The attitude of the people over whose fates and fortunes he is given tremendous authority is a matter of prime importance. Although you would have the power to do it if you wished, you will agree that it would not be wise to impose upon the Virgin Islanders or upon the people of any other Territory a governor or a judge who was known in advance to be personally objectionable to them.

"The reasons that might underlie their opposition would be of little importance. The fact of their antagonism, and its intensity, are features that do merit and should receive your consideration. And surely the attitude of citizens of old and sovereign States is entitled to attention and understanding at least equal to that which would be freely accorded to the likes and dislikes of the inhabitants of the Nation's most insignificant and outlying possession.

"It is, of course, the Declaration of Independence that I quote when I remind you that 'just power is derived only from the consent of the governed.' The committee should by all means take into consideration the state of public opinion in the South and in the States which compose the Fourth Judicial Circuit, and it should give serious thought to the effort that approval of this nomination might have in further inflaming what is already a smoldering caldron.

"I am not by nature an alarmist, but I confess to you that I am this day alarmed. In what I propose to say I would not imply the slightest note of threat, but I do believe that you should be advised and warned of the seriousness of the situation that now exists in the South.

"To describe it in the mildest terms, our section is the scene of a gathering storm. Of a storm so frightening in its nature and in its proportions that it sickens me to watch it as it thickens. For I hate to see the pleasant and friendly and cordial relations that have prevailed amongst us as individuals replaced by the hatred and bitterness and violence that are so rapidly coming to the fore.

"I would beg of you not to be misled by the comparative outer calm that has thus far prevailed. The forces that are so powerfully surging in the South today remind me of Tennyson's 'tide as moving seems asleep, too full for sound and foam.' But its strength and its direction I well know, for I am myself borne upon it, whether I would or no.

"The nature and the extent of the havoc that may yet be wreaked by its intensity before it is done are unpredictable but nonetheless perilous and frightful. It is within your power to stave off its fearful onset, in the hope that the winds of reason or of chance may by some miracle dissipate or divert this public hurricane whose lightning and thunder we have already seen and heard, and the first hailstones of which we have already felt as it rushes forward in its rapid approach.

"There seems to exist a casual and a mistaken acceptance of the belief that the South is completely helpless and unable to defend its way of life. Let me impress upon you that the people of the South do not share that feeling, although they realize full well that they do not possess sufficient physical force to protect their rights from the encroachments that are threatened.

"I believe that you would be interested in knowing what they plan to do, and that the knowledge might have a bearing on your consideration of the nomination that is before you.

"I would not wish you to infer from my statement that I necessarily agree with every detail of their decision. But I hope that you will believe me when I say that that decision has already been firmly made.

"Should they become the objects or the victims of any overt act of judicial or executive force, they mean to use to the fullest the powerful weapons of passive resistance and noncooperation.

"If any southern citizen should be ordered to Federal jail because of refusal to obey decrees regarded as tyrannical, or if troops should be sent to attempt to impose integration by force, then the men of the South are determined and ready to regard every Federal court as a sworn enemy from that day forward.

"I have listened carefully to many a conversation, and if my ears have heard aright southerners plan to defend themselves by steadfastly refusing thenceforth to convict any citizen of any crime in any Federal courtroom. They do not intend to confine their 'not guilty' verdicts to cases involving civil rights, but they propose to apply that effective veto to every criminal proceeding in every Federal court. And it should always be remembered that each individual juror is a law unto himself, and that in the end it is the verdict of the juror that determines the supreme law of the land.

"Should such a state of affairs be brought to pass, the real problem of the Federal Government in the years that lie ahead will not be the imposition of integration, but the preservation of peace and order.

"Surely it is not wise to push the men of the South to such an extreme defense of last resort. For if they are to be treated as scorned and friendless outcasts and reprobates, then they will have no alternative but to play the part to which they feel that they have been unjustly assigned.

"If the southerner is forced into the role of an Ishmael, if every man's hand shall seem to be against him, then you may expect in return that 'his hand will be against every man.' Certainly the sight of a South more oppressed under military heel than the lowliest Balkan satellite would be a poor recommendation for a nation which boasts of its love of freedom and its respect for the rights of the individual.

"It has been stated in high place that the only question confronting the southern people is that of conforming to a decree. Just a few years ago the important question that faced the great German people was whether or not to conform to a tyrannical decree, backed by all the power of law and military might, which demanded the utter extermination of a remarkable race of men.

"Be it said to the credit of some of the men of that unfortunate country that they sacrificed their lives in preference to becoming a party to such a crime. There are many such men in the South today, men who are willing to take any step and to face any fate before they will conform to a decree which would, with the passage of time, result in the

slow but certain disappearance of the Anglo-Saxons, who are themselves the extraordinary people also.

"They abhorred the extermination by government edict of another great race. They refuse to consent to the destruction of their own by a similar process.

"The nomination that you are now considering is regarded by southerners as a contemptuous insult and a gratuitous provocation. Its approval will be a throwing of fat into a fire. When so many other able men are available for this important position, it would be an onerous imposition and a grave error to grant power over the lives and fortunes of freemen to that individual most prominently associated in their minds with the attempt to overturn their way of life.

"They do not regard the man who directed the effort to change lifelong and history-long habits of human behavior as being adaptable to the task of fairly and impartially deciding disputes which spring from disagreement over the meaning and the extent of these new and untried and undefined precepts which he has sought to clothe with the force of law.

"For many years to come the roster of the Fourth Circuit Court of Appeals will probably be predominated by cases involving racial disputes and constitutional interpretation. If ever there was an occasion which demanded the presence upon that bench of men in whose calm and impartial judgment every citizen might have confidence, surely that time is now.

"I question neither the ability nor the integrity of the nominee whom you now consider, and there are many offices of public trust that he might fill with distinction and without objection. But at this tense moment in the affairs of the Nation it would be neither wise nor proper to invest with the tremendous power of judicial review and decision any man who has acquired the reputation of a crusader upon one side of the very arguments over which he would be called most often to preside and to adjudge, and who is already the object of such bitter animosity as to preclude any public acceptance of his judgments as being fair and impartial.

"I cannot believe that his should be the role to 'ride in the whirlwind and direct the storm.'"

Senator WATKINS. What is your educational background?

Mr. WARR. I am a graduate of the University of South Carolina, 1927; member of Phi Beta Kappa. I should never say that, because—

Senator WATKINS. I want to find out—you handled this very well—because you said you were a farmer.

Mr. WARR. I am a farmer.

Senator WATKINS. We have some well-educated farmers. I was quite sure, from the way you spoke, you must be a college graduate.

Mr. WARR. I farm because I like a peaceful and quiet life. I never have been to Washington before, and I sometimes wonder why I came today.

Thank you very much. [Applause.]

Senator O'MAHONEY. Thank you, Mr. Warr.

Mrs. Peder Schmidt. Mrs. Schmidt?

The PRESIDING OFFICER. The Senator from Utah has one-half minute left.

Mr. JOHNSTON of South Carolina. Mr. President——

Mr. O'MAHONEY. Mr. President, will the Senator yield at that point?

Mr. WATKINS. I yield.

Mr. O'MAHONEY. I understood the Senator to say that the testimony to which he refers was given during the Sobeloff hearings.

Mr. WATKINS. The Senator is correct.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. STENNIS. Mr. President, I took some of the time of the Senator from Utah. I yield him an additional minute.

Mr. O'MAHONEY. Mr. President, I do not know what the Senator from Utah has been saying about the witness, but I was chairman of the subcommittee which handled the nomination of Simon Sobeloff, to be a judge of the Circuit Court of Appeals. I remember that a witness came before the subcommittee, and I should like to say that the members of the subcommittee paid no attention to his testimony, because we thought he was absolutely unreliable. Evidence which came to us from the State of Maryland indicated that he was thoroughly unreliable.

Mr. WATKINS. I believe the Senator is referring to a man named Shankroff. That is not the name of the witness to whom I have referred. Mr. Shankroff raised a great many questions about Judge Sobeloff's qualifications because of his handling of a receivership in Maryland. The witness I refer to came from South Carolina. He was a dignified, scholarly gentleman, and he seemed to know what he was talking about. He was a very reserved witness.

The PRESIDING OFFICER. The time of the Senator from Utah has again expired.

Mr. WATKINS. I merely wish to say that I cross-examined him. He was cross-examined during the hearings.

TESTIMONY OF O. L. WARR BEFORE SENATE SUBCOMMITTEE

Mr. JOHNSTON of South Carolina subsequently said: Mr. President, the Senator from Utah [Mr. WATKINS] earlier referred to O. L. Warr, of Darlington, S. C., who appeared before the Senate subcommittee on the nomination of Simon E. Sobeloff.

Apparently the Senator from Utah has lifted from context the testimony of Mr. Warr in a manner which would tend to indicate that the people of the South will not be fair in their judgment as jurors on matters pertaining to the right to vote. This presentment of Mr. Warr's testimony from the Sobeloff hearings at this time is unfortunate, in my opinion. In the first place, Mr. Warr was speaking for himself and was not representing any vast group of people as the reference to his testimony would suggest.

In his testimony before the Judiciary Subcommittee, on page 65 of the testimony, Mr. Warr stated:

I am O. L. Warr, of Darlington County, S. C. I speak only for myself and other individuals with whom I have talked.

As I recall, Mr. Warr, when giving the testimony referred to tonight, was speaking about forcing the people of the South at bayonet point to integrate their schools and other public places. He was talking about a second resurrection of reconstruction in the South.

Mr. President, any inference that may be drawn to the effect that Mr. Warr was either speaking on the pending question of voting rights or for any vast group of people is not accurate or fair to Mr. Warr.

Mr. O'MAHONEY. Mr. President, will the Senator yield me 30 seconds?

Mr. HRUSKA. I yield 30 seconds to the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, I should like to advise the Senate that the State of Wyoming is honored because this year, as in past years, the widow of the late Speaker of the House of Representatives and the Representative from Ohio, Nicholas Longworth, is a guest at the Sunlight Ranch near Cody, Wyo.

She is the daughter of a former President of the United States, well known in history and greatly admired, Theodore Roosevelt. Under date of August 3 she wrote me a letter, on receipt of which I called her and asked her permission to read a portion of it into the RECORD today. That I shall do. It reads as follows:

DEAR SENATOR O'MAHONEY: Many congratulations on the passage of the jury-trial amendment. I am sure your speech of the 16th had a great influence on the result. And now, good luck to you in the rest of the fight. * * * With warm regards to you and Mrs. O'Mahoney,

Very sincerely yours,

ALICE LONGWORTH.

This expression is an indication of the rising tide of conviction among the people of the United States that the bill, with the jury-trial amendment included, should be enacted into law.

Mr. HRUSKA. Mr. President, I yield myself 6 minutes.

The bill which is before the Senate is a progressive step toward wholesome and long-needed civil-rights legislation. I shall vote for it.

The civil-rights bill, in its original form, and even now after extensive amendment, creates no new civil rights as such.

It does provide for means of enforcing civil rights which have existed by reason of our Constitution and by our statutes for at least 75 years. This is done by vesting in the United States Attorney General the power to intervene in situations where civil rights are threatened in their exercise and full enjoyment. He may invoke equity powers of a proper court from whom he will seek appropriate orders to the end that all things are done which should be done by proper officials to secure enforcement of the rights at stake.

The Senate in its wisdom has seen fit to strike from the bill part III, which pertained to civil rights other than the right to vote.

That the bill now before us creates no new rights is well demonstrated by the fact that the 15th constitutional amendment which assured the right to vote to all citizens of the United States was ratified and made an effective part of the Constitution in 1870. It is brief. It is readily understandable. It reads as follows:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

But even the provisions for enforcing this fundamental and elemental right

of citizenship have been stubbornly resisted. Primary evidence of this is found in the so-called jury-trial amendment which has been adopted by the Senate.

I voted against that amendment, Mr. President. Its originally intended effect was to provide a jury trial for persons charged with certain contempt-of-court proceedings relating to right-to-vote cases. Even in this form I opposed it.

The civil-rights bill as originally reported to the Senate did not change any rights regarding trial by jury. It did not deny something heretofore enjoyed, insofar as jury trials were concerned.

On the contrary, it was the so-called jury-trial amendment which proposed a change in the jury-trial system as English speaking peoples have known it for hundreds of years, and as our own Republic has known it since our beginnings as a Nation.

The jury-trial amendment seeks to do this by providing a trial by jury in certain cases of persons charged with being in contempt of court, a right which has not heretofore existed in such cases.

Under our American system of jurisprudence, as we have known it since the Constitution was adopted, no jury trials have been accorded generally to those who come before a court on charges of contempt. The courts have always had the inherent power to punish in such cases without intervention of jury trials therein. It is the one prime power whereby courts are able to hold an effective position of respect, dignity and integrity. It is principally by reason of that power that law enforcement in this country has enjoyed the high and useful place in our social and political system.

To impair or weaken this power is tampering with much too important a segment of our governmental system to take lightly, or to venture upon without proper safeguards.

It has been my feeling right along, Mr. President, that the approval of such jury-trial amendment as originally proposed would not only be undesirable in itself, but would also furnish precedent for extension into other fields than right to vote cases, to the much greater damage of the governmental system.

This has already happened. The jury-trial amendment as actually approved by the Senate, after it had been widened in its provisions, is now applicable to such an extent that it will operate to completely change the existing law with reference to a minimum of 28 Federal statutes and a maximum of as many as 40, in which injunctive relief and other equitable powers are authorized.

The PRESIDING OFFICER (Mr. CHURCH in the chair). The time of the Senator from Nebraska has expired.

Mr. HRUSKA. Mr. President, I yield myself 2 additional minutes.

Under the jury-trial amendment as now approved, a jury trial may be demanded in contempt cases resulting from equity decrees arising under statutes which permit the United States to be the party complaining, a radical departure from the law as heretofore existent. Further, the jury-trial amendment as now approved also limits punishment for contempt to a maximum of $1,000 fine or 6 months imprisonment when applied to numerous situations. This limitation, when applied to a host of very serious cases, is less than nominal. It would have no deterrent effect. It would have no punitive effect. Its real result would be the highly detrimental downgrading of the position and effectiveness of our Federal courts.

It is not difficult to create a highly emotional appeal behind such a slogan as "save the jury-trial system." It is not realized in many, many places that so far from being a move in that direction, the real effect will be in the opposite direction.

Mr. President, my regard, respect, and concern for the jury system are second to those of no one. They are based upon a lifetime of study of jurisprudence as such, upon the study of law in college, as well as over a quarter of a century of the general practice of the law.

My opposition to the jury-trial amendment is born of loyalty to the principles and instiutions of law as I have learned to know and revere them.

Hence, although I shall vote for the bill as it now stands, including the jury-trial amendment as approved last week, it is my firm conviction that its effects are so far-reaching that the conference committee cannot help but recognize the situation as it has developed and take proper steps to correct and limit the very erroneous direction and degree of amendment to our present jury and court system.

It is my earnest hope that there will result from conference committee negotiations a measure which will be workable, one which will be generally acceptable, even though it will not be to the total satisfaction of all the contending parties.

Mr. STENNIS. Mr. President, I first yield 1 minute to the Senator from Nevada [Mr. BIBLE] and then I shall yield 15 minutes to the Senator from South Dakota [Mr. MUNDT].

Mr. BIBLE. Mr. President, I thank the distinguished Senator from Mississippi.

I ask unanimous consent to have printed at this point in the RECORD, as a part of the discussion on the pending bill, an editorial entitled "It Will Be a Victory," published in the Reno (Nev.) Evening Gazette of August 3, 1957. The Reno Evening Gazette is the strongest Republican newspaper in Nevada. The editorial states that the present civil-rights bill, passed with the jury amendment, will be a victory.

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

[From the Reno Evening Gazette of August 3, 1957]

IT WILL BE A VICTORY

If the civil-rights bill finally passes Congress—even with the amendment adopted providing for jury trials in criminal contempt of court cases—Negroes will still be winners in this fight.

First, it will be the first time in this century that Congress has passed civil-rights legislation. The power of the southern Congressmen to block this effort has been broken. More civil-rights laws can come later.

Second, the Government, through the Attorney General, will be able to step into cases where Negroes have been deprived of their voting rights and begin action to protect them.

Third, a Federal judge, even with the amendment in the bill if it becomes law, can take action on the Attorney General's request to get Negroes registered and he can jail people who stand in their way.

Fourth, just because the Attorney General can step in and expose cases of individual or mass discrimination against would-be Negro voters, communities which want to keep them from the polls will be held up for the whole country to see. And too much exposure of voting-rights violations will probably create a mood in Congress in the future to pass more legislation with more teeth.

Mr. STENNIS. Mr. President, I yield 15 minutes to the Senator from South Dakota [Mr. MUNDT].

Mr. MUNDT. Mr. President, as we near the conclusion of this historic debate on one of the great issues before our country, I may say that I shall vote for the bill as it will come before us in the form in which it has been approved and adopted by the legislative practices of the Senate.

I think the Senate has demonstrated very clearly in the course of the debate the wisdom of the Senate rules and the wisdom of the Senate practices. They have given us the time and the opportunity to come to understand thoroughly, paragraph by paragraph, section by section, the purport and the implications of the proposed legislation. It seems to me that that is the function of Congress—that is, to bring about a meeting of minds, such as has been brought about by the give-and-take processes of the current debate.

I am gratified beyond all expectation at the reception the bill is receiving across the length and breadth of the country. I am gratified by the fact that the press of the country, quite regardless of whether it is the Republican or the Democratic press, has almost universally found that which is good in the proposed legislation, which I am convinced we are about to pass. I am gratified by the fact that the Nation's most important observers and commentators in the field of press, radio, and television have been practically unanimous in their support of the basic concepts of the bill.

We had a long and serious discussion of the so-called jury-trial amendment, which was adopted by a majority of the Senate in a yea-and-nay vote. We who are not lawyers have heard lengthy and learned discussions by our colleagues who are lawyers as to whether or not the right-of-trial-by-jury amendment is too comprehensive; whether it contains ramifications which ultimately might have to be refined, restrained, and restricted; and whether, in fact, trial by jury itself should be extended in the kinds of court cases which will flow from the bill.

The very fact that equally learned, equally respected, and equally able lawyers in the Senate disagree among themselves certainly indicates a possibility that by the adoption of clarifying amendments on the House side, the

House will be able, through its legislative responsibility, to make such changes, if changes should be made, before the House finally votes to give its approval to the bill.

Or if perchance the House, instead of passing the bill with amendments, decides to send the bill to conference, certainly in the consultations which will take place in conference all the ramifications, all the discussions, and all the learned opinions about the right of trial by jury can there be studied and analyzed. If some changes or modifications are necessary at that time, they will certainly be decided upon in the wisdom of the conferees representing the Senate and the House. I shall be happy to support such changes should they prove desirable and should further examination prove them desirable I hope that they are made.

As long ago as July 13, I announced in a major Senate speech that I wanted to vote for a right-to-vote bill, and that if the bill which was then before the Senate could be amended and changed so that it could become strictly a right-to-vote bill, I would support it. I said then, at page 11616 of the CONGRESSIONAL RECORD:

> Appropriate legislation can be enacted, and in my opinion should be enacted, to expand and expedite these improvements.

I had been talking about the improved status of the Negro in the South and the fact that increasingly his civil rights were being granted to him in that area. I continued:

> Certainly, few would deny, and I would not uphold any who would deny, that our Negro citizens have fully as much right and should enjoy fully as much opportunity to vote in our national elections as do the remainder of our American citizens. Where such opportunities are now denied, Federal legislation is appropriate to provide them completely and beyond all question.

In my opinion, the bill now before the Senate fully meets that definition.

On July 13, I said further:

> I expect to look at this measure as rationally, dispassionately, and as completely without partisanship as it is possible to do.

In the votes which I cast in the course of the debate, and in my efforts on the floor, I tried to keep before me that guiding light as a directional beacon.

Also on July 13, I said:

> Mr. President, turning briefly to another aspect of this current controversy, let me repeat here something I said informally a week ago today, while visiting with some friends of mine from the press corps who dropped into my office. Last Saturday I told these reporters that I both hoped and believed a reasonable and rational compromise could be evolved from the legislation now before us, which would fully and effectively protect the voting rights and opportunities of our Negro citizens without giving new police powers to the Federal Government to enforce at the point of the bayonet or with threats of imprisonment the social and economic implications in the proposed bill, which we are discussing. I said then, and I repeat now, that I am confident we can bring about a meeting of minds which will produce a bill which the South can live with and to which the Negro is entitled, even though there are many in the South who might still oppose its passage.
>
> Mr. President, nothing said or done within the past week has lessened my confidence that the great American formula of making progress by accommodation and compromise, can occur in connection with the existing controversy.

I added then:

> I propose to enlist myself in an effort in that direction.

Mr. President, having enlisted myself in that effort to bring about accommodation and compromise, and having watched the deliberations of the Senate, I can say now, on the eve of the passage of the bill, as I said then, that I have confidence that the spirit of compromise and accommodation which has been evidenced on the floor of the Senate has produced a bill which is wholesome, which is good, which will be effective, and which I believe will become a part of the law of the land.

At this time I should like to quote another part of my speech on July 13, as follows:

> As I said a week ago to the reporters in my office, effective guaranties for all Negro citizens that wherever they live they will have their full rights and opportunities as American citizens protected so they can vote freely and of their own volition in every national election will be a major forward step in our American political life.
>
> And as Walter Lippmann said recently in his column in the New York Herald Tribune:
>
> "Insofar as the right of southern Negroes to vote can be secured and protected, they will acquire powerful means for establishing all their rights. * * * A disfranchised minority is politically helpless. Let it acquire the right to vote, and it will be listened to."

Mr. President, as I said on July 13, I say now to those who will be considering this measure in the House of Representatives and in the White House: If other reforms are later necessary, let them stand on their own feet and be argued on their own merit. Let us not utilize the right to vote concept which is cherished by so many to force upon the statute books adventures in acrimony and reckless grants of power which are desired by so few and which are of such doubtful necessity or equity.

Mr. President, the Senate has before it a bill which, I believe, will be a forward step in this entire controversy. I believe the bill should become law because it is, in fact, an important and historic forward step.

I cannot associate myself with the impatient persons who say, "Give us all, or give us nothing." I think sometimes progress is made by degrees. No one—I repeat, Mr. President, no one—up to this late hour has denied that progress is written into the language of this bill.

Mr. President, I hope and believe the bill will become law because, in the second place, it is the first chance the Congress has had in a century to write legislation moving in the right direction.

The Senate has this chance because it has approached this matter in a spirit of moderation, compromise, and accommodation, in recognition of the fact that sometimes reforms have to be produced by degrees.

Mr. President, I believe the bill will become law because the debate on the bill has produced statements and evidence indicating that the South recognizes the right to vote on the part of Negro citizens, and that the South will cooperate in giving them the opportunity to exercise that constitutional right.

In fact, Mr. President, during the debate there has been produced evidence showing that in many areas of the South such a protection of the right to vote is perhaps unnecessary, just as it has been shown that in other areas of the South it is necessary. For that reason, we propose to pass the bill. It is needed to correct conditions in certain areas of the South.

I hope and believe that the bill will be passed because it is a legislative step which reinforces and guarantees the rights and opportunities of Negroes to vote. In addition, it establishes a Commission which will have considerable power and authority. In fact, Mr. President, the Commission in one regard will have more power and authority than I would prefer to have it have, if I had my way, because there will be vested in the chairman of the Commission powers which are denied to the chairmen of the legislative committees of the House of Representatives and the Senate. In certain other aspects, I feel the Commission's powers are too broad or too vaguely defined.

But be that as it may, the Commission is provided for in the bill, and is charged with studying civil-rights problems which may develop or which may exist at the present time. The Commission will have the power to pour the pitiless spotlight of publicity upon improper situations, if there are such, and to make the necessary legislative recommendations to correct other problems which it may be able to discover.

Finally, Mr. President, let me say that I hope and believe the bill will become law because it provides a new forward position from which we can move, if necessary, to provide additional reforms and to make further progress.

It is my own conviction that, when given the right to vote and the opportunity to vote, the colored people of the South will speedily bring about the reforms which are essential and necessary. But if they do not, we shall have this new forward position—this advanced base—from which we can move, should it become necessary as evidence is later brought forward.

Mr. President, the bill has been developed in a spirit of moderation. I like to think that is the spirit of the Republican Party. I like to think that modern Republicans are moderate Republicans. I like to think that States' rights are sacred and important, and that the 10th amendment to the Constitution is perhaps the most important single amendment to the Constitution of the United States.

The bill recognizes the 10th amendment and recognizes the concept of States rights. The bill recognizes the spirit of moderation. It recognizes the desirability of making haste in an environment which is friendly, sympathetic, and hospitable, rather than to try to make haste at the point of a sword or bayonet, or pistol, by prodding people to go farther or faster than it seems reasonable or rational to believe they can

move at a given time. This is the spirit of moderation that is the spirit of our Republic. It is within this framework of compromise that we have been able to make the progress we have made.

Although I suspect that there will be Senators representing the Southern States who will vote against the bill—and I grant that they have that right, because ours is a representative system of government—yet I wish to say this in tribute to the Senators who represent the Southern States in this body: They have served here as reasonable men, not as obstructionists. They have won some arguments, and they have lost some arguments. But because they have made reasonable approaches, they have been able to place the imprint of their attitudes upon the proposed legislation, just as the imprint of the White House is there and just as the imprint of more ardent advocates of civil rights is there. The bill bears the imprint of all Senators who have debated the matter in this great crucible which brings together the minds of men, so that conscionable and reasonable progress can be made.

In addition, Mr. President, I wish to say that I salute the Senators from the Southern States, who might have been called upon to filibuster and to create all kinds of unreasonable delay in a frantic attempt to prevent the Senate from dealing with the realities involved in this matter.

As a consequence of the mature attitude of Senators in this Chamber, regardless of which side they took in the debate, the dignity of the Senate has been increased and I believe the responsibility of the Congress has been enhanced. Our majority leader and our minority leader have both acquitted themselves with distinction in this controversy.

I am confident in my own mind that, upon serious and deliberate consideration, the White House will realize that it is better to accept some progress in the right direction, rather than to take none and, as a result, have to start all over again the whole controversy—which might perpetuate the issue, but would contribute little or nothing to the solution of the problem.

The PRESIDING OFFICER. (Mr. CHURCH in the chair). The time yielded to the Senator from South Dakota has expired.

Mr. STENNIS. Mr. President, I yield 1 more minute to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 1 additional minute.

Mr. MUNDT. Thank you. Mr. President, I close by citing a great student of government, Edmund Burke, who said, in 1775:

> All government—indeed, every human benefit and enjoyment, every virtue, and every prudent act—is founded on compromise and barter.

Mr. President, I believe the pending bill meets that test. I hope it becomes a law.

Mr. KNOWLAND. Mr. President, I yield 10 minutes to the junior Senator from New York [Mr. JAVITS].

The PRESIDING OFFICER. The Senator from New York is recognized for 10 minutes.

Mr. JAVITS. Mr. President, I shall vote for the bill. I shall vote for it because I want a bill, not a campaign issue; and I believe this is the way to get a bill. I shall vote for the bill, notwithstanding the fact that it has a fundamental and, indeed, a well nigh fatal legal defect which, if one took the bill literally, as it stands before us, makes it a legal monstrosity. This defect is contained in the breadth of the jury-trial amendment, which is applicable to so many statutes.

Mr. President, I have argued this question before, so I shall not detain the Senate by arguing it at length now. However, I should like to juxtapose in the RECORD, as a part of my remarks, two legal documents which I believe show that the bill cries out and demands that this defect receive correction. Indeed, if it is not corrected, I do not see how the President can sign the bill.

First is that part of the law which is section 402 of title 18 of the United States Code; the second is section 3691 of title 18 of the United States Code, which I ask unanimous consent to have printed in the RECORD as a part of my remarks.

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

§ 402. Contempts constituting crimes.

Any person, corporation, or association willfully disobeying any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia, by doing any act or thing therein, or thereby forbidden, if the act or thing so done be of such character as to constitute also a criminal offense under any statute of the United States or under the laws of any State in which the act was committed, shall be prosecuted for such contempt as provided in section 3691 of this title and shall be punished by fine or imprisonment, or both.

Such fine shall be paid to the United States or to the complainant or other party injured by the act constituting the contempt, or may, where more than one is so damaged, be divided or apportioned among them as the court may direct, but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of $1,000, nor shall such imprisonment exceed the term of 6 months.

This section shall not be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States, but the same, and all other cases of contempt not specifically embraced in this section may be punished in conformity to the prevailing usages at law. (June 25, 1948, ch. 645, sec. 1, 62 Stat. 701, May 24, 1949, ch. 139, sec. 8 (c), 63 Stat. 90.)

