called up by motion, so that Senators may be prepared.

Mr. O'MAHONEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator shall state it.

Mr. O'MAHONEY. What is the pending question?

Mr. JOHNSON of Texas. Mr. President, will the Chair state the pending question for the information of the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendments of the House of Representatives to the amendments of the Senate numbered 7 and 15.

Mr. BEALL. Mr. President, will the Senator from Texas yield?

Mr. JOHNSON of Texas. I yield.

Mr. BEALL. Will the majority leader state how much notice he will give Senators in advance of the taking of the vote on the pending question? In other words, on the question of agreeing to the amendments of the House of Representatives to the amendments of the Senate numbered 7 and 15 to the civil rights bill?

Mr. JOHNSON of Texas. The majority leader is not in a position to give any more notice than he is able to obtain by observing the actions and deliberations of the Senate.

The majority leader wishes to be sure that all Members of the Senate, on both sides of the aisle, have ample opportunity to express themselves on this question and any responsible party may desire, and the majority leader has neither a desire nor a disposition to force a vote before that opportunity has been had.

The majority leader is hopeful that Senators will be able to leave here by late Saturday evening. But that could very well happen the following week; and at this time the Senator from Texas does not feel that he is very much of a prophet.

So we shall just have to see how long Senators talk and how much time is consumed.

Mr. BEALL. Does the majority leader intend to give a few hours' notice before a final vote is taken on this question?

Mr. JOHNSON of Texas. The Senator from Texas is unable to do that. He does not know when Senators will stop talking. That is somewhat like asking him when he will die. [Laughter.] He is not sure about that.

Mr. President, I believe every Senator is on his own responsibilities to follow the developments in the Senate; and when there no longer is any Senator who desires to address himself to the pending question, the roll will be called.

ADMISSION TO TOMORROW AT 10 O'CLOCK A. M.

Mr. JOHNSON of Texas. Mr. President, I renew my motion that the Senate adjourn.

PRESIDING OFFICER. The question is on the motion of the Senator from Texas that the Senate adjourn until tomorrow, at 10 a.m. Without objection, the motion is agreed to; and the Senate stands adjourned until tomorrow, at 10 a.m.

Thereupon (at 10 o'clock and 1 minute p. m.) the Senate adjourned until tomorrow, Wednesday, August 28, 1957, at 10 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 27, 1957:

INTERNATIONAL MONETARY FUND AND INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Robert E. Anderson, of New York, to be Treasurer General of the International Monetary Fund and the International Bank for Reconstruction and Development for the term of 5 years.

UNITED STATES ATTORNEY

Peter Mills, of Maine, to be United States attorney for the district of Maine for a term of 4 years.

UNITED STATES MARSHAL

Harry W. Pinkham, of Maine, to be United States marshal for the district of Maine for a term of 4 years.

COAST AND GEODETIC SURVEY

The following nominations for permanent appointment to the grade of ensign in the Coast and Geodetic Survey, subject to qualifications provided by law:

Ronald M. Buffington
Jerome P. Guy
Mary Kask

HOUSE OF REPRESENTATIVES

TUESDAY, AUGUST 27, 1957

The House met at 12 o'clock noon. The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Almighty God, the new day is challenging us with duties we dare not shirk and decisions which will affect not only our own lives but the lives of many others.

We humbly confess that, again and again, we face our tasks and responsibilities with baffled minds and troubled hearts for we are in doubt as to what we ought to do.

Grant that we may hear and heed Thy voice as Thou dost say unto us: "This is the way, walk ye therein."

Help us to bring in that glorious day when there shall be peace on earth and good will among all men.

Hear us in the name of the Prince of Peace. Amen.

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

MESSAGE FROM THE SENATE

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

H. R. 38. An act to amend the Tariff Act of 1890 to provide for the temporary free importation of casesin.


H. R. 277. An act to amend title 17 of the United States Code entitled "Copyrights" to provide for a statute of limitations with respect to civil actions.

H. R. 499. An act to direct the Secretary of the Navy or his designee to convey a tract of land in such United States; as to transfer to the

H. R. 826. An act to amend general or major general; and its metropolitan area.

H. R. 1214. An act to authorize the President to award the Medal of Honor to the commanding general of the militia of the District of Columbia shall hold the rank of brigadier

H. R. 1650. The Bankruptcy Act, as amended, and to provide for the temporary free portation of casein; as to civil actions; and for other purposes.

H. R. 3026. An act to provide for the relief of certain aliens; and for other purposes.

H. R. 3377. An act to promote the national security by authorizing the construction of certain structures and the acquisition of land by the National Advisory Committee for Aeronautics necessary to the effective prosecution of aeronautical research.

H. R. 3468. An act for the relief of J. A. Ross & Co.;

H. R. 3940. An act to grant certain lands to the Territory of Alaska; for other purposes.

H. R. 6392. An act to amend the Agricultural Adjustment Act of 1938 with respect to acreage history.

H. R. 8356. An act to amend the District of Columbia Omnibus Tax Act of 1947, as amended, to exclude social security benefits and to provide additional exemptions for age and blindness, and to extend the prohibition against the operation in the District of Columbia boats used solely for pleasure purposes, and for other purposes;

H. R. 8760. An act to grant to the Territory of Alaska title to certain lands beneath tidal waters, and for other purposes;

H. R. 8050. An act to amend section 189 of title 28, United States Code, prescribing fees of United States commissioners;


H. R. 5001. An act for the relief of Harry V. Shoop, Frederick J. Richardson, Joseph D. Rosenleib, Joseph E. P. McCann, and Junior K. Schoocraft;

H. R. 5010. An act to provide reimbursement to the tribal council of the Cheyenne River Sioux Reservation in accordance with the act of September 3, 1944;

H. R. 5011. An act to provide subdivision b of section 14—Discharges, when granted—of the Bankruptcy Act, as amended, and subdivision f of section 11—Notices—the Bankruptcy Act, as amended;

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

H. R. 6172. An act for the relief of Thomas P. Milton;

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

H. R. 7636. An act to provide for the conveyance to the State of Florida of a certain tract of land in such State owned by the United States;

H. R. 7654. An act for the relief of Richard M. Taylor and Lydia Taylor;

H. J. Res. 280. Joint resolution to suspend the operation of certain laws with respect to personnel employed by the House Committee on Ways and Means in connection with the investigations ordered by House Resolution 104, 86th Congress, 1st Session.

H. J. Res. 313. Joint resolution designating the week of November 22-28, 1957, as National Cooperman, Aron

H. J. Res. 351. Joint resolution to establish a Lincoln Sesquicentennial Commission; and

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

The message also announced that the Senate had passed, with amendments in concurrence of the House to which it was referred, bills, a joint resolution, and a concurrent resolution of the House of the following titles:

H. R. 2078. An act for the relief of Albert Heine;

H. R. 2904. An act for the relief of the Knox Corp., of Thomson, Ga.;

H. R. 3026. An act to provide for the relief of certain cotton textile workers of the Air Force, and for other purposes;

H. R. 3377. An act to promote the national defense by authorizing the construction of certain structures and the acquisition of land by the National Advisory Committee for Aeronautics necessary to the effective prosecution of aeronautical research.

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H. R. 7636. An act to provide for the conveyance to the State of Florida of a certain tract of land in such State owned by the United States;

H. R. 7654. An act for the relief of Richard M. Taylor and Lydia Taylor;
Mr. RAY. Mr. Speaker, H. R. 6127 comes before us today with 16 Senate amendments. I understand that numbers 1 to 15 are inclusive, and number 16 are to be accepted. In my view, those amendments make a great improvement in the bill.

It seems to be generally recognized that Senate amendment No. 15 is thoroughly bad and cannot be accepted. However, the new jury-trial amendment which will be offered as a substitute for Senate amendment No. 15 is also a thoroughly bad and cannot be accepted.

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 410 and ask for its immediate consideration.

The SPEAKER. Resolved, That immediately upon the adoption of this resolution the bill, H. R. 6127, with Senate amendments thereto be, and the same hereby is, taken from the Speaker's table; that Senate amendments Nos. 1 to 6, inclusive, Senate amendments 8 to 14, inclusive, and Senate amendment No. 16 be, and the same are hereby, agreed to; that the House hereby concurs in Senate amendment No. 7 with an amendment as follows: in lieu of the amendments thereto by said amendment insert the following:

"(b) The Commission shall not accept or utilize services of voluntary or uncompensated personnel, and the term 'whoever' as used in paragraph (g) of section 102 hereof shall be construed to mean a person who resides in the 'United States'; and that the House hereby concurs in Senate amendment No. 15 with an amendment as follows: in lieu of the matter inserted by said Senate amendment No. 15 insert the following:

"PART V—TO PROVIDE TRIAL BY JURY FOR PROSECUTIONS FOR CRIMINAL OFFENSES ARISING OUT OF THE MILITARY POWER OF THE UNITED STATES; TO PROVIDE FOR THE ADMINISTRATION OF JUSTICE; AND TO MAKE APPROPRIATIONS.

"SEC. 151. In all cases of criminal contempt arising under the provisions of this act, the accused, upon conviction, shall be punished by fine or imprisonment or both.

"Provided further, That in any such proceeding for criminal contempt, at the discretion of the court, the accused shall be tried with or without a jury: Provided further, however, That in the event such proceeding for criminal contempt is held without the services of a judge or the sentence of the court, the fine shall be in excess of the sum of $300 or imprisonment in excess of 45 days, the accused, if said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as nearly as may be to the practice in other criminal cases.

"This section shall not apply to contempt committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writ, orders, or process of the court.

"Nor shall anything herein or in any other provision of law be construed to authorize any court or courts of its 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 commitment of the court, in accordance with the prevailing usages of law and equity, including the power of detention.

"SEC. 152. Section 1861, title 28, of the United States Code is hereby amended to read as follows:

"1861. Qualifications of Federal jurors

The citizen of the United States who has attained the age of 21 years and who has
Mr. MADDEN. Mr. Speaker, I yield myself such time as I may require.

Mr. MADDEN. Mr. Speaker, when the civil rights bill was debated in this chamber 2 months ago I spoke at length in favor of the original bill which was reported out of the Judiciary Committee; that bill was debated and discussed for several days and all Members had ample opportunity to express their views, pro and con, on this important legislation. The original bill met with my approval and I joined with 285 Members of the House in voting for same. Only 126 votes were cast against that bill.

I mention that time, that has devoted several weeks in debate on this legislation, and unfortunately, changed some important provisions of the House bill. The resolution now under consideration, was reported out of the Committee yesterday by a vote of 10 to 2. It provides for several changes in the Senate bill; if the other body concurs with the changes recommended by this resolution, all American citizens will, for the first time, enjoy the protection of the Federal courts in exercising their constitutional right to vote. This resolution gives meaning and power to the enforcement provisions of this legislation.

The following words in the pending resolution set out the major changes which the House of Representatives should insist be retained in any civil rights legislation:

First, That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: Provided further, however, that in any such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $500 or imprisonment in excess of 45 days, the accused in said proceeding, upon demand therefor, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

These words set out the major changes in the form of the bill which was passed by the other body. Also changes are set out in this resolution eliminating any interpretation of the Senate bill wherein newspaper or radio services might be penalized for publishing executive reports or deliberations of the proposed Commission on Civil Rights; also this resolution provides that all employees engaged in carrying out the law be accredited Government employees and not volunteer or uncompensated personnel.