§ 3691. Jury trial of criminal contempts.

Whenever a contempt charged shall consist in willful disobedience of any lawful writ, process, order, rule, decree, or command of any district court of the United States by doing or omitting any act or thing in violation thereof, and the act or thing done or omitted also constitutes a criminal offense under any act of Congress, or under the laws of any State in which it was done or omitted, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in other criminal cases.

This section shall not apply to contempts committed in the presence of the court or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States. (June 25, 1948, ch. 645, sec. 1, 62 Stat. 844.)

Mr. JAVITS. Mr. President, an examination of both of those sections shows that in any suit started by the United States which relates to large economic interests, under the securities laws, the "Hot Oil" Act, the National Labor Relations Act, the antitrust laws—which are perhaps the most significant of all—the punishment which the court could adjudge for a criminal contempt could be, in the judgment of the court, apportioned to the economic interests involved. We are all very well acquainted with the United Mine Workers case, and the important and heavy fine which was levied there. If the amendment which we have adopted becomes part of the law, in any case, involving huge economic interests, in which the United States Government is a party plaintiff, the court would be confined to a fine of not exceeding $1,000 and a sentence not exceeding 1 year's imprisonment. I cannot feel that the authors of the amendment contemplated any such application as that. This is quite apart from the bedevilment of the jury-trial amendment itself, because the provision would apply to criminal contempt in cases where there is no machinery for jury trial in circuit courts of appeals which issue orders and injunctions in cases involving the Federal Trade Commission, which also has not provision for jury trials. I just think the jury-trial provision falls absolutely of its own weight. I do not see how we can contemplate any law with such a provision in it.

Second, there is another defect in the bill, which we cannot cure, and to which I should like to address myself. I think it is very much a question of public service which is involved, especially for news mediums.

I said on the floor yesterday that there is a provision in part I of the bill which relates to the Commission and which has given cause for concern among the press, magazines, radio, and TV. It is contained in subsection (g) of section 102, which reads:

> No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than 1 year.

Naturally, the news media fear that if they get their hands on any information which comes out of an executive session or actions of the Commission, and they publish it, they might be subject to the criminal sanctions of that particular section. It would have been much better if the section could have been expressly limited to apply to employees,

officials, and the staff of the Commission; but the time for that has gone. Both the Senate and the House will have adopted, by the time we are through, the identical provision. I think it is therefore important to spell out, so far as we can, what is the true intention of the provision, in order to quiet, if we can, the fears of those who have legitimate fears.

I have studied the provision, and I ask unanimous consent that a memorandum I have prepared on that point be made a part of my remarks——

The PRESIDING OFFICER. Is there objection?

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

MEMORANDUM ON CIVIL RIGHTS SECRECY PROVISION

There is a provision in part 1 of the civil-rights bill relating to the Commission which has received little attention but which has caused concern among the press, magazines, radio, and TV. Subsection (g) of section 102 of the civil-rights bill reads as follows:

"No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than 1 year."

Upon analysis, it clearly is intended to apply only to officials, staff, or others employed by the Commission. One way to further clarify the situation now is by spelling out the meaning of the language as part of the legislative history in the Senate.

The intent of the provision, it is contended, is to prevent leaks by Commission officials or staff or others employed in its work of confidential testimony which, among other things, might tend to defame, degrade or incriminate any person. It was not intended, upon careful analysis, as a general criminal statute applicable to the public at large, or to jeopardize news media which secure and publish information obtained in their own way on testimony given in executive session.

The provision states in the first sentence that no testimony or evidence "may be released or used in public sessions without the consent of the Commission." Obviously, newspapers cannot release or use testimony in public sessions, only the employees, staff, or members of the Commission could do that. The second sentence, which provides the penalty, sets out in similar language that "whoever releases or uses in public" without the Commissioner's consent is guilty of a crime. In construing these two sentences together and in looking at them in the light of their use of the same verbs and the title of the section—Rules of the Procedure of the Commission—and the other provisions dealing with the Commission procedure, it is clear that the whole provision relates to duties and responsibilities internal to the operation of the Commission; that the reference to "in public" is limited to public exposure by those within the Commission or having responsibilities or duties imposed by it or under its authority. If executive session testimony is leaked to the press and published, a Commission official, staff member, or employee (regular, temporary, or on contract) who divulged it could be subject to the criminal penalties, but the reporter and newspaper could not be.

In the construction of a statute which is ambiguous the courts will often turn to the intent to be gathered from legislative debates. In this instance it is possible to clarify by Senate discussion what is meant. Criminal statutes are always construed strictly and any doubt is resolved in favor of the defendant. Any light which can be thrown upon this ambiguous provision here will be of great value.

Subsection (g) to section 102 was added by the House and it is significant that its first sentence is identical to paragraph (o) of House rule XI–25—applying to House committees—which provides as follows:

"(o) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee."

Clearly these rules apply only to the internal operations of House committees. They do not govern the public at large and certainly not newspapers and other news media and yet the wordage is identical.

Similar language is usual in Senate investigating rules:

Rules 14 and 15 of the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations provide as follows:

"14. All testimony taken in executive session shall be kept secret and will not be released for public information without the approval of a majority of the subcommittee.

"15. No subcommittee report shall be released to the public without the approval of a majority of the subcommittee."

Similarly, rules 20 and 21 of the Subcommittee on Privileges and Elections of the Committee on Rules and Administration; rule 5 of the Committee on Banking and Currency; rule 8 of the Armed Services Committee, and rule 10 of the Internal Security Subcommittee of the Committee on the Judiciary.

As part of the legislative history it should be stated that it is not the Senate's intention by the passage of the bill to invoke censorship on the news media or to place a criminal penalty upon their disclosing news they may get about executive hearings of the Commission.

Mr. JAVITS. The verbs which are used in that particular provision, "release or use" testimony in public are used twice.

Taking the two sentences which are contained in the subsection together, as well as the title of the section, which is headed "Rules of Procedure of the Commission," I am convinced the whole provision relates to duties and responsibilities internal to the operation of the Commission, and that the reference to the use of the words "in public" is limited to public exposure by those within the Commission or having responsibilities or duties imposed by it or under its authority; and that therefore the criminal sanctions do not apply other than to the official staff members or employees of the Commission.

In substantiation of that statement, there are contained in the memorandum excerpts from the Rules of the House of Representatives about committees and from the rules of a number of committees of this and the other body, carrying identical or very similar language. It has never been maintained, under that language, that if news media could acquire information of that character, they would be proceeded against by any sanctions.

I hope, to the limit of my power, and that of Members in the other body of Congress, this statement may help quiet some of the fears, because I believe in the integrity of the sources of news. News media, if they could get the information, should not be under the inhibition which may, at first glance, be thought to be contained in the language, but not in fact or law in any view; in this section.

Finally, I come to my summing up. It is undeniable to me that there has been a major denial of voting rights of Negroes in Southern States, particularly in the Deep South, and that this major denial is going on right now. The mere figures themselves, taking them overall, conclusively support that statement. Let us not forget, when we are having discussions about Chicago and New York, that more than half of the Negroes of voting age live in the 11 Deep South States—over 5,000,000 out of 9,000,000. Even with the great advances which have been made following the Supreme Court decision allowing Negroes to vote in so-called white primaries, only 24 percent are registered to vote. We know that in the State of Mississippi in a recent gubernatorial election just 2 percent of the Negroes voted. Those figures compare with 73 percent registered to vote of those eligible for the overall figures in the United States, and 53 percent for the overall figures in the 11 Deep South States. So I think it is very clear that a very important civil right is being denied or jeopardized—the right to vote.

I believe that the bill, stripped of the jury-trial amendment, would be effective in respect of that right, but I point out, and I have constantly pointed out, the defects and deficiencies in the measure. The Senate has exercised its will and has eliminated, through striking out part III, added Federal protection for a broad range of rights. I thoroughly disagree with the action the Senate has taken, but that is the decision of the Senate.

I believe we can live with the bill as to voting, with the qualifications I have mentioned, and that it will provide a measurable advance on the road to progress for the Negroes to receive full recognition in the South, once the bill is put into effective shape.

I point out that we are dealing with the voting right of 5 million citizens. I do no know why, but somehow or other we do not seem to have been able to break through with this elementary fact to the American people. A great number of those citizens are being disfranchised by strategems, schemes, and devices which are unworthy of any American, certainly in respect of the right of every American to the equal protection of the laws.

I close on this note. Many distinguished representatives of the South have spoken most eloquently about the sacred rights they are trying to protect. I lay aside what has been called by the senior Senator from Georgia [Mr. RUSSELL] the question of the separation of the races. Now there is no reason in the world why Negroes should not be permitted to vote in the South. I point to the figures and strategems as evidence of the fact that the right to vote is being largely denied to those citizens. There is no question about the fact that southern Senators have won a very big victory. Let us now see if the measure can be perfected. If it does become law, let us see if the leadership of the South will be

consecrated to the cause which ought to be a common American cause, regardless of any other considerations, regardless of their questions of the mingling of the races or anything else; will they fight as hard to secure the right to vote for the Negroes as they did in what they considered here to be a holy cause to them? I think this is an acid American test. Most Senators will be in the Senate for some time. I think there will be an opportunity to go back to these facts. The civil-rights proposition is not ended, and it is not dead. What shall happen to it and what shall happen to filibusters, which are controlled by rule XXII, and what shall happen to much other legislation, will depend not alone upon the wording of the law as upon the faith in American ideals which we shall find evidenced in the leadership of those who have argued so eloquently, and, I feel, sincerely against the bill.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. I thank my colleague, the Senator from California.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Alabama [Mr. SPARKMAN].

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SPARKMAN. Mr. President, first I want to pay tribute to those Senators, Democrats and Republicans, who are responsible for removing many of the worst features from this so-called civil-rights bill.

Members on both sides were sorely troubled by the danger to jury trial inherent in the bill as originally drawn. There is no doubt in my mind that history will record that the Senate acted wisely to write into the bill the protection of this basic civil right.

As the Wall Street Journal, July 30 issue, so appropriately stated:

> On this question (jury trial) history has already passed a verdict. It is not that every jury can be depended upon to do justice. We have jury trials because the experience of men is that, for all their imperfections, they remain still the best means of insuring justice.
>
> The debate in Washington is on civil rights. But as we press on to insure more of them, we ought at least to be wary lest we trample underfoot those we already have.

The Senate heeded this advice, and the rights of all Americans are better protected thereby.

Even though the bill has been greatly improved, Mr. President, I shall vote against its passage.

I shall do so for the following reasons:

First. It is still a bad bill.

While most of the worst features have been removed, it still contains objectionable and risky provisions.

One such provision is that which would create a Commission on Civil Rights. Such a commission is unnecessary, and certainly it should not be given the broad powers called for by the pending bill. The Commission would have the power to harass any business and to meddle into the affairs of individuals and their relations to other individuals. It would be empowered to encroach upon the rights of State and local government.

It is unwise for Congress to establish a commission with such unlimited powers.

Second. Another objection to the bill is that it is unnecessary. The alleged wrongs which the bill would correct do not exist to anywhere near the extent claimed.

No part of the country is free from discriminatory practices, and no laws can legislate peoples' attitudes and social customs. This is not true only as between races; it runs the entire gamut of human relations.

There are those, though, who during the whole course of this debate have charged that Negroes are mistreated in the South, that their educational and job opportunities are greatly inferior to those of whites, that they are deprived of their voting rights, and that throughout the South they are persecuted and abused.

Those who have made these accusations generally choose to ignore the fact that discrimination against the Negro outside the South is just as sharp and in many respects more cruel than in the South.

They disregard the almost unbelievable progress made by the southern Negro during the past three decades, the period during which the economy of the South has improved sufficiently for all our people to enjoy a better life.

They overlook the fact that most Negro-owned and operated businesses are in the South, that nearly all Negro-owned farms are located in the South, that educational facilities are rapidly being equalized, and in many instances Negro facilities are far superior to those of the white, and that the number of Negroes voting is 30 to 40 times greater than 20 years ago.

Incidentally, Mr. President, a few days ago I received a letter from the State superintendent of education in my State. He gave me information as to the number of Negro teachers in the State, elementary and high school, and a breakdown of the white teachers in the same way. He found that the ratio of Negro teachers to students was a little higher than that of white teachers to students.

The amazing thing was that the rate of pay for Negro teachers in elementary schools of Alabama was in excess of the average pay for white teachers in the same type of school. That was not quite true with reference to high school teachers, for the differential was a little bit the other way in that case. But the overall figure was most interesting, in that it showed that white teachers in the State on the average were paid $6 a year more than the Negro teachers in the State.

I may say, Mr. President, that the Negro teachers in our schools are not numbered by the scores or hundreds, they are numbered by the thousands.

Typical of the misinformation spread about the South was that reported about Negro voting. The distinguished Senator from New York has made reference to statements and figures as if they were absolute facts.

Mr. President, it has been shown on the floor of the Senate that many mistakes were made in the so-called survey made by the Southern Regional Council.

In my own home county—the county in which I was born, Morgan County—the survey stated there was not a single Negro voter. I received a letter from the probate judge of that county, and he informed me that there were over 1,500 Negro voters in that county.

It has also been stated that no Negroes were registered to vote in certain other Alabama counties, among which were Blount, Jackson, Morgan, and Tallapoosa. A check with the probate judges proved the falseness of the report. There were many more Negroes registered in other Alabama counties than reported by the source in question.

Characteristic of the reply I received from the probate judges of Alabama is that from D. Hardy Riddle, of Talladega County. The Southern Regional Council reported 1,134 Negroes registered in Talladega County. Judge Riddle telegraphed:

> There are approximately 2,500 Negro voters registered in this county and I do not know of a single instance in many years where a person was refused registration because of his color.

Even though I can show two dozen serious mistakes made by the survey, with relation to the State of Alabama, it continues to be thrown up to us as giving accurate figures. The newspapers throughout the country use it as containing such data.

Mr. President, there has been a world of misinformation regarding these conditions. Typical of letters I received from Alabama registrars is one from Miss Myrtle W. Little, of Sheffield, Ala. She said:

> As for the colored people being persecuted in the South, I wished so many times this past Monday, for the Senators who claim we won't let them vote, could have had a glimpse of the inside of our historical old courthouse in Tuscumbia as we registrants worked from 8 a. m. until 6 p. m.
>
> Monday (last) was the last opportunity for registering, for a local county election, we have coming up 13th of August. Throughout the day, there were double lines of applicants that reached from the office door, to the outside steps of the courthouse. Every applicant was served as his time came, be he white or colored, just as it should be. Every person received the same courtesy, the same consideration, the same admonishing, such as not to lose their registration and poll-tax receipts, to always take them with them on election day so they would have no trouble voting, should their name not appear on the poll list, etc.
>
> No qualified applicant was turned down.

I should like to invite particular attention to this statement:

> Since I have been on the registrars board (October 1955) only one colored person was turned down—she had served a term at Wetumpka (State prison for women). We told her if she could get her citizenship restored, we would be glad to register her.

Let me urge my colleagues outside the South to study the progress we have made; also to learn about our problems and to judge our achievements not only by where they think we should go but from where we have come since the turn of the 20th century.

Third. The third objection to the pending bill is that it would bring about a further deterioration in racial relations in the South.

This deterioration has been rapid and harmful to both races, particularly to the Negro, since the Supreme Court decision in 1954 and the stepped-up agitation thereafter. I have already referred to the economic progress made by the Negro and to his greater vote participation.

Let us note a few specific examples of the better days in the South when racial relations were improving—when the Negro was advancing in the economic and educational fields—yes; even in politics.

A news story from Raleigh, N. C., reported the election of a Negro attorney, F. J. Carnage, to a 6-year term as a member of the city school board.

Another news story—1949—reported the adoption of a resolution by the Jefferson County Democratic executive committee, Birmingham, to the effect that—

> All candidates who directly or indirectly use, or knowingly permit the use of racial hate or religious intolerance in any way whatsoever during the campaign for which he or she has filed, shall be disqualified, debarred from party privilege within the jurisdiction of this committee.

Still another news story from the fine old city of Demopolis, a city of my State, located in the midst of a heavy Negro population, tells of the sponsorship by the Rotarians of Demopolis of a recreation center for Negroes with a swimming pool, dressing rooms, and other modern equipment.

In the early part of 1953, a Negro citizen was elected to the school board in Atlanta, Ga., by a large majority over the white incumbent. The Negro population in the voting area was only about 30 percent of the entire population. It is obvious that the Negro could not have been elected without the votes of many whites.

In the same election two Negroes were elected to the Democratic Party's county committee.

I could go on for hours citing examples of friendly and progressive race relations in every State and in practically every community all over the South less than a half dozen years ago.

Since the Supreme Court decision in 1954, though, these examples have become fewer, particularly in those areas where the Negro population approaches or exceeds in number that of the white. This setback in racial relations is due almost entirely to the Supreme Court decision and constant attacks, typified by so-called civil-rights legislation, directed against the South by people, largely officeholders or officeseekers, outside the South.

Virginius Dabney, editor of the Richmond Times-Dispatch, Richmond, Va., recognized as a progressive southerner who has advocated and worked for better racial relations, said in a speech before a group of teachers on February 26 of this year:

> The tragic fact today in the South is that hardly any liaison remains between the white leadership and the Negro leadership. Not only so, but until a few years ago, Negroes were being elected regularly to city councils and school boards in several Southern States, and it was the most natural thing in the world for white and colored leaders to sit down together for discussion of their mutual problems. These things are no longer true. The two races have been driven apart by the rancorous arguments over segregation, with the result that hardly any avenues of communication exist in most areas. The NAACP leadership has committed all Negroes so completely to its drive for total integration that any white who dissents from this view is stigmatized as an enemy of the Negro race. Of course, Negro dissenters are assailed with still greater violence, and are pilloried in much of the Negro press as "Uncle Toms", "handkerchief heads", and so on.

As further evidence of the breakdown in racial relations caused by outside pressures, I call attention to the cancellation by the Association of Churches of Auburn, Ala., of the appearance of the Tuskegee Institute Choir that has been an annual event since 1939. An editorial from the Birmingham News comments on this event in these words:

> A SAD STORY OF RACIAL TENSION
>
> Each year since 1939 the great Tuskegee Institute Choir had been featured in a community worship service in the lovely and long so peaceful city of Auburn. But this year's members of the official board of the Methodist Church there withdrew from the service, saying "we deplore conditions which have created such tensions that the wisdom of holding this service is in question." The statement did not discuss these tensions. But, of course, all of us know of acute difficulties in racial relations. And a legislative act recently was passed excluding Negro residential areas from the city of Tuskegee. Boycotting of white merchants has followed.
>
> The Auburn Methodist Church board's statement said, "in the interest of good will toward all men, we believe it unwise and unfair to bring the Tuskegee choir and chaplain to this service since the danger of their embarrassment or injury is a very real one." It expressed the view that calling off the service would be wise to avoid an incident.
>
> The Auburn Association of Churches has adopted a resolution, following the action of the Methodist Church board, canceling the community service for this year.
>
> This is one more development saddening to great numbers of our people. Not so long ago, before the Supreme Court's school decision, there had been so much hope of improving racial relations. Now uneasiness is everywhere—and a sense of tragedy and frustration is widespread, among both white and colored people.
>
> This story must renew in countless hearts the will to do whatever can be done to abate such tragic trends, to refrain from anything that would worsen conditions already deeply deplorable.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. STENNIS. Does the Senator desire 1 minute or 2 minutes?

Mr. SPARKMAN. Will the Senator yield 2 minutes, please?

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from Alabama.

Mr. SPARKMAN. These few examples, Mr. President, characteristic of hundreds that could be cited, point to the fact that the Negroes of the South, and indeed all people of the South, are being done a great disservice by forces who misrepresent the true situation in the South, and who, under the guise of giving help to the Negro, create situations that in reality do him harm.

Mr. President, I could continue citing one example after another showing the tremendous advance which has been made by Negroes in the South in recent years, particularly since the economy of the South has improved, and to show the development of good relations between the races there.

I could also show many instances illustrating how those relations have been severely harmed, causing a tremendous deterioration during recent months and years, since the Supreme Court decision, and all the agitation which has taken place since that time. The movement for vicious civil-rights legislation, such as that proposed by the pending bill, did not help the situation.

The fourth reason I shall vote against the bill, Mr. President, is that it is aimed at the South. I think many of the speeches which have been made on the floor of the Senate in the course of this debate have shown a great deal of feeling toward that section, and I regret very much to say, have shown great misunderstanding and lack of knowledge with reference to that section.

I regret very much to see this type of legislation placed upon the statute books. I know that there is a better way to solve these problems, and we have been solving them in the South, particularly during the time we have enjoyed better economic conditions there. The great trouble in the past has been that we have not had enough to go around; and it is human nature, when such a condition prevails, for the dominant group to get the upper hand. That has been true in the South in the past, but in recent years I am glad to say that the economy has been greatly improved, and we have seen a tremendous improvement in racial relations throughout that entire section.

The bill is a political scheme designed to use the South as a whipping boy to capture the Negro vote of the heavily populated Negro areas in the North, and to exploit other northern voters who know little or nothing of conditions in the South but who understandingly might vote for candidates that propose to correct an alleged wrong.

Over the years, I have witnessed the introduction of and the ballyhoo over so-called civil-rights legislation. Its political implications have always been clear to those experienced in politics.

The political intent inherent in the pending bill is made more obvious by the threat of its leading proponents to hold the bill over to 1958. The argument is that more political mileage can be obtained in the 1958 Congressional elections by staging another fight on the bill next year.

Thus, we see the facts unfold:

The bill was drawn in a manner to create the greatest possible fear and objection in the Southern States.

Opposition in the South would be propagandized as the usual southern desire to hold the Negro in subjugation, and this would win the favor of Negro voters for proponents of the bill.

If, as actually did happen, enough Senators became sufficiently aware of the dangers to eliminate the most objectionable parts, every effort would then be made to carry the bill over into 1958, election year.

The bill was conceived as a political vehicle. A few sincere but misguided proponents have supported it intact. However, it will be ridden its full mileage by many whose sole objective is the Negro vote in the 1958 and 1960 elections.

I, for one, believe that our Negro citizens will continue to support those who work to help make it possible for them to have better homes, schools, jobs, and other means of a better life.

Mr. KNOWLAND. Mr. President, I yield 5 minutes to the Senator from Colorado [Mr. ALLOTT].

Mr. ALLOTT. Mr. President, it would be futile, in the closing hours of this debate, to continue the charges and countercharges which have flown across the floor of the Senate in the past few weeks.

I shall vote for this bill, but I shall do it with a broken heart, because I believe it falls so far short of what the Congress of the United States should do to bring about civil equality in the United States.

Our forefathers said:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

If a citizen cannot vote, the powers do not come from the consent of the governed.

In the past few weeks we have heard arguments on this floor from the distinguished, charming, and always convincing Senators from the South, who somehow have bamboozled a great proportion of the press and the American public—and, I am sorry to say, some of our own Members—into believing that the O'Mahoney-Kefauver-Church amendment is actually a step forward in the United States law.

Such is not the truth. First of all, it is contrary in principle to the general law affecting the Federal courts, and it is certainly contrary to the laws in the great majority of the States of the Union. It is contrary to the body of the English common law. No amount of argument, and no amount of mental gyrations or mental acrobatics can change those facts.

The amendment ought to be recognized for what it is, and what it always has been, namely, a very clever political maneuver, an amendment to a civil-rights bill which is so bad, in changing the body of the law, that if the House, by any stretch of the imagination—and such a situation is difficult to conceive—should accept it, the President, because of its impact upon 30 or 40 or 50 other laws, would have almost no other choice than to veto the bill. I do not presume to speak for him, or to anticipate what he might do, but that is what I believe he might have to do.

We are saying in the proposed legislation, upon which we are to vote tonight, that we in America really believe in second-class citizenship, that we are willing to take a half right-to-vote bill and pass it.

> Little Jack Horner sat in the corner eating a Christmas pie. He stuck in his thumb and pulled out a plum, said, "What a good boy am I."

When the Senate passes this bill, it can say, like little Jack Horner, "What a good boy am I."

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

Mr. ALLOTT. Mr. President, may I have 1 minute additional?

Mr. KNOWLAND. I shall have to make it half a minute, because I am almost overdrawn on my time account.

The PRESIDING OFFICER. The Senator from Colorado is recognized for an additional half minute.

Mr. ALLOTT. I shall vote for this bill, but only in the hope that a conference committee will bring out of conference a measure which will, in fact, give civil rights to all the people of the United States.

Mr. ALLOTT subsequently said: Mr. President, I ask unanimous consent that an editorial from the Denver Post of August 4, 1957, be printed in the RECORD in connection with my remarks earlier this afternoon upon the civil-rights bill.

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

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

IN APPRECIATION

Again we wish to voice a word of appreciation to Colorado's two United States Senators—GORDON ALLOTT and JOHN CARROLL—for voting not to weaken the civil-rights bill by adding a jury trial amendment. It is regrettable that enough phony liberals in the Senate joined the solid southern Democratic bloc to pass the amendment.

Advocacy of this amendment has been marked throughout by buncomb and chariantry. Under the pretense of supporting the great legal principle of trial by jury, sponsors of the amendment are actually trying to extend jury trials to a realm where it has never existed before as a constitutional or traditional right.

In criminal contempt cases brought by the Government there has never been a right to a jury trial, either in Federal courts or in most of the State courts of the Deep South. If this is a defect of our court system it seems strange that the jury trial advocates never thought of it until the matter of enforcing court orders against racial discrimination became an issue.

What the jury trial amendment does is weaken the authority of the Federal judiciary to punish those who deliberately violate court orders. It seriously undermines rule by law and seeks to replace our legal system with one in which justice must yield to the bigotries of local juries.

We commend Senators ALLOTT and CARROLL for understanding the issue and opposing this invasion of court authority.

Mr. PURTELL. Mr. President, will the Senator from California yield me 8 minutes?

Mr. STENNIS. Mr. President, we have been alternating with speakers from either side. The Senator from South Carolina [Mr. JOHNSTON] has been waiting for a considerable time. I ask that he be permitted to proceed at this time.

Mr. KNOWLAND. Very well.

Mr. STENNIS. I yield 6 minutes to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. Mr. President, early in the year there descended upon Washington tons of propaganda literature concerning the pressing need for a right-to-vote bill. The President, from time to time all year, has made comments from the White House about his interest in a voting-rights bill and how he was supporting a moderate right-to-vote bill. Most of the columnists, radio and television commentators, and, indeed, most of the Members of Congress, talked about a right-to-vote bill.

Then came the administration's proposal. It came in the form of H. R. 6127 in the House and S. 83 in the Senate, two identical, carefully worded documents of evil. Both bills went to committees where they were studied and where hearings were held.

As we members of the Senate Subcommittee on Constitutional Rights probed deeper into the bill, its true aspects of a force bill came to light. Both bills obviously were designed to accomplish these objectives: Make a dictator out of the Attorney General; enforce integration in public schools and elsewhere; enable the use of the Armed Forces of this Nation to enforce integration; and do away with the cherished human right of trial by jury.

Upon the revelation of these facts, the Senate Judiciary Committee proceeded to amend the bill to make it precisely what it had been ballyhooed to be, namely, a right-to-vote bill. In the midst of committee action, the Senate, led by the Senate minority leader, and encouraged by the President of the United States, voted to abandon committee procedures and force the "force" bill onto the Senate floor for action. That was the time when the Senate took up where the committee left off and we started from scratch.

The proceedings of the Senate and the deliberations in the Senate on this bill have proven several things. Principally, we have proven that the bill in its original form was no simple measure and least of all was designed to guarantee only the right to vote.

We began to amend the pending House bill and let the Senate bill die in the committee. We succeeded in extracting the dragon's teeth from this bill, but we have not succeeded in correcting the immorality it represents.

This bill violates several basic concepts of government, which makes it totally unacceptable to me. First of all, it violates the constitutional right of the States to establish their own prerequisites to be met to enable their citizens to serve on Federal juries. The States have the right to establish these prerequisites, and should retain this right. I believe every qualified person should have the right to vote and the right to serve on juries. Qualified people of all races, creeds and colors, including Negroes, serve on juries in my State and vote in my State. But I would be against

allowing people who do not qualify to vote or to serve on juries.

This bill abolishes the right of States to establish these jury prerequisites. In my own State, for example, it would throw aside the State constitutional provision forbidding women to serve on juries. I do not believe I have, or that anyone else in the Senate has, the right to change the constitution of my State. If the South Carolina constitution is to be changed, the people of South Carolina should change it.