This resolution also provides qualification for all citizens to serve as Federal jurors.

The great majority of the American people are hoping that the Congress enact a civil-rights bill before adjournment; the enactment of this legislation will curtail Communist agitators in Asia, Africa, and in other areas of the world from propagandizing on the issue that all Americans do not enjoy the liberties and rights guaranteed to others by the major political parties endorsed civil-rights legislation in their national party platforms during the last presidential campaign.

I wish to commend Chairman Celler and Congressman Keating, the members of the Judiciary Committee who worked so diligently over the past months to present civil-rights legislation for the members to consider.

The House approves this resolution and the Senate concurs, so that all Americans can be guaranteed their constitutional right to vote.

Mr. Speaker, I yield 30 minutes to the gentleman from Pennsylvania (Mr. SCOTT); but first, Mr. Speaker, I ask unanimous consent that all Members desiring to do so be permitted to extend their remarks in support of the conclusion of debate on this rule.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield 10 minutes to the gentleman from New York (Mr. KEATING).

Mr. KEATING. Mr. Speaker, as the gentleman from Pennsylvania (Mr. SCOTT) has said, this is the end of a long, hard row. I want to take the time allotted to me to explain to the membership just what we are doing here today. This is an unusual resolution. If the House passed by an overwhelming majority a moderate but effective bill patterned on the formula recommended to the Congress by the President of the United States, the House rejected all major amendments to the bill and, particularly, rejected provision for a jury trial in a criminal contempt proceeding by an overwhelming majority of 93 votes.

This bill went to the other body, where they started to operate on it. In part I, relating to the Commission, they made the following major changes:

No. 1, they provided that this report of the Commission should be sent to the Congress as well as to the President.

No. 2, they provided that the Commission should have a full-time staff director appointed by the President with the advice and consent of the Senate, who should receive $22,500 a year.

No. 3, they struck out the provision for authorization to employ voluntary personnel, and affirmatively provided that the Commission should accept the services of unincorporated personnel.

No. 4, they provided that these advisory committees, which the Commission may have, would only be constituted within certain States and composed of citizens of that State.

Those are the principal things in part I. Part II they left intact.

Part III was eliminated entirely. That is the part which protects the rights of citizens, including voting rights, but that was stricken out after a long debate.

In all that long Senate debate I never heard any objection to the protection of the right of a person to hold Federal and other rights. As you know, if the President is convinced that a strike will imperil the national health or safety, he can direct a waiting period or an injunction. Under the Senate bill a jury would say whether or not the President was right in determining whether the national health and safety were imperiled. These examples illustrative the things which the House rejected. For the bill was passed, the normal course would be to send that bill to conference with the other body. With respect to the jury-trial provision, the Senate bill would amend a section of the law which now exists which says that where the act constituting the contempt is a crime under the laws of the State wherein it is done, the proceedings shall be for criminal contempt. Thus, under the bill passed by the other body it would have meant a jury trial in every case, because if it was done within the time, it would have been made so by the States that wished to get around the law.

The proposal made by the chairman of the Committee on the Judiciary was, therefore, an improvement on the Senate bill, but it was a complete denial of what this House had decided upon, which was that there was to be no jury trial in voting-rights cases. It was completely
Many who had been for a strong bill when it was before the House reversed a complete surrender to the distinguished gentleman from Massachusetts, and the President of the United States. They fought for a stronger bill, and we have it here today.

What we have today is a real compromise; not a surrender on this important measure. For all practical purposes, as to part IV, this proposal today before us supports the position of the House. It will only be the very rare case in which a contempt conviction will result in a sentence of more than 45 days. There will not be one case in 20 where that would happen. Only in a case of violence, I think will there be such a sentence. For the rest of us, peace is it at all likely. It is 90 percent accurate to say that the bill has been converted from a Senate jury-trial bill to a House nonjury-trial bill. I yield the gentleman from Florida [Mr. KEATING] for the purpose of answering this question.

Mr. Speaker, back during the early stages of World War II, in an informal and not unfriendly cloakroom conversation, the late Vito Marcantonio, a former Member of this body, in a discussion of our respective philosophies of government, went so far as to tell me, he boldly told me that, after the war was over, his forces would change the then prevailing conditions through which combatants have nonjury trials, particularly from the South, were elected. That they would see to it that the Negroes of the South voted and the right type of Representatives were elected to the Congress and the right type of legislation was enacted. Little did I think then that his prophecy would so soon come to fruition.

I am sure that by now there is no one in Congress who does not recognize this iniquitous legislative proposal for what it is—a political sop to a highly organized minority group. The stakes are high. The complexity of the issues and the magnitude of the next Presidency itself are the stakes.

Some of us have conscientiously and therefore stubbornly opposed this misnamed civil-rights proposal. It is nothing more or less than the abolition of the civil rights of all of the people under the guise of granting civil rights to a highly organized and politically powerful minority group. So, Mr. Speaker, as we gather here. As we gather this afternoon to witness the final act in the tragedy of the beginning of the downfall of the Republic, it might be well to briefly sum up the value of the winners and the losers in this political gamble.

The actors in this political tragedy are of the summit stature in both political camps. It is obvious that the Republican high command has deliberately set out to recapture the minority Negro vote stolen from them by the Democratic high command some two decades ago. That they may succeed as a result of the enactment of this bill is highly possible. I call to the attention of my Democratic brethren the probability that this minority group, whose suffrage is attempted to be ensnared by this proposal, will be impressed not by the fact that this is a Democratic controlled Congress, but rather by the facts that this is an Administration and that these alleged benefits came from the Great White Father in the White House.

Thus the Democratic high command may win the skirmish, but lose the battle.

On the other hand, the Republicans who have long expressed a desire for a jury-trial system in the South, and indeed where in recent years they have made remarkable progress toward their goal, may now well forget any hope of wooing the South into their fold or of obtaining a realignment of the parties.

The conservative South, deserted by its own party, who owes it so much, and cast to the wolves by the Republican Party, it would appear has but one alternative. It must, like the NAACP, the CIO and the ADA become an organized militant minority group, if its once powerful voice is to again be heard in the political and legal arena.

Finally, Mr. Speaker, having this iniquitous thing, like a loaded pistol, is aimed at my section, which has contributed so much to the foundation and perpetuation of the Republic, it is not without, the Democratic Party, or the Republican Party which will suffer the most. The real victim in the tragedy being concluded here today will be the Republic itself. For once the trigger is pulled, the freedom and the real rights of the citizens of all sections will be further curtailed. The powerful arm of an already powerful Federal Government will further stretched out into every metropolitan center as well as every hamlet of this great country, north, east, south, and west.

Mr. Speaker, the unconscionable god of politics must be served. Mr. Speaker, to some this day will be remembered as a day of political victory. To me, it is the fact that not just this day of infancy. But to me it will always be remembered as Marcantonio Day.

Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. Celler].

Mr. Scott of Pennsylvania. Mr. Speaker, I yield 7 minutes to the gentleman from Mississippi [Mr. Colmer].

Mr. Colmer. Mr. Speaker, I appreciate the courtesy of the gentleman. There are so many who are denied an opportunity to speak that I hope it will not be necessary to use all the time.

Mr. Speaker, obviously, the far-reaching effects and implications of this proposal cannot be discussed even in the 9 minutes allotted to me, in this straight-jacket procedure into which the House has been forced. I hope my brief remarks may be made without bitterness or rancor, but I do propose to make them realistic.

I wonder if we are meeting our legislative responsibility here today. I seriously doubt that there are 25 Members of this body who ever saw the so-called compromise amendment before today. I am sure that a vast majority of the members of the Rules Committee never saw it before they reported it out yesterday. And indeed, with our kind of government, I emphatically state to you that it is worse than no jury trial whatever. It is judicial blackmail. It is without precedent or effect. For the first time in our judicial history, a defendant will be blackmailed into accepting a fine and jail sentence at the hands of a Federal judge rather than requesting trial by a jury of his peers. Moreover this proposal changes the existing law for the selection of Federal juries in all Federal cases. It will pave the way for many more Hoffa trials.

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Mr. Speaker, the task was difficult to get this bill through. It was a constant uphill obstacle race. Hard words were spoken, and bitterness was expressed. But happily indeed no scars are left. And that is a great credit to representative government. Many of us want and do unhappily worked for a strong bill, wanted no watered-down, weakened bill. I wanted, of course, no compromise in the beginning. Others with sincere convictions sought the defeat of any civil bill that would neither side lose. Who are the gainers? The gainers in small measure are that segment of our society which has too long been denied rights guaranteed by our Constitution.

I desired no jury trial for contempt in contempt cases under this act. I fought off vigorously all amendments to provide juries. The Senate saw fit to adopt jury trials for all criminal contempt cases arising under this act. In the event there be no jury and the sentence of the court upon conviction be a fine in excess of $500 or imprisonment in excess of 45 days, the accused on demand shall be entitled to a trial de novo before a jury.

This latter proposal, shall I say, is least objectionable of all plans offered. This, however, is highly important, not because we have a majority in the House, but because we have a majority of minds, as many minds as possible, to advance the cause of civil rights. The dilemma we faced was accepting one-third of a loaf or no loaf at all. The result can be condoned under the act, or compromise to others, and surrender to still others. Very little choice is offered. We must accept. Those mostly affected, the Negro people, are willing to accept this.

I know this House is going to pass this legislation in the present form and would pass it in any form.

Nevertheless I want to renew my statement made many times on the floor that it is a fraud; that it is a national tragedy. Also I do want you to know that the jury-trial provisions in this legislation are absolutely worthless. It was none then that the Senate could do, but instead of it guaranteeing a jury trial, it virtually eliminates any possible chance for a jury trial. I will take the truth of my statement by a discussion now, which I hope will be strictly a legal discussion.

Mr. Speaker, considerable discussion has naturally arisen over the meaning and import of the Senate amendments to H. R. 6127—civil rights bill—relating to the right of trial by jury in contempt cases, appearing in part V, entitled "Amendment to the Federal Criminal Code To Provide Trial by Jury for Proceedings To Punish Criminal Contempt in Cases in Federal Courts." beginning on page 13, line 15 of said H. R. 6127, and continuing through line 16 of page 15 and reading as follows:

PART V—AMENDMENT TO THE FEDERAL CRIMINAL CODE TO PROVIDE TRIAL BY JURY FOR PROCEEDINGS TO PUNISH CRIMINAL CONTEMPTS IN CASES IN FEDERAL COURTS

Sec. 151. Section 405 of title 18 of the United States Code is hereby amended to read as follows:

"405. Criminal contempts.

"Any officer, corporation, or association wilfully disobeying or obstructing any lawful writ, process, order, rule, decree, or command of any court of the United States or any part of this title 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 on account of such fine may not exceed the sum of $1,000, nor shall such imprisonment exceed the term of 6 months.

"This section shall not be construed to apply to contempt adjudged for the presence of the court or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court, other than with respect to writings, orders, or process of the court.

"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, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention."

"Section 3091 of title 18 of the United States Code is hereby amended to read as follows:"

"3091. Jury trial of criminal contempt

"In any proceeding for criminal contempt for disobedience of or obstruction to any lawful writ, process, order, rule, decree, or command of any court of the United States, or any court of the District of Columbia, or any court of the United States, upon demand therefor, shall be entitled to a trial by a jury, which shall conform as near as may be to the practice in criminal cases."