In my opinion, this bill violates the very Constitution of the United States in that it amends the State constitutions by simple legislative act. This bill amends a 1911 Federal law which would nullify a South Carolina constitutional provision dating back to as long ago as 1868. No proper procedure for amending the Constitution has been used in changing the law with regard to the establishment of the prerequisites States shall apply to the selection of jurors. This right is expressly provided for in the Constitution under amendment 10 thereto, and in my opinion can only be altered by constitutional amendment.

This bill establishes a new and vicious Federal bureau, a Civil Rights Commission, which is of such nature it can be used by the President or the Attorney General, or its own members, to harass the people of any particular or general part of the Nation for political purposes. By its own nature it can be used to plunder the emotions of minority groups and make dishonest preelection charges in order to capture votes. It can, by its very existence, stir up more hatred and violence than anything yet proposed in the field of civil rights.

This bill is a flagrant invasion of States rights, and in my opinion, if ever challenged in the courts, would be found unconstitutional. In fact, I think even our Supreme Court, imbued with modern Republicanism, might rule it unconstitutional.

Mr. President, one of the most amazing things, however, that has occurred in this proposed legislation's history, is that President Eisenhower and all the rabblerousers for the original bill, who had called for a moderate right-to-vote bill, now say they cannot support this bill because it is not strong enough.

Mr. President, could it be they are afraid to support the bill because if they do, and it passes, they will not be able to come back here next year whooping and yelling for legislation of this kind with which to stir up racial issues? I stated at the outset of this legislative fight that I would remain uncompromising in my position. Even though the once vicious and extremely dangerous bill has been modified into something resembling a right-to-vote bill, it still violates precepts of government that make it impossible for me to accept it. I oppose this bill in toto, and shall vote against it.

Mr. KNOWLAND. Mr. President, I yield 8 minutes to the Senator from Connecticut [Mr. PURTELL].

The PRESIDING OFFICER (Mr. SMATHERS in the chair). The Senator from Connecticut is recognized for 8 minutes.

Mr. PURTELL. Mr. President, the hour has come when the sun is slowly setting on the bright hopes of millions of our fellow Americans that their just longings, their rights as free men and women in this great Republic would be fully realized.

In the lowering dusk, the beacon light of the Statue of Liberty will shine this evening. But it will not shine for them.

Beneath that light in New York Harbor is inscribed this message:

Give me your tired, your poor,
Your huddled masses, yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless tempest tossed, to me;
I lift my lamp beside the golden door.

This stirring message of hope and promise is inscribed there for all the world to read, for all the world to gain succor and comfort—for all the world—except our Negro Americans.

The wanderer, the oppressed, the denied of other lands, coming for the first time to our shores, can look up with gleaming eyes and say, All that any other American can have also can be mine; all the rights and privileges of all other free men and free women, can be available to me in this great land of America.

These newcomers to our shores can, with assurance, feel that within the space of 5 years every promise of America will be kept.

Mr. President, what joy must well up in their hearts, what hopes, what aspirations to be achieved in this, the promised land, where promises to them will be kept. What urge to do, to be, to struggle upward, to attain, in the knowledge that in half a decade nothing America promises will be denied them.

Oh, I know how rapidly my own pulse beat returning from foreign shores in the uniform of an American soldier, looking up at the Statue of Liberty, firm and sure in the knowledge that as an American, as a citizen of this Republic—of this vaunted democracy—no right, granted to any other man, would be denied me.

Mr. President, there were others on the troopships entering New York Harbor. There were others, not of my color, blacker of skin, natives of this soil, sons of natives of this soil, who had fought shoulder to shoulder with their white comrades to make the world safe for democracy.

They, too, looked up to the Statue of Liberty, I am sure, not with assurance, not with the firm conviction—oh no, they knew better—but with hope that the day might soon come, if not for them, then for their children, when that beacon light of the Statue of Liberty would hold for them all that it held for their white comrades, and all that it assured to those from foreign lands seeking here the privileges of free men.

Mr. President, I had hoped that day had finally dawned. I had hoped that civil liberties for all would now be realized. Not that they are ever to be bestowed but, rather, justly recognized under our Constitution. It is not for us, individually or collectively, to say who shall be granted and who shall be denied those rights guaranteed by the Constitution—that Constitution which binds us all together and to which and by which we are all bound.

We tried. We failed.

And so, today, we are indeed faced with a bitter choice. It is our choice to offer to our Negro fellow Americans a sadly tattered raiment—all that is left of the civil-rights bill—as a protection against the elements of discrimination, bigotry, and inequality.

We offer a cloak of which little remains except patchworks of expediency and of compromise. This cloak is held together tenuously by only a thin thread of hope—hope that it will work, hope that to some small degree it will afford a modicum of protection.

This or nothing is the offer of the Senate of the United States of America.

Mr. President, I regret, regret sincerely and deeply, that the opportunity which was ours to completely right a wrong, to weave true democracy for all into the fabric of our society, was rejected by this body.

So, Mr. President, we have the bitter choice today of voting for a bill which offers so little, or voting for no bill at all.

What the bill does to the Federal judiciary I shall not dwell upon. That it may well weaken or deny completely to all the people many of the protections now enforced by court order appeared less important than that a bill, any bill, be passed. Compromise appeared to be the order of the day, and we compromised.

I shall vote sadly for what is left of civil rights. I shall vote for the bill in the hope that House action will be required, in the hope that before the bill is laid upon the desk of the Chief Executive it will have been restored, at least in part, to what it was before it reached our hands.

But let no man think we have disposed now of civil rights. Let no man conclude that by our action today we have forever interred the civil-rights question.

Mr. President, the realization of constitutional rights can be retarded, can be delayed, but cannot forever be denied.

Until they are realized, realized in their fullest measure, until they are assured to and enjoyed by all free men and women, the fight for civil rights will go on.

Mr. KNOWLAND. Mr. President, I yield 5 minutes to the junior Senator from Idaho.

Mr. STENNIS. Mr. President, I yield an additional 5 minutes to the junior Senator from Idaho.

The PRESIDING OFFICER (Mr. SMATHERS in the chair). The junior Senator from Idaho is recognized for 10 minutes.

Mr. CHURCH. Mr. President, the Senate of the United States is approaching one of its truly great moments. This evening, I am confident, we shall accomplish the enactment of a civil-rights bill, the first implementing legislation of its kind to be passed since the vindictive days of the Reconstruction Era.

The pending bill represents the greatest advancement toward the enfranchisement of the Negro since the ratification of the 15th amendment to the Con-

stitution. The many colored citizens who still do not vote, nearly a century later, are the symptom of an old political sickness we have long suffered. The pending bill will do much to heal that sickness in a manner that will not inflict new wounds upon our body politic. The bill will extend the voting right to countless citizens who in practice have been denied it, but, since the Senate's adoption of the jury-trial amendment, it will accomplish this objective within the framework of our traditional law.

This is a good bill. It deserves to pass. Those who would rather have an issue than a bill would oppose it. But those who earnestly seek, for the love of liberty, to give extended protection to the right to vote, must support its passage, and must hope for its acceptance in the House and by the President.

Within the past few days, we have heard many partisan charges to the effect that the jury-trial amendment has done irreparable damage to the bill. The charges have been made in the spirit of accusation, but precious little evidence has been presented to support them. If we will but penetrate the sound and the fury to examine the facts, we will find that there is ample power and authority, unaffected by the jury-trial amendment, to make the bill an effective instrument in extending broad new protection to the right to vote.

The force of the right-to-vote bill before us lies in the fact that it will enable the Government to resort to the injunctive process of the Federal courts to safeguard the right to vote of every American citizen. Any right-to-vote bill, whether or not it guarantees trial by jury in criminal contempt proceedings, will depend for its effectiveness on the resourcefulness and imagination of our United States attorneys and Federal judges. It will be up to the United States attorneys constantly to be informed of local situations so that they may invoke the aid of the courts in time to enable the judges to work matters out. The powers of a court of equity, backed by the threat of a civil contempt proceeding, are ample enough to secure the right to vote—even if we assume, which we must not, that no criminal contempt proceeding will ever be prosecuted to a successful conclusion.

It must be remembered, in the first place, that any permanent injunction issued by a court to protect the right to vote may continue in effect for so long as the court thinks it should in order to accomplish its purpose. It is a permanent injunction. So even if we assume the worst—that a registrar disobeys the court's order and is able to resort to dilatory tactics so that the particular registration period expires and civil contempt proceedings are unavailing with regard to that particular period—the injunction continues in effect for succeeding periods of registration for voting, and as soon as a succeeding period opens, the registrar may be imprisoned until he complies with the court's order. Since the registrar has it within his power to obey and walk out of jail, his imprisonment is for civil, not criminal, contempt.

As an alternative, the judge may subject the registrar to a fine which will be remitted if he complies with the court's order. Since the official has it within his power to comply and get back the fine, the imposition of the conditional fine is for civil, not criminal, contempt.

Furthermore, the judge in the exercise of his equity powers may subject to his injunction or order not only incumbent registration and election officials, but also their successors in office, whoever they may be, because they may be presumed to have knowledge of the court's mandate.

The fact that an election day will be over in a matter of hours creates greater, but by no means insuperable, difficulties in the way of an effective civil-contempt sanction. In the first place, I do not think it is realistic to assume that it will be easy even for the most recalcitrant and adamant southern localities to refuse registered Negroes the right to vote on election day. Election day is too subject to public, national, and international scrutiny to permit this to happen. But, if in a particular locality there is a danger that registered Negroes may be deprived of their right to vote on election day, the court is not without power to act effectively. And, again, I am setting aside all consideration of the criminal-contempt proceeding. In dealing with such a situation, for example, the injunction or order issued by the court may itself require each election official to give to the court an undertaking in writing that he will comply with the court's decree. If he fails to give the appropriate undertaking, he can be imprisoned immediately—and before election day—until he does so. Since the official will have it within his power to give the undertaking and walk out of jail, the imprisonment again, is for civil, not criminal, contempt. This will be an added guaranty against unlawful acts on election day.

These are only illustrations, Mr. President, of how effective the civil-contempt proceeding can be to secure the right to vote. Of course, a civil-contempt proceeding is entirely without the need for a jury trial, and the ability of the court to enforce its orders is direct. Our Federal judges, who have a magnificent record for defending the constitutional rights of our citizens, can be relied upon, I am confident, to use all the measures sanctioned by the principles and usages of equity, to effectuate the purposes of their orders securing the right to vote.

Mr. President, I am indebted to Prof. Carl A. Auerbach, of the University of Wisconsin Law School, for much of the analysis herein presented. I noted recently, in placing an article of his in the CONGRESSIONAL RECORD, that his thoughtful analysis contributed to the genesis of the jury-trial amendment to the pending civil-rights bill.

Anyone who makes an effort to understand the possibilities embraced in civil contempt proceedings will also appreciate how reckless are the charges being made—and repeated in the highest circles of the Government—that the right-to-vote bill, which is now before the Senate, has been emasculated. These spurious charges lead only to one suspicion, namely, that those who make them do not really seek to obtain a workable, effective right-to-vote bill. They would rather have no bill at all, and use the failure of this Congress to enact a civil-rights measure for their own partisan, political advantage. In the long run, I am certain, the American people will never forgive this kind of political recklessness which would prevent our Government from taking a historic and progressive step forward toward the ideal of equality embodied in our Constitution.

Mr. President, the record should be made clear to the Nation that there has been no serious weakening of civil-rights legislation by the jury-trial amendment, and those who cry "havoc" because of fancied weakening, are playing cats-paws to those who would have no bill at all.

It is for the reasons I have stated that I feel the Senate tonight, by the passage of the pending historic civil-rights bill, will take a great step forward toward the full enjoyment of the right to vote by all citizens of our land, regardless of race or color.

Mr. KNOWLAND. Mr. President, I yield 10 minutes to the Senator from Kentucky [Mr. COOPER].

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 10 minutes.

Mr. COOPER. Mr. President, in the course of the debate which is coming to a close, I have addressed myself several times to particular aspects of the civil-rights bill, among them part III and the so-called jury-trial amendment. Part III has been stricken from the bill, and the jury-trial amendment has been adopted by the Senate. All that Senators can do now is to vote either for or against the amended bill.

I will vote for the bill, but I hope very much that the conference committee will improve it. I believe that the jury-trial amendment should be stricken or at least amended. As I stated during the debate on this amendment, my opposition to it was not based upon a belief that juries in the South or elsewhere would not try fairly the issues in a contempt proceeding. I do not entertain such a belief. We cannot and we should not rule out jury trials, where the right of jury trial exists, because for a time, in a particular area of the United States or on a particular issue, even a civil-rights issue, some persons may not like the verdicts of juries. In the long run we must believe that juries will do their duty as faithfully as will any other judicial instruments.

I opposed the jury-trial amendment because there has never been a constitutional or statutory right of trial by jury in equitable actions in which the United States is a party. Throughout the years there has developed on this principle a body of law, both statutory, and by judicial precedent. It has been founded on the principle which led me to oppose the jury-trial amendment. It is the principle that if the Congress determines that wrongs are of such national interest as to warrant giving the United States the authority to prevent them by equitable action then it is

proper to provide the United States and its courts with full and effective means to remedy such wrongs. I must say that I cannot think of a clearer case of national interest to which this ancient principle should apply than the attempt to remedy the deprivation of the fundamental right to vote.

As the junior Senator from New York [Mr. JAVITS] has so clearly pointed out, the jury-trial amendment has been extended, so as to bring within its purview many other statutes, such as those dealing with antitrust violations, the Federal Trade Commission, and many others. As a result, if this amendment were to be enacted, it would wipe out a body of law which has been built up through the years in dealing with the enforcement of the courts' decrees in these fields. If the conference committee will not strike out the entire amendment, I urge that it at least correct this fundamental error.

Mr. President, I shall speak briefly regarding part III. During the debate it was argued that part III was indefinite, because of its reference to Reconstruction statutes, and in its scope. But now that the Congress is seized of the first opportunity it has had in years to act in the field of civil rights, the committee of conference should, at minimum, express the national interest in rights, which have clearly been determined by the courts of the United States.

Therefore, Mr. President, I join in the suggestion which has been made by the junior Senator from New York, namely, that the conference committee adopt a provision giving the United States authority to intervene in at least two cases. As has been suggested by the Senator from New York, they are as follows:

First, when a duly constituted local governmental body requests the intervention of the Attorney General on behalf of the United States, in order to enable it to carry out the law.

Second, when the court has adjudicated a right and has issued its decree ordering compliance by a governmental body, and when persons conspire to obstruct the enforcement of the decree, in these cases I believe the United States should have the authority to intervene. The United States should have power to uphold the authority of its courts.

Mr. President, I intend to vote for the bill because I believe that, even as it has been amended, it permits of a forward step in the field of civil rights. The provision of part IV which enables the Attorney General to institute for the United States an equitable action to secure compliance with the mandate of the 15th amendment—namely, that citizens of the United States shall have the right to vote—gives a breadth and a continuity, as well as financial assistance to enforcement, which do not now prevail. As one who lives in a rural section of a State which is similar in tradition and background to the Southern States, I believe strongly that the authority and dignity of the United States will be respected, if its powers are wisely used.

Mr. President, the debate on the bill has been truly great. It has been good for the Congress and for the country. It has turned our minds back to a consideration of the philosophical and the constitutional bases of our country, and, I hope, as well, to the rights of man. At times our country seems to be preoccupied with the demands of the day, and with the material rewards of our civilization. So it has been good for us to remember that there are more profound aspects of our life.

Mr. President, if I may make a personal reference—the issues that are involved in the civil-rights bill hold great interest for me. Perhaps that is because, historically, in the tragic days of 1860 a majority of the people of my State, and particularly the people of the mountain section of the State in which I live, made their decision to adhere to the Union and to follow Lincoln. But, although Unionists they loved their fellow Kentuckians who followed the South, and they did not like the Reconstruction. Yet they have held the truth that the Constitution of the United States expounds, in spirit as well as words, that men of all races and colors and religions, who are citizens of the United States are equal under its laws and under the laws of the States. This is provided in the Bill of Rights and in the 14th and 15th amendments to the Constitution. It is implicit in our system of government, and it is implicit in our religious beliefs.

For these reasons, Mr. President, although I come from a State which is southern in tradition and background, I shall always vote for legal and reasonable means to assure the equal rights of all our fellow citizens.

Finally, Mr. President, I speak briefly of another matter which makes this measure very important. The United States and freemen everywhere are engaged in a struggle to determine whether free government shall survive in the world or whether, like many other systems of the past, free government will disappear or will be so greatly modified as to lose its meaning. In this contest, the United States is the only free country in the world with sufficient power to defend freedom against aggression. However, Mr. President, we believe that the status of the world and of its people should not be determined by force. We believe that there exist ethical and moral principles which must be observed if a peaceful and just world order is to be secured.

I do not believe that our advocacy of moral principles in the world and our talk of freedom will ever carry full weight so long as hundreds of millions of people throughout the world of other races and color, question our practice of freedom and equality at home. If we are to be able to communicate meaning to our leadership in the world, if we are to influence the growth of freedom in other countries of the world, we must have faith in the full practice of freedom at home.

Mr. President, I believe the bill makes an advance along the road to freedom at home and in the world. For that reason, I support the bill.

Mr. STENNIS. Mr. President, I yield the Senator from Massachusetts 3 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 3 minutes.

Mr. KENNEDY. Mr. President, the question before the Senate clearly is whether we want a civil-rights bill at all. I respectfully submit that the issues which have been broadcast by those who would abandon the bill for lack of strength are without real substance and reflect specious reasoning. It is true that the bill would have been stronger if part III had survived. There is, of course, no arguing with those who want only an issue or no bill at all. But I should like to call the attention of those who have honest doubts about this bill to two valuable memoranda which I have received from distinguished lawyers. The first charge made against the bill is that by providing a jury trial in criminal contempt cases, it makes the proposed legislation a mere sham without protection to essential civil rights.

I read for the RECORD, a copy of a letter written by Prof. Paul A. Freund, professor of law at Harvard, formerly a much-respected member of the Solicitor General's Office of the United States, and editor of the forthcoming history of the Supreme Court provided for by money left the United States Government in the will of Oliver Wendell Holmes. Professor Freund succinctly and clearly points out the exaggerations which have been made regarding the limitations of civil contempt and the serious underestimation of the resourcefulness of the judicial process. I commend this brilliant statement to the careful attention of every Member.

Professor Freund says as follows:

To the EDITOR OF THE NEW YORK TIMES:

As one of those who have maintained that there is no constitutional right to a jury trial in contempt cases, may I now urge that the Senate compromise, drawing a line between civil and criminal contempt, be accepted for voting cases. The point of view expressed in some quarters, that it would be better to let the legislation go by default, exaggerates the limitations of civil contempt and underrates the resourcefulness of the judicial process.

1. It is argued that an order requiring registration of voters could not be enforced by civil contempt once the voting day has passed, since compliance would then have become moot. But there is no reason why an order for registration need be limited in the first place to a particular election; certainly this is so where the usual long-term or permanent system of registration prevails.

2. It is said that a registrar who is sentenced to jail until he obeys can avoid the force of this civil contempt decree by resigning. Apart from the dubious assumption that public officeholders are so lightly attached to their jobs, there is no reason why an injunction order cannot run from the beginning against a registrar and his successors, each of whom would then be faced with civil contempt sanctions for disobedience.

3. It is contended that an injunction negative in form, for example one ordering the defendants to cease and desist from intimidation or acts of violence, cannot provide the basis for civil contempt, since if the defendants were imprisoned there is no definite act which would suffice to purge them of their contempt. But in lieu of imprisonment they could be required in civil contempt to give a bond which would be forfeited if they renewed their threats or violence.

4. No doubt in some cases the civil contempt remedy may be impractical. But to write off the bill for this reason is to make a double assumption: That a judge's order will not be obeyed without some form of contempt proceedings and that a jury in criminal contempt will be sure to acquit. Before yielding to these assumptions we should remember several facts. Unlike desegregation, the principle of equality of voting rights has been part of our constitutional law for generations. The enforcement procedure adopted by the Senate was supported by the spokesmen for the States chiefly concerned. What is at stake (as Judge Taylor admirably explained to the jury in the Clinton, Tenn., case) is the orderly processes of law, the issue whether the legal and moral authority of a Federal judge may be flouted with impunity.

If juries, put to the test, carry out the'r responsibilities, there will be a positive gain in the self-education that comes from sharing in the administration of justice. If the results should turn out otherwise, the climate of national opinion will be clarified by the experiment.

Party politics aside, is there any reason why Congress should deny to itself and the country the benefit of a judgment from experience rather than from speculation?

PAUL A. FREUND.

Mr. President, deprived of legitimate grounds for argument on the substantive merits of the bill many who prefer an issue to effective legislation have painted in the gloomiest colors the prospects which the enactment of this legislation would hold for the enforcement of other laws. Here again I urge all Members to distinguish fact from fantasy. In this connection I ask unanimous consent to have published in the RECORD an excerpt from a memorandum prepared by Prof. Carl A. Auerbach, of the University of Wisconsin Law School. By examining recent contempt cases under the National Labor Relations Act, he clearly and factually disposes of the view that chaos will result from this bill.

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

EXCERPT FROM AUERBACH MEMORANDUM

Finally, something must be said about the loose charges that have been made concerning the effect of jury trials in criminal contempt proceedings outside the civil-rights field. It is sheer nonsense to say that the guaranty of a jury trial will threaten the Federal judiciary system. People are not generally accustomed to disobey court orders. In the fiscal year 1956–57, for example, there was a grand total of 12 contempt cases because of the disobedience of court decrees enforcing NLRB orders. Ten of these 12 cases were civil contempt cases—7 against employers and 5 against unions. Only 2 were criminal contempt proceedings—1 against an employer and 1 against the union. Is it likely that a jury in such a proceeding would countenance willful, disobedience of the judge's command? Furthermore, outside of the voting situation, we are not up against the time limits which make it necessary to use imagination and resourcefulness if the civil contempt sanction is to be effective. Outside of the voting area, there can be not even a shadow of a doubt about the effectiveness of the civil contempt proceeding to accomplish the objectives of the court order. I challenge the Attorney General to disprove this statement by reference to particular cases instead of irresponsible rhetoric.

Mr. KENNEDY. Mr. President, I urge all who have doubts about the bill to reexamine it objectively, realizing that while it falls short of an ideal, it is, nevertheless, a significant step forward toward insuring basic constitutional rights for all citizens.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 3 minutes.

Mr. O'MAHONEY. Mr. President, I assume it is unnecessary for me to say that I speak in support of the passage of the bill, which has now been read for the third time. I believe in the bill and I believe in the jury-trial amendment.

On the 5th of August, the Senator from Tennessee [Mr. KEFAUVER] and the Senator from Idaho [Mr. CHURCH] sent a telegram to the Attorney General asking for some specific instances to support the argument proceeding from the Department of Justice that the jury-trial amendment would be dangerous to the judicial system of the United States and would interfere with the prosecution of antitrust cases.

This morning I received a letter dated August 6, 1957, copies of which were sent to the Senator from California [Mr. KNOWLAND] and the Senator from Pennsylvania [Mr. MARTIN], from the Acting Attorney General, Mr. William P. Rogers, accompanied by a memorandum which had been prepared for him in the Department of Justice.

I ask unanimous consent that the letter from the Acting Attorney General, together with the memorandum supplied to him, may be made a part of the RECORD, without my reading it.

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

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., August 6, 1957.

Hon. JOSEPH C. O'MAHONEY,
United States Senate,
Washington, D. C.

DEAR SENATOR: This will acknowledge your letter and telegram of August 5, 1957, joined in by Senators KEFAUVER and CHURCH. I have asked that the information which you have requested be prepared as promptly as possible.

However, I am sure you realize that the number of criminal contempt cases brought by the United States is of little weight in showing the importance of the remedy in the enforcement of the law. Under the present statutes the power of the court to hold a person in criminal contempt is speedy and effective; therefore, violations of the orders of the court are few.

Speaking generally, criminal contempt is used when a defendant flouts the orders of a court (often when the harm has been done so that civil contempt is of no value), to vindicate the authority of the court. This acts as a deterrent against defiance of the orders of the court in other cases where the court has decided on the proper course of action for the defendant to follow under the Constitution and laws enacted by Congress. If this remedy, which has been a traditional part of the administration of justice in our country is seriously weakened defiance of the orders of the court will greatly increase.

Knowing of your interest in the antitrust laws, I thought you would like to see the enclosed memorandum prepared by the Antitrust Division showing how the amendment offered by you and Senators KEFAUVER and CHURCH would affect the enforcement of the antitrust laws.

With best personal regards,

Sincerely,

WILLIAM P. ROGERS,
Acting Attorney General.

DEPARTMENT OF JUSTICE,
Washington, August 6, 1957.

MEMORANDUM FOR THE ACTING ATTORNEY GENERAL

The jury-trial requirement for criminal-contempt cases will harm effective enforcement of both the antitrust laws and various regulatory statutes.

1. Civil suits brought by the United States to "prevent and restrain" violations of the antitrust laws are decided by a United States district court sitting without a jury. These cases usually involve complex fact and law questions. Required may be large amounts of documentary and testimonial evidence. In such cases, appropriate relief is a most important, difficult, and bitterly contested issue. If the Government fails to obtain relief which is adequate "effectively [to] pry open to competition a market that has been closed by defendants' illegal restraints * * * the Government has won a lawsuit and lost a cause" (*International Salt Co.* v. *United States* (332 U. S. 392, 401)).

It is crucial, therefore, that once an antitrust decree is entered the Government have prompt and effective means for insuring it is lived up to—adequate sanctions must be available to deal effectively with recalcitrant violators. In the event a decree is violated, the Government's remedy is civil or criminal contempt, or both. Civil contempt simply gives the defendant, on pain of punishment, another chance to comply with the court's order. See *Penfield Company* v. *Securities & Exchange Commission* (330 U. S. 585, 590). Criminal contempt, in sharp contrast, is the effective deterrent against noncompliance.

The jury-trial requirement would seriously weaken this prime enforcement tool. Such requirement would, in practical effect, often force the Government to prove anew the very antitrust violation the court's decree sought to remedy.

Contempt, it seems clear, may largely turn on the intent and meaning of that judgment which the court, along with the parties, fashioned. From this it follows that decision on the contempt question may require intimate knowledge of the very facts and issues involved in the original antitrust action. Certainly the judge who, along with the parties, went through a trial and formulated the decree, is better able to decide such questions than a jury.

Indeed, were a jury to decide criminal contempt issues, major portions of the evidence in any original antitrust litigation might well have to be introduced for a second time. This would have been true in the recent proceeding in which J. Myer Schine and others were convicted of criminal contempt for violation of an antitrust decree previously entered against them.[1] It would also have been true in our criminal contempt proceeding against the Gamewell Co., plus two individuals, where the court found defendants guilty of violating the decree, fined the corporation $50,000 and imposed a sentence, later suspended, of 1 year and a day on the 2 individuals, and put both individuals on probation for 2 years.[2] And much the same would have gone for our criminal contempt moves in Western Pennsylvania Sand & Gravel Association[3] had not

[1] *United States* v. *J. Myer Schine et al.* (WDNY, Criminal No. 6279–C, decided Dec. 27, 1956).

[2] *United States* v. *Gamewell* (95 F. Supp. 9).

[3] *United States* v. *Western Pennsylvania Sand & Gravel Association et al.* (Criminal No. 13855, WD Pa.).

defendants pleaded nolo contendere and been fined a total of $104,000. The result of any required jury trial in criminal contempts, then, would be to so distend any contempt proceeding as to cramp its enforcement effectiveness.

Finally, even if the Government waded through a criminal contempt jury trial, and the jury found defendants guilty, the pending jury-trial amendment would curb those fines which a court could impose on guilty individuals. Thus the Senate-accepted provision specifies "that in case the accused is a natural person, the fine to be paid shall not exceed the sum of $1,000 * * *." In Schine, I point out, one individual was fined $25,000, and all other individuals fined $5,000 apiece. Beyond that, this $1,000 limit hardly seems consistent with Congress' recent action in upping Sherman Act maximum fines to $50,000. It makes no sense to permit a court to fine an individual up to $50,000 for a Sherman Act violation and then limit to $1,000 that fine which a court could impose for transgressing a civil decree which could grow out of the very same violation.

2. In like fashion, a jury trial in all criminal contempt cases could wreak havoc with enforcement of cease-and-desist orders issued by important regulatory agencies. For example, orders of the National Labor Relations Board become enforcible only after affirmance and enforcement by a court of appeals. If a person subject to such a judicially enforced order willfully violates it, a criminal contempt proceeding in the court of appeals constitutes a prime means of punishing the offender. If in such a case the question of contempt must be submitted to a jury, a number of serious problems are created. There are no statutory provisions authorizing courts of appeals to convene a jury.[4] Moreover, jury determination of violation of the court's judgment would, in itself, complicate and delay the proceedings; evidence relating to the original enforcement proceeding, and perhaps the underlying administrative proceeding, might have to be presented and considered by the jury.

The requirement's impact, moreover, is haphazard and uneven; the criminal contempt jury trial requirement would not equally affect all administrative agencies. Section 5 (1) of the Federal Trade Commission Act (15 U. S. C. 45 (1)), imposes a civil penalty of not more than $5,000 for violation of an order issued under the act after it has become final. And each day the violation continues is declared a separate offense. Accordingly, if a court has enforced an order under this act and the order is violated, the Commission has a choice of remedies—either a proceeding to collect the penalty provided by section 5 (1) or a criminal contempt proceeding.

On the other hand, orders issued by the Federal Trade Commission in proceedings under the Clayton Act are enforcible, like orders of the National Labor Relations Board, only after entry of a court judgment of enforcement and the prime punishment for violaiton is a criminal contempt proceeding. It therefore appears that the jury tiral requirement would affect differently the orders of the same administrative agency, depending upon the statute under which the order was issued. This illustrates the random effect of such a requirement on enforcement of adminstrative orders.

In sum, then, determination of whether there has been a violation of the judgment of a court of appeals in enforcing an administrative order has never been viewed, under our system of jurisprudence, as the kind of question proper for submission to a jury. The absence of serious criticism of the historic practice of court determination of this question suggests that it has been regarded—and, in fact, is—an appropriate exercise of the courts' inherent power to vindicate its authority.

ROBERT A. BICKS,
Acting Assistant Attorney General, Antitrust Division.

Mr. O'MAHONEY. Mr. President, I also had prepared a memorandum in response to the letter of the Acting Attorney General and the memorandum which was sent by him to me and other Senators. I do not wish to take the time necessary to read it, but I ask unanimous consent that it may be made a part of the RECORD at this point in my remarks.

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

MEMORANDUM IN RESPONSE TO THE LETTER OF ACTING ATTORNEY GENERAL ROGERS

I am frankly greatly surprised by the contents of the letter of Acting Attorney General Rogers of August 6 and the accompanying memorandum. They are most revealing. The letter of Mr. Rogers is a partial answer to the telegram which I sent him on August 5 on behalf of Senator KEFAUVER, Senator CHURCH, and myself, as well as in reply to my letter to him of the same date.

It will be observed that he says in his second paragraph, "I am sure you realize that the number of criminal contempt cases brought by the United States is of little weight in showing the importance of the remedy in the enforcement of the law."

This I regard as a confession that the Department only infrequently resorts to criminal contempt as a remedy. That I pointed out yesterday from the records of the Office of the Administrator of the United States Courts.

It seems clear from Mr. Rogers' letter, as well as from the memorandum, that the Acting Attorney General has not studied the Senate jury-trial amendment and that the Department apparently lacks the resourcefulness to avail itself properly of the very flexible and potent powers of civil contempt. The memorandum indicates that the Department resorts in antitrust cases to criminal contempt where civil contempt is the preferable remedy.

From 1953 to date Attorney General Brownell and the Department of Justice have brought only 9 contempt cases, 3 of them civil and only 6 criminal. Mr. Rogers, therefore, has no choice but to take the position that the number of cases is unimportant because such cases in which the United States proceeds by criminal contempt are few and far between. It is the failure of the Department of Justice to use the criminal contempt remedy which completely refutes the position of the President that the jury-trial amendment would impair the powers of the court. The very paucity of cases in which criminal contempt is used would strongly indicate that the enforcement of court orders is accomplished in over 99 percent of the cases by means other than criminal contempt.

The Acting Attorney General states that under present statutes the power of the court to hold a person in criminal contempt is speedy and effective. Neither of these adjectives accurately describes the power. The only group of cases in which the remedy through contempt is speedy is where the act is one committed in the presence of the court. Then the court, under Supreme Court rule 42 on criminal contempt, may impose punishment at the moment the contempt occurs. In all other cases the proceeding in criminal contempt the remedy is not speedy. The rule of the Supreme Court explicitly provides that in such cases notice shall be given stating "the time and place of hearing, allowing a reasonable time for the preparation of the defense and for the essential facts constituting the criminal contempt charged and described as such." The decisions of the Supreme Court require that there shall be proof beyond a reasonable doubt.

Perhaps nothing indicates how slow the process may be than does the case of J. Meyer Schine cited in the Department's memorandum. In that case, the proceeding to have the defendants adjudged in criminal contempt was instituted prior to August 12, 1954, at the same time as civil-contempt proceedings were started. On August 12, 1954, the judge overruled motions to dismiss in both proceedings (125 Fed. Supp. 734, 738). It was not until December 27, 1956, that a judgment of conviction was entered in the criminal contempt case. At least 2½ years elapsed between the initiation of the proceedings and the conviction. It would appear that proper use of the coercive powers of civil contempt should have obtained effective compliance in a much shorter period of time.

So far as the effectiveness is concerned, it is not the criminal contempt that obtains the compliance by the defendant. Compliance is obtained by effective, resourceful use of the powerful judicial sanctions invoked in civil contempt proceedings as authorized by section 401 of title 18 of the United States Code. This section is not altered by the jury-trial amendment. It will stand if this amendment is adopted without the same power and authority with which it can now be invoked.

The Acting Attorney General also speaks of criminal contempt proceedings as being deterrents to other cases. The theory of the deterrent effect of criminal punishment is one that is seriously questioned by many experts in criminal law. Beyond this, however, it is extremely unlikely that a person who would be recalcitrant enough to flout a court order willfully would hardly be a person who would be deterred by what happened to another recalcitrant in another case.

The memorandum raises a number of terrifying circumstances which have no bases in fact. The fact that antitrust cases are complicated have no bearing on the issue of the jury-trial amendment. These complexities arise during the trial of the main case to determine whether an injunction should issue. No jury will participate in this part of the case. No jury will ever hear the mass of complicated and contradictory evidence. If complicated fact issues remain in regard to enforcement, the caes is not ripe for criminal contempt.

A jury will be called in only in case, after decree, a criminal contempt proceeding is started. At that time all the complicated

---

[4] While lack of express statutory authorization for jury trial by courts of appeals presents a serious problem, if Congress enacts a statute which requires a jury trial in all criminal contempt proceedings, this would probably be construed as impliedly authorizing courts of appeals to conduct jury trials in such cases. It should also be noted that the opinion rendered by the Court of Appeals for the District of Columbia Circuit in a recent criminal contempt proceeding for violation of the court's judgment enforcing a Federal Trade Commission order, stated that respondent's counsel, in open court, had "waived trial by jury." *In re Dolcin Corporation* (C. C. H. 1956 Trade Cases, par. 68, 570). I am aware of no case in which a court of appeals has actually conducted such a trial, or, for that matter, even made a comparable statement. Although there have been criminal contempt proceedings in various courts of appeals for violation of judgments enforcing orders of the National Labor Relations Board, I am advised that there never has been a jury trial in any of these proceedings.

issues have been settled. The only question before the jury is was the order of the court willfully violated. The evidence before the jury is the decree and the evidence of willfullness of disobedience. These are questions juries are most qualified to pass upon and do pass on every day.

In at least two of the cases cited as examples no hearings were held in the criminal contempt cases. No one knows what would have happened if hearings were held. It seems absurd to try to strengthen an argument by citing examples which prove nothing.

The second argument made in the memorandum is about the amount of the fine that may be imposed upon conviction for criminal contempt. The memorandum points out that the fine is much smaller than can be imposed for a violation of the Sherman Antitrust Act. The Department forgets that in a criminal contempt the court is not punishing the violation of the Antitrust Act. It is punishing the affront to the court. The fact that the affront to the court grew out of an antitrust matter has no bearing on the question. The affront to the court is equally vicious regardless of the character of the original litigation. If the Government wishes to punish for the violation of the Antitrust Act and impose the statutory penalties for such violation, it should bring a criminal prosecution by grand jury indictment, and not hide its purpose under the guise of a prosecution for criminal contempt.

The fact that Meyer Schine was penalized with a fine of $25,000 is not impressive. Meyer Schine was also subject to civil contempt. The court so held (125 Fed. Sup. 738). It could have gotten compliance in that civil contempt proceeding much faster by imposing upon him a fine of $25,000 per day until he stopped obstructing the order of the court.

Above all, both the letter and memorandum fail to see that the jury-trial amendment accommodates two equally valid principles of our legal order. On the one hand it gives effect to the principle that a jury should not be interposed between a judge and the enforcement of his order. On the other hand it gives effect to the principle that a jury must be interposed between the judge and his power to inflict criminal punishment.

Mr. O'MAHONEY. Mr. President, there is one other matter I desire to mention. From the Department of Justice, within the last day or so, there came, not to me, but other Members of the Senate, or to some newspaper correspondents, a memorandum from the Department which alleged that the case of *United States* v. *Shipp* (214 U. S. Reports 386, October term, 1908)——

The PRESIDING OFFICER. The time of the Senator from Wyoming has expired.

Mr. O'MAHONEY. Mr. President, I ask for 2 additional minutes.

Mr. STENNIS. Mr. President——

Mr. MORSE. Mr. President, reserving the right to object, is the Senator from Mississippi yielding time of the opponents of the bill to the proponents of the bill?

Mr. STENNIS. I gave the Senator from Wyoming 3 minutes. That was all I had.

Mr. O'MAHONEY. I consulted with the Senator from California as well as the Senator from Mississippi. May I have an additional minute?

Mr. KNOWLAND. I yield 1 additional minute to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 1 additional minute.

Mr. O'MAHONEY. The case of the United States against Shipp was cited by the Department of Justice as evidence that the activity of the Supreme Court would somehow be hampered by the jury trial amendment. I have examined the case, which took place in 1906. It shows distinctly there was an appeal from the State courts of Tennessee to the Supreme Court of a case wherein the defendant was sentenced to death for a crime committed in the State. The Supreme Court having taken jurisdiction, as the court itself said, it had become a Federal case, and the Supreme Court had complete authority, under section 401 of title 18 of the United States Code, to punish the defendant for contempt. Nothing in the amendment would have any effect thereon.

In the opinion, Chief Justice Fuller, who wrote the decision, said:

> Shipp understood that thereupon Johnson was held as a Federal prisoner.

This was the declaration of the court: That Shipp, the defendant, who was the sheriff, had allowed Johnson, after an order had been received from the Supreme Court to stay the execution, to be executed by a lynch mob.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. O'MAHONEY. I yield the floor.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Oregon [Mr. MORSE].

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

Mr. MORSE. Mr. President, many men and women of good will earnestly desire the enactment of the bill, despite their recognition that it has been greatly weakened by the Senate amendments. It is not easy to oppose the view of such people who sincerely desire the achievement in fact of the rights of citizenship for all our people regardless of race or color.

It is said that half a loaf is better than nothing. But I question whether in this bill there is even half a loaf. I reluctantly conclude that the harm the bill will do to constitutional liberties is greater than the good it might accomplish.

In the course of this debate I urged the retention of part III of the bill intact, regarding it as the most important part of the bill. Even when part III was in the bill, I regarded the bill as minimal. Section 121 of part III provided for civil equitable relief in the protection of the rights of citizenship guaranteed by the 14th amendment. Without the protection of those rights, a bill can hardly be called a civil-rights bill. As I said earlier, citizenship is not so divisible that only a part of it can be protected and the remainder, the major part, left without enforceable protection. The history of the 1871 civil-rights statutes shows that the present laws in aid of the 14th amendment are not meaningful.

The right to vote is an important right of citizenship. When viewed in the context of the one-party system of many States, the right to vote is of little value in obtaining appropriate recognition of the other rights of citizenship. That is all the more the case in States where gerrymandering plus the county unit system make the vote of areas of heaviest Negro population worth a small fraction of votes in other parts of the State.

At best, promoting voting in one-party States will not effect substantial improvement for years. A year or two of delay in enacting a true civil-rights bill could very well improve the quality and substance of the measure enacted. In contrast, I fear that once a bill bearing the name "civil rights" is enacted, it will not be possible for many years to obtain further Congressional action on the subject.

Even the voting-right section of the bill has been weakened to the point where its enforceability is in doubt.

The interposition of a jury in voting rights contempt-of-court cases weakens that section and further detracts from the independence of the judiciary.

I cannot bring myself to vote for a civil-rights bill which bears little more than the title. I cannot bring myself to vote for a bill which raises hopes and expectations which will not be satisfied.

The courts have proved to be the surest protectors of our liberties and rights as freemen. The independent Federal judiciary established by the Constitution and Congress have withstood passions and prejudice and established and protected the principles of freedom. This bill would deprive that independent Federal judiciary of the historic powers the courts require to vindicate their authority and maintain unimpaired respect for their decisions and decrees.

The appeals system is adequate protection against error and abuse on the part of inferior courts. Yet there is no appeal from improper verdicts of acquittal for defiance of court decrees. The very interposition of a jury between the courts and those on trial for contempt carries with it the possibility of frustrating the powers the courts require to maintain their authority.

The integrity of our judicial system is no mere abstraction. It is the bedrock of our constitutional system. I will not vote to crack and fracture the foundation of our liberties.

It would be a sad thing to end this session of Congress without the enactment of a bill to promote civil rights.

It would be a far sadder thing to enact a measure that would, I fear, weaken the civil-rights cause whose objective is full protection of the constitutional rights of all citizens under the 14th and 15th amendments. To those who cherish the principles of equality for all human beings before God and man, I say tonight: Our work is not yet finished. We have worked to an inconclusive end. We must strive anew to do a better job and bring forth a better bill.

We have a solemn obligation to enact legislation whose promise brings fulfillment, not bitter frustration.

Therefore, as a liberal, I shall vote against the bill because in its present form it purports to be what it is not—an advancement in the cause of civil rights. I will never knowingly vote for what I consider to be a sham.

ORDER FOR RECESS TO 11 A. M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it stand in recess until 11 o'clock a. m. tomorrow.

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

ORDER FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate convenes tomorrow there be the usual morning hour, for the transaction of routine business only, with statements limited to 3 minutes.

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

CIVIL RIGHTS ACT OF 1957

The Senate resumed the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). The time of the Senator from Oregon has expired.

Mr. KNOWLAND. Mr. President, I yield 6 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida [Mr. SMATHERS] is recognized for 6 minutes.

Mr. SMATHERS. Mr. President, very soon the Senate will vote on the final passage of the amended civil rights bill. Those who believe in constitutional government and in the protection of our long cherished individual liberties, have achieved great changes and improvement in this bill. We have eliminated the harsh and punitive provisions which would have permitted the use of troops against the people of the South, and other areas, where the President or the Attorney General in their discretion thought civil rights violations were occurring.

We have struck out section 121 of part III which was cleverly designed to provide a means of forcing integration in schools, parks, public conveyances, and so forth. And, finally, we achieved a miraculous victory by inserting into part IV of the bill, which has to do with voting rights in Federal elections, the guarantee of trial by jury.

In my judgment, these are tremendous accomplishments which evidence superb leadership and devotion to principle on the part of the Senator from Georgia [Mr. RUSSELL], the incomparable majority leader, the Senator from Texas [Mr. JOHNSON], the Senator from Vermont [Mr. AIKEN], the Senator from New Mexico [Mr. ANDERSON], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Idaho [Mr. CHURCH], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Maine [Mrs. SMITH], and the Senator from New Jersey [Mr. SMITH].

All southern Senators, knowing of the discord and bitterness which would result if this bill in its original form, were to become law, appealed to the fairmindedness, the reasonableness and the moderation of our colleagues from the North and the West for their help. And, indeed, we were fortunate that thoughtful Senators from those areas weighed our arguments, listened to our appeals, and responded, not as ordinary men influenced by political considerations, but as responsible legislators of a troubled Nation, acting in the highest traditions of great Senators of the past.

As we approach the final vote on this bill as now amended, many of the same Senators to whom we southerners appealed, now appeal to us to exercise a like amount of vision and reasonableness and courage. Indeed, their appeal constitutes a considerable challenge to us.

I do not believe that the ultimate solution to this great social problem of the black and white races living side by side in harmony will be accomplished through law or edict. On the contrary, its solution can be found only in education, understanding and tolerance. Nevertheless, I recognize that eventually, some civil rights bill will be enacted into law—either at this or some later session.

In its present form this bill provides for the appointment of a commission whose purpose is to study the whole matter of civil rights and to report back to the Congress and to the President at the end of a 2 year period. The members of the Commission will be appointed by the President, but with the advice and consent of the Senate. If this Commission is made up of objective men, free of misconceptions and petty political goals, it can accomplish good, not only in the field of voting rights, but in the area of job discrimination, age discrimination, and other basic civil rights.

The other major remaining section of the bill is that which has to do with voting in Federal elections. The Attorney General's authority is limited to that area and, of course, in this section the jury trial amendment was added. As now amended, the bill does not authorize interference with local or State elections, which properly remain under local and State supervision.

At the outset of this debate, when I was speaking against the bill in its original form and pledging my complete energy, and limited talents to resisting its adoption, I stated, "that I could not in good conscience protect or condone any public official who illegally deprived any qualified American citizen of his right to vote because of race, color or creed." And now, because of that statement and belief, because of the amendments and limitations which have been made to this bill, because I feel this is the most sensible and moderate proposal we shall get, and because there is great need to move this problem outside the political arena, I expect to vote for the passage of H. R. 6127, the civil-rights bill, as amended.

Mr. President, I yield back the remainder of my time.

Mr. KNOWLAND. Mr. President, I yield 4 minutes to the junior Senator from Colorado [Mr. CARROLL].

Mr. CARROLL. Mr. President, we have just heard a very fine address by the senior Senator from Oregon [Mr. MORSE]. No one who listened could help being impressed with his very strong and vigorous presentation. He has very ably pointed out some of the weaknesses in the pending bill.

However, I cannot agree with his conclusion on voting against the bill. I cannot agree with that position for these reasons:

Over 10 years ago—on December 5, 1946—President Truman established a Committee on Civil Rights to examine some of the ways in which our civil-rights laws could be strengthened. This afternoon I spent considerable time reading, to refresh my memory on the recommendations of the report of President Truman's Committee on Civil Rights, which is entitled "To Secure These Rights." This report was made in 1947. The committee recommended many of the provisions which we are about to enact into law.

In 1948, in a message to the Congress on the State of the Union, President Truman spoke of the five great goals toward which we should strive in our constant effort to strengther our democracy and improve the welfare of our people. He put at the top of the list the goal to secure fully our essential human rights.

Then in a special message to the Congress on February 2, 1948, President Truman again called attention to this very important issue. He asked for the establishment of a permanent Commission on Civil Rights, and setting up a Civil Rights Division in the Department of Justice. He recommended that Congress provide for an additional Assistant Attorney General to supervise this Division. He stated in that message:

> We need stronger statutory protection of the right to vote.

He also asked for antilynching and antipoll tax laws and other measures to safeguard fundamental civil rights. He concluded his message with this statement:

> If we wish to inspire the peoples of the world whose freedom is in jeopardy, if we wish to restore hope to those who have already lost their civil liberties, if we wish to fulfill the promise that is ours, we must correct the remaining imperfections in our practice of democracy. We know the way. We need only the will.

Mr. President, in the pending legislation we are about to adopt some of the proposals which President Truman made a decade ago.

It is very true that the bill has been considerably weakened, particularly by the elimination of part III and the addi-

tion of the so-called, confusing jury-trial amendment. And it is true, also, as the Senator from Michigan [Mr. McNAMARA] points out, that the real weakness in the situation actually exists right here in this body with rule XXII, which makes the threat of a filibuster hang over our heads.

It is very significant that after President Truman's special message on civil rights in 1948, this body in 1949, instead of modifying rule XXII, made it worse so that now it is almost impossible to check a determined filibuster. That is to say, it now requires a constitutional majority of 64 Senators to offset the filibuster through invoking the cloture rule. And I was disturbed to learn, Mr. President, that the motion to make it more difficult to check a filibuster was made by a Republican and supported by large numbers of his Republican colleagues. The party which now professes an interest in civil rights should now show its sincerity by moving to modify rule XXII.

In view of all the difficulties surrounding this type of legislation, in a sense, it is amazing that we have gone as far as we have gone today. I think we are taking a step forward. We have established a beachhead. We are not getting all tht we desire. However, I believe that at last we are on the trail of civil-rights legislation. That does not mean that we have reached the end of the trail at all. It does not mean that we should relax in our fight to make rule XXII workable. Now that we have established our beachhead, we must move forward and never relax our efforts until we have provided genuine protection of the civil rights which are the heritage of every American.

Mr. President, I want to call attention to the effects of the civil-rights issue in the election of 1948.

It is very significant that when Harry S. Truman ran for the Presidency in 1948 there was a split in the Democratic Party because of his vigorous stand on civil-rights legislation. He lost four of the States in the South. He also had to contend with the thunder on the left from the Progressive Party of Henry A. Wallace, as a result of which he lost New York. Nevertheless, Harry Truman won the election of 1948 because the American people understood, believed in, and voted for those principles for which he so clearly spoke. That was a mark of Harry S Truman's courage.

Mr. President, I would also like to call attention to the brilliant and penetrating comment of another great Democratic leader—Adlai E. Stevenson, who carried the banner of the Democratic Party in two Presidential campaigns. In three short sentences in New York yesterday, Governor Stevenson spoke out clearly and forcefully on the meaning of the current bill and the situation which we now confront. Governor Stevenson declared:

> I am not sure that the bill will accomplish its purpose. I doubt if it is wise to change the old law of criminal contempt just to meet this situation. But I would rather have this bill than none at all.

In the closing hours of debate, I do not expect to change the votes of any of my colleagues on the pending legislation. But I firmly believe that we ought to keep the record straight. The ideals for which we Democrats stand are the basic and traditional principles of the Democratic Party. These principles go back to Thomas Jefferson who declared: "Equal rights for all; special privileges for none." These principles have been carried forward in recent years through the leadership of Franklin D. Roosevelt, Harry S Truman, and Adlai E. Stevenson.

Starting in 1933, the Roosevelt administration carried out a farflung program which brought economic democracy to people in all sections of the country. And through the extension of economic democracy, minority groups were protected and strengthened in trying to secure a decent standard of living. President Roosevelt launched a housing program, with special concern for adequate housing for minority groups. The Housing and Home Finance Agency announced that there would be no discrimination or segregation in any housing that it operated.

Then, on June 25, 1941, Franklin D. Roosevelt issued Executive Order No. 8802, setting up the first Fair Employment Practice Committee to enforce fair practices in work done on Government contracts. And in his state of the Union message in 1944, Roosevelt proclaimed his economic bill of rights to provide "a new basis of security and prosperity for all, regardless of station, race, or creed." Roosevelt's economic bill of rights was a 20th century emancipation proclamation.

Mr. President, I served in the war with Negro troops. They distinguished themselves, and I believe hastened our progress toward civil rights. After the war, as these troops returned to their home communities, they were not always treated as well as they deserved. But I am proud to say that President Truman, in addition to setting up a Civil Rights Commission and urging legislation, made significant forward steps in the administrative field. One of his crowning achievements was Executive Order No. 9981, which President Truman issued on July 26, 1948, abolishing segregation in the Armed Forces. That order was issued when the present President, Dwight D. Eisenhower, was Chief of Staff of the Army and indeed had publicly expressed his doubts about abolishing segregation in the Armed Forces, in testimony before the Senate Armed Services Committee on April 2, 1948.

Mr. President, I believe that in a small measure the pending bill reflects the principles espoused by the great leaders of the Democratic Party. I believe that with the establishment of the proposed Civil Rights Commission and the new division in the Attorney General's Office, together with the extension of the Federal statute covering civil rights, we are acting precisely along the trail which great Democratic leaders have blazed.

The bill is not all we desire, but I believe it represents a step forward. I think it would be a serious mistake to vote "nay" on the bill at this time. At least, we should give the House an opportunity to work its will on the bill. As I said on a previous occasion, a vote against the bill is a vote of irresponsibility, a vote for the bill is a vote of responsibility.

The PRESIDING OFFICER. The proponents have 9 minutes remaining, and the opponents 19 minutes.

Mr. KNOWLAND. Mr. President, I yield 2 minutes to the junior Senator from Oregon [Mr. NEUBERGER].

Mr. NEUBERGER. Mr. President, I very proudly associate myself with the outstanding, able, and moving remarks just made by my friend and colleague, the junior Senator from Colorado.

I believe that the bill has been weakened and crippled by the major changes made in this Chamber. At the same time, I believe that the bill as it stands is better than nothing. Therefore I intend to support it.

On Memorial Day of this year I had the great privilege and honor of speaking in tribute to Franklin Delano Roosevelt, in the annual services held at his grave in Hyde Park, N. Y. On that occasion his very illustrious widow, Mrs. Eleanor Roosevelt, told my wife and me about some of the advances made in behalf of colored people and other minority groups during the Roosevelt administration.

She admitted that those advances were far less than President Roosevelt and she had hoped for; but they represented gains, so the Roosevelts accepted those modest gains and worked from there.

I believe that a similar situation confronts us in this Chamber tonight. For that reason, I emphasized that the philosophy advanced by the Senator from Colorado is the philosophy which I accept when I vote for the bill, as I intend to do in the yea and nay vote which is to come.

Only yesterday my distinguished senior colleague [Mr. MORSE] and I voted to accept the conference report on Senate bill 469, an Indian bill affecting the Klamath Tribe in our own State. Although my colleague and I pointed out that the bill was far short of our expectations, and far less than we had hoped for, we had a choice between Senate bill 469 as it came to us, or nothing. Therefore, the senior Senator from Oregon and I accepted the conference report on Senate bill 469, because it was the best we could get—and we hope to improve the situation in the future.

The bill to which I refer involved a relatively small issue affecting one Indian tribe in only one State. Today we are voting on a civil rights bill to protect the voting privileges of people in all 48 States. This bill is not everything it should be, but I believe it is better than the existing vacuum in this vital field. Therefore, I join my friend from Colorado in stating to our colleagues why I intend to vote for the bill. I shall vote for it not without some strong misgivings, but still I shall vote for it.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. FULBRIGHT. Mr. President, if I may be yielded one-half a minute, I

ask unanimous consent to have printed in the RECORD the lead editorial published today in the Washington Evening Star, and also, from the same editorial page, the statement by Dean Acheson, which is referred to in the editorial.

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

FACTS VERSUS PROPAGANDA

In legislating on civil rights, Congress should be guided by the facts, not propaganda. Highly misleading propaganda is being used now to discredit the jury-trial amendment in the Senate civil-rights bill, and thus the bill itself. That propaganda takes the form of statements to the effect that the amendment kills, or weakens, or nullifies, or makes a ghost of, or, to borrow a White House phrase, "makes largely ineffective," the civil-rights bill. The other line is that it "weakens our whole judicial system."

Is this mere political panic? What else can it be? Whatever it is, Senators are gathering the facts to disprove such absurd generalizations.

For example, in fiscal 1956, there were only 48 cases of criminal contempt in all the Federal courts. Three were for contempt of Congress, in which there is trial by jury. In the same period, the Federal courts were trying 28,739 criminal cases by jury. Would trial by jury of the 45 other cases have weakened our whole judicial system?

In fiscal 1957, 26 of the 69 criminal contempt cases in all the Federal courts were for contempt of Congress, tried by jury.

There are 243 Federal judges sitting in 87 district courts. In only 1 of the past 10 years has the number of criminal-contempt cases equaled the number of district courts. That was in 1951, when 64 of 124 criminal contempts were for contempt of Congress, and tried by jury. The House Un-American Activities Committee was busy that year. How ridiculous to say that had jury trial applied in all criminal-contempt cases, our whole judicial system would have been weakened. We believe the statement will become even more absurd when Senators complete an analysis of circumstances in each criminal-contempt case of recent years.

No one knows how many criminal-contempt cases actually would result, and be tried by jury, under the civil-rights bill's provisions enforcing the right to vote. But under the jury-trial amendment, it is a Federal judge who decides whether to exercise his criminal- or civil-contempt powers, or both. His civil-contempt powers to send a person to jail without a jury trial are not affected. If criminal contempt is involved, and punishment rather than compliance is the issue, there should be a jury.

As Dean Acheson points out in his article on this page today, the real danger to the Federal courts does not lie in jury trial. It would exist in a situation in which people would meekly accept punishment by a judge for violations of laws so strongly opposed that no jury could be found to enforce them. We agree with Mr. Acheson's statement: "To say that this requirement (for jury trial) nullifies the law is nonsense."

Furthermore, it is insidious nonsense. If believed, after repetition by men in high places, it could undermine the whole fine tradition of jury trial as an essential accompaniment of justice under law.