"This section shall not apply to contempt proceedings in the United States, or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writings, orders, or process of the court.

"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, other than with respect to writings, orders, or process of the court.

"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."

We can all understand the discussion for, as it was said by Mr. Daniel, author of the legal treatise Contempt, on page 14, section 41 of that treatise, "Contempt of court is a mysterious and indefinable thing." The truth of that statement is made manifest by the debates in the Senate on these provisions. Some of the distinguished Senators were of the opinion that the above quoted provision relating to the right of trial by jury was an effective preservation of the right of trial by jury in criminal contempt cases. Other Senators were positive that only a few contempt cases could possibly arise that would be jury trials, and opposed by the defendant or defendants. Senator Mansfield of Montana, said with reference to injunctions brought by the Attorney General:

Such suits—so long as they are aimed at punishment rather than punishment--can not be interfered with by jury trials.
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However, Senator Douglas, of Illinois, said:

Secondly, by including the jury trial provision in criminal contempt cases, the Senate has engrafted the right of Manaway said had ill­

effectively. Cases of civil contempt can, in all probability, be fairly easily converted into cases of criminal contempt by the said:


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August 7, 1957, pg. 13851, said:

Senator Potter, of Michigan, according to the CONGRESSIONAL RECORD, August 7, 1957, pg. 13851, said:

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 proceedings insofar as civil contempt actions are concerned.

Senator Javits, of New York, is quoted on page 13790, CONGRESSIONAL RECORD, August 6, 1957, as contending that the Senate provision for a jury trial in criminal contempt cases was void of some distinguishing line between civil contempt and criminal contempt. He pointed out that the Clayton Act made a distinction, inasmuch as the Clayton Act provided that a criminal contempt must be a willful disobedience or violation, coupled with the addedingredient that the violation was a willful disobedience or violation, coupled with the added ingredient that the viola­

tion of a court of equity. This is a proceed­ing of contempt of the authority of a court, such proceeding is sui generis—in their own class—and that, although criminal contempt was criminal in nature because the purpose of the contempt proceedings was to vin­

olate the constitutional inhibition against double jeopardy; and the same act constituting criminal contempt, and punished by the courts as such, could also be used as basis for punishment against the same defendant in a criminal pro­ceeding.

U. S. v. Shipp (303 U. S. 563) is au­thority for such a holding. The courts have attempted to justify this double jeopardy upon the principle that the de­fendant was punished in the criminal prosecution because he violated a law created by the legislature, and punished in contempt proceedings because he violated a law created by a judge. It is also true that in 1890 the United States Supreme Court—volume 134, United States Reports, pages 31, 38—held that there is no constitutional right of a jury trial in a contempt proceeding, civil or criminal, clearly indicating the Court's conception concerning the right of trial by jury. An excerpt taken from volume 15, United States Reports, page 447, by Justice Harlan, says, to wit:

Surely it cannot be supposed that the ques­tion of contempt of the authority of a court is a question which jur­isdiction of our courts did adopt that principle did find favor with the prevailing English lawyers, that according to the common law on this subject truly was.

A proceeding for civil contempt is a method for obtaining compliance with a mandate or injunction issued by a court of equity. It is a proceeding which is used only against a person who has been directed by a court to do an act or to refrain from doing an act. The only question open for dis­cussion in such a proceeding is: has the man­date or injunction of the court been obeyed? If it has not been obeyed, the reason or the motive for the disobedience is of no moment. While in a proceeding for civil contempt the court may impose imprisonment and a fine upon the defendant, it is not a proceeding of that sort.

A proceeding to punish one who willfully disobeys the court order. It differs radically from a proceed­ing in a civil contempt. Its purpose is not to vindicate the dignity of the court which has been flouted by the willful and inten­tional act of the defendant.

Further, Senator O'Mahoney stated that a criminal contempt proceeding, while it may be a criminal proceeding, is at least quasi-criminal.

Also—

In any event, whether a constitutional crime or not, it is not the letter, of our Constitution requires a jury trial for criminal contempt.

It therefore appears that even certain Sen­ators disagreed as to what was the meaning of the above-quoted Senate amend­ment. Yet, the people are entitled to know whether there is an effective provision for jury trials in criminal contempt cases, or whether not the Senate amendments are ineffectual, and actually remove the distinction between civil and criminal contempt cases, except in remote and most limited circumstances.

To attempt to inform the people as to the true meaning of the above quoted Senate amend­ment would be a hopeless task.

Indeed, one may be incapable of del­ineating and laying down any explana­tion that will not be upset, at least in part, by the United States Supreme Court. To have a workable knowledge and a reasonable certainty concerning these amendments, a review of history through the ages and an examination of the common law practice contempt is naturally indispensable. In the very na­ture of things, the various courts in our country have differed as to what the common law on this subject truly was. It is a matter of history thoroughly the ages that men possessed with power, con­sciously or often unconsciously, became tyrannical. While it is a paradox, perhaps since zealots have been the most of the Englishmen, that England was beaten to his knees before he consented to the Magna Carta at Runny­mede, June 15, 1215. King John was not a bad man, but he truly believed that he held the kingship through divine preference and could do no wrong, and knew better than the people themselves the privileges they should enjoy. One of the fundamentals of that grand charter was that of the right of trial by jury by the peers of the shire. It is positively true that the courts of England contended that they were endowed with the inher­ent power to punish for contempt. The courts were ecclesiastical, but the courts had their infirmities. Whether correctly or not, that principle did find favor with the Fundamentals, and the great major­ity of our courts did adopt that principle as a part of our common law.

As early as Sixth Wheaton, United States Reports, page 304, the United States Supreme Court held that principle in the case of Anderson against Dunn. It is equally true that our courts followed the courts of Old England in up­holding the power of the courts to proceed against a defendant in criminal contempt. If a defendant committed an act which involves private interests and are civil in nature or punitive proceedings for con­tumacy which involve the criminal and are criminal in nature. At best, the line of demarcation between contempt civil and criminal contempt in character is difficult to state with accuracy and in close cases...
Thus, we see that, indeed, in many cases the contempt charged do have a dual aspect and that virtually any act constituting contempt can be both civil and criminal. For example, in the situation it would follow that the judge would have the choice of weapons. This is a bad situation, inasmuch as the accused is placed upon trial under the rules of civil procedure, while if the contempt is civil, which rule requires only that his guilt be proven by a preponderance of evidence, whereas the defendant is entitled to a trial somewhat under the rules regulating criminal procedure. The dual aspect of the civil contempt, and the evidence required to establish the guilt of the accused beyond a reasonable doubt. See Helvering v. Mitchell (303 U. S. 391). Dangel, section 191, page 91, says:

Contempt proceedings for the violation of an injunction, being neither criminal nor quasi-criminal, do not make it necessary to establish the defendant's guilt beyond a reasonable doubt. Their character is civil and the proof must be only by a preponderance of evidence.

Also Mr. Dangel says, section 189, page 50:

In a civil contempt arising out of an equity suit the sole question usually is: Has the injunction been violated?

These quotations from Mr. Dangel are of prime importance and must be given great consideration, inasmuch as the percentage H. R. 6127 relate to equitable matters, and doubtless will be the rules employed by the various trial courts. The Encyclopedia of Federal Procedure, third edition, volume 15, page 583, section 87105, says:

Proceedings for contempt in violating an injunction are often held to be civil and not criminal contempt, although the contempt may be a criminal one, as is often the case where the injunction involves a labor dispute.


A contempt proceeding for violation of an interlocutory decree in equity is really but an incident to the principal suit, and all the parties in such a case may be charged with all the papers previously in the case.

Dangel, page 39, section 78, says:

An injunction duly issued out of a court of general jurisdiction with equity powers, upon pleadings properly invoking its action and served upon parties within the jurisdiction, must be obeyed by them, however erroneous the action of the court may be, even to the detriment and be in assumption of the invalidity of a void law going to the merits of the case.

And citing Eilenbecker v. Plymouth County District Court (134 U. S. 31). Dangel, page 22:

Where the offending act was of a nature to obstruct the legislation process, the fact that the obstruction has since been removed or that its removal has become impossible has no legal significance and does not limit the power to the legislative body to punish for the past and completed act.

And citing Jurney v. MacCrank (294 U. S. 125, at 128, 55 S. Ct. 340, 79 L. Ed. 909). Over the years there has been a constant and unremitting struggle against powers which are tyrannical, even though not adjudged so by good men, and men trained and learned in the law.

It has been contended, and certainly our form of government, that the court, forming a part of our Federal judicial system, has, or can have, any inherent powers, with the possible exception of the United States Supreme Court. That court, as we have seen, has so far held that while the Supreme Court is a creature of the Constitution and undoubt edly has original jurisdiction in a certain class of cases and may be possessed of inherent powers, with the possible exception of the United States Supreme Court, probably even the Supreme Court does not possess any inherent powers, as an appellate court. The argument continues, to the effect that all inferior courts, being purely creatures of Congress, such courts cannot have any powers not delegated to them by the Congress. Irrespective of whether or not the courts do possess inherent powers, it has been seriously contended that they should be shorn of any inherent powers that they do possess, and that Congress should by statute lay down the limits of the powers that the court shall have, so that these powers shall be definite and certain and not be dependent upon the proper or improper construction of what was or was not the common law, and what powers the courts possessed prior to the adoption of our Constitution. It is also frequently contended that the court's contempt power deprives the accused of his constitutional guar anties such as trial by jury, double jeopardy, excessive punishment, due process of law, freedom from self-incrimination, and freedom of speech. Mr. Dangel, in page 341, of his treatise on contempt, says:

It must be conceded that the contempt jurisdiction of courts is the nearest of kin to despotic power of any power existing in England. Although, on the whole this power is used discreetly, serious thought should be given to the abo lition of the power for any contempt. This power seems unnecessary since the court has the authority to remove the contemnor by the penalty to go to the court to await punishment by a jury.

Mr. Dangel cites State v. Circuit Court (97 Ws. 1); Edward Livingston on Criminal Jurisdiction, volume 1, page 284; Edward Livingston, A System of Penal Law for United States of America, chapter 10.

On page 19A, section 42A, Mr. Dangel says:

Because the function of the judiciary was that of interpretation and judgment, it became evident that the checks of the various powers would not be as effective upon the judiciary as upon the other two branches of government. The judiciary has surrounded itself with certain impregnable powers and protection from which it has come to be held that no process of isolation is contrary to the principle that the people have the right to know what is done in our courts. The old theory of government which invested royalty with an assumed perfection, precluding the possibility.
of wrong, and denying the right to discuss its conduct of public affairs, is opposed to the general permission in which the sovereign will of the people is the paramount idea.

Also:

The American courts have created for themselves a body of legal authority which it is not satisfied gives to them the inherent right, in the absence of a limitation placed upon them by the power which created them, to punish as themselves by the court. It is founded upon the principle that this power is coeval with the existence of the courts, and as necessary to maintain its dignity that the power to protect itself from criticism 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. It further provided that such criminal offenses were to be punished as provided in section 3691 of title 18. Excepted from this rule were contempt proceedings committed in the presence of the court, or so near as to obstruct justice, and contempt in a criminal case, and with the category which were in disobedience of any law, writ, and so forth, entered in any suit or action brought or prosecuted in the name of, or on behalf of the United States.