DEAN ACHESON ON JURY TRIAL

Having heard that Mr. Acheson had been among those who helped to perfect the jury-trial amendment in the Senate civil-rights bill, the Star asked him for a statement, which appears below:

"It will be a great pity if a chance to advance the civil rights of our Negro citizens beyond anything achieved in three-quarters of a century is lost because liberals do not realize how much has been accomplished by the bill now before the Senate.

"It will be a disaster for the country if bitter sectional animosity is aroused by attempting to change the jury-trial amendment to gain something of little or no value. In all respects, save one, opinion is unanimous that the bill in its protection of the right to vote is first class. The argument arises over the requirement that in certain cases a person, before being punished for violating a judge's decree, must be convicted by a jury.

"This requirement of a jury trial in cases of criminal contempt is said by some to nullify the act.

"Nothing could be more wrong. Those who make this charge usually have no idea what criminal contempt is or what great powers the amendment gives to the judge to enforce his decree by civil contempt proceedings.

"Exactly what are we talking about? Recently the press has carried stories of a registrar of voters who was preventing the registration of Negro voters by opening his office only for short periods when voters could not readily attend and by dilatory proceedings.

"In such a case the United States Attorney could, under the amendment, bring suit and the court could issue its decree ordering proper and effective registration. If his order should not be obeyed, the judge could put those defying him in jail or under continuing fines until they should obey. If necessary he could order that no list of voters not made in accordance with his decree be certified or used. No jury would be required for these enforcement proceedings.

"Now let us assume that the registrar has attempted to deceive the judge into believing that he has complied, when he has not. Here is a situation where punishment is called for—not coercion to enforce compliance, but retribution for a wrong. Before this punishment can be inflicted, the defendant must be found guilty by a jury. To say that this requirement nullifies the law is nonsense.

"In the first place, it assumes that in some sections juries will not convict, hence retributive punishment will not be possible, hence the law cannot be enforced. I do not believe the assumption that under proper guidance from the court juries will not convict the guilty.

"But, even if I am wrong, the real enforcement powers are in the civil contempt proceedings where no jury is required. In the second place it assumes that in a section of the country so opposed to the law that no jury could be found to impose punishments, the same punishments would be meekly accepted if imposed by a judge alone.

"This is not only fantastic, but the Federal courts would be destroyed in such an effort.

"Finally, it is said that the amendment is so broad that it will impede the enforcement of decrees in other fields—the antitrust field is mentioned. I can't recall any proceeding for criminal contempt in an antitrust case—though there may have been some. But I venture to say that in a proceeding of this sort a jury would be more of a terror to the defendant than to the Government. However, if any difficulties do develop not now anticipated, they can easily be dealt with by legislation.

"At the present time, fears expressed about the amendment are unfounded, usually based on misunderstanding, and sometimes insincere. It would, as I said, be a great pity should they prevent an accomplishment of inestimable importance.

"DEAN ACHESON.

"August 6, 1957."

Mr. JOHNSON of Texas. Mr. President, how much time is left to the minority leader [Mr. KNOWLAND] and to the Senator from Georgia [Mr. RUSSELL]?

The PRESIDING OFFICER. The opponents have 19 minutes remaining, and the proponents have 3 minutes.

Mr. JOHNSON of Texas. Before the minority leader speaks, I suggest the absence of a quorum, and I ask unanimous consent that the time be not taken from either side.

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

The clerk will call the roll.

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

Aiken	Goldwater	Monroney
Allott	Gore	Morse
Anderson	Green	Morton
Barrett	Hayden	Mundt
Beall	Hennings	Murray
Bennett	Hickenlooper	Neuberger
Bible	Hill	O'Mahoney
Bricker	Holland	Pastore
Bush	Hruska	Potter
Butler	Humphrey	Purtell
Byrd	Ives	Revercomb
Capehart	Jackson	Robertson
Carlson	Javitz	Russell
Carroll	Jenner	Saltonstall
Case, N. J.	Johnson, Tex.	Schoeppel
Case, S. Dak.	Johnston, S. C.	Scott
Chavez	Kefauver	Smathers
Church	Kennedy	Smith, Maine
Clark	Kerr	Smith, N. J.
Cooper	Knowland	Sparkman
Cotton	Kuchel	Stennis
Curtis	Langer	Symington
Dirksen	Lausche	Talmadge
Douglas	Long	Thurmond
Dworshak	Magnuson	Thye
Eastland	Mansfield	Watkins
Ellender	Martin, Iowa	Wiley
Ervin	Martin, Pa.	Williams
Flanders	McClellan	Yarborough
Fulbright	McNamara	Young

Mr. MANSFIELD. I announce that the Senator from Delaware [Mr. FREAR] and the Senator from West Virginia [Mr. NEELY] are absent on official business.

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Maine [Mr. PAYNE] are absent because of illness.

The Senator from Nevada [Mr. MALONE] is necessarily absent.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). A quorum is present.

Mr. JOHNSON of Texas. Mr. President, may we have order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that I may propound a parliamentary inquiry, without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator will state the parliamentary inquiry.

Mr. KNOWLAND. Mr. President, how much time remains to each side?

The PRESIDING OFFICER. The proponents have 3 minutes remaining. The opponents have 19 minutes remaining.

Mr. KNOWLAND. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from California is recognized for 3 minutes.

Mr. KNOWLAND. Mr. President, we have come to the end of a hard and long road. With the pending bill we have

made some advances in civil rights. The creation of the Commission, as provided in the bill, affords an opportunity to gain a great deal of factual information, if the Commission is organized on an impartial basis, and if it will receive the cooperation of all those who may be concerned.

I believe the section dealing with the Assistant Attorney General is a step in the right direction. It will enable the Department of Justice to function through a civil branch, instead of through a criminal division, as is now the case.

We have stricken part III, dealing with civil rights guaranteed under the 14th amendment to the Constitution. I did not vote to strike that section from the bill; but that was the judgment of the Senate, and that judgment must at this time be accepted.

We finally had a bill which in effect, with the exception of the Commission, was primarily a voting-rights bill. I had hoped that that part of the bill might be retained intact, because the bill, as passed by the House, would have been effective so far as voting rights are concerned. It is my belief that the adoption of the jury-trial amendment has greatly weakened the effectiveness of part IV. I do not necessarily believe that the bill has been completely destroyed, but it is a less effective instrument in guaranteeing rights under the 15th amendment than the bill which came from the House and as it would have remained had the amendment not been added.

In addition to that weakness, we have extended, perhaps by inadvertence, the jury-trial amendment provision to perhaps 30 or 40 other laws. By so doing we have greatly damaged the administration of justice, particularly the administration of other statutes, including the Fair Labor Standards Act, the antitrust statute, the Securities and Exchange Commission statute, the Federal Trade Commission statute, and many others.

Since we are only part way through the legislative process, I hope that in the House, through conference or otherwise, steps may be taken by which this part of the bill may be clarified. I personally hope that the bill will be sent to conference so that we can obtain a more effective piece of legislation, even in relation to the voting-rights provisions.

Mr. President, the voting rights guaranteed by the 15th amendment are inevitably coming to every American citizen regardless of race, creed, or color.

Mr. President, I wonder if I might have 2 additional minutes.

Mr. JOHNSON of Texas. Mr. President, I yield 2 additional minutes to the Senator from California.

Mr. KNOWLAND. Under the bill—and I hope it will be further improved in the legislative process before final enactment—the Commission will be able to function. The spotlight of publicity will be held on every State in the Union and on every voting district. I am frank to admit that in many areas of the great Southland—and we all have great pride in that area of the country, which has contributed such fine leadership to the Senate and to our whole country over the years—the people have made wonderful progress. I only wish that every section of the Southland had made the progress which has been pointed out to us by some of the Senators from that great section.

I am convinced, regardless of what the final form of the bill may be—and I believe it will be greatly improved over what it will be as finally passed by the Senate—the President of the United States and others who have supported adequate and effective civil-rights legislation will work until it can be assured that the rights guaranteed by the 15th amendment to the Constitution to every American citizen—North, South, East, and West, will be made effective.

Mr. President, I ask unanimous consent to have printed in the RECORD, as a part of my remarks, a list of the civil-rights bills reported by Senate committees and civil-rights bills passed by the House, from the 73d to the 84th Congress.

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

SENATE BILLS RELATING TO CIVIL RIGHTS REPORTED FROM SENATE COMMITTEES SINCE 1933 [1]

SEVENTY-THIRD CONGRESS (1933–34)

S. 1978, to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

Introduced January 4, 1934 by Senators Wagner, Democrat, of New York, and Costigan, Democrat, of Colorado, and referred to Senate Judiciary Committee.

On April 12, 1934 the bill was reported from Senate Judiciary Committee and placed on the Senate Calendar.

No further action was taken by Senate.

SEVENTY-FOURTH CONGRESS (1935–36)

S. 24, to assure to persons within the jurisdiction of every State the equal protection of the laws by discouraging, preventing, and punishing the crime of lynching.

Introduced January 4, 1935 by Senators Wagner, Democrat, of New York, and Costigan, Democrat, of Colorado, and referred to Senate Judiciary Committee.

On March 18, 1935 the bill was reported from the Senate Judiciary Committee and placed on the Senate Calendar.

On April 9, 1935 the bill was passed over on call of the calendar. A motion to take up S. 24 was made on April 24 and the Senate debated the motion on April 25, 26, 27, 29, 30, and May 1, 1935.

On May 12, 1936 S. 24 was passed over on call of the calendar.

No further action was taken by Senate.

SEVENTY-NINTH CONGRESS (1945–46)

S. 101, to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry.

Introduced January 6, 1945, by Senator CHAVEZ, Democrat, of New Mexico, and others, and referred to Senate Education and Labor Committee.

On May 24 the bill was reported from the Senate Labor Committee and placed on the Senate Calendar.

On January 17, 1946, the Senate, by a vote of 49 yeas to 17 nays, agreed to a motion to take up S. 101 and debated the bill on January 18, 21, 22, 23, 24, 25, 28, 29, 30, 31, February 1, 4, 5, 6, 7, and 8. On February 9 a motion to close debate on the bill was rejected by a vote of 48 yeas to 36 nays (two-thirds required) and a motion to take up an appropriation bill was agreed to by a vote of 71 yeas to 12 nays. No further action was taken by the Senate.

EIGHTIETH CONGRESS (1947–48)

S. 2860, to provide for the better assurance of the protection of persons within the several States from lynching, and for other purposes.

On June 14, 1948, an original bill (S. 2860) was reported from the Senate Judiciary Committee by Senator Ferguson, Republican, of Michigan, and ordered placed on the Senate Calendar.

No further action was taken by the Senate.

EIGHTY-FIRST CONGRESS (1949–50)

S. 91, to provide for the better assurance of the protection of persons within the several States from lynching, and for other purposes.

Introduced January 5, 1949, by Senator Ferguson, Republican, of Michigan, and referred to the Senate Judiciary Committee.

On June 6, the bill was reported from the Senate Judiciary Committee and placed on the Senate Calendar.

S. 91 was objected to on call of the calendar on June 21, July 26, September 27, and October 17, 1949.

In the second session it was objected to on February 1, August 8, September 13, and December 15, 1950.

No further action was taken by the Senate.

NOTE.—The above information is derived from civil-rights files in the Senate Library and histories of Senate bills in CONGRESSIONAL RECORD indexes.

CIVIL-RIGHTS BILLS PASSED BY THE HOUSE SINCE 1938 [2]

SEVENTY-FIFTH CONGRESS (1937–38)

H. R. 1507, to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

Introduced January 5, 1937, by Representative Gavagan, Democrat, New York, and referred to House Judiciary Committee.

A motion to discharge the Committee on Rules from further consideration of a resolution (H. Res. 125, making a special order to bring H. R. 1507 to the House floor for debate) was agreed to by a vote of 282 yeas to 108 nays on April 12, 1937. The resolution (H. Res. 125) was then agreed to by a voice vote on the same day.

House passed H. R. 1507 by a vote of 277 yeas to 120 nays on April 15, 1937, and the bill was referred to the Senate Judiciary Committee on April 19.

On June 22, 1937, the bill was reported from the Senate Judiciary Committee and placed on the Senate Calendar.

On August 11, 1937, a motion that the Senate proceed to consider H. R. 1507 was made. The following day, August 12, the motion was withdrawn and the Senate, by voice vote, agreed to a motion stating that H. R. 1507 shall become and remain the unfinished business after certain farm legislation was disposed of.

On November 16, 1937, a motion was again made to consider H. R. 1507 and the Senate debated the motion November 17, 18, 19, and 22. The motion was withdrawn November 23.

On December 17, 1937, the Senate, under its order of August 12, 1937, proceeded to

[1] No civil-rights bills were reported from Senate committees in the following Congresses: 75th (1937–38), 76th (1939–40), 77th (1941–42), 78th (1943–44), 82d (1951–52), 83d (1953–54), and 84th (1955–56).

[2] No civil-rights bills were passed by the House in the following Congresses: 73d (1933–34), 74th (1935–36), 82d (1951–52), and 83d (1953–54).

consider the bill and on December 20 the Senate unanimously agreed to discontinue consideration of H. R. 1507 until January 6, 1938.

The Senate resumed consideration of the bill January 16 and continued debate through February 21, 1938. On that date the Senate, by a vote of 58 yeas to 22 nays, agreed to a motion to consider an appropriation bill. No further action was taken by the Senate on H. R. 1507.

SEVENTY-SIXTH CONGRESS (1939–40)

H. R. 801, to assure to persons within the jurisdiction of every State due process of law and equal protection of the laws, and to prevent the crime of lynching.

Introduced January 3, 1939, by Representative Gavagan, Democrat, of New York, and referred to House Judiciary Committee.

A motion to discharge the Committee on Rules from further consideration of a resolution (H. R. 103, making a special order to bring H. R. 801 to the House floor for debate) was agreed to by a vote of 256 yeas to 114 nays on January 8, 1940. The resolution (H. Res. 103) was then agreed to by voice vote on the same day.

House passed H. R. 801 by a vote of 252 yeas to 131 nays on January 10, 1940, and the bill was referred to the Senate Judiciary Committee January 11.

On April 8, 1940, the bill was reported from the Senate Judiciary Committee and placed on the Senate Calendar. No action was taken by the Senate.

SEVENTY-SEVENTH CONGRESS (1941–42)

H. R. 1024, to amend an act to prevent pernicious political activities. (Forbids the local requirement of the payment of a poll tax as a prerequisite for voting.)

Introduced January 3, 1941, by Representative Geyer, Democrat, California, and referred to the House Judiciary Committee.

On October 12, 1942, a motion to discharge the Committee on Rules was agreed to by a vote of 251 yeas to 85 nays and a resolution (H. Res. 110) making a special order for House to consider H. R. 1024 was agreed to by a vote of 251 yeas to 85 nays.

House passed H. R. 1024 by a vote of 254 yeas to 84 nays on October 13, 1942, and the bill was referred to the Senate Judiciary Committee October 15.

On October 26, 1942, the bill was reported from the Senate Judiciary Committee and placed on Senate Calendar.

A motion was made on November 13, 1942, that the Senate proceed to consider H. R. 1024. The motion was again made on November 16 and 18. On November 19 the motion was agreed to by a voice vote and Senate began debate on the bill. The Senate rejected a motion to close debate by a vote of 37 yeas to 41 nays on November 23 and later, on the same day, by unanimous consent, laid the bill aside and returned it to the Senate Calendar.

SEVENTY-EIGHTH CONGRESS (1943–44)

H. R. 7, making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers.

Introduced January 6, 1943, by Representative Marcantonio, American Labor Party, New York, and referred to House Judiciary Committee.

A motion to discharge the Committee on Rules from further consideration of a resolution (H. Res. 131, making a special order to bring H. R. 7 to the House floor for debate) was agreed to by a vote of 268 yeas to 110 nays on May 24, 1943. The resolution (H. Res. 131) was agreed to by a vote of 265 yeas to 105 nays on the same day.

House passed H. R. 7 by a vote of 265 yeas to 110 nays on May 25, 1943, and the bill was referred to the Senate Judiciary Committee May 27.

On November 12, 1943, the bill was reported from the Senate Judiciary Committee and placed on the Senate Calendar.

A motion to take up H. R. 7 was agreed to by a voice vote on May 9, 1944, and the Senate debated the bill May 10, 11, and 12. On May 15 the Senate, by a vote of 36 yeas to 44 nays, rejected a motion to close debate on the bill. No further action was taken by the Senate.

SEVENTY-NINTH CONGRESS (1945–46)

H. R. 7, making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers.

Introduced January 3, 1945, by Representative Marcantonio, American Labor Party, New York, and referred to House Judiciary Committee.

A motion to discharge the Committee on Rules from further consideration of a resolution (H. Res. 139, making a special order to bring H. R. 7 to the House floor for debate) was agreed to by a vote of 224 yeas to 95 nays on June 11, 1945. The resolution (H. Res. 139) was then agreed to by a vote of 220 yeas to 94 nays on the same day.

House passed H. R. 7 by a vote of 251 yeas to 105 nays on June 12, 1945, and the bill was referred to the Senate Judiciary Committee on June 13.

On October 5, 1945, the bill was reported from the Senate Judiciary Committee and placed on the Senate Calendar.

A motion to take up H. R. 7 was agreed to by voice vote on July 29, 1946, and the Senate proceeded to consider the bill through July 31, when a motion to close debate was rejected by a vote of 39 yeas to 33 nays (two-thirds vote required). No further action was taken.

EIGHTIETH CONGRESS (1947–48)

H. R. 29, making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers.

Introduced January 3, 1947, by Representative Bender (Republican, of Ohio), and referred to the House Administration Committee.

Reported from the House Administration Committee on July 16, 1947, and placed on House Calendar.

House suspended the rules and passed H. R. 29 by a vote of 290 yeas to 112 nays on July 21, 1947, and the bill was referred to the Senate Rules and Administration Committee on July 22.

On April 30, 1948, the bill was reported from the Senate Rules Committee and placed on the Senate Calendar.

Senate considered a motion to take up H. R. 29 on July 29, 30, August 2, 3, and 4, 1948. During debate on the motion the Senate agreed to adjourn until August 5 by a vote of 69 yeas to 16 nays. No further action was taken.

EIGHTY-FIRST CONGRESS (1949–50)

H. R. 3199, making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers.

Introduced March 3, 1949, by Representative Norton (Democrat, of New Jersey), and referred to the House Administration Committee.

On June 24, 1949, the bill was reported from the House Administration Committee and placed on the House Calendar.

A motion to discharge the Committee on Rules from further consideration of a resolution (H. Res. 276, making in order consideration of H. R. 3199) was agreed to by a vote of 262 yeas to 100 nays on July 25, 1949. The resolution (H. Res. 276) was then agreed to by a vote of 265 yeas to 100 nays on the same day.

House passed the bill by a vote of 273 yeas to 116 nays on July 26, 1949. Previously a motion to recommit was rejected by a vote of 123 yeas to 267 nays. H. R. 3199 was referred to the Senate Rules and Administration Committee on July 27.

No further action was taken by the Senate.

H. R. 4453, to prohibit discrimination in employment because of race, color, religion, or national origin.

Introduced April 29, 1949, by Representative POWELL (Democrat, New York) and referred to House Education and Labor Committee.

On August 2, 1949, the bill was reported from the House Labor Committee.

House decided to consider the bill by a vote of 287 yeas to 121 nays on February 22, 1950, and the following day passed it by a vote of 240 yeas to 177 nays after rejecting a motion to recommit by a vote of 177 yeas to 239 nays. H. R. 4453 was read twice by its title and ordered placed on the Senate Calendar February 23.

H. R. 4453 was objected to on call of the calendar on April 19, August 8, and December 15, 1950. No further action was taken.

EIGHTY-FOURTH CONGRESS (1955–56)

H. R. 627, to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Introduced January 5, 1955, by Representative CELLER (Democrat, New York), and referred to the House Judiciary Committee.

On May 21, 1956, the bill was reported from the House Judiciary Committee.

A resolution (H. Res. 568) to consider the bill was agreed to by a voice vote on July 16, 1956, and the House began debate.

On July 23 the House passed H. R. 627 by a vote of 279 yeas to 126 nays after rejecting a motion to recommit by a vote of 131 yeas to 275 nays. The bill was referred to the Senate Judiciary Committee on the same day.

No further action was taken by the Senate.

NOTE.—The above information is based on a list supplied by Legislative Reference Service, Library of Congress.

Mr. KNOWLAND subsequently said: Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. KNOWLAND. I ask unanimous consent to have printed in the RECORD, as a part of my previous remarks, the yea-and-nay vote on the action bypassing the Judiciary Committee; the yea-and-nay vote on the motion to have the Senate proceed to the consideration of House bill 6127; and the yea-and-nay vote on the motion to recommit House bill 6127 to the Judiciary Committee, with instructions.

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

[From the CONGRESSIONAL RECORD of June 20, 1957, pp. 9826–9828

The VICE PRESIDENT. A quorum is present.

The question is, Is the point of order of the Senator from Georgia [Mr. RUSSELL] well taken? On this question the yeas and nays have been ordered.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. DOUGLAS. Do I correctly understand that a yea vote means a vote to send the House bill to the committee, and a nay vote means to place the House bill on the calendar?

The VICE PRESIDENT. The effect of the vote would be as the Senator from Illinois has stated.

The Secretary will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Rhode Island [Mr. GREEN], and the Senator from West Virginia [Mr. NEELY] are absent on official business.

I further announce that the Senator from Oklahoma [Mr. MONRONEY] is absent because of illness.

On this vote the Senator from Indiana [Mr. CAPEHART] is paired with the Senator from Oklahoma [Mr. MONRONEY].

If present and voting, the Senator from Indiana would vote "nay" and the Senator from Oklahoma would vote "yea."

If present and voting, the Senator from Rhode Island [Mr. GREEN] and the Senator from West Virginia [Mr. NEELY] would each vote "nay."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from Maine [Mr. PAYNE], and the Senator from North Dakota [Mr. LANGER] are absent because of illness.

If present and voting, the Senator from Maine [Mr. PAYNE] and the Senator from North Dakota [Mr. LANGER] would each vote "nay."

The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate and is paired with the Senator from Oklahoma [Mr. MONRONEY]. If present and voting, the Senator from Indiana [Mr. CAPEHART] would vote "nay" and the Senator from Oklahoma [Mr. MONRONEY] would vote "yea."

The Senator from New Jersey [Mr. SMITH] is necessarily absent, and, if present and voting, he would vote "nay."

The Senator from Iowa [Mr. MARTIN] and the Senator from Vermont [Mr. FLANDERS] are detained on official business. If present and voting, the Senator from Iowa [Mr. MARTIN] would vote "nay."

The result was announced—yeas 39, nays 45, as follows:

Yeas, 39: Anderson; Bible; Byrd; Eastland; Ellender; Ervin; Frear; Fulbright; Goldwater; Gore; Hayden; Hill; Holland; Johnson, Texas; Johnston, South Carolina; Kefauver; Kennedy; Kerr; Lausche; Long; Magnuson; Malone; Mansfield; McClellan; Morse; Mundt; Murray; O'Mahoney; Robertson; Russell; Scott; Smathers; Sparkman; Stennis; Talmadge; Thurmond; Williams; Yarborough; Young.

Nays, 45: Aiken; Allott; Barrett; Beall; Bennett; Bricker; Bush; Butler; Carlson; Carroll; Case, New Jersey; Case, South Dakota; Church; Clark; Cooper; Cotton; Curtis; Dirksen; Douglas; Dworshak; Hennings; Hickenlooper; Hruska; Humphrey; Ives; Jackson; Javits; Jenner; Knowland; Kuchel; Martin, Pennsylvania; McNamara; Morton; Neuberger; Pastore; Potter; Purtell; Revercomb; Saltonstall; Schoeppel; Smith, Maine; Symington; Thye; Watkins; Wiley.

Not voting, 11: Bridges; Capehart; Chavez; Flanders; Green; Langer; Martin, Iowa; Monroney; Neely; Payne, Smith, New Jersey.

So Mr. RUSSELL's point of order was overruled.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the point of order was overruled.

Mr. KNOWLAND. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from California [Mr. KNOWLAND], to lay on the table the motion of the Senator from Illinois [Mr. DIRKSEN].

Several Senators requested the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll, and Mr. AIKEN and Mr. ALLOTT voted in the affirmative when their names were called.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Illinois will state it.

Mr. DOUGLAS. May I ask the Chair to explain what a vote of "yea" will mean in this case?

The VICE PRESIDENT. A vote of "yea" is a vote to lay on the table the motion to reconsider.

Mr. LAUSCHE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Ohio will state it.

Mr. LAUSCHE. In the event the motion to lay on the table is agreed to, what will be the subsequent right of any Member of the Senate to ask that the bill be referred to a committee, if it is once placed on the calendar?

The VICE PRESIDENT. By unanimous consent, the bill may be referred to a committee.

Mr. LAUSCHE. By unanimous consent only?

The VICE PRESIDENT. Once the bill is taken up for consideration, any Senator may move to refer it to a committee, and that may be done by a majority vote.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Minnesota will state it.

Mr. HUMPHREY. Is it not possible, once the bill has been placed on the calendar, that any Senator may move that it be sent to committee?

The VICE PRESIDENT. The bill would have to be before the Senate.

Mr. HUMPHREY. Could not a Senator call up the bill on motion?

The VICE PRESIDENT. As the Chair has stated, when the bill is taken up and is before the Senate, a motion would be in order at any time to refer the bill to a committee.

Mr. HUMPHREY. I merely wanted to inquire whether any Senator's right to call up the bill by motion for consideration by the Senate will be denied by the procedure which we are following.

The VICE PRESIDENT. Not that the Chair can ascertain.

Mr. CASE of South Dakota. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from South Dakota will state it.

Mr. CASE of South Dakota. If the bill is placed on the calendar, and the calendar is called in the regular course of events, and when the bill is reached at that time, could any Senator move to refer the bill to committee?

The VICE PRESIDENT. If a Senator could gain recognition when the bill was called up, he could move to refer it to committee, unless a unanimous-consent agreement were in effect which covered only bills to which no objection had been made.

Mr. JOHNSTON of South Carolina. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from South Carolina will state it.

Mr. JOHNSTON of South Carolina. But it would be in order at any time for any Senator, when he got the floor, to move to refer the bill to committee; would it not?

The VICE PRESIDENT. Only if the bill was before the Senate. If the bill was not before the Senate, it would not come up on the calendar.

Mr. KNOWLAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from California will state it.

Mr. KNOWLAND. Is the yea-and-nay vote in progress?

The VICE PRESIDENT. The yea-and-nay vote has been ordered.

Mr. AIKEN. Mr. President, my name was called, and I voted "yea."

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

The VICE PRESIDENT. The Senator from Georgia will state it.

Mr. RUSSELL. Does not all that has transpired here tonight entitle the senior Senator from California to a place among the major prophets because of his prophecy in 1948 that the adoption of this procedure would cause chaos, confusion, and delay?

The VICE PRESIDENT. As the Senator from Georgia, good parliamentarian that he is, is aware, that is not a parliamentary inquiry.

The yea-and-nay vote will proceed.

The legislative clerk resumed and concluded the call of the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Rhode Island [Mr. GREEN], and the Senator from West Virginia [Mr. NEELY] are absent on official business.

I further announce that the Senator from Oklahoma [Mr. MONRONEY] is absent because of illness.

On this vote the Senator from Indiana [Mr. CAPEHART] is paired with the Senator from Oklahoma [Mr. MONRONEY].

If present and voting, the Senator from Indiana would vote "yea" and the Senator from Oklahoma would vote "nay."

If present and voting, the Senator from Rhode Island [Mr. GREEN] and the Senator from West Virginia [Mr. NEELY] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from Maine [Mr. PAYNE], and the Senator from North Dakota [Mr. LANGER] are absent because of illness.

If present and voting, the Senator from Maine [Mr. PAYNE] and the Senator from North Dakota [Mr. LANGER] would each vote "yea."

The Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate and is paired with the Senator from Oklahoma [Mr. MONRONEY]. If present and voting, the Senator from Indiana [Mr. CAPEHART] would vote "yea" and the Senator from Oklahoma [Mr. MONRONEY] would vote "nay."

The Senator from New Jersey [Mr. SMITH] is necessarily absent, and, if present and voting he would vote "yea."

The Senator from Vermont [Mr. FLANDERS] is detained on official business.

The result was announced—yeas 49, nays 36, as follows:

Yeas, 49: Aiken; Allott; Barrett; Beall; Bennett; Bricker; Bush; Butler; Carlson; Carroll; Case, New Jersey; Case, South Dakota; Church; Clark; Cooper; Cotton; Curtis; Dirksen; Douglas; Dworshak; Goldwater; Hennings; Hickenlooper; Hruska; Humphrey; Ives; Jackson; Javits; Jenner; Knowland; Kuchel; Lausche; Martin, Iowa; Martin, Pennsylvania; McNamara; Morton; Mundt; Neuberger; Pastore; Potter; Purtell; Revercomb; Saltonstall; Schoeppel; Smith, Maine; Symington; Thye; Watkins; Wiley.

Nays, 36: Anderson; Bible; Byrd; Eastland; Ellender; Ervin; Frear; Fulbright; Gore; Hayden; Hill; Holland; Johnson, Texas; Johnston, South Carolina; Kefauver; Kennedy; Kerr; Long; Magnuson; Malone; Mansfield; McClellan; Morse; Murray; O'Mahoney; Robertson; Russell; Scott; Smathers; Sparkman; Stennis; Talmadge; Thurmond; Williams; Yarborough; Young.

Not voting, 10: Bridges; Capehart; Chavez; Flanders; Green; Langer; Monroney; Neely; Payne; Smith, New Jersey.

So the motion to lay on the table was agreed to.

The VICE PRESIDENT. The bill (H. R. 6127) will be placed on the calendar.

[From the CONGRESSIONAL RECORD of July 16, 1957, p. 11831]

The VICE PRESIDENT. A quorum is present.

The question is on agreeing to the motion of the Senator from California [Mr. KNOWLAND] that the Senate proceed to the consideration of House bill 6127, the Civil Rights Act of 1957.

Mr. KNOWLAND. Mr. President, on this question I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. MANSFIELD. I announce that the senior Senator from Missouri [Mr. HENNINGS] is in the hospital, and is absent by leave of the Senate, and that the junior Senator from Pennsylvania [Mr. CLARK] is absent by leave of the Senate because of the death of his brother. If those Senators were present they would each vote "yea" on the pending motion.

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from Maine [Mr. PAYNE], and the Senator from Kansas [Mr. SCHOEPPEL] are absent because of illness.

The Senator from North Dakota [Mr. YOUNG] is detained on official business.

If present and voting, the Senator from Maine [Mr. PAYNE] and the Senator from Kansas [Mr. SCHOEPPEL] would each vote "yea."

The result was announced—yeas 71, nays 18, as follows:

Yeas, 71: Aiken; Allott; Anderson; Barrett; Beall; Bennett; Bible; Bricker; Bush; Butler; Capehart; Carlson; Carroll; Case, New Jersey; Case, South Dakota; Chavez; Church; Cooper; Cotton; Curtis; Dirksen; Douglas; Dworshak; Flanders; Frear; Goldwater; Gore; Green; Hayden; Hickenlooper; Hruska; Humphrey; Ives; Jackson; Javits; Jenner; Johnson, Texas; Kefauver; Kennedy; Kerr; Knowland; Kuchel; Langer; Lausche; Magnuson; Malone; Mansfield; Martin, Iowa; Martin, Pennsylvania; McNamara; Monroney; Morse; Morton; Mundt; Murray; Neely; Neuberger; O'Mahoney; Pastore; Potter; Purtell; Revercomb; Saltonstall; Smith, Maine; Smith, New Jersey; Symington; Thye; Watkins; Wiley; Williams; and Yarborough.

Nays, 18: Byrd; Eastland; Ellender; Ervin; Fulbright; Hill; Holland; Johnston, South Carolina; Long; McClellan; Robertson; Russell; Scott; Smathers; Sparkman; Stennis; Talmadge; and Thurmond.

Not voting, 6: Bridges; Clark; Hennings; Payne; Schoeppel; and Young.

So Mr. KNOWLAND's motion was agreed to; and the Senate proceeded to the consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the motion was agreed to.

Mr. KNOWLAND. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from California [Mr. KNOWLAND].

The motion to lay on the table was agreed to.

[From the CONGRESSIONAL RECORD of July 16, 1957, p. 11837]

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Oregon [Mr. MORSE] to refer the bill to the Committee on the Judiciary with instructions. On this question the yeas and nays have been ordered, and the Secretary will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Pennsylvania [Mr. CLARK] is absent by the leave of the Senate because of a death in his family.

The Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

On this vote, if present and voting, the Senator from Pennsylvania [Mr. CLARK] and the Senator from Missouri [Mr. HENNINGS] would each vote "nay."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from Maine [Mr. PAYNE], and the Senator from Kansas [Mr. SCHOEPPEL] are absent because of illness.

The Senator from North Dakota [Mr. YOUNG] is detained on official business.

If present and voting, the Senator from Maine [Mr. PAYNE] and the Senator from Kansas [Mr. SCHOEPPEL] would each vote "nay."

The result was announced—yeas 35, nays 54, as follows:

Yeas, 35: Bible; Byrd; Curtis; Eastland; Ellender; Ervin; Frear; Fulbright; Gore; Hayden; Hill; Holland; Johnson of Texas; Johnston of South Carolina; Kefauver; Kerr; Long; Malone; Mansfield; McClellan; Monroney; Morse; Mundt; Murray; O'Mahoney; Robertson; Russell; Scott; Smathers; Sparkman; Stennis; Talmadge; Thurmond; Williams; Yarborough.

Nays, 54; Aiken; Allott; Anderson; Barrett; Beall; Bennett; Bricker; Bush; Butler; Capehart; Carlson; Carroll; Case of New Jersey; Case of South Dakota; Chavez; Church; Cooper; Cotton; Dirksen; Douglas; Dworshak; Flanders; Goldwater; Green; Hickenlooper; Hruska; Humphrey; Ives; Jackson; Javits; Jenner; Kennedy; Knowland; Kuchel; Langer; Lausche; Magnuson; Martin of Iowa; Martin of Pennsylvania; McNamara; Morton; Neely; Neuberger; Pastore; Potter; Purtell; Revercomb; Saltonstall; Smith of Maine; Smith of New Jersey; Symington; Thye; Watkins; Wiley.

Not voting, 6: Bridges, Clark, Hennings, Payne, Schoeppel, Young.

So. Mr. MORSE's motion was rejected.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the motion of the Senator from Oregon was rejected.

Mr. KNOWLAND. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from California.

The motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President, of the remaining time allotted, I yield myself as much time as I may need.

In 10 minutes the Senate will have spent a total of 25 days discussing the civil rights bill. In those days we will have used 121 hours and 31 minutes. In all the history of the Senate, I doubt whether there has ever been a debate which has been conducted on a higher level. Senators have spoken to the point. Senators have debated the issues. Senators have stuck to the facts. For this, all my colleagues are entitled to great credit.

The distinguished minority leader has consistently stood by his convictions. There may have been times when we became somewhat irritable. But, thank God, we never became distrustful or suspicious.

The Senator from Georgia [Mr. RUSSELL] has maintained dignity and intellectual integrity under what many of us considered the most trying circumstances.

The Senator from North Carolina [Mr. ERVIN], has enriched the debate with his outstanding knowledge of the law and the painstaking care with which he has applied himself to expanding our comprehension of this bill.

The Senator from Minnesota [Mr. HUMPHREY] has kept us alert with his keen and incisive presentation of the point of view which he has been presenting for many years.

The Senator from Oregon [Mr. MORSE] has maintained for us at all times a basic awareness of the values of Senate procedure and the protection of the minority.

The Senator from Wyoming [Mr. O'MAHONEY], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Idaho [Mr. CHURCH] have brought sharply home to us the basic necessity of safeguarding the right of trial by jury.

The Senator from New Mexico [Mr. ANDERSON], the Senator from Vermont [Mr. AIKEN], and the Senator from South Dakota [Mr. CASE] presented to the Senate the strong and convincing argument which eliminated part III from the bill and, in my opinion, made the bill more acceptable, more enforceable, and stronger.

The Senator from South Carolina [Mr. JOHNSTON] helped to clarify important sections of the bill.

The Senator from Idaho [Mr. CHURCH], the Senator from Massachusetts [Mr. KENNEDY], the Senators from Washington [Mr. MAGNUSON and Mr. JACKSON], the Senators from Montana [Mr. MURRAY and Mr. MANSFIELD], the Senators from Nevada [Mr. MALONE and Mr. BIBLE], the Senator from Rhode Island [Mr. PASTORE], the Senator from Ohio [Mr. LAUSCHE], and the Senator from North Dakota [Mr. YOUNG] brought about a basic reform in our Federal jury system.

Mr. President, through the efforts of these men, the Senate twice approached its finest hours. I refer to the vote on the amendment of part III and the vote on the jury-trial amendment. Senators from all parts of the country—north, east, south, and west—stood here and presented their viewpoints, and stood here, answered the rollcall, and voted their convictions. Partisan lines were broken. Political issues were subordinated to principles.

Mr. President, I ask unanimous consent that these votes again be printed in the RECORD, so that people everywhere may know that the Senate in its crucial tests placed the country above partisan consideration.

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

PART III AMENDMENT—PAGES 12564–12566, JULY 24, 1957

Mr. MANSFIELD. I announce that the Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

The Senator from West Virginia [Mr. NEELY] is absent on official business.

I further announce that if present and voting, the Senator from Missouri [Mr. HENNINGS] and the Senator from West Virginia [Mr. NEELY] would each vote "nay."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES], the Senator from Maine [Mr. PAYNE], and the Senator from Kansas [Mr. SCHOEPPEL] are absent because of illness.

If present and voting, the Senator from Maine [Mr. PAYNE] would vote "nay."

If present and voting, the Senator from Kansas [Mr. SCHOEPPEL] would vote "yea."

The result was announced—yeas 52, nays 38, as follows:

Yeas—52: Aiken, Anderson, Barrett, Bennett, Bible, Bricker, Butler, Byrd, Case of South Dakota, Chavez, Church, Cotton, Curtis, Dworshak, Eastland, Ellender, Ervin,

Flanders, Frear, Fulbright, Goldwater, Gore, Green, Hayden, Hickenlooper, Hill, Holland, Johnson of Texas, Johnston of South Carolina, Kefauver, Kerr, Long, Malone, Mansfield, McClellan, Monroney, Mundt, Murray, O'Mahoney, Robertson, Russell, Saltonstall, Scott, Smathers, Smith of New Jersey, Sparkman, Stennis, Talmadge, Thurmond, Williams, Yarborough, Young.

Nays—38: Allott, Beall, Bush, Capehart, Carlson, Carroll, Case of New Jersey, Clark, Cooper, Dirksen, Douglas, Hruska, Humphrey, Ives, Jackson, Javits, Jenner, Kennedy, Knowland, Kuchel, Langer, Lausche, Magnuson, Martin of Iowa, Martin of Pennsylvania, McNamara, Morse, Morton, Neuberger, Pastore, Potter, Purtell, Revercomb, Smith of Maine, Symington, Thye, Watkins, Wiley.

Not voting—5: Bridges, Hennings, Neely, Payne, Schoeppel.

JURY TRIAL AMENDMENT—PAGE 13356, August 1, 1957

MEMORANDUM

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Texas will state it.

Mr. JOHNSON of Texas. The pending question is on agreeing to the O'Mahoney-Kefauver-Church amendment, as modified; a vote for the amendment will be a vote "yea"; and a vote against the amendment will be a vote "nay"; is that correct?

The VICE PRESIDENT. The Senator from Texas is correct.

On this question, the yeas and nays have been ordered, and the Secretary will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from West Virginia [Mr. NEELY] is absent on official business.

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The result was announced—yeas 51, nays 42, as follows:

Yeas—51: Anderson, Bible, Butler, Byrd, Capehart, Case of South Dakota, Chavez, Church, Curtis, Eastland, Ellender, Ervin, Frear, Fulbright, Goldwater, Gore, Green, Hayden, Hill, Holland, Jackson, Johnson of Texas, Johnston of South Carolina, Kefauver, Kennedy, Kerr, Lausche, Long, Magnuson, Malone, Mansfield, McClellan, Monroney, Mundt, Murray, O'Mahoney, Pastore, Revercomb, Robertson, Russell, Schoeppel, Scott, Smathers, Smith of Maine, Sparkman, Stennis, Talmadge, Thurmond, Williams, Yarborough, Young.

Nays—42: Aiken, Allott, Barrett, Beall, Bennett, Bricker, Bush, Carlson, Carroll, Case of New Jersey, Clark, Cooper, Cotton, Dirksen, Douglas, Dworshak, Flanders, Hennings, Hickenlooper, Hruska, Humphrey, Ives, Javits, Jenner, Knowland, Kuchel, Langer, Martin of Iowa, Martin of Pennsylvania, McNamara, Morse, Morton, Neuberger, Payne, Potter, Purtell, Saltonstall, Smith of New Jersey, Symington, Thye, Watkins, Wiley.

Not voting—2: Bridges, Neely.

So the amendment was agreed to.

Mr. JOHNSON of Texas. Mr. President, I shall vote for the bill. It is effective legislation. It is enforceable legislation. It seeks to advance the rights of all Americans. It is national rather than sectional.

In the past few days there has been considerable discussion about the things which the bill does not do. The minority leader has just made some reference to them. I am aware of the fact that the bill does not pretend to solve all the problems of human relations.

But I cannot follow the logic of those who say that because we cannot solve all the problems, we should not try to solve any of them. That is a curious process of thought, indeed.

I prefer, instead, to consider what the bill does, and then to make up my mind as to its value on that basis. In this concluding hour, let us look at what the bill does.

First. The bill creates a Civil Rights Commission with subpena power. This alone would justify terming the bill a constructive step, and it is more than proponents of civil rights asked the majority leader to have passed last year.

Second. The bill creates the office of a new Assistant Attorney General who can bring the full prestige of his office into the field of civil rights.

Third. The bill repeals a bayonet-type Reconstruction statute, whose very existence inflames passions and makes it more difficult to consider these problems dispassionately.

Fourth. The bill insures the authority of the Federal courts to aid individuals seeking remedial protections for their civil rights.

Fifth. The bill authorizes the use of the full powers of the Federal courts to secure the most important of all rights—the right to vote.

Sixth. The bill guarantees to defendants in criminal contempt proceedings in Federal courts the basic right of trial by jury.

On this point, let us be absolutely clear, and let the record be clear.

No Federal judge will be required to call a jury to enforce compliance with his orders. He can resort to fines, to imprisonment, and to compensatory damages to compel obedience to his orders.

The one thing a Federal judge could not do without a jury is to brand a man a criminal in the eyes of all his fellow citizens.

Seventh, and finally, the bill secures without discrimination the right of all citizens, of all races, all colors, and all creeds, to serve on Federal juries.

Mr. President, I have served in Congress for more than 20 years. A long line of Texas Senators have preceded me, clear back to 1871, when my State once again received representation in the Senate.

The last Reconstruction statute was passed in 1875. Since that date, this issue has been agitated and has divided our Nation time and time again. During the 82 years since Reconstruction, practically any one of the points I have enumerated would have been regarded as a history-making advance. The Senate, without regard to political division, is going to be in a position to approve seven of them, I hope, tonight.

I can understand the disappointment of those who are not receiving all they believe they should out of this bill. I can understand but not sympathize with their position.

Many times in my life, I have failed to secure all that I considered proper and just and due. But I have learned to accept the will of my fellow citizens when they have deliberated earnestly and sincerely.

Never before has a bill been debated so thoroughly in this Senate. And out of that debate has come something even more important than legislation.

This has been a debate which has opened closed minds throughout the country. This has been a debate which has made people everywhere reexamine hard and fast positions.

For the first time in my memory, this issue has been lifted from the field of partisan politics. It has been considered in terms of human beings and the effect of our laws upon them.

And we shall never get rid of a running sore in the body politic until we start thinking in those terms.

Two months ago, I had grave misgivings about the value of the commission section. It seemed to me that a commission—operating in a heated political atmosphere—could do nothing but inflame passions.

But I believe the Senate has set a tone within which the commission can be a useful instrument. It can gather facts instead of charges; it can sift out the truth from the fancies; and it can return with recommendations which will be of assistance to reasonable men.

There are, of course, people who are still more interested in securing votes than in securing the right to vote. There are, of course, people who are still more interested in the issue than in a solution to the issue.

But I state—out of whatever experience I have had—that there is no political capital in this issue. Nothing lasting, nothing enduring, has ever been born from hatred and prejudice—except more hatred and more prejudice.

Political ambition which feeds off hatred of the North or hatred of the South is doomed to frustration.

There have been times when feelings ran high. There was a time when the divisions within this country exploded into bloodshed.

When Texas was readmitted into the Union on March 30, 1870, two Senators took the seats once occupied by Rusk and Sam Houston. The judgments of those new Senators were not the judgments of the Americans of their time. They went too far too fast, and our State has never forgotten that period. Basic rights were ignored. Punitive measures were voted. Since that time, men of their thinking have never again occupied the seats of Senators from Texas.

We do not have to reconstruct Reconstruction in order to have a bill. We do not have to reopen the wounds. Neither do we have to dispense with basic rights—such as the jury trial—in order to have effective legislation.

Under this measure, a good judge can secure compliance for his orders. And it is compliance—not vengeance—that the Senate seeks.

It may be that experience will demonstrate the need for change in this measure. That is one of the reasons why we are voting to create a commission.

But the possible necessity for change is no bar to action. The Senate will not disappear after the vote tonight. We shall be present throughout the years to come.

There will be some, of course, who will seek to play politics. But I hope there

are none such in the Senate. There is no compelling need for a campaign issue.

But there is a compelling need for a solution that will enable all American people to live in dignity and in unity. This bill is the greatest step toward that objective that has ever been made.

To destroy it now would be a tragedy that would haunt our consciences for years to come.

I am aware of the implications of my vote. It will be treated cynically in some quarters, and it will be misunderstood in others. No Texas Senator has cast a vote to consider a civil-rights bill or a vote for a civil-rights bill since 1875.

But the Senate has dealt fairly and justly with this measure. This is legislation which I believe will be good for every State of the Union—and, so far as I am concerned, Texas has been a part of the Union since Appomattox.

I could not have voted for the bill which came to the Senate, and I so told the Senate. But the bill now before the Senate seeks to solve the problems of 1957—not to reopen the wounds of 1865.

This is the result of honest and candid debate in the greatest deliberative body in the world. I believe in playing fair with my colleagues and in doing unto others as I would have them do unto me.

Mr. President, the majority of the Members of the Senate trust the people in the land that I love and from which I come. And, Mr. President, they will not be disappointed.

Therefore, I shall genuinely support this measure, secure in the belief that it represents progress and that it assures an advance in the rights to which all our people are entitled.

When the other body makes its adjustments to the bill, I trust that it will be improved. I trust that it will be acceptable to the great majority of all our people. And I believe that it can be truly said that this will have been a year of accomplishment for the Congress and a year of advancement for America.

Mr. President, I ask unanimous consent to have printed in the RECORD a column entitled "Rights Bill Enactment Held Advisable," written by the distinguished commentator Gould Lincoln, and published in the Washington Evening Star of today.

I ask unanimous consent to have printed in the RECORD an article entitled "Facts Versus Propaganda," from the Washington Star of August 7, 1957, together with an article from the same edition of the Star entitled "Dean Acheson on Jury Trial," referred to in this article.

I ask unanimous consent to have printed in the RECORD an article by the distinguished correspondent William S. White, of the New York Times.

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

[From the Washington Star of August 7, 1957]

RIGHTS BILL ENACTMENT HELD ADVISABLE

(By Gould Lincoln)

The civil-rights bill, as it is now expected to pass the Senate, should be accepted by the House and signed by President Eisenhower—and so become law.

It is the first civil-rights legislation, designed to give the Negro voter his full rights in some of the Southern States where they have been denied, to reach a stage where it may pass the Senate as well as the House since Reconstruction days. And while it is not all the Eisenhower administration has demanded, it represents a big step in the direction of voting freedom for all American citizens despite race and color. Further, and most important, if the law is proved in the future to have serious shortcomings, it can and will be amended. The push for the enforcement of the 15th amendment to the Constitution, so long ignored, has become too strong for any community to defy it indefinitely.

The fire of the President and other high officials of the Government has been directed particularly at the jury-trial amendment to the bill, adopted by the Senate in what turned out to be a surprise victory for Senator LYNDON JOHNSON of Texas, majority leader, and the other southern Senators—not to mention Senator O'MAHONEY of Wyoming and some other liberal Democrats. The amendment does not interfere in any way with the right of the court to punish a violation of a court order in a civil suit—where the right to vote has been infringed. It calls for a jury trial only where a criminal charge has been brought. The argument has been made by those opposed to the jury-trial amendment that no jury in some southern communities would ever convict a white person charged with criminal action in obstructing a Negro's voting or registration. If such a charge were fully proven and a jury brought in a verdict of not guilty, public opinion would be so aroused that a repetition would be extremely unlikely. And if a second jury so acted, it would undoubtedly bring a demand for strengthening the Federal civil-rights law, and it would be strengthened.

CLINTON CONVICTION CITED

The recent trial by jury, on criminal charges that the order of a Federal court in a school-integration case in Clinton, Tenn., had been violated, showed the jury bringing in a verdict of guilty. The trial took place in Knoxville, in a section of Tennessee which stayed with the Union in the Civil War and which has been Republican in politics and not typical of the Deep South. If that jury had decided, however, in favor of the defendants in this civil-rights case—the present jury-trial amendment to the administration bill might easily have lost in the Senate vote.

The jury-trial amendment, it is true, has been extended to cases of contempt of court outside of and in addition to civil-rights cases. The Department of Justice and the President have urged that this would seriously impair the right of the court to punish for contempt—but that has not been proven, and it seems unlikely it would do any such thing when the records of the past are taken into consideration.

MUCH TO BE GAINED

From a political point of view, the Republicans have much to gain if the Senate bill becomes law—and now. It was a Republican move that put the civil-rights bill on the calendar, when it came to the Senate from the House, instead of permitting it to be buried in the Senate Judiciary Committee. The Republicans supplied the big vote in the House which passed the bill originally, and it was the Republicans who provided the great number of votes which put it on the Senate calendar. The resistance to the bill has come from the Democrats, and the skillful maneuvering and leadership of Senator LYNDON JOHNSON, the Democratic leader, was responsible for the amendments to the measure in the Senate. That's the way the matter stands politically, and it will not change unless the GOP muffs the ball, seeking to produce a stronger bill in a fight which probably cannot be won. It has been urged that the Republicans can gain politically—that is, they will win over Negro votes in the close States of the North and West—if they hold up the Senate bill and force the issue into next year's Congressional campaign. It neither adds up nor makes sense.

Democratic Leader JOHNSON has done a remarkable job of holding party lines together in the Senate fight over the civil-rights bill. If the bill passes and becomes law—as the Senate has amended it—the Democrats will still be under criticism for having weakened it, and the Republicans can still claim the major credit for its passage. Yet the Republicans, and the White House, are talking of forcing the bill into conference and even of a Presidential veto. Either course could be stupid. What could more delight the Democrats than a Presidential veto of this measure?

[From the Washington Star of August 7, 1957]

FACTS VERSUS PROPAGANDA

In legislating on civil rights, Congress should be guided by the facts, not propaganda. Highly misleading propaganda is being used now to discredit the jury trial amendment in the Senate civil rights bill, and thus the bill itself. That propaganda takes the form of statements to the effect that the amendment kills, or weakens, or nullifies, or makes a "ghost" of, or, to borrow a White House phrase, "makes largely ineffective," the civil rights bill. The other line is that it "weakens our whole judicial system."

Is this mere political panic? What else can it be? Whatever it is, Senators are gathering the facts to disprove such absurd generalizations.

For example, in fiscal 1956, there were only 48 cases of criminal contempt in all the Federal courts. Three were for contempt of Congress, in which there is trial by jury. In the same period, the Federal courts were trying 28,739 criminal cases by jury. Would trial by jury of the 45 other cases have weakened our whole judicial system?

In fiscal 1957, 26 of the 69 criminal contempt cases in all the Federal courts were for contempt of Congress, tried by jury.

There are 243 Federal judges sitting in 87 district courts. In only one of the past 10 years has the number of criminal contempt cases equaled the number of district courts. That was in 1951, when 64 of 124 criminal contempts were for contempt of Congress, and tried by jury. The House Un-American Activities Committee was busy that year. How ridiculous to say that had jury trial applied in all criminal-contempt cases, our whole judicial system would have been weakened. We believe the statement will become even more absurd when Senators complete an analysis of circumstances in each criminal-contempt case of recent years.

No one knows how many criminal-contempt cases actually would result, and be tried by jury under the civil-rights bill's provisions enforcing the right to vote. But under the jury-trial amendment, it is a Federal judge who decides whether to exercise his criminal- or civil-contempt powers or both. His civil-contempt powers to send a person to jail without a jury trial are not affected. If criminal contempt is involved and punishment rather than compliance is the issue there should be a jury.

As Dean Acheson points out in his article on this page today, the real danger to the Federal courts does not lie in jury trial. It would exist in a situation in which people would meekly accept punishment by a judge for violations of laws so strongly opposed that no jury could be found to enforce them.

We agree with Mr. Acheson's statement: "To say that this requirement (for jury trial) nullifies the law is nonsense."

Furthermore, it is insidious nonsense. If believed, after repetition by men in high places, it could undermine the whole fine tradition of jury trial as an essential accompaniment of justice under law.

[From the Washington Star of August 7, 1957]

DEAN ACHESON ON JURY TRIAL

(Having heard that Mr. Acheson had been among those who helped to perfect the jury trial amendment in the Senate civil-rights bill, the Star asked him for a statement, which appears below.)

It will be a great pity if a chance to advance the civil rights of our Negro citizens beyond anything achieved in three-quarters of a century is lost because liberals do not realize how much has been accomplished by the bill now before the Senate.

It will be a disaster for the country if bitter sectional animosity is aroused by attempting to change the jury trial amendment to gain something of little or no value. In all respects, save one, opinion is unanimous that the bill in its protection of the right to vote is first class. The argument arises over the requirement that in certain cases a person, before being punished for violating a judge's decree, must be convicted by a jury.

This requirement of a jury trial in cases of criminal contempt is said by some to nullify the act.

Nothing could be more wrong. Those who make this charge usually have no idea what criminal contempt is or what great powers the amendment gives to the judge to enforce his decree by civil contempt proceedings.

Exactly what are we talking about? Recently the press has carried stories of a registrar of voters who was preventing the registration of Negro voters by opening his office only for short periods when voters could not readily attend and by dilatory proceedings.

In such a case the United States attorney could, under the amendment, bring suit and the court could issue its decree ordering proper and effective registration. If his order should not be obeyed, the judge could put those defying him in jail or under continuing fines until they should obey. If necessary he could order that no list of voters not made in accordance with his decree be certified or used. No jury would be required for these enforcement proceedings.

Now let us assume that the registrar has attempted to deceive the judge into believing that he has complied, when he has not. Here is a situation where punishment is called for—not coercion to enforce compliance, but retribution for a wrong. Before this punishment can be inflicted, the defendant must be found guilty by a jury. To say that this requirement nullifies the law is nonsense.

In the first place, it assumes that in some sections juries will not convict, hence retributive punishment will not be possible, hence the law cannot be enforced. I do not believe the assumption that, under proper guidance from the court, juries will not convict the guilty.

But, even if I am wrong, the real enforcement powers are in the civil contempt proceedings where no jury is required. In the second place it assumes that in a section of the country so opposed to the law that no jury could be found to impose punishments, the same punishments would be meekly accepted if imposed by a judge alone.

This is not only fantastic but the Federal courts would be destroyed in such an effort.

Finally, it is said that the amendment is so broad that it will impede the enforcement of decrees in other fields—the antitrust field is mentioned. I can't recall any proceeding for criminal contempt in an antitrust case—though there may have been some. But I venture to say that in a proceeding of this sort a jury would be more of a terror to the defendant than to the Government. However, if any difficulties do develop not now anticipated, they can easily be dealt with by legislation.

At the present time, fears expressed about the amendment are unfounded, usually based on misunderstanding, and sometimes insincere. It would, as I said, be a great pity should they prevent an accomplishment of inestimable importance.

DEAN ACHESON.

AUGUST 6, 1957.

[From the New York Times of August 7, 1957]

OUTLOOK BRIGHTER FOR A RIGHTS BILL—COMPROMISE ON JURY TRIALS DISCUSSED BY SENATORS—OUTCOME STILL IN DOUBT

(By William S. White)

WASHINGTON, August 6.—The prospect for enactment of civil rights legislation at this session of Congress was heightened today. However, the outcome was still very much in doubt.

A compromise between the Senate's modified version and the administration's more far-reaching text was being talked of privately among leading Senators as a distinct possibility.

Meanwhile, Congressional leaders said they expected adjournment by August 24.

The first indispensable step toward a compromise on civil rights was to obtain a consensus within the Senate itself for concessions on both sides. The second indispensable step was to obtain the concurrence of the House of Representatives, if the Senate itself was able to accommodate the issue.