On pages 207, 208, section 446, Mr. Dangel says:

"The contempt power to punish or coerce and its procedure are of an extremely arbitrary character. They have been described as arbitrary, judicial dictatorship, and absolute autocracy, and have been given many other descriptions."

Also:

There is, there can be, no place in our constitutional system for the exercise of arbitrary power; arbitrary power and the rule of law are antagonistic and incompatible forces and one or the other must of necessity prevail whenever they are brought into conflict. One does not have to be a scholar of the law to understand what Mr. Dangel was saying. I apprehend that what Mr. Dangel was actually saying was that under our scheme of government, a judge, no matter how learned, and no matter how honest and impartial he might be, should be permitted to set up as the right of self-protection—that is a necessary incident to the execution of the powers conferred upon the courts, and it is necessary to maintain its dignity if not its very existence. It exists independently of statutes.

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contempt proceeding can be had, on the theory that the proceeding is remedial, and for the purpose of inducing the accused to obey the order of the court. Under the new version of the Senate, it is my opinion that the defendant can be brought into court beginning after the interlocutory stages, upon the charge that he has refused to obey the court's order, or has obstructed the court's order, and be required to comply or desist, and upon failure the accused can be fined or imprisoned, as a remedial measure, instead of being tried for civil contempt. If the accused pays, he can be brought in again for failure to comply and punished again and again, as a remedial measure. And, of course, the accused can be told that he holds the keys to the jail in his own hand and that he was committed to jail because of his civil contempt and will remain in jail until he wishes to purge himself of the contempt proceeding by compliance. Not only is double jeopardy involved, but actually triple jeopardy and quadruple jeopardy is possible. If the act of the accused happens to be a violation of the criminal law, not only can he be indicted, tried, and convicted, and if the same act also constitutes a violation of a State criminal law, he can be indicted in a State court, tried and convicted, and that through all of these convictions be the result of the identical acts or omissions.

The distinguished gentleman, Senator O'Mahoney, of Wyoming, contemplated a jury trial in all cases which have been effective in protecting the right of trial by jury in criminal contempt cases, and the southern Senators did what they could to have that amendment added. They tried to have the accused to be satisfied, however, with a watered-down version of the O'Mahoney amendment, advocated by Senators Cram and Kirwan. For all practical purposes, the modified amendment to which he referred was the right of trial by jury. The provision in the modified amendment to the effect that the judge could secure compliance with his order and prevent obstruction of his order through a civil contempt proceeding, without a jury, eliminated any chance for a jury trial in any criminal contempt proceeding, except where the accused had placed himself in a position where he could not comply with any order of the court.

A few days ago, it was announced that an amendment has been prepared and would be offered on the floor of the House, providing that in criminal contempt cases the judge could try the accused without a jury but could not imprison him for more than $300. It will be borne in mind that under the present law, and under the Senate amendment, if the accused is a natural person, he could be fined $10,000 and/or imprisoned for 6 months. Inasmuch as this suggested amendment could only be for the purpose of denying the accused the right of trial by jury, even in the very limited sphere that the Senate version accords him, the amount of the fine would be reduced approximately 70 percent and the length of imprisonment would be reduced to 6 months.

I suggested that maybe the provisions would like to add an additional clause, providing by its terms that if the accused would enter a plea of guilty, the judge having to search his conscience before convicting, that an additional discount of 50 percent should be accorded the defendant.

The last referred to proposed amendment, side by side with the Senate amendment, and it was met with justified criticism on the part of the Democrats and one of our leading Democrats entitled it "Bargain Basement Legislation." I agreed with the Democrats.

Nevertheless, the Washington Post, August 24, 1957 issue, page A7, advises that the Democrats and the Republicans have agreed upon an amendment which would provide that the accused may be tried with or without a jury, but if such proceeding for criminal contempt be tried before a judge without a jury, and the sentence is a fine in excess of $300 or imprisonment in excess of 45 days, the accused in said proceedings, upon demand therefrom, shall be entitled to a trial de novo before a jury, when such jury shall be held at such time and place as may be convenient to the practice in other criminal cases.

The only reason that I can subscribe for the failure of the Republicans to denounce their rights, is that they equally share the blame for this monstrosity along with the Democrats, and that any sort of amendment, no matter how illogical it might be, would take away too much money, and thus they would not accept the Senate amendments to H. R. 6127.

One of the many fine things about our legal jurisprudence is that heretofore a person has been allowed to purview all the remedies available to him, and to exercise all of the rights accorded him, without being penalized therefor. It has been my understanding that a court, in fixing the sentence according to what in his judgment was punishment commensurate with the offense, and was not predicated upon whether or not the accused would accept the sentence or would appeal therefrom.

This proposal ushers in a new era in our jurisprudence. If the accused exercises his right to an amendment for a jury trial, he must accept that privilege with the understanding that upon a conviction by a jury, his punishment can be made heavier by the judge. The jury does not fix his punishment, and the power of punishment remains in the judge. It further goes without saying that the jury would, or at least one member of the jury would know that the accused bring this court and would be held responsible for otherwise they would not have the right to sit in judgment. That is not the Anglo-Saxon conception of fairness. All of these new proposals have been designed to the great extent of denying the right of trial by jury, and to deny the accused his constitutional rights. Frankly, if I was trying to avoid according the accused his constitutional rights, I could not suggest any substitute that would be better. It simply happens to be a fact that when the intent is to deprive a person of his rights under our Constitution, any sort of attempt looks silly.

In my humble opinion, the truth is, the right of trial by jury in criminal contempt cases is to all practical intents and purposes gone—gone in the Senate, and gone with any or none of the substitutes. Yes, the right of trial by jury is gone, and the funeral was conducted by the same people who contended for the right of trial by jury when those people were brought home to them. This is not progress, this is regression. Many will rue this evil day, when they bestowed upon an arrogant Attorney General a power that no such power existed in the Constitution, and through subterfuge deliberately planned to destroy the muids of this Government.

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield myself 10 minutes. Mr. Speaker, we are coming to the end of a very long and, certainly in many respects, a very trying matter which has engaged the consideration and involved the very deep convictions of the Members of this House.

I think it is to the credit of the legislative process that in the other body and in this one the entire procedure has been equally share the blame for this monstrosity along with the Democrats, and that any sort of amendment, no matter how illogical it might be, would take away too much money, and thus they would not accept the Senate amendments to H. R. 6127.

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powers do exist under the civil contempt features of the act even as amended. Under it, a Federal judge would have power to jail election officials who refuse to grant voting rights and could do this without a jury, and could keep State officials in jail indefinitely until they purged themselves of contempt by their compliance. Yet this bill is the result of a compromise by the other body. The judge could even, if he wished, require the registration to take place in his own courtroom before the offense could be purged. Pennsylvania is one of the 20 or so States which by the terms of this act would lose a great deal.

Mr. KEATING. I would say briefly to the gentleman that the defendant does not have to ask for a new trial nor does he waive jeopardy on the first trial by asking for a new trial. Mr. SCOTT of Pennsylvania. I yield.

Mr. BOW. If the person has been convicted by the Federal court of contempt and then asks for a jury trial, would the original proceeding before the Federal judge be competent in evidence to be used against him in the jury trial?

Mr. KEATING. In my judgment, it would not, but I again yield to the coauthor of the bill.

Mr. SCOTT of Pennsylvania, I yield.

Mr. KEATING. I agree with the gentleman from Pennsylvania that it trial not, because it is a trial de novo, an entirely new trial. It starts with a clean slate right from the beginning.

Mr. SCOTT of Pennsylvania. I would say to the gentleman that the revised language rather than the original language, in my opinion, is much preferable in that the act now provides for an entirely new trial, and I think the section should be changed. It has been said about the fact that not too many people have seen this resolution. Mr. GROSS, Mr. Speaker, will the gentleman yield?

Mr. SCOTT of Pennsylvania. I yield. Mr. GROSS. In the case of a jury trial, a man previously having been held in contempt by a judge, would he come for trial before the same judge?

Mr. KEATING. I do not think that necessarily follow that he would be required to come before the same judge.

Mr. GROSS. But he could come for trial before the same judge? Could that happen?

Mr. SCOTT of Pennsylvania. It could happen, I agree.

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

Mr. SCOTT of Pennsylvania. I yield. Mr. ABERNETHY. Mr. Speaker, if the gentleman will grant a gentle query?

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

Mr. SCOTT of Pennsylvania. I yield.

Mr. ABERNETHY. Since the House knows so little about this bill, could the gentleman tell us who wrote it and where it was written?

Mr. SCOTT of Pennsylvania. Yes, I will be very glad to advise the gentleman. Mr. ABERNETHY. That would be helpful.

Mr. SCOTT of Pennsylvania. I would be delighted to advise the gentleman. Mr. ABERNETHY. I am referring to the compromise.

Mr. SCOTT of Pennsylvania. I would be delighted. The bill was written and introduced by the author of the bill. I know the gentleman is much enlightened and inquisitive.

Mr. ABERNETHY. Would the gentleman say that the compromise was written by the author?

Mr. SCOTT of Pennsylvania. The compromise was written by the author of the bill. By what name the other men who seemed to have some curiosity about what this thing might be illustrates the absurdity of the proceeding that is going on today on a matter of vital national importance.

Mr. ABERNErTHY. Who is the author of the compromise? That is what I am trying to find out.

Mr. SCOTT of Pennsylvania. I would say under the procedure of this House the author of the compromise is the gentleman who takes the responsibility for introducing it.

Mr. ABERNETHY. Well, who is he?

Mr. SCOTT of Pennsylvania. This resolution has been introduced by the gentleman from Indiana. It is based upon resolutions here before introduced by the gentleman from New York [Mr. Celler], the gentleman from New York [Mr. Karr], upon wording suggested by my colleague and is based upon resolutions herebefore introduced by the gentleman from New York [Mr. Celler], the gentleman from New York [Mr. Karr], upon wording suggested by my colleague. I regret that I cannot yield further. The gentleman understands the situation.

Mr. ABERNETHY. The gentleman has enlightened us. I thank him very much.

Mr. SCOTT of Pennsylvania. I have tried my best.

Mr. Speaker, I think because there has been, as I commented, so much said here and elsewhere as to whether or not there is anything mysterious about the so-called resolution, I would like to read it.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. SCOTT of Pennsylvania. Mr. Speaker, I yield myself 2 additional minutes.

Sec. 151. In all cases of criminal contempt arising under the provisions of this act, the accused on conviction by a court of fine or imprisonment or both: Provided, however, That in case the accused is a natural person the fine shall not exceed the sum of $1,000, nor shall imprisonment exceed the term of 6 months: Provided further, That in any such proceeding for criminal contempt, at the discretion of the judge, the accused may be tried with or without a jury: Provided further, however, that in the event such proceeding for criminal contempt be tried before a judge without a jury and the sentence of the court upon conviction is a fine in excess of the sum of $800 or imprisonment in excess of 60 days, the accused in said proceeding, upon demand thereof, shall be entitled to a trial de novo before a jury, which shall conform as near as may be to the practice in other criminal cases.

There is nothing mysterious about that; nothing difficult to understand. It does represent a fair solution as between many opposing views. In my judgment, this is a bill which the President can accept. This is not a bill, in my judgment, which faces a veto as other proposals might have. I sincerely hope that the full House will adopt it and that action will be taken by the other body and that then we can all go home.

The SPEAKER. The time of the gentleman from Pennsylvania has again expired.

Mr. MADDEN. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. Smarr].

Mr. SMITH of Virginia. Mr. Speaker, under the guise of views. In my judgment, this is a bill which the President can accept. This is not a bill, in my judgment, which faces a veto as other proposals might have. I sincerely hope that the full House will adopt it and that action will be taken by the other body and that then we can all go home.
I might tell you a thing or two about what has happened in the past. It is rather idle for me to take up this 5 minutes, but the gentleman from Massachusetts [Mr. Mann] was kind enough to send me a copy of a compromise that was agreed upon between the leadership on both sides. It arrived at my office Friday night. It was a little short thing, just before we went to bed, and it might be changed somewhat, the House of Representives [Mr. Martin] was kind enough to send me a copy of a compromise that has stirred the Nation more than any other thing that has been presented to the eyes of the public.

Mr. MADDEN. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina.

Mr. DORN of South Carolina. Mr. Speaker, today is a day of infamy. A day of appeasement and compromise—a compromise shamefully concurred in by the leaders of both political parties, a compromise concocted and conceived in infamy, the surrender of principle for political expediency. The leadership of both parties in this House, in the Senate, in the executive department, and in the headquarters of the Democratic and Republican national parties have abandoned principle and embattled the House as a house of war to a day of capitulation. With the presidential election of 1960 in mind, they are desperately trying to get credit for the passage of this unnecessary legislation.

I might tell you a thing or two about what has happened in the past. It is an amazing thing that has been presented to the people of the United States.

I take the floor because I want to say one thing to the membership of this House: When you vote on this bill you will have the privilege of working with your friend from Indiana [Mr. Mann] in writing this new bill tried to do a good job, it is just too tough of a job for any one to do. It has never had House debate, and it is a fundamental change in the basic principles of law in this country so far as jury trials are concerned.

What it means, nobody knows. I imagine the Federal judges will have to do some retching when this matter is presented for their digestion. It is an amazing thing that has been presented to the people of the United States.

I wish I had the time to discuss this matter on its merits a little bit, this brain child of my friend from Indiana, because I think it is subject to a good deal of criticism, but I could not do it properly in this way. It is unfortunate we are not going to have that opportunity.

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

Mr. SMITH of Virginia. I hope the gentleman is not going to wrap up this infant; we want to do something.

Mr. MADDEN. Is there any legal way I can get adoption papers for this alleged illegitimate resolution? I know some Member will be trying to steal this legislative child away from me before many days are gone; to me it is the brain child of my friend from Indiana [Mr. Mann]. And he knows who wrote it.

Mr. SMITH of Virginia. I will cooperate with the gentleman; I will be the gentleman's lawyer in that effort and try to get proper adoption papers for him. I think no one has been more assiduous or more active and more zealous in the advocacy of this outrageous measure than has the gentleman from Indiana.

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Adolf Hitler did not rise to power in Germany with a majority of the votes in the Reichstag. Following a scientific pattern, Hitler and Mussolini, who estab-
lished a dictatorship over the majority. Likewise, Benito Mussolini’s Black Shirts, in their march from Milan to Rome in 1922, were a small minority of the Italian vote. Mussolini seized absolute power over a dumbfounded and confused majority. Lenin and Trotsky, in the October rebellions of 1917, seized power over 165 million people with only 50,000 card-carrying Communist followers.

This road to control of the majority is an old one with the same old mile-
stones—the milestones of false propa-
ganda, usurpation of freedoms and local government, step by step. This is the road upon which Napoleon strode forth to litter Europe with the broken bodies of peasant soldiers merely for his per-
gonal glory.

Machiavelli, around the year 1500, ad-
vanced a theory for the seizure of power. It was the blueprint largely followed by modern dictators and revolutionaries. In the art of the science of power—all the major-
ity into complacency and little by little, with Federal authority, fasten the noose around the neck of the majority and destroy freedom.

The real power behind this civil-rights bill is one or two men who have mastered well the theories of Machiavelli and Nicolai Lenin. They control the balance of power between two great American political parties. They are gambling everything. The stakes are high. Their weapons are the bloc voter in the city machines of key industrial States. They sense victory and will stop at nothing to gain control of America. If we give them this civil-rights bill, it will only whet their appetite for more, just as Czecho-
slovakia fed the lust of the raving Hitler, and Yalta fed an ambitious Stalin.

Benjamin Kidd in his great book, The Scien-
cedo of Power, points out how im-
possible it is for pressure groups and power-mad minorities to call a halt. They demand more and more until they destroy themselves or their country, or until they wield autocratic power over the majority.

The Members of this House, of the other body, and the President are elected by the American people. Yet, one or two individuals in America have become so powerful that they can tell the President and can tell the Congress that this bill must pass and, apparently, it will pass today with this compromise of principle. Is this Congress and the President to dance when minority leaders call the tune? Are the chairman of the Republi-
can Party and the chairman of the Dem-
ocratic Party to tremble submissively as they receive orders from these masters of the science of power? Are they to exercise more influence on legislation than this Congress or the President elected by the people? We must meet this challenge face to face, somewhere, sometime. Why not do it now, before it grows ever more powerful?

Senator James F. Byrnes, speaking on
August 27, 1938, before the Senate in opposition to such legislation, said: "The
same is now true on this civil rights issue, only today this force is more powerful and flushed with victory. I have seen this small group in the gallery of the House and in the Senate, the day after day during debate wielding more power on this legis-
lation than the elected representatives of the people.

Time and time again during this deb-
ate we have heard proponents of this legislation on both sides of the aisle re-
fer to the civil-rights plank in the Dem-
ocratic and Republican platforms last fall. They say these planks are a man-
date for us to pass this bill. These planks were not placed in the platforms by the worker, the farmer, the small-
business man, or banker. They were forced upon the platform committees by these masters of the sci-
ence of power, responsible only to them-

selves, who represent stupendous polit-
cal funds and dictatorships that can control. You know and I know there was not one voter out of a thousand who voted the Democratic or Republican ticket last November because of the civil-
rights plank in the platform. Yet another and say there was not one out of a thousand who, when he marked his bal-
lot, knew there was a civil-rights plank in the platform, except possibly the people of the South at whom the plank was aimed.

Another argument used by the pro-
ponents to advance this legislation is that we should change our Constitution, alter our way of life to win favor in for-
eign lands. On pages 4 and 5 of the committee report recommending this bill we find mention of the cold war and the bloc voter. In other words, you are saying that we must pass this legislation to please Communist Russia—the price of peaceful coex-
istence. Again, you are compromising—but this time with atheists whose hands are red with innocent blood. You are simply trying to serve God and mam-
mon. Just because Russia is criticizing race relations in America, should we es-
tablish a Federal gestapo and set up the machinery for a Federal dictatorship? Again, I must say that you cannot ap-
pease the Communists. This will only make them stronger in the world and other Communists are alike. Are we to destroy our Bill of Rights because Communist Russia does not believe in freedom of worship, freedom of speech, freedom of assembly, a free press, and trial by jury? That is the govern-
ment and is the surest way to destroy our
sacred Constitution. We should legislate for the American people, stand on principle, preserve our Constitution, States rights and local government, regardless of what the Communists might say. This is the only course we can take to win the respect of the world.

This bill, which creates another Assistant Attorney General charged solely with civil rights cases and investigations, is another step toward Federal regulation of the individual citizen. You are creating the machinery through which some day people can be persecuted. It is difficult for me to understand why so many so-called religious leaders are advocating such legislation as this civil rights bill. This is another blow aimed at the rights of the States and local communities. With States rights and local government, no nationwide religious persecution has ever taken place. It could never happen in America with 48 different States and thousands of local, county and municipal governments. Religious intolerance might exist locally. It could never become a nationwide threat unless our Constitution is weakened and our Government completely centralized.

Adolf Hitler rode to power with the aid of some religious leaders. He could inaugurate no program of persecution without their aid. Germany, burned the Reichstag, made a rubberstamp of its members, destroyed the courts, and centralized all power in Berlin. Then was it possible for the religious leaders into Buchenwald and Dachau.

The horrors of the Spanish Inquisition could have never been perpetrated in Spain with States rights and local freedom. It only happened when Phillip II held absolute centralized power. The religious persecution and liquidations of Rome, England, and France took place only when one or another of those countries endeavored to create a centralized power. Some of our religious leaders are fastening the hangman's noose on religious freedoms of generations to come. It might not take place, but it can happen with the tools being forged by an evergrowing Federal autocracy here in Washington. It can never happen, however, with a maximum of States rights and healthy, strong local government.

Honor Charles Evans Hughes, Chief Justice of the United States, in an address before a joint session of the Congress on March 4, 1939, observing the significant birthday of the Constitution said:

We not only prize individual liberty but our constitutional system has the unique distinction of insuring it. Our guarantees of fair trial, protection of the home, freedom of speech, freedom of religion, freedom of the press, freedom of the press, freedom of the press, freedom of the press, all the redoubled power—of religious freedom, of free speech, of free press, of free associations—what are the safeguards which have been erected against the abuse threatened by guilt of passion and prejudice which is the basic interests of democracy.

Minorities who blindly support this bill will someday suffer the consequences of Federal power. They are helping to fashion a Damoclean sword which will hang forever over minority races and minority creeds. They can never be persecuted nationally until the machinery of persecution is concentrated in Washington. Once it is created under this bill, the power-mad and the power-fearful are sure as night follows the day. Regulation, control and harassment can be directed at those who today clamor for the passage of this legislation.

The so-called liberals have been driven from land to land, persecuted and enslaved at the hands of centralized authority. His greatest protection in America today is the 48 different States and the hands of the Attorney General. Once this power becomes centralized, he has no guaranty for the future. We must not let it happen in America. We must protect the Latin American, the Negro, and all of our minority races from centralized power that could fall into Fascist hands.

Those of us who oppose this legislation have been referred to as reactionaries, haters of the Government and all of the people of the world. We have been charged with opposing the march of time, of slowing the wheels of progress, of turning back the clock. But the re-actionaries in the so-called liberal society advocate the national socialist autocracy, with the lives of our people planned by the Government from the cradle to the grave. We agree with Jefferson that the least governed are the best governed. The bleeding liberal hearts on my right and the bleeding liberal hearts on my left, who are clamoring for this legislation, are expressing a lack of confidence in the people's ability to think and act for themselves. They have no confidence in the individual. They have no confidence in local government. They have no confidence in the States. They are voting today against the States, free communities and individual citizens. You are asking the Attorney General to use the power of the Government. The man who wants the Attorney General to use the power of the Government is supporting the Constitution.
guilty when they are not guilty. Principles never change. They are the same yesterday, today, and forever. You have secretly admitted to me many times that you are guilty of this. You openly lack the courage of your convictions. You have adopted the course of hypocrisy for a fleeting momentary political expediency. You have your orders and you will cast your vote accordingly. I have none. I am only standing here as an American, fighting for individual liberty for all Americans in every State and territory. There is no reason why we cannot truthfully say with the late George W. Norris, of Nebraska, when he said: “I would rather go down to my political grave with a clear conscience than ride in the chariot of victory” a Congressional stool pigeon, the slave, the servant, or the vassal of any man, whether he be the owner and manager of a legislative menagerie or the ruler of a great nation. I would rather lie in the silent grave, remembered by both friends and enemies, as one who maintained his faith and who never faltered in what he believed to be his duty, than to still live, old and aged, lacking the confidence of his friends.