The approach being discussed was this: The proviso written by the Senate into the administration's bill for the right of jury trial in criminal contempt cases arising from violation of Federal voting right injunctions would be maintained.

This guaranty, however, would be limited in its application, whereas in its present form it would apply to criminal contempt cases across the whole field of injunctive law.

Some supporters of the Senate version were speaking in terms of a willingness to limit the jury trial right to voting and labor cases alone.

Some administration Senators were saying that it might be possible to get some agreement if only voting cases remained under the jury trial protection.

LEADERS VISIT PRESIDENT

All this left a fairly broad field for negotiation between the dominant jury-trial forces in the Senate led by LYNDON B. JOHNSON, Democrat, of Texas, and the all-out administration forces headed by WILLIAM F. KNOWLAND, California Republican.

Senator KNOWLAND, the Republican floor leader, returned from a White House conference this morning saying that there was still a chance to make the bill acceptable to the President.

The Republican leader of the House of Representatives, JOSEPH W. MARTIN, Jr., of Massachusetts, said the President had made no threat of a veto if the Senate text should survive intact. "It might well be vetoed unless it is materially changed," Representative MARTIN added.

Senator LEVERETT SALTONSTALL of Massachusetts said after a subsequent closed meeting of all Senate Republicans that there had been some discussion of compromise there even though the Department of Justice had taken the position that there should be no jury trial of any kind.

Mr. SALTONSTALL is chairman of the organization of all Senate Republicans that is called the conference or caucus.

It was plain that some of the administration's closest followers in the Senate, if not the administration itself, were ready to talk of a settlement in terms of restricting the application of the jury-trial amendment.

JOHNSON APPLIES PRESSURE

Mr. JOHNSON, the Senate Democratic leader, was applying all possible pressure for Congressional action at this session on the basis of the Senate's version of the bill.

That measure, he told the Senate, was one of strength and substance, in spite of opposition charges that it was watered down.

"There are those, of course, who prefer a political issue to an effective bill," he asserted, in a thrust at those Republicans who have been claiming that the Senate text was worse than no bill at all.

"There are those who are more interested in votes in 1960 than in the right to vote in 1957 and in all the years to come," Mr. JOHNSON went on.

"These are the people who seek to use a large group of our fellow Americans as dupes in a political shell game.

"I can well recall a political campaign that took place just 3 years ago. In the course of that campaign some of our most patriotic Americans were accused—without any evidence at all—of what amounted to monstrous crimes."

The campaign of 3 years ago was that for the Congressional elections. Vice President RICHARD M. NIXON toured the country making speeches that the Democrats contended—and Mr. NIXON denied—amounted to associating many or most Democrats with treason or subversion.

Senator JOHNSON, who previously accused Mr. NIXON of heading "a concerted propaganda campaign" to misrepresent the Senate bill as unworkable, added that the 1954 campaign tactic had been "denounced—properly—as the technique of guilt by association."

Mr. JOHNSON headed a Senate coalition of western liberal Democrats, southern Democrats, and traditional Republicans that, by a vote of 51 to 42, wrote the jury-trial provision into the bill.

The administration is resisting any grant of jury trial, and any differentiation as between civil and criminal contempt.

The backers of the Senate text contend that the civil contempt sanctions would be fully adequate to protect the voting right. They define a civil contempt case as one in which the judge's purpose was simply to see that a court order was carried out—say an order to a southern registrar to enroll a qualified Negro. The registrar could free himself from jail once he agreed to comply.

A criminal contempt case, on the other hand, would be one in which the judge's purpose was not to implement one of his orders but simply to punish a man—say one who disobeyed an injunction not to intimidate a voter.

Senator SALTONSTALL'S comments after the meeting of Senate Republicans indicated that the administration was centering its objections to the fact that the Senate's criminal contempt proviso would apply to every sort of Federal court criminal contempt case.

COURT SEEN HAMPERED

He quoted William P. Rogers, the Acting Attorney General, as saying that this provision might even embarrass the work of the Supreme Court in contempt matters.

The Johnson forces have been insistently denying that the amendment would have any real affect on some thirty-odd Federal statutes of various kinds that administration

spokesmen have cited as likely to be involved.

Senator JOSEPH C. O'MAHONEY, Wyoming Democrat, one of the authors of the jury-trial amendment, called on Mr. Rogers to substantiate administration changes that chaos might be raised in the courts.

The Senate's debate today was largely for the record. It disclosed that not even all of the deep southerners, who for decades heretofore have opposed even bringing up a civil-rights bill, would vote against the Senate text in the end.

Some of the all-out civil-rights advocates who had bitterly opposed the jury-trial amendment, such as Senator JACOB K. JAVITS, Republican, of New York, made it clear that they, too, were going along.

Mr. JOHNSON of Texas. Mr. President, I yield back the remainder of the time under my control.

At this time I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Aiken	Goldwater	Monroney
Allott	Gore	Morse
Anderson	Green	Morton
Barrett	Hayden	Mundt
Beall	Hennings	Murray
Bennett	Hickenlooper	Neuberger
Bible	Hill	O'Mahoney
Bricker	Holland	Pastore
Bush	Hruska	Potter
Butler	Humphrey	Purtell
Byrd	Ives	Revercomb
Capehart	Jackson	Robertson
Carlson	Javits	Russell
Carroll	Jenner	Saltonstall
Case, N. J.	Johnson, Tex.	Schoeppel
Case, S. Dak.	Johnston, S. C.	Scott
Chavez	Kefauver	Smathers
Church	Kennedy	Smith, Maine
Clark	Kerr	Smith, N. J.
Cooper	Knowland	Sparkman
Cotton	Kuchel	Stennis
Curtis	Langer	Symington
Dirksen	Lausche	Talmadge
Douglas	Long	Thurmond
Dworshak	Magnuson	Thye
Eastland	Mansfield	Watkins
Ellender	Martin, Iowa	Wiley
Ervin	Martin, Pa.	Williams
Flanders	McClellan	Yarborough
Fulbright	McNamara	Young

The VICE PRESIDENT. A quorum is present.

The question is on the passage of the bill. On this question the yeas and nays have been ordered, and the Secretary will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Delaware [Mr. FREAR] and the Senator from West Virginia [Mr. NEELY] are absent on official business.

Mr. JOHNSON of Texas. Mr. President, I should like to announce that if the distinguished senior Senator from West Virginia [Mr. NEELY] and the distinguished junior Senator from Delaware [Mr. FREAR] were present, they would vote "yea."

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Maine [Mr. PAYNE] are absent because of illness.

The Senator from Nevada [Mr. MALONE] is necessarily absent.

If present and voting, the Senator from Maine [Mr. PAYNE] and the Senator from Nevada [Mr. MALONE] would each vote "yea."

The result was announced—yeas 72, nays 18, as follows:

YEAS—72

Aiken	Flanders	Martin, Pa.
Allott	Goldwater	McNamara
Anderson	Gore	Monroney
Barrett	Green	Morton
Beall	Hayden	Mundt
Bennett	Hennings	Murray
Bible	Hickenlooper	Neuberger
Bricker	Hruska	O'Mahoney
Bush	Humphrey	Pastore
Butler	Ives	Potter
Capehart	Jackson	Purtell
Carlson	Javits	Revercomb
Carroll	Jenner	Saltonstall
Case, N. J.	Johnson, Tex.	Schoeppel
Case, S. Dak.	Kefauver	Smathers
Chavez	Kennedy	Smith, Maine
Church	Kerr	Smith, N. J.
Clark	Knowland	Symington
Cooper	Kuchel	Thye
Cotton	Langer	Watkins
Curtis	Lausche	Wiley
Dirksen	Magnuson	Williams
Douglas	Mansfield	Yarborough
Dworshak	Martin, Iowa	Young

NAYS—18

Byrd	Holland	Russell
Eastland	Johnston, S. C.	Scott
Ellender	Long	Sparkman
Ervin	McClellan	Stennis
Fulbright	Morse	Talmadge
Hill	Robertson	Thurmond

NOT VOTING—5

Bridges	Malone	Payne
Frear	Neely	

So the bill (H. R. 6127) was passed.

Mr. JOHNSON of Texas. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. KNOWLAND. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from California to lay on the table the motion of the Senator from Texas.

The motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Secretary be authorized to correct section numbers, and that the bill be printed showing the Senate amendments numbered.

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

PUBLIC WORKS APPROPRIATIONS, 1958

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 625, H. R. 8090, the public works appropriation bill.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H. R. 8090) making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1958, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Texas.

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

COMPACT BETWEEN THE STATE OF NEW YORK AND THE GOVERNMENT OF CANADA

Mr. IVES. Mr. President, I understand that there is at the desk House Joint Resolution 342. I ask uanimous consent that the Senate proceed to the consideration of the joint resolution at this time.

The VICE PRESIDENT. The joint resolution will be stated by title for the information of the Senate.

The CHIEF CLERK. A joint resolution (H. J. Res. 342) granting the consent of Congress to an agreement or compact between the State of New York and the Government of Canada providing for the continued existence of the Buffalo and Fort Erie Public Bridge Authority, and for other purposes.

Mr. IVES. I will say, Mr. President, that the joint resolution is identical with Senate Joint Resolution 95, which passed the Senate on the 5th of August, 1957, on the consent calendar. The two resolutions crossed paths. They are noncontroversial, but it is simpler for the Senate to pass the House joint resolution than for the House to pass the Senate joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution which was ordered to a third reading, read the third time, and passed.

COMMENDATION OF RANDALL SWANBERG, OF GREAT FALLS, MONT.

Mr. MANSFIELD. Mr. President, in today's issue of the Wall Street Journal there is an article entitled "The Lawyer," which has to do with a close friend of the distinguished senior Senator from Montana [Mr. MURRAY] and myself, who now practices and has for some years practiced law in the city of Great Falls, in our State.

The article is entitled "The Lawyer—Mr. Swanberg Prospers in Small Town Practice With Legal Versatility—He Defends Trigger-Touchy Farmer, Counsels a Widow, Argues for Landowners—Drives a Boudoir Pink Car."

Mr. President, I ask unanimous consent that the article, which goes into detail and which is highly complimentary of the mutual friend of both Senators from Montana, be printed at this point in the RECORD.

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

(By Ray Vicker)

GREAT FALLS, MONT.—On a pleasant day when Montana's summer sunshine pours into his cramped office, slim, scholarly Randall Swanberg, 47, a lawyer with thinning hair and a penchant for cases which offer a challenge, thumbs through a pile of papers on his littered desk.

Quickly he ticks off a portion of his docket: One manslaughter defense; 25 probate cases; 4 divorce suits; 20 damage suits; 4 proceedings before the Interstate Commerce Commission; and 4 proceedings before the Mon-

tana Public Service Commission. Along with others, these add up to 150 cases.

"We handle just about every type of case," says he, long legs bent as his feet rest on the edge of his desk.

Such legal versatility is a trait that fits the average lawyer. Today there are about 240,000 attorneys in this country, with 190,000 of them having their shingles out, says the American Bar Association. Two-thirds of the practicing lawyers are independent; one-third practice with firms or partnerships. The approximately 50,000 nonpracticing lawyers are employed by trade associations, schools and colleges, in fields related to law, or by business firms as executives.

DEATH, DAMAGES, DEFENSE AND DIVORCE

The A. B. A. reports a definite trend toward specialization in the legal field. But the general practitioner who handles such widely diverse jobs as will preparations, damage suits, and divorces is the man you are most apt to meet when you're first seeking legal advice.

These lawyers still form the backbone of a profession that goes back at least as far as the fifth dynasty in ancient Egypt, 2,750 years before Christ when lawyers already were submitting briefs to courts.

Chances are more than good you will need the services of a lawyer some time—if not to get you out of trouble, perhaps to keep you from getting deeper into it. Thanks to the irascibility and hard luck of the human race, lawyers seldom lack for cases.

Every year there are about 5 murders for every 100,000 population, over 50,000 robberies and thousands of rapes, assaults, hijackings, and other crimes. These all help make business for lawyers.

But criminal cases, though dramatic, actually represent only a small part of the average lawyer's business. The Nation's 377,000 annual divorces and annulments, 1.6 million deaths (90,000 to 95,000 of them fatal accidents), 10 million auto accidents of all types, and $11 billion annual accident loss, plus the multiple activities of corporations and agencies, all provide lawyers with far more lucrative sources of business.

SOONER OF LATER

Behind every labor contract, every home purchase, every land sale, every adoption and many wills there usually is a lawyer. If he isn't there at the beginning then odds are high that he will show up later. The growing complexity of laws plus growing prosperity is increasing the demand for lawyers' services. One study shows that gross income of lawyers increased by 55 percent from 1947 to 1954, considerably more than their increase in rates.

For their services lawyers collect fees (or draw a salary when employed by corporations or agencies). Currently they are collecting over $2 billion annually, a figure which latest statistics show averages $10,220 per full time practicing lawyer. That's a little better than the $7,400 the union bricklayer averages annually but is less than the salary of the average business executive, according to Labor Department figures.

It should be emphasized, however, that the attorney average is weighted down by the low income of novice lawyers. Traditionally the lawyer starts by earning less than the common laborer. He may be well into his thirties before he starts living the way the public expects the professional man to live.

"I was practicing law for 10 years before I felt that I had anything," says friendly Mr. Swanberg in his Great Falls office. His desk faces a green plaster wall, against which are braced a set of law books. Staring down at him is a framed picture of Two Guns Whitecalf, the Blackfoot Indian who posed for the United States Indian head nickel. A typewriter clatters in the outer office where the firm's lone Girl Friday is typing letters.

A University of Southern California B. A. graduate of 1931, Mr. Swanberg studied law at home, passing the Montana bar examination in 1935. A brother, Stephen, who graduated from the University of California Law School passed the examination at the same time. They formed a partnership which continues in the original office.

Mr. Swanberg chuckles as he recalls that he cleared $8 in July 1936. That month he married an attractive and vivacious schoolteacher who still wears a size 12 dress and can keep up with 2 teen-age sons on a 10-mile mountain hike.

At dinner on the green and white awning shaded porch of the Meadow Lark Country Club here, Helen Swanberg says: "When Randall was starting, his income was so uncertain that we didn't dare buy anything on time. The only thing we ever purchased on installments was a new Bendix washer 18 years ago."

The club sits on the banks of the Missouri River above the falls which give Great Falls its name. A speed boat churns V-shaped waves on the river. A predinner golfer strokes a put on a green. With its $250 entry fee and $12 a month dues, the club benefits Mr. Swanberg's 1956 net income of $19,000; it would have been a bit rich for the $1,800 he netted in 1936.

While most lawyers nowadays start as trainees or associates with firms, some, like Mr. Swanberg, still gamble on a practice of their own right at the start.

The first case barrister Swanberg ever handled involved a fellow who purchased a clarinet for $35 on a time deal. The man refused to pay for the instrument when it wouldn't work. Mr. Swanberg successfully defended him, collecting a $10 fee.

PROGRESS AND POLITICS

"When a young lawyer hangs out his shingle he has to advertise some way in order to get business or he will starve to death," says Mr. Swanberg. "Most of us advertise by going into politics." For a young Democrat with legal training, 1936 was a good year to enter politics and Mr. Swanberg did. He made out so well for the party he was appointed deputy county attorney for Cascade County in 1937. The job paid $150 a month and he held it until 1941.

"That looked like a lot of money to us then," says he.

More prosecuting experience came his way while serving as assistant United States attorney at Great Falls in 1943 and 1944. Salary: $3,400 a year. On that job he suffered his worst defeat, prosecuting a murder case against an Indian who shot his mother-in-law as she was going head first under a bed. The Indian pleaded insanity—successfully.

The "advertising" helped promote Mr. Swanberg's career, though. "I had only one year in which my income wasn't higher than the year before," says Mr. Swanberg.

SHOTGUN DEFENSE

A few of the cases Mr. Swanberg is handling now are:

A manslaughter defense. A farmer suspected somebody was robbing his chicken coop one night. He grabbed a shotgun, clambered into his automobile and chased the car which he believed had pulled out of his yard. Jittery, he blasted the driver after cornering the car. Mr. Swanberg is defending the farmer.

A damage suit. A service firm was installing a television aerial at a bar. Workers were testing the best location for the aerial in the back yard. They were having trouble moving their heavy equipment when an obliging bystander lent them a hand. The aerial touched a high-tension wire and the helpful chap was electrocuted. Mr. Swanberg is representing the widow in a $90,000 damage suit.

A land litigation case. The Federal Government is building a new highway between Ulm and Cascade. Some farmers have been offered $50 an acre for land needed for the highway. Mr. Swanberg is seeking $100 an acre for them.

An Interstate Commerce Commission case. A competitor of Rice Truck Lines, of Great Falls, is seeking parallel operating rights. Mr. Swanberg, representing Rice, is seeking to prove granting of these rights would not be in the public interest.

WAITING FOR A WILL

In his office, a woman with a small child fidgets on a chair in the anteroom. She is in to have a will written. Divorced twice, she has two sets of children. She wants to make certain that provisions are made for a fair division of her estate between the children.

"On most days I'll talk to 20 different people in my office and have about 25 phone calls," says Mr. Swanberg.

"In New York, Chicago, or other big cities when you phone a lawyer you first get his secretary and she screens calls for him," he says. "In Montana that system wouldn't work. When Joe Doakes calls you he wants you, not a secretary. He gets you or he wants to know why not."

With such frequent interruptions he often finds he must work Saturdays and evenings when he has tasks that require concentration. His average workweek now is 50 hours—about par for most lawyers.

The firm's 1,500-square-foot office on the fifth floor of the Ford Building is plain, with space broken into cubicles.

Rent is $300 a month, including utilities. Other expenses are: $3,600 a year to the office secretary; $1,000 a year for maintenance of the library; $600 a year for stationery and office supplies; $300 a month to a researcher; $750 a month to an associate lawyer; and $600 a year for phone bills.

"Our office expenses," figures Mr. Swanberg, "average $2,000 a month."

About $5,000 is invested in office furniture and equipment. The library, which any good law firm must have to do a job, represents a $15,000 investment.

FIXING A FEE

Lawyers have different ways of setting their fees. While popular conception may have the lawyer charging all the traffic will bear, this is only partially true. It isn't so much a matter of charging according to the wealth of the client as it is charging what the particular lawyer figures his time is worth. A highly successful lawyer may think his time is worth $1,000 an hour while a novice may be satisfied with $10 an hour.

Local bar associations set advisory minimum fees and charges for various services. These provide a base on which most lawyers establish their fees.

Here in Great Falls, the Cascade County Bar Association recommends a scale for Federal civil court cases ranging from $100 for each appearance before the court to $650 for presentation of the case to the United States Circuit Court of Appeals. Fees recommended for district court cases range from $75 for change of a name to $250 for a writ of habeas corpus.

Writing of a will is listed at $10 in the lawyer's office and $25 elsewhere. Divorces have a $150 recommended price tag. Bankruptcy filings are listed at $150, too, though the bar association recommends that for bankruptcies "payment be made in advance."

Recommended fees are "minimums," but a green lawyer may undercut the minimums to obtain business. A seasoned lawyer increases his fees as his standing in the community rises.

TIME: $30–$35 AN HOUR

"On simple cases which anybody can handle, I may charge the minimum," explains

Mr. Swanberg. "However, I usually figure that I am worth one and a half times to double the minimum." On an hourly basis he rates his time at $30 to $35 per hour, though, he admits, he seldom charges on an hourly basis alone.

Bar associations also advise minimum percentage fees for damage suits. Here in Cascade County, for instance, these fees are: 25 percent of the sum in a compromise settlement; 33 percent after suit is ruled; 40 percent after start of trial; and 50 percent if there is an appeal.

"If we lose, we get stuck," says Mr. Swanberg.

Usually lawyers check a client's ability to pay before taking a case. Lawyers don't enjoy working for nothing any more than does the steelworker, the bricklayer or the business executive.

"But whether or not we get paid is only one element we consider in weighing the handling of a case," states Mr. Swanberg. "Next we want to know what kind of case is involved. If the case is interesting and presents a challenge then we may take it for nothing."

A survey made by the Bar Association of the District of Columbia showed that each lawyer was handling an average of 6.7 cases annually for people unable to pay for services, devoting 67.6 hours of their time to the cases. Another study made in Oklahoma showed that 23 percent of lawyers in the State spend 6 hours a week on unpaid legal work, with 65 percent spending 1 to 6 hours a week on such work.

CALIFORNIA: LAWYERS' LAND

Geography has a lot to do with the income a lawyer makes. The average income of lawyers in cities of a million or over population is more than double the average income for smalltown lawyers in communities of under 1,000. San Francisco, for some reason, is the best paying city in the country for the independent lawyer; attorneys there average an income of $17,340 a year.

California leads all other States in average income for all lawyers—$12,180. Florida is at the bottom with $7,830. Pennsylvania, New York, and Connecticut are profitable territories for lawyers, too, while Kentucky and Tennessee are close to Florida as low-income States.

A question frequently asked of lawyers goes something like this: How come you're defending that fellow when everybody knows he is guilty? Are you trying to help him escape justice?

At such a question, Mr. Swanberg frowns across a table in the Silk and Saddle Room of the Rainbow Hotel here, a piece of his roast beef poised on a fork.

"In this country every man has a right to his day in court and he is not guilty until proven guilty in court," says he, voice rising. He lowers his voice as he glances around the room with its black and gold decor, its silk jockey shirts on a wall, and its racing motifs. "No lawyer has a right to say 'that man is guilty so I won't defend him.' That would be prejudging the case."

He explains that even where a man may confess guilt he may not be guilty in the eyes of the law. Self-defense may be a factor. The circumstances may sway a jury. In presenting evidence of these circumstances to a court the lawyer is merely reaffirming the American code of justice which leaves it to courts to determine guilt.

A WORD, A COMMA

Another oft-heard complaint about lawyers: They use too much gobbledegook when plain language would do.

Lawyers hasten to tell you that many lawsuits have hinged on the placement of a comma or the meaning of a word.

"In drawing a contract or any legal document you ought to be sure about what a court will say if the question ever is argued. Otherwise the document is no good," says Mr. Swanberg.

Over the last 400 years, in countless court cases, courts have defined the meaning of certain words and phrases. And these meanings sometimes don't always jibe with Webster's dictionary. Lawyers select the proper judicial words from Words and Phrases, a 45-volume collection which rates far higher than Webster with most lawyers.

Perusing copies in Mr. Swanberg's library you find it takes 52 pages to describe what the word "or" means. You also learn that: Intoxicating drink is not necessarily synonymous with the expression spirituous, vinous, or malt liquors because there are intoxicating drinks which do not contain spirituous, vinous, or malt liquors.

The library is an important adjunct of any lawyer's business. American law, like all Anglo-Saxon law, is based on the idea that precedent shapes decisions. So a lawyer seeks to run down earlier decisions which might apply to the case he is pushing. These are called to the attention of the courts. Often precedents are so clear cut that a lawyer may offer advice to a client without even bringing a case into court. If you've endorsed a rubber check, for example, any lawyer will tell you that you are liable and he probably won't try defending you in court.

CORPUS JURIS SECUNDUM

Mr. Swanberg's library is a windowless room lined with law books from floor to ceiling. There is a 97-volume set of blue bound Corpus Juris Secundum, the encyclopedia of law. On other shelves are 129 volumes of the tan and red bound Montana Reports dating back to 1868. Most of one wall is taken by the 307 volumes of the Pacific Reporter, which contains reports of law cases from States west of Oklahoma, with cases going back to the formation of the States. The United States Supreme Court Reports comprise 100 volumes.

"Seventy-five percent of a lawyer's work is done in his office, and only 25 percent is done in the courtroom," comments Mr. Swanberg. "Of that 25 percent in the courtroom most of it is not particularly spectacular."

He takes a dim view of the Hollywood and television ideas of the lawyer constantly matching wits in a courtroom with adversaries.

"Winning a case is just plain careful preparation of evidence and careful explanation to the jury so that members understand the evidence," says Mr. Swanberg. "Only occasionally does law turn on an emotional factor."

CONVERSANT COUNSELS

In preparing a case a lawyer finds he must know a lot about many things in order to do his job. One case may hinge on the temperature at which iron melts while another might be based on the yield of wheat per acre. A third case may involve hydraulic engineering while medical data may determine another. In each case the successful lawyer is usually the one who studies the background so thoroughly that he can talk medical lore with a doctor, engineering with an engineer and wheat with a farmer.

Mr. Swanberg stretches a long arm across the papers on his desk, picking up an Argoflex camera in a brown leather case.

"I was out taking some pictures with this for one case I'm handling," says he. He took pictures of wheat growing in fields to indicate that the land is fertile, worth the $100 an acre being sought in a suit against Government men who want to pay $50. "There is a trend toward the visual presentation of evidence. Charts, graphs and photos often tell a story to a jury much better than does oral evidence."

Surveys of lawyers show that maximum earnings are not attained until after 25 years of practice. Now, with 22 years of practice behind him, Mr. Swanberg feels he has reached a point where living can be comfortable.

The family lives in a 10-room, 2½-story gray brick home of pre-World War I vintage in a tree-shaded section of town within 3 blocks of Mr. Swanberg's business area office. Lawyer Swanberg has $30,000 invested in the place, which he bought 11 years ago, but figures he could now sell it for $50,000 if he desired.

"Which I don't," says he, firmly.

Entering the house, MacDermott, the family's golden retriever bounces to the door, a clumsy brown animal that exudes friendliness. Mac is quite a hunting dog, so good in fact that he retrieves every duck shot on any lake. Like a good lawyer, Mr. Swanberg occasionally has to defend the dog when angry hunters stomp his way.

Mrs. Swanberg is a gracious hostess in the spacious living room with its 3 picture windows. A portrait of one of her ancestors, the first doctor in Montana, hangs over the fireplace. A letter from cowboy artist Charles M. Russell is framed on one wall, evidence of Mr. Swanberg's keen interest in American and cowboy history.

Before a drive, Mr. Swanberg slips behind the wheel of his 1957 Cadillac hardtop. It's painted a boudoir pink, a shade that had the boys snorting with disgust when Mrs. Swanberg did the selecting.

"I usually drive a car until the wheels fall off, then trade it in," says Mr. Swanberg; his 1950 Cadillac had 90,000 miles on its meter when traded earlier this year. Since 1955 the family has had 2 cars. The second one is a Chevrolet station wagon which serves as the family "hunting and fishing car."

"YOU DON'T GET RICH"

Great Falls, a town of nearly 50,000, is in the center of a cattle-wheat growing section where rolling prairie country begins to rise in gentle folds toward the distant blue line of the Rockies. Today it has about 75 lawyers—about 1 for every 1,000 people in its trading area. The number of attorneys is about the same as were practicing in 1935 when the trading area was just over half as populous.

"I think that shows that the legal profession is not as attractive to young fellows today as it used to be," opines Mr. Swanberg. He adds: "You can make a good living practicing law, but you don't get rich at it." Actually, though, he hasn't done badly.

Mr. Swanberg estimates only about $9,500 of his law practice income of $19,000 goes for living expenses. Five to six hundred dollars a month go to Mrs. Swanberg for running the home. A careful buyer, she usually consults Consumers Research before purchasing any major appliance, and she expects the appliance to last for many years before being replaced.

In 1953 Mr. Swanberg first began investing money in common stocks. Today he has $20,000 invested in such companies as United States Steel, Marshall Field & Co., Phillips Petroleum, American Cyanamid, and Caterpillar. He figures $5,000 is about right for his emergency bank account.

He also owns 2,000 acres of farmland, some of which was given him by his father. Other parcels were purchased a few years back when land was considerably cheaper than today. One 160-acre tract was purchased for $500.

Says Lawyer Swanberg: "I don't owe any money to anybody."

FHA INTEREST RATES

Mr. SPARKMAN. Mr. President, yesterday I made a brief comment with respect to the action of the Federal Housing Administration in increasing interest rates on FHA mortgages. At the same time the FHA increased interest rates it issued new regulations which

control discounts. This action was taken pursuant to a directive contained in the Housing Act of 1957. Under the new FHA discount schedule, the maximum discount allowable will vary regionally and in no case will exceed 2½ points. In New England, for example, FHA's new discount schedule would permit a lender to discount a new 5¼ percent FHA loan 1 point.

It is especially interesting to know that the new 5¼ percent mortgages may be discounted in New England, especially in view of the fact that a survey taken in July 1957, indicates that FHA 5 percent mortgages originated in Boston were selling from par to a premium of 101 points. This price was quoted by House and Home magazine in its July issue with respect to 30 year mortgages with a minimum downpayment as well as 25-year mortgages with 10 percent down.