Mr. RIVERS. Mr. Speaker, never in the history of this Republic has proposed legislation passed this branch of the Congress fraught with more danger to personal liberty than the alleged compromise on the so-called civil-rights bill which Mr. Bingham has just reported back. The roughshod through the House of Representatives this day. No amount of warning seems to disturb those who are prepared to remain here until the frost forms on the pumpkin should such be necessary to save the rights of my people. I yield to the gentleman from Michigan [Mr. Diggs].

Mr. DUGGS. Mr. Speaker, I yield to the gentleman from Michigan [Mr. Diggs].

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to print remarks at the end of the remarks by the gentleman from Michigan [Mr. Diggs].

Mr. Speaker. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DUGGS. Mr. Speaker, it is difficult for most Americans to believe that at this late date in the 20th century some of our citizens are denied the right to vote because of their race. Nevertheless, it is an ugly fact substantiated by the unrefuted testimony of an impressive list of witnesses. With the enactment of the pending measure, Mr. Speaker, and the President will have made it crystal clear that they oppose restriction of the right to vote. The newest compromise proposed by this House has the official blessing of the administration and the Congressional leadership of both parties. This means that in the next few months we should see some concrete action by the United States Department of Justice in those areas of the Nation where the ballot is reserved for white only. Again and again intimidating actions such as cross burning, economic pressure, violence and the shooting of Negroes who merely sought their constitutional right to vote will shock the Nation. Almost without exception, the Department of Justice has either failed to act on these matters or if it did act, no indictments have been returned by grand juries. Frequently the Department has stated it will not act because no Federal law had been violated. At other times, as in the complaints originating in Ouachita Parish, La., the Department has found extensive violations of existing Federal laws.

Let no one be so naive as to assume the passage of this bill will automatically accomplish its objective. Success of this new statute will depend on the vigor and celerity with which the proposed Civil Rights Commission and the Justice Department exercise in using its provisions to protect the right to vote. Success will also depend upon the concurrence of the Senate. Senators from the South have decided to filibuster—will take up the challenge laid down by the Member from Michigan, Congressman Duggs. It is said that filibuster is not practical at this time. Mr. Speaker, if there was ever a time in the history of the Nation when filibuster is needed or appropriate to preserve the American way of life, it is now. No agreement, no compromise, nor the fortunes of those who aspire to be President, justifies the taking of this bill by the other body without a filibuster.

Mr. Speaker, I would rather go down to my political grave with a clear conscience than ride in the chariot of victory.
States Government, and on behalf of an aggrieved person, to prevent acts designed to keep Negroes from the polls. This preventive action, as opposed to punitive measures, is operative only after an act has been committed, is a new weapon of enforcement. It permits the Attorney General to file suit against persons or organizations in Federal Courts directly into Federal Courts. It overcomes those State statutes which have been resurrected to prohibit organizations like the NAACP from filing suits on behalf of persons aggrieved in order to prevent themselves because of financial situation or intimidation. The compromise jury trial feature which has been made a part of the injunctive enforcement of voting rights, applies only to criminal contempt proceedings designed to punish a person for willful disobedience of an injunction or other court order. Even there the jury may exercise discretion; the accused may be tried with or without a jury. However, if the judge tries the case without a jury, in the event of a conviction if the fine should exceed $300 or imprisonment the maximum maximum the accused demand or is granted a jury trial, a conviction may be disposed of in civil actions without a jury trial provision in criminal contempt. The accused is not entitled to a jury trial. If the accused does not agree or is granted a jury trial, a conviction will be entitled to a new trial before jury. The accused is not entitled to jury trial if the fine does not exceed $300 or imprisonment the maximum imprisonment the accused may be disposed of in civil actions without a jury trial. In civil contempt proceedings aimed at securing contemptuous compliance with an order, the accused is not entitled to a jury trial. While it remains to be seen whether the contempt trial procedure in criminal contempt cases will assure Negroes the proper amounts of protection, it has been claimed that the vast majority of voting cases will be disposed of in civil actions without a jury. In the final analysis, the Civil Rights Act of 1957 does not go nearly so far as needs have demanded and the American people in the majority have requested. As a matter of fact, neither did the original House-passed version. That bill as it stands is a starting point and is significant because the Federal Government is for the first time in many years assuming its obligation to enforce constitutionally guaranteed rights. It is also significant because it was achieved out of a historical bipartisan effort on the issue of civil rights. Members of both parties can truly share this act assuring constitutional rights will not benefit Negroes alone; nor will it benefit Americans alone.

In a sense, this is not a new power, but an exercise of a power which was chronicled a series of events, the more significant of which was the enactment of the Civil Rights Act of 1964, the Civil Rights Act of 1968, and the Voting Rights Act of 1965. While it remains to be seen whether the original House-passed version. That bill as it stands is a starting point and is significant because the Federal Government is for the first time in many years assuming its obligation to enforce constitutionally guaranteed rights. It is also significant because it was achieved out of a historical bipartisan effort on the issue of civil rights. Members of both parties can truly share this act assuring constitutional rights will not benefit Negroes alone; nor will it benefit Americans alone.

In the meantime, our unswerving determination must be to see if our efforts. We remain determined, with the help of all true Americans, that Justice and Freedom, cornerstones of democracy, shall prevail among all our citizens.

Mr. WHITENER. Mr. Speaker, on yesterday when I first saw the proposed contents of House Resolution 410 I was utterly astounded at its provisions. I am opposed to H. R. 6127-with or without the Senate amendments and with or without the House amendments set forth in House Resolution 410. The authorship of the so-called compromise jury-trial amendment is much in doubt. In spite of diligent inquiry no one can be found who admits its authorship. We are merely told that our colleagues in the Senate presented the so-called compromise to the Rules Committee is to be given credit for its conception and birth. It is abundantly clear that the person who wrote this document has not earned in the law or else has completely disregarded such knowledge as he might have had of fundamental legal principles. If the constitutionality of this amendment is to be tested before a court which follows legal precedent rather than sociological theories there is no doubt that its life will be of short duration. It cannot, in my opinion, withstand valid constitutional scrutiny.
When we analyze the new part V we find that the act, in effect, says to a defendant charged with criminal contempt that he can be punished by a fine not exceeding $1,000 and imprisonment not exceeding 6 months, or both. The defendant is then told by this proposal that in a proceeding for criminal contempt he can only have a jury trial at the discretion of the judge, and in any event it is a fine in excess of $300 the defendant may then demand a trial de novo before a jury. This is what the proponents would have us believe is a jury-trial amendment. But let us witness the practical legal aspects of this legislative brainchild. The defendant having been convicted in a hearing before a judge, without a jury, and sentenced to serve 90 days or a fine of $300 the defendant may then demand a trial de novo before a jury. This is what is called a jury-trial amendment.

Unfortunately, this so-called compromise amendment says to the defendant that if he is convicted by a judge and sentenced to serve 90 days or a fine in excess of $300 the defendant may then demand a trial de novo before a jury. This is what is called a jury-trial amendment. But let us witness the practical legal aspects of this legislative brainchild. The defendant having been convicted in a hearing before a judge, without a jury, and sentenced to serve 90 days or a fine of $300 the defendant may then demand a trial de novo before a jury. This is what is called a jury-trial amendment.

Mr. MACHROWICZ. Mr. Speaker, this is a historic day in the annals of our Nation's history. We are about to enact, I hope, the first civil-rights legislation in the past 87 years of legislative history. In June of this year, the House passed by an overwhelming majority vote, a bill which contained all the elements of a good and fair civil-rights bill. Unfortunately, the other body adopted a number of amendments which the Senate made binding on the trial judge. It is true, however, that the enforcement of the bill and would remove some of its most vital benefits.

Those of us who fought for an adequate and full civil-rights bill recognize the difficult quandary in voting on today's resolution. True, it removes many of the most serious objections to the Senate bill. However, it falls far short of what we regard as fair to every citizen of this country protection of the rights and privileges which are his. Nevertheless, sponsors of the resolution and the leadership of both Houses have made this bill a workable bill and that its enforcement will grant a great degree of protection to the citizens of this country now being unlawfully deprived of their rights.

Under the circumstances, I intend to vote for the resolution, even though I realize the bill falls far short of the standards which we have set. I realize that the only alternative is failure to enact any legislation whatsoever in this field, and those who have fought and worked for this bill would find all their labor lost and wasted.

Enactment of this bill does not mean 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.

Mr. ABBITT. Mr. Speaker, I am unalterably opposed to this so-called civil-rights legislation that is before the House today. The bill now before us is the result of a compromise passed by the Senate and the so-called compromise jury-trial amendment, takes from the people of this Nation rights, privileges, and freedoms that they have had for generations. It takes from the people of the States the right to receive the votes of certain minority groups as a result of their action. I cannot in good conscience condone such flagrant dissipation of our liberties that we can only respect such legislation upon an unsuspecting people.

This legislation is evil; it is dangerous; it is liberty destroying; it is iniquitous; and yet there are those in our midst who would have us accept such legislation without letting the people know how bad it really is.

So far as the compromise provision is concerned, it is a farce. It takes from the Senate version the right of a trial by jury in criminal contempt cases. It leaves it to the judge to say whether or not the defendant would be allowed a trial by jury; and then the judge can wait until he has first convicted the defendant and branded him as a criminal before he allows him to have a trial by jury.

So far as parts 1, 2, and 4 of the bill are concerned, they are just as obnoxious as they were as passed by the House of Representatives. Part 1 sets up a Commission on Civil Rights. This section, as well as the other provisions of the bill do not mean that we shall rest on our oars, satisfied with our accomplishment. It is merely the beginning of the progress which we hope will continue by enactment of further and more complete legislation in the future. The history of the United States of America is a running story of the continuing struggle to achieve the goals for which our Founding Fathers recognized in the expression "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."

The rights and privileges of all Americans are the responsibility of the Federal Government because those rights and privileges are anchored in the Constitution of the United States; they are attributes of national citizenship which recognize the dignity of the human being as the true basic reason for the very existence of government itself. Under our American system of government, the consent of the governed is the sole source of political authority. I hope we shall never forget our obligation to live up to our responsibilities in this field.
and other loyal Americans to submit to the obnoxious judicial tyranny of certain segments of the Federal judiciary. The assumption is probably correct that a roving band of hatchetmen, a small gestapo, going throughout the country stirring up litigation, breaking down law and order so far as States and localities are concerned, are not the only political hatchmen who will be able to drum up fictitious charges against loyal citizens, and hale them before the Commission or into the Federal court at the expense of the taxpayers of the country. They will be like a pack of wild dogs or wolves turned loose upon a flock of sheep; and yet, there are those in this Congress and in the Government, who would have us believe that this is an innocent little voting-rights bill.

Part 4 puts the Federal Government, acting through the Attorney General, in the position to take over the election machinery and the electorate of the States and localities. It provides a device to bypass State laws, State remedies, State courts, the right of trial by jury, and all of that. The only thing you will result in election by judicial decree. We will have our elections supervised, administered, and actually taken over by the Federal judiciary and at the whim of the Attorney General. The Attorney General will be the electoral czar of America.