What I cannot understand about the situation is why it is necessary to discount 5¼ percent mortgages when 5 percent mortgages as recently as July had been selling at a price in excess of par. Either the market quotations from House and Home magazine are completely wrong, or the FHA discount limitations are completely wrong. I must say that the sources of these market quotations are some of the most important men in the banking industry.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks a table indicating mortgage market quotations for July 1957.

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

Mortgage market quotations

(Sale by originating mortgagee, who retains servicing.) As reported to House and Home the week ending June 14

City	FHA 5s (sec. 203) (b)						VA 4½s					
	Minimum down,[1] 30 year		Minimum down,[1] 25 year		25 year, 10 percent down		30 year, 2 percent down		25 year, 5 percent down		25 year, 10 percent down or more	
	Immediate	Future	Immediate	Future	Immediate	Future	Immediate	Future	Immediate	Future	Immediate	Future
Boston, local	[2] 101	[2] 101	[2] 101	[2] 101	[2] 101	[2] 101	[3]	[4] 97	[3]	[4] 97	[3]	[4] 97
Out of State	95–97	95–97	95–97	95–97	[3]	[3]	90½–92½	90½–92½	90½–92½	90½–92½	[3]	[3]
Chicago	[4] 98	[4] 98	98	98	98	98	[4] 92–95	[4] 92–94	92–95	92–94	92–95	92–94
Cleveland	97–98	96–97	98	98	98½	98	[3]	[3]	[4] 93	[3]	[4] 94–94½	[3]
Denver	97–98	97–97½	97–98	97–98	97–98	97–98	[4] 92½–93½	[4] 92½–93½	[4] 94	[4] 93	[4] 94–95	[3]
Detroit	97–98	97	98–99	98	98½–99	98½	93–94	93½	[4] 91–95	[4] 94	94½–95½	94½
Houston	[5] 96½	[5] 96½	[5] 96½	[5] 96½	97–98	97–98	92–92½	92–92½	[3]	[3]	92–93	92–93
Jacksonville	97	[4] 96½	98	[4] 96½–97	98	[4] 97	92–92½	[3]	92–92½	[3]	92½–93	[3]
Newark	98–99	97–98	[2] 99	98	[2] 99	99	[4] 92–93	[4] 92	93–94	[4] 92–93	95	94
New York	98	98	98	98	98	98	93	93	93	93	93	93
Philadelphia	[6] 99	99	[6] 99	99	[6] 99	99	[4] 95	[4] 95	[4] 95	[4] 95	[4] 95	[4] 95
San Francisco	96½–97	96–96½	96½–97	96½	97	96½	[7] 91½–92	[7] 91½–92	[7] 91½–92	[7] 91½–92	[7] 91½–92	[7] 91½–92
Washington, D. C.	98	97½	98	97½	98	97½	93½	[4] 93	93½	[4] 93	94	[4] 93½

[1] 7 percent down on 1st $9,000.
[2] Par.
[3] No activity.
[4] Very limited market.
[5] FNMA almost only market; FNMA ineligibles may go for 95.
[6] Trickle of 99½ money.
[7] 92 only if under $15,000.

NOTES.—Immediate covers loans for delivery up to 3 months; future covers loans for delivery in 3 to 12 months.
Quotations refer to prices in metropolitan areas; discounts may run slightly higher in surrounding small towns or rural zones.
Quotations refer to houses of typical average local quality with respect to design, location and construction.

Sources: Boston, Robert M. Morgan, vice president, Boston Five Cents Savings Bank; Chicago, Maurice A. Pollak, executive vice president, Draper & Kramer, Inc.; Cleveland, William T. Doyle, vice president, Jay F. Zook, Inc.; Denver, C. A. Bacon, vice president, Mortgage Investments Co.; Detroit, Stanley M. Earp, president, Citizens Mortgage Corp.; Houston, Donald McGregor, executive vice president, T. J. Bettes Co.; Jacksonville, John D. Yates, vice president, Stockton, Whatley, Davin & Co.; Newark, Arthur G. Pulis, Jr., president, Franklin Capital Corp.; New York, John Halperin, president, J. Halperin & Co.; Philadelphia, Robert S. Irving, executive vice president, W. A. Clarke Mortgage Co.; San Francisco, M. V. O'Hearn, vice president, Bankers Mortgage Company of California; Washington, D. C., Hector Hollister, vice president, Frederick W. Berens, Inc.; House and Home magazine, July 1957.

Mr. SPARKMAN. Mr. President, in connection with that item I also ask unanimous consent to have printed in the RECORD at this point a table showing the interest rates on FHA section 203 mortgages, from the initiation of the housing program in 1934 to this date.

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

Date:	*FHA interest rate*
November 1934 to June 1935	5½
June 1935 to July 1939	5
July 1939 to April 1950	4½
April 1950 to May 1953	4¼
May 1953 to Dec. 3, 1956	4½
Dec. 4, 1956, to Aug. 5, 1957	5
Aug. 6, 1957	5¼

NIAGARA POWER BILL

Mr. LANGER. Mr. President, I wonder if the distinguished majority leader could give us some indication as to when the Senate will take up for consideration the Niagara power bill.

Mr. JOHNSON of Texas. I do not expect to take that bill up this week. I have had requests for conferences with certain Senators on that subject. I hope we shall be able to take the bill up sometime next week.

The Senator can be assured we shall not take up the bill this week. I do not know what we shall consider Friday or Saturday. I shall announce that at an early date. Tomorrow we shall consider the public works appropriation bill, and some dozen noncontroversial bills.

I believe it will be necessary to have a Saturday session. I think all of us are anxious to conclude our deliberations and adjourn sine die. I intend to do all I can to have the Senate meet early, and stay late, to clear up the calendar, and to pass measures which should be passed; and I hope it may be possible for us to adjourn sine die before the end of the month.

Mr. LANGER. I thank the Senator.

POSTAL SERVICE EMPLOYEE SALARY INCREASE

Mr. JOHNSTON of South Carolina. Mr. President, I should like to inquire of the majority leader when he intends to take up the House bill in regard to the basic salaries of employees of the Post Office Department.

Mr. JOHNSON of Texas. Will the Senator state the calendar number, and give the title of the bill?

Mr. JOHNSTON of South Carolina. I refer to Calendar No. 720, House Resolution 2474, to increase the rates of basic salary of employees in the postal field service.

Mr. JOHNSON of Texas. I will say to the Senator that legislation he mentions is supported by many of my colleagues on both sides of the aisle. They have talked to me about it frequently.

We have been engaged in discussion of the bill the Senate has just passed, and I have not had an opportunity to have a meeting of the policy committee. I will schedule a meeting in the next few days.

If some of the groups which desire to get legislation up for consideration will bear with me I will arrange a meeting of the policy committee and try to schedule as many measures on the calendar as the committee will approve.

I know of the Senator's deep interest in the postal bill. My colleague from Texas talked to me about it earlier this evening, and several Senators have discussed it with me in the past several days. I am only one member of the policy committee. There are eight other members. I have not talked to any of the eight other Members about scheduling the legislation.

We have scheduled several bills for consideration, which will consume several days' time. I would say certainly there is no likelihood of the postal pay bill being scheduled this week, and maybe not even next week.

However, I hope that action can be taken next week on bills on the calendar which we plan to schedule. I will give the Senator from South Carolina an opportunity to present his views to the policy committee. I shall give him advance notice of the meeting. If he is as persuasive as he usually is, I am sure the policy committee members will be delighted to hear him, and probably will go along with him.

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

Mr. JOHNSON of Texas. I yield.

Mr. HUMPHREY. I merely wish to associate myself with the interest which has been demonstrated by the Senator from South Carolina in connection with the bill referred to. I have talked with him personally about it, and have indicated to him, as chairman of the committee, my support for the measure. While I may not have an opportunity to appear before the policy committee, let me say that I think this proposed legislation deserves our consideration during this session of Congress. The postal workers have had nothing but trouble from the administration in their effort to obtain a legitimate and well-deserved increase.

I hope the majority leader will find it possible, with the concurrence of the policy committee, to schedule the proposed legislation so that we can vote on it at this session.

I commend the Senator from South Carolina for his diligence and his effort to bring this measure before the Senate.

Mr. JOHNSON of Texas. Mr. President, I appreciate what my friend from Minnesota has said. However, as he knows, the majority leader is only the agent of the policy committee. He is the servant of that committee. While he schedules the measures to be considered, he does so only with the approval of the policy committee. As soon as I can arrange a meeting, I shall consult the Senator from Minnesota and the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. JOHNSTON of South Carolina. I have seen the Senator from Texas at work, and I know that when he says to the policy committee, "We want to take up this measure," usually it is taken up. For that reason we hope to have the bill before the Senate soon.

Mr. HUMPHREY. The modesty of the Senator from Texas is exceeded only by his ability, his competence, and his leadership. I admire all those qualities—modesty, competence, and leadership. I have great faith that the bill will be brought before the Senate soon.

Mr. JOHNSON of Texas. I thank the Senator. I am glad we can feel that way toward each other after 25 days of debate.

AMENDMENT OF AGRICULTURAL ADJUSTMENT ACT OF 1938, RELATING TO EXEMPTION OF CERTAIN WHEAT PRODUCERS

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 959) to amend the Agricultural Adjustment Act of 1938, as amended, to exempt certain wheat producers from liability under the act where all the wheat crop is fed or used for seed or food on the farm, and for other purposes, which was, to strike out all after the enacting clause and insert:

That section 335 of the Agricultural Adjustment Act of 1938, as amended, is further amended by adding at the end thereof the following new subsection:

"(f) The Secretary, upon application made pursuant to regulations prescribed by him, shall exempt producers from any obligation under this act to pay the penalty on, deliver to the Secretary, or store the farm marketing excess with respect to any farm for any crop of wheat harvested in 1958 or subsequent year on the following conditions:

"(1) That the total wheat acreage on the farm does not exceed 30 acres: *Provided, however,* That this condition shall not apply to farms operated by and as part of State or county institutions or religious or eleemosynary institutions;

"(2) That none of such crop of wheat is removed from such farm except to be processed for use as human food or livestock feed on such farm and none of such crop is sold or exchanged for goods or services;

"(3) That such entire crop of wheat is used on such farm for seed, human food, or feed for livestock, including poultry, owned by any such producer, or a subsequent owner or operator of the farm; and

"(4) That such producers and their successors comply with all regulations prescribed by the Secretary for the purpose of determining compliance with the foregoing conditions.

"Failure to comply with any of the foregoing conditions shall cause the exemption to become immediately null and void unless such failure is due to circumstances beyond the control of such producers as determined by the Secretary. In the event an exemption becomes null and void the provisions of this act shall become applicable to the same extent as if such exemption had not been granted. No acreage planted to wheat in excess of the farm acreage allotment for a crop covered by an exemption hereunder shall be considered in determining any subsequent wheat acreage allotment or marketing quota for such farm. No producer exempted under this section shall be eligible to vote in the referendum under section 336 with respect to the next subsequent crop of wheat."

SEC. 2. Section 334 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following new subsection:

"(h) Notwithstanding any other provision of law, except as provided in section 335 (e) of this act, no acreage seeded to wheat for harvest as grain in 1958 or thereafter in excess of acreage allotments and no wheat produced from such acreage shall be considered in establishing future National, State, county, and farm acreage allotments or marketing quotas and the production of wheat from such acreage shall not be considered in determining the level of price support. The planting on a farm of wheat of the 1958 or any subsequent crop for which no farm wheat acreage allotment was established shall not make the farm eligible for an allotment as an old farm pursuant to the first sentence of subsection (c) of this section nor shall such farm by reason of such planting be considered ineligible for an allotment as a new farm under the second sentence of such subsection."

SEC. 3. Section 114 of the Soil Bank Act (70 Stat. 196) is amended by changing clause (2) in the first sentence thereof to read as follows: "(2) in the case of a farm which is not exempted from marketing quota penalties under section 335 (f) of the Agricultural Adjustment Act of 1938, as amended, the wheat acreage on the farm exceeds the larger of the farm wheat acreage allotment under such title or 15 acres, or."

Mr. ELLENDER. Mr. President, I move that the Senate disagree to the amendment of the House of Representatives and request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. ELLENDER, Mr. JOHNSTON of South Carolina, Mr. HOLLAND, Mr. AIKEN, and Mr. YOUNG conferees on the part of the Senate.

A. C. ISRAEL COMMODITY CO., INC.

Mr. JOHNSON of Texas. Mr. President, H. R. 5707, an act for the relief of A. C. Israel Commodity Co., Inc., passed the Senate on Monday last with an amendment. By mistake the House was notified that the bill had passed without amendment, and the bill in the original form was enrolled and signed by the Speaker.

The concurrent resolution, which I ask unanimous consent to submit, will correct the error and give the House an opportunity to consider and act upon the Senate amendment.

The VICE PRESIDENT. The concurrent resolution will be read for the information of the Senate.

The concurrent resolution (S. Con. Res. 46) was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the House of Representatives return to the Senate the engrossed bill (H. R. 5707) for the relief of the A. C. Israel Commodity Co., Inc., erroneously messaged to the House on August 6, 1957, as having passed the Senate on the preceding day without amendment; that upon its return to the Senate the Secretary shall transmit to the House the said bill, together with the amendment made by the Senate thereto; that the enrolled bill signed by the Speaker of the House and transmitted to the Senate on yesterday, be returned to the House, and that the action of the Speaker in signing said enrolled bill be thereupon rescinded.

The VICE PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

CIVIL RIGHTS — EXPRESSION OF APPRECIATION BY THE MAJORITY LEADER

Mr. JOHNSON of Texas. Mr. President, I wish to express my gratitude to all the servants of the Senate, all the staff, employees, members of the press, and members of the radio and television galleries, for enduring with us during these days of great trial and tribulation.

I know that no organization in the world has a more loyal, competent, or efficient staff than has the United States Senate. Had it not been for the members of the Senate staff, our work would

not have gone along nearly so smoothly. I express, from the bottom of a grateful heart, my thanks to them.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 7, 1957, he presented to the President of the United States the following enrolled bills:

S. 42. An act to provide for the construction by the Secretary of the Interior of the San Angelo Federal reclamation project, Texas, and for other purposes;

S. 236. An act to amend section 6 of the act of June 20, 1918, as amended, relating to the retirement pay of certain members of the former Lighthouse Service;

S. 294. An act for the relief of Mrs. Marion Huggins;

S. 334. An act to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended (30 U. S. C. 184), in order to promote the development of phosphate on the public domain;

S. 469. An act to authorize the United States to defray the cost of assisting the Klamath Tribe of Indians to prepare for termination of Federal supervision, to defer sales of tribal property, and for other purposes;

S. 525. An act for the relief of Rhoda Elizabeth Graubart;

S. 591. An act for the relief of Seol Bong Ryu;

S. 650. An act for the relief of Isabella Abrahams;

S. 651. An act for the relief of Sister Clementine (Ilona Molnar);

S. 669. An act for the relief of Mrs. Antonietta Giorgio and her children, Antonio Giorgio and Menotti Giorgio;

S. 701. An act for the relief of Karl Eigil Engedal Hansen;

S. 811. An act for the relief of Fannie Alexander Gast;

S. 827. An act for the relief of Guillermo B. Rigonan;

S. 833. An act for the relief of Vida Letitia Baker;

S. 874. An act for the relief of Cornelius Vander Hoek;

S. 876. An act for the relief of Katharina Theresia Beuving Keyzer;

S. 943. An act to amend section 218 (a) of the Interstate Commerce Act, as amended, to require contract carriers by motor vehicle to file with the Interstate Commerce Commission their actual rates or charges for transportation services;

S. 988. An act for the relief of Satoe Yamakage Langley;

S. 1053. An act for the relief of Poppy Catherine Hayakawa Merritt;

S. 1063. An act vesting in the American Battle Monument Commission the care and maintenance of the Surrender Tree site in Santiago, Cuba;

S. 1071. An act for the relief of David Mark Sterling;

S. 1102. An act for the relief of Adolfo Camillo Scopone;

S. 1112. An act for the relief of Matsue Harada;

S. 1171. An act for the relief of Harry Siegbert Schmidt;

S. 1240. An act for the relief of Panagiotis Tulios;

S. 1251. An act for the relief of Florinda Mellone Garcia;

S. 1309. An act for the relief of Susanne Burka;

S. 1311. An act for the relief of Maria Gradi;

S. 1314. An act to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes;

S. 1353. An act for the relief of Ayako Yoshida;

S. 1363. An act for the relief of Vassilios Kostikos;

S. 1397. An act for the relief of Angeline Mastro Mone (Angelina Mastroianni);

S. 1452. An act for the relief of Francesca Maria Arria;

S. 1472. An act for the relief of Triantafilia Antul;

S. 1489. An act to amend title 14, United States Code, entitled "Coast Guard" with respect to warrant officers' rank on retirement, and for other purposes;

S. 1492. An act increasing penalties for violation of certain safety and other statutes administered by the Interstate Commerce Commission;

S. 1502. An act for the relief of Erika Otto;

S. 1508. An act for the relief of Salvatore LaTerra;

S. 1509. An act for the relief of Fumiko Bigelow;

S. 1773. An act to validate a certain conveyance heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, to the State of Nevada, involving certain portions of right-of-way in the city of Reno, county of Washoe, State of Nevada, acquired by the Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356);

S. 1774. An act for the relief of Yee Suey Nong;

S. 1884. An act to amend section 505 of the Classification Act of 1949, as amended;

S. 1941. An act to authorize the payment by the Bureau of Public Roads of transportation and subsistence costs to temporary employees on direct Federal highway projects; and

S. 2027. An act for the relief of Vendelin Kalenda.

RECESS TO 11 O'CLOCK A. M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, pursuant to the order previously entered, I move that the Senate stand in recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 8 o'clock and 35 minutes p. m.), the Senate took a recess, the recess being under the order previously entered, until tomorrow, Thursday, August 8, 1957, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate, August 7 (legislative day of July 8), 1957.

DEPARTMENT OF STATE

William B. Macomber, Jr., of New York, to be an Assistant Secretary of State, vice Robert C. Hill.

DEPARTMENT OF DEFENSE

Neil Hosler McElroy, of Ohio, as Secretary of Defense.

DIPLOMATIC AND FOREIGN SERVICE

Robert F. Cartwright, of the District of Columbia, for appointment as a Foreign Service officer of class 1, a consul general, and a secretary in the diplomatic service of the United States of America.

Elias A. McQuaid, of New Hampshire, for appointment as a Foreign Service officer of class 2, a consul, and a secretary in the diplomatic service of the United States of America.

Arthur E. Beach, of the District of Columbia, now a Foreign Service officer of class 3 and a secretary in the diplomatic service, to be also a consul general of the United States of America.

Charles S. Stokes, of Maryland, for appointment as a Foreign Service officer of class 3, a consul, and a secretary in the diplomatic service of the United States of America.

The following-named persons for appointment as Foreign Service officers of class 4, consuls, and secretaries in the diplomatic service of the United States of America:

Wilfred V. Duke, of Oregon.

William S. Peacock, of Florida.

Daniel L. Williamson, Jr., of Virginia, for appointment as a Foreign Service officer of class 5, a consul, and a secretary in the diplomatic service of the United States of America.

Hubert H. Buzbee, Jr., of Alabama, now a Foreign Service officer of class 6, and a secretary in the diplomatic service, to be also a consul of the United States of America.

The following-named Foreign Service officers for promotion from class 7 to class 6:

Richard D. Forster, of Colorado.

Chris C. Pappas, Jr., of New Hampshire.

The following-named persons for appointment as Foreign Service officers of class 6, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

Michael Buzan, Jr., of Florida.

Mrs. Flora E. Jones, of Louisiana.

Loren E. Lawrence, of California.

Byron P. Manfull, of Utah.

The following-named persons for appointment as Foreign Service officers of class 8, vice consuls of career, and secretaries in the diplomatic service of the United States of America:

Neil P. Anderson, of Minnesota.

David W. Burgoon, Jr., of Illinois.

George A. Furness, Jr., of Massachusetts.

Alan F. Lee, of Illinois.

Alan G. Mencher, of California, for appointment as a Foreign Service officer of class 8, a vice consul of career, and a secretary in the diplomatic service of the United States of America. (This nomination is submitted for the purpose of correcting an error in the nomination as submitted to the Senate on May 23, 1957, and confirmed by the Senate on June 3, 1957.)

The following-named Foreign Service staff officers to be consuls of the United States of America:

David G. Briggs, of the District of Columbia.

Warren M. Robbins, of Massachusetts.

The following-named Foreign Service reserve officers to be consuls of the United States of America:

Mark B. Lewis, of Pennsylvania.

William P. MacLean, of Wisconsin.

Philip F. Snare, of Virginia.

B. Franklin Steiner, of California.

Robert Taylor, of Florida.

Robert L. White, of Colorado.

The following-named Foreign Service reserve officers to be vice consuls of the United States of America:

Joseph I. Saltsman, of Montana.

Eugene F. Sillari, of New York.

The following-named Foreign Service reserve officers to be secretaries in the diplomatic service of the United States of America:

John G. Anderton, of California.

Stephen W. Baldanza, of New Jersey.

Peter Ferguson, of the District of Columbia.

John P. Kennedy, of Vermont.

Richard S. McCaffery, Jr., of New York.

Burtt F. McKee, Jr., of Alabama.

Robert B. Moore, of Maryland.

William G. Norris, of Maine.

Harold S. Nelson, of Massachusetts.

Ralph L. Powell, of New Jersey.

Joseph P. Redick, of Maryland.

John S. Tilton, of Virginia.

UNITED STATES DISTRICT JUDGE

Thomas C. Egan, of Pennsylvania, to be United States district judge for the eastern

district of Pennsylvania, vice George A. Welsh, retiring.

UNITED STATES ATTORNEYS

T. Fitzhugh Wilson, of Louisiana, to be United States attorney for the western district of Louisiana for a term of 4 years. He is now serving in this office under an appointment which expired July 31, 1957.

James A. Borland, of New Mexico, to be United States attorney for the district of New Mexico for a term of 4 years vice Paul A. Larrazolo, resigned.

COLLECTOR OF CUSTOMS

George W. O'Sullivan, of New Mexico, to be collector of customs for customs collection district No. 50, with headquarters at Columbus, N. Mex., to fill an existing vacancy.

HOUSE OF REPRESENTATIVES

WEDNESDAY, AUGUST 7, 1957

The House met at 12 o'clock noon.

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

Almighty God, before we turn our thoughts to the duties and tasks of this new day we would look unto Thee for guidance and strength.

Help us to face the stress and strain of circumstances with patience and perseverance, with confidence and courage, with faith and hope.

We beseech Thee to administer abundantly unto our chosen representatives who are seeking to find and establish laws that are sound and just.

Give them wisdom and understanding as they labor for the relief of poverty, the healing of disease, and for peace among nations.

Bestow Thy grace and favor upon employers and employees everywhere. Bless those whose work is dangerous and difficult, mean and monotonous, exacting and enervating.

In Christ's name we offer our petition. Amen.

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

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. Under the previous order of the House, bills from the Committee on the District of Columbia are in order. The Chair recognizes the gentleman from South Carolina [Mr. MCMILLAN].

AMENDING DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL ACT

Mr. McMILLAN. By direction of the House Committee on the District of Columbia, I call up the bill (H. R. 7863) to amend the District of Columbia Alcoholic Beverage Control Act and ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

Mr. GROSS. Mr. Speaker, reserving the right to object, will the gentleman take some time to explain the bill briefly?

Mr. McMILLAN. Yes.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That section 23 (c) of the District of Columbia Alcoholic Beverage Control Act, as amended (48 Stat. 332; sec. 25–124 (c), D. C. Code), is amended to read as follows:

"(c) Said taxes on spirits or alcohol shall be collected and paid by the affixture of a stamp or stamps secured from the collector of taxes of the District of Columbia denoting the payment of the amount of tax imposed by this Act upon such beverage, such affixture to be upon the immediate container of the beverage, unless the Commissioners shall by regulation permit otherwise. The collector of taxes of the District of Columbia shall furnish suitable stamps, to be prescribed by the Commissioners, denoting the payment of the taxes imposed by this Act upon spirits or alcohol, and shall by the sale of such stamps at the amounts indicated on the faces thereof cause the said taxes to be collected."

SEC. 2. Section 23 (d) of the District of Columbia Alcoholic Beverage Control Act, as amended (48 Stat. 332; sec. 25–124 (d), D. C. Code), is amended to read as follows:

"(d) Said taxes on wine (wine containing 14 per centum or less of alcohol by volume, wine containing more than 14 per centum of alcohol by volume, champagne, sparkling wine, and any wine artificially carbonated) shall be collected and paid in the manner following:

"(1) Each holder of a manufacturer's or wholesaler's license shall, on or before the tenth day of each month, furnish to the assessor of the District of Columbia, on a form to be prescribed by the Commissioners, a statement under oath showing the quantity of wine subject to taxation hereunder sold by him during the preceding calendar month and shall, on or before the fifteenth day of each month, pay to the collector taxes of the District of Columbia the tax hereby imposed upon the quantity of wine subject to taxation hereunder sold by him during the preceding calendar month.

"(2) No licensee holding a retailer's license shall transport or cause to be transported into the District of Columbia any wine other than the regular stock on hand in a passenger carrying marine vessel operating in and beyond the District of Columbia, or a club car or a dining car on a railroad operating in and beyond the District of Columbia, for which a retailer's license, class C or D, has been issued under this Act, unless such licensee has first obtained a permit so to do from the Alcoholic Beverage Control Board. No such permit shall issue until the tax imposed by this section shall have been paid for the wine for which the permit is requested. Such permit shall specifically set forth the quantity, character, and brand or trade name of the wine to be transported and the names and addresses of the seller and of the purchaser. Such permit shall accompany such wine during its transportation in the District of Columbia to the licensed premises of such retail licensee and shall be exhibited upon the demand of any police officer or duly authorized inspector of the Board. Such permit shall, immediately upon receipt of the wine by the retail licensee, be marked 'canceled' and retained by him.

"(3) The Commissioners are authorized and empowered to prescribe by regulation such other methods or devices or both for the assessment, evidencing of payment, and collection of the taxes on wine imposed by this section in addition to or in lieu of the method hereinbefore set forth whenever in their judgment such action is necessary to prevent frauds or evasions."

SEC. 3. Section 23 (e) of the District of Columbia Alcoholic Beverage Control Act, as amended (48 Stat. 332; sec. 25–124 (e), D. C. Code), is amended by striking out the words "beverage" and "beverages" wherever they appear and substituting in lieu thereof the words "spirits or alcohol".

SEC. 4. Section 23 (i) of the District of Columbia Alcoholic Beverage Control Act, as amended (48 Stat. 332; sec. 25–124 (i), D. C. Code), is amended by striking out the words "beverage" and "beverages" wherever they appear and substituting in lieu thereof the words "spirits or alcohol".

SEC. 5. The last sentence of section 23 (k) of the District of Columbia Alcoholic Beverage Control Act, as amended (48 Stat. 332; sec. 25–124 (k), D. C. Code), is amended to read as follows: "Each holder of such a license shall, on or before the tenth day of each month, forward to the Board on a form to be prescribed by the Commissioners, a statement under oath, showing the quantity of each kind of beverage, except beer and wine (wine containing 14 per centum or less of alcoholic content, wine containing more than 14 per centum of alcoholic content, champagne, sparkling wine and any wine artificially carbonated) sold under such license in the District of Columbia during the preceding calendar month, to which said statement shall be attached stamps denoting the payment of the tax imposed under this Act upon the spirits or alcohol set forth in said report and such statement shall be accompanied by payment of any tax imposed under this Act upon any such wines as set forth in said report."

Mr. McMILLAN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the purpose of this legislation is to amend the District of Columbia Alcoholic Beverage Control Act so as to substitute a collection of taxes on wines by a method of reporting rather than by a method of affixing stamps to each bottle.

Under existing law each individual bottle of wine which is sold in the District of Columbia is required to carry a stamp. Under this legislation each holder of a manufacturer's or wholesaler's license would be required on or before the 10th day of each month to furnish the assessor of the District of Columbia, on a form to be prescribed by the Commissioners, a statement under oath showing the quantity of wine subject to taxation hereunder sold by him during the preceding calendar month and shall, on or before the 15th day of each month, pay to the collector of taxes of the District of Columbia the tax hereby imposed upon the quantity of wine subject to taxation hereunder sold by him during the preceding calendar month.

Many individuals appeared in favor of the bill and the members of the Alcoholic Beverage Control Board of the District of Columbia also testified on behalf of this legislation.

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

Mr. McMILLAN. I yield.

Mr. GROSS. Is this bill supported unanimously by the committee?

Mr. McMILLAN. Absolutely.

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

EXCHANGE OF LANDS FOR SIBLEY MEMORIAL HOSPITAL

Mr. McMILLAN. Mr. Speaker, by direction of the House Committee on the