The voting rights of the South are put in a political straitjacket with the key totally in the hands of the Attorney General who will be the political hatchetman of the administration then in power. He will have the authority to manipulate these rights according to his own whims and fancies and political philosophy.

The so-called compromise is a political sellout of the rights of the people and the sovereignty of the States.

In my opinion this legislation will never be enacted into law.

Mr. CURTIS of Massachusetts. Mr. Speaker, while I recognize that the present compromise relating to the civil rights bill was not the best that it will now be accomplished, I rise to express my opposition to the injection of jury trials between orders of the court made after full hearing and the enforcement of such orders.

Equity courts have traditionally had the power, frequently referred to as an inherent power, to enforce their decrees by holding violators in contempt of court without jury trial. The provision for jury trials in contempt proceedings, even as limited in this bill, is not sound legislation.

The Rules Committee requires that a court, after conducting a trial and issuing its decree, can enforce that decree—if it is violated—only after a second and separate jury trial, is inconsistent of the prompt and orderly administration of justice.

Under the terms of this bill, this requirement applies only to contempt cases classed as criminal. But the distinction between civil and criminal contempt is technical, and the above principles should apply in either case.

In civil contempt the violator of the decree has failed to do an act which he can do; in criminal contempt, he cannot compel respect for the decree of the court; and even "criminal" contempt results from a violation of a court's decree rather than of a criminal statute, and should be measured primarily as contempt rather than as crimes in the usual sense of that word.

To take this power of enforcing its decree into the Federal courts, in civil contempt cases might well be unconstitutional; and to do so in criminal contempt cases is at best bad legislation.

It is generally recognized that the injunction procedure is a special procedure which involves action by a court without a jury. And it is suggested that the fundamental objection of opponents of this legislation was to the use of injunctions in these cases, namely, a movement was referred to as opposition to deprivation of jury trial.

Jury trials in contempt proceedings first came into our laws as a reaction against orders of the courts to issue fair injunctions against strikers, and the objection was voiced as one against "government by injunction." Later, jury trials in contempt proceedings were greatly limited in labor cases, if not completely done away with.

Jury trials should not be injected between orders of a court made after full hearing and the enforcement of such orders. To do so may well create a stumbling block in the future should there be occasion for further legislation in the area of this bill.

Mr. CURTIS. Mr. Speaker, we are faced here today with a situation which gives 435 Members of this House 1 hour in which to debate legislation that originally took the House a week or more and the Senate months. Now sand, it appears, after spending this length of time, that new evils are being found in it. It would be bad enough if we were acting upon the legislation enacted in the Congress of 1909, but now the day we are called upon to vote upon legislation that was never presented to either body. No one here fully understands the full importance of the gadgets in it. We should have full debate upon this new legislation or else stay here until the snow flies.

The Rules Committee serves us a ridiculous piece of legislation; it is said to be a compromise. A compromise by whom? This thing is neither fish nor fowl. There is no name for it in jurisprudence. If it is mandatory that we must have jury trials in civil contempt cases for the Senate bill—no makeshift like this. The press reports that this is a face-saving gimmick. Face-saving for whom? Whose face is being saved?

When a section of the Senate trial was before the Senate, there, under the rules of the full debate, Members of that body from all sections of the country were able to prove to the majority that the legislation should not be enacted unless there was a guaranty of trial by jury. In this fine debate the spotlight was focused upon the legislation, and the Senate and the Federal judiciary were put in the position of saying that it should not be enacted unless the House bill was amended. The antijury trial section was depicted in that body as the worst of tyrannical procedure. Even the most ardent supporters of this legislation recognized that their position was a significant gain for voting rights and even the NAACP and other organizations active in its support, recognized this to be the case. And I am willing to accept this legislation; however, when the bill got back to the House it seemed that somebody's face had to be saved.

It was suggested on the House side by several Members that the legislation be amended to provide that there would be no jury trials if penalties were limited to $300 fine and 90 days in jail. However, if greater penalties were contemplated there would be jury trials. This suggestion was kicked around and was termed ridiculous and ludicrous by many who came from some kind of legislation; however, in a few days it became apparent that here was at least something which somebody could trade upon. It was suggested that some modification was in order that $300 fine and 90 days in jail would save the opposition's face—whichever seemed to be the opposition—so out of this came the Rules Committee writing the legislation which provides that no fine can go to a sum of $300 fine or 45 days in jail, and if the fine and penalty is over this amount he must grant a new trial with a jury, at the expense of the taxpayer of America. You can call it a compromise, a face saver, or whatever you want to, but you cannot get away from the fact, if the principle of jury trials is invalid in criminal-contempt cases, it is a fact that in 46 days in jail, there is no explanation of why it becomes invalid if the penalty is 45 days. This is a farce on the Senate bill. The legislation that came from the Senate is not the legislative committee, and the Senate and which the Rules Committee has junked says that as a matter of right and principle a person should have a jury trial. The all-powerful Rules Committee, by its action, says that it is perfectly right: that a person is entitled to a half jury trial.

I note that a group of Senators have met and discussed the proposition which is being brought to us today by the Rules Committee and that this group is unanimously of the opinion that this legislation is unconstitutional. There were some distinguished lawyers in this group, and I agree with their findings; however, no one can stand upon this floor and say that what is constitutional or unconstitutional. We cannot afford to have the legislation turn out to be a gag. We can do away with the legislation, and the contempt citations will be void, and that is the end it will not contribute toward constitutional government. Those of you who would force this legislation upon America, I am afraid, do them irreparable harm.

Progress is being made in my State and in other States. The people of good will in both races have been
The millions of Americans who have had that privilege of voting through the years since our Nation was formed have been deprived in their exercise of the right to vote.

In the election of 1956, there were 104 million persons of voting age, 51 million men and 53 million women. Of the 194 million house members present, in 1960 there will be 108 million people, according to census estimates. How many of them will go to the polls to assert themselves and take advantage of this right which they have been denied or can say, of course. Yet, we must remember that rights disregarded are more easily lost to a people than those which they hold. We believe that this long debate will focus the people’s attention on voting rights and create a new appreciation of liberties and citizenship responsibilities in all sections of the land. It has been definitely and without any doubt established that the claim concerning the House bill was false.

Now, the Senate version of the bill is before us with what is claimed to be a jury trial amendment. It is proposed to compromise that so-called jury amendment by absolutely and expressly denying jury trial as a matter of right, even in a criminal contempt case, except in the discretion of the trial court. Trial courts have that discretion without this amendment.

To vote for this will be abject capitulation, and could well mean the loss of what remains of the rights of the States and freedom of individuals.

The claim that this so-called compromise contains a jury trial guaranty is fallacious. It is claimed that the House bill was only a right to vote bill, and just as willfully made.

Mr. FLYNT. Mr. Speaker, it is a tragic commentary that this debate for the second time in one session prepares itself to vote for the enactment of legislation which is vicious in its conception, punitive in its intention and horrible to consider. In nearly every term of Congress for many years legislation of this kind, with varying degrees of intensity, has been proposed, hearings have been held and legislation proceeded along various routes, only to vanish with the sine die adjournment of previous Congresses.

Heretofore, everyone has generally accepted the fact that this legislation was not needed and tacitly admitted that it was both unnecessary and useless. Heretofore, it has expired with the term of each Congress.

But today we face a different situation. Two contesting groups in a bid for political power have been willing to exchange the birthright of American liberty and constitutional government for their own personal aggrandizement. They have disregarded their desire to overwhelm each other in professing love and devotion to those minorities, they have either knowingly or through the press or those who help them to destroy our constitutional form of government as we know it. They have almost reached a moment of triumph as they see their punitive legislation near enactment. It recalls to mind the drunken, power-crazed Nero, Emperor of Rome, as he gloated over the destruction of the Eternal City.

During my service in this body, I have on occasion opposed this legislation, not only because it is aimed at the very heart of my section of the country, but also because it is aimed at the very heart of our Constitution and our heritage of freedom. I have voted against it on this floor whenever the rules of the House would permit, and I have used every moment of time available under these rules.

The time allowed to me is negligible and nothing that I can say or do can long delay what appears to be the inevitable result of this vote today. Yet, if I were not circumscribed by the rules under which we operate, I would speak in opposition to this legislation until I collapsed from physical exhaustion. My desire to speak at length for as many hours as strength would permit would be a proper and logical course for anyone who thought of mine might help one or more of my colleagues realize the viciousness and the punitive nature of this legislation.

Never during this entire legislative battle have I remained silent. On the contrary, I have sought to include as a part of my remarks in opposition to this legislation those reasons why I have felt it can but lead to destruction and devastation.

The so-called jury-trial provision in that version of the bill upon which we are to vote today is a mockery, a fraud, a sham, and a delusion. It takes away, and the legislative intent is clearly shown, those individual liberties contained in our Constitution, once held sacred. Anyone who opposes this provision in opposition to this legislation, those reasons why I have felt it can but lead to destruction and devastation.

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citizens. History is equally filled with accounts of nations decaying and being destroyed beginning with the very moment that the sacred liberties of its people were threatened.

I do not want to see the Congress of which I am a Member turn back the clock to violate and destroy the right of justice which we want to see the clock turned back to the days of Judge Jeffreys, who often put on his black cap in the courts of the bloodiest assizes and sentence to death men whose only crime was that they talked though and to dare to speak out against tyranny.

Our jury system as we know it is not perfect. Few things designed by man are perfect, but through the entire life of our Nation and our people, we have learned that when juries have made mistakes they have been honest mistakes made by the minds of men, rather than intentional errors created in the blackest of tyrants.

Those early Americans who brought about the first 10 amendments to our Constitution, which we know as the American Bill of Rights, no doubt saw such a bill as they look down from the canopy of heaven at what we are about to do today. They may well be reflecting that they are watching from the eternal resting place the sun of America today pass its noonday height.

Although the sponsors of this legislation profess to be interested in the welfare of Negroes and other minority groups, nothing could be further from the truth. The sponsors of civil-rights legislation have one idea and one purpose in mind, and that is the blocking of economic justice. In the South, we have a constant, never-ending state of racial strife and turmoil, and a reduction of every Southern State to both economic bondage and a position of servility to an all-powerful Federal Government.

This goal of those who would destroy us, if accomplished, can have but one end, civil war, and that is the destruction of individual liberties and the enslavement of all Americans wherever those Americans live.

Constitutional safeguards of all the people become meaningless when Congress undertakes to enact laws giving such rights to minorities. When individual rights are transferred to groups or classes, then we are treading on dangerous ground.

Every American citizen, whatever his color, race, or creed has his rights threatened by this bill.

This bill, if enacted, will change private Government into public Government. It will deny individuals the right to face and cross-examine their accusers, and it will deny them the right of indictment.

If enacted, this bill will have the effect of giving power of Government from one under which rights are inalienable with the individual to one under which the Attorney General of the United States may arbitrarily determine such rights.

If this bill is enacted, it will not confer upon a single American citizen a single additional right. The Attorney General will be the only person to whom any new rights are conferred. He will be given arbitrary and unrestricted power to use the Federal judiciary to satisfy his political desires. The Attorney General will be the czar of the civil rights of all individuals.

I cannot conceive, Mr. Speaker, that Congress can improve on the Bill of Rights of the Constitution of the United States. That bill states that the citizen is protected by that Constitution, and he is entitled to immediate remedies in the event those rights are violated in any degree.

It is my view, Mr. Speaker, that the protection of civil rights is adequately made by our Constitution and Bill of Rights.

Mr. Speaker, I for one do not desire to be a party to enacting into the law another reconstruction period and a period of hate, which would destroy the unity which exists between our citizens.

Mr. HEMPHILL. Mr. Speaker, today the Negroes in the passage of what is known as "a compromise" civil rights bill, which totally supersedes the civil rights bill considered by the United States House of Representatives, asisted the considered amendments of the United States Senate. You will recall that the debate in the Senate was one of the greatest debates ever held in that body—those men and women of America came to realize that while this legislation was conceived in political chicanery, and born of a mad desire to obtain the Negro at whatever cost to freedom, that certain rights, such as a jury trial, must and should be preserved.

Now a majority of the members of the Committee on Rules of the House of Representatives seeks to trample into the dust the jury trial amendment, voted by the Senate, and substitute therefor—discretion of the judge—the possibility of triple jeopardy—the avenue of persecution—a vehicle of potential tyranny. Mr. Speaker, when Congress considered the legislation for months, the Senate for weeks. Now a majority of the members of the small Committee on Rules rewrites the legislation. This was never intended as constitution, nor did it mean to be. Such abuse is characteristic of this legislation. Since its inception, it has been a vehicle designed for abuse of America's freedom.

There are many who think this is aimed at the South. I believe now that it is aimed at the South only as a part of the Nation. This legislation is aimed at the criminal, whose freedom will be sacrificed to begin discussions and reports. This legislation will not help race relations. It will destroy the progress of the last 20 years.

There are those who may have claimed some skepticism as to the fairness of trial by jury in civil-rights cases, but to them I cite the jury verdict in the Clinton, Tenn., case. That case erased, by jury in civil-rights cases, but the Negro voted at whatever cost to freedom, that certain rights, such as a jury trial, must and should be preserved.

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In lieu thereof this compromise substitutes a provision allowing the judge to set aside the jury and then have the persecuted determine whether he wants a jury trial or not, dependent upon the length of the sentence or the magnitude of the fine. The guilt or innocence becomes of secondary importance under the terms of this compromise.

I say, unequivocally, that this factor alone is indicative of the reckless, or malicious treatment of this matter. Discretion of the judge, under the terms of the Federal Judges, Federal judges have enormous powers already, far greater than State judges ordinarily have. The powers of Federal judges need no enlargement at this time. Freedom demands that limitation on the power of the judiciary at all times, and especially in time of social crisis, such as this.

The Supreme Court of the United States has recently exhibited a tyranny, by decision, hitherto unknown to that department of our Government, or to the American way of life; contrary to expressed intent legislation, desires of the Congress, and the expressed consideration of the House and the Senate. Decrees have been handed down, without precedent, without justification, legal, social, economic, or patriotic. Congress has been subverted to a nature in our setup decimated by decree.

Now the people are being betrayed for it is they who are represented by the jurors. The people trust the jurors. It is in the judge's discretion to grant jury trial or not. The octopus of tyranny by means of the Federal judiciary or Federal decree must now be extended down the line to the Federal district court.

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fought this legislation because we know what it will do to our country and our way of life. We are sincere. We know, and we know now, that this legislation was not motivated to give anybody freedom, but designed to suppress and impress. We know that this legislation was not motivated by any sincere humanitarian desires, but inspired by cheap, shallow, and un-American political motives.

The Negro will not long be fooled, he is becoming educated, and year by year he is gaining status as an American citizen, and that he is doing it not by the sham so prevalent here today. He will not be fooled, but he will hate those who tried to fool him by this sort of token offering for his vote. I accuse the administration of an utter lack of sincere desire to help any race, black or white, by this legislation.

This compromise does not contemplate the fact that in many areas of our country women have never been equipped for both men and women. In many areas the hotels are not equipped, nor willing, to serve both races at the same table and both races realize the realities of this situation. In many areas of our country women have never served on juries. These facts are ignored by this compromise.

If this compromise is the proposal of the Attorney General and the President, it is typical of their lack of understanding of American principles of freedom. I intend to vote against this legislation and to do all in my power to impede its passage.

The power play of the Supreme Court, in flexing its muscles as it does, spotlights the lack of administrative leadership on the part of the Executive. A strong Executive would never permit a bill such as this. The Attorney General should know its weaknesses, its horrors, its unconstitutionality. As the Court construes this monstrosity in future years, doing away with the checks and balances of the Government will remain. The Congress is asking for it, the Executive neither understands, nor cares.

This is a Judicial Committee bill. Where is the traditional committee leadership? Does this precedent mean that if in the future the work of the committees may be undone by a single hour of debate?

What is the true intent? Is it to control future elections by coercion? Shall we continue to govern this country by consent of the electorate, or shall we coerce the elector into voting with a few power drunk politicians, in high places, may care to select?

We once experienced a great conflict as a result of sectional legislation, sectional dictation. The same tragedy are still in existence, despite the efforts of this generation to heal the wounds. Originally designed by some as sectional legislation, this now bears the thumbprints of plain and simple tyranny over all the Nation. Surely we have learned the lesson of the past.

The world waits for us to struggle again. The Reds are happy in this bill, delight in the fires that it will kindle. The South is sad today, but the Nation, tomorrow, will mourn this ill-advised political legislation.

I hope the Senate will debate this bill at length. I hope it will filibuster till Christmas. I hope that with the rules of the House of Representatives permitted us to explore and expose this demon.

Every vote against this rule, this bill, is a vote for freedom for America. I cast my vote for freedom.

Mrs. BLITCH. Mr. Speaker, in the 170 years that this Nation has been a republic, no action taken by the Congress of the United States has sounded the death knell of the Constitution by which we are governed, than that which is being taken by the House and the Senate this week.

The week of August 26, 1957, will be observed by free men and women throughout this Nation, as a week of mourning, until the time comes again, when the people will have the courage, the fortitude, the daring to rise in revolution against the serfdom that will eventually bind them by laws that will inevitably follow the iniquitous legislation now under consideration.

One has heard of the hour of debate! Upon an issue that affects the life of every individual citizen in this country. Upon an issue that, when adopted, will break, perhaps irrevocably, the solid foundation of the United States, and the local governments within them.

Shame upon this Congress. Shame upon the press of this country. Shame upon every social institution in this country, that focus their cry of despair, for failing to arouse them to the danger that confronts them.

Shame upon the Supreme Court. Shame upon the executive department. In an age in which millions have died to preserve freedom, the executive, the judiciary, the legislative branches of the United States are destroying it.

Those of you who bled for Hungary’s freedom, those of you who bawled for civil rights, and for those who are dying for freedom all over the world, and yet support this bill, I ask you, what can you say to those people, now that you are doing everything within your power to destroy freedom in the United States of America—the country to which all slave people have looked for inspiration. When freedom dies here, as it gradually will, once this bill is passed, in the hearts of millions. Russia will have gained her greatest victory in her battle to enslave the world.

Let me pause to pay tribute to those few individuals on the Judiciary Committee of the House who, without help by the agencies of public information in this country, did a magnificent holding job on this infamous legislation against a majority of that committee, who could only listen to the ranting of the organized leftwing minority groups of this Nation—groups, who either have no conception of the principles of the Constitution, or are simply dedicated to its destruction. For months, they held this legislation in committee. God, Himself, only knows the price they paid in physical, mental, and spiritual exhaustion of their task.

And let me pay my earnest, heartfelt tribute to those two members of the Rules Committee, who have faced ridicule by the press, disrespect of many segments of our society, to fight to the last parallel the acceptance of this bitter cup.

And to those Members who are not on either of those committees, who have done all within their power to sustain them, the cause of freedom will be forever indebted. The names of all these valiant Members will be enshrined forever in the hearts of the generations yet to be born.

Mr. Speaker, I am opposed to this bill in every form we have had to consider it. Mr. Speaker, today, my heart is heavy, my soul is sick. I pray God that the people of this country will soon, oh, soon, be awakened to what has happened to them in this the 85th Congress, and that they will soon, oh, very soon, call a Constitutional Convention dedicated to the preservation of our beloved country.

Mr. SELDEN. Mr. Speaker, while I expressed my opposition to the so-called civil-rights bill when it was considered by the House of Representatives earlier in the session. I cannot forgo this opportunity to again raise my voice in opposition to this unnecessary and destructive force legislation.

Every possible effort has been made by the southern Members of both the House and the Senate to focus national attention on the Commission on the Constitution. As a result, a number of constructive changes have been effected. The most important, perhaps, was the deletion in the Senate of part III of the original bill.

But despite these constructive changes the bill in its present form is still fraught with hazardous provisions. Part I still creates a Civil Rights Commission composed of six members. Not only will the Commission investigate alleged deprivation of voting rights but it will also “study and collect information concerning legal development of the constitutional protection of the laws under the Constitution.” This is indeed a broad field, for it covers the same area for “study” that part II would have covered for injunctive relief.

The power of subpoena, given to the proposed Commission, is one that should be jealously guarded. Yet, under the terms of this legislation, the only required qualification for membership on the Commission is political. The phrase “equal protection of the laws” is so broad that it would cover every economic, political, and other activity carried on under State statutes and municipal ordinances which might result in denial of equal protection of the laws. The Commission need neither charge nor prove that any action has been committed, since it would merely be studying the situation.

There still remains in the bill the penalty to be imposed for release or use in public, without the consent of the Commission: of testimony taken in executive session. As a result, the public may be fed only the information the Commission desires it to have.
No limitation has yet been placed upon the number of attorneys and other personnel who can be hired under part II of H. R. 6127 at an indeterminate expense to the taxpayers.

Part IV of the bill still allows the Attorney General of the United States to institute an action at public expense to prevent an anticipated injury to an individual. The anticipated injury may never occur nor is it even necessary for the individual to complain.

While the bill in its present form contains a jury trial provision, it is so worded that trial by jury will be available only on rare occasions. At the same time, another amendment added by the Senate bars the States from specifying the qualifications for Federal jurors.

Under the terms of the measure, Mr. Speaker, it is quite obvious that the Federal Government is given the power to supervise the States in matters traditionally within the field of State authority. Yet we are being taught that individual rights are protected by denying powers to government, not by increasing them.

Unfortunately for those of us who will primarily be affected by it, this measure has become a political issue and will be considered today on that basis rather than on its merits. Should either national party reap the political advantage from the passage of this measure, it alone will gain. The American people cannot benefit from any legislation that may be used to harage, intimidate, and victimize them.

Nor is the southern Negro as the proponents of H. R. 6127 insist. Those of us who live in the South know that tremendous progress has been made in the direction of the protection of our section of this great Nation. We also know that this progress has been made with the help, cooperation, and good will of southern white people. To impede the advance of the enforcement legislation such as the measure before us today will be a disservice to the southern Negro.

I am opposed to this legislation in any form, for reasons that it will not be enacted into law.

Mr. MATTHEWS. Mr. Speaker, I believe that today we are facing Armageddon. If we pass this so-called civil rights bill we are at the point of no return. We are relinquishing the last vestige of States rights and are saying to the mythical Great White Father in Washington, "We expect you now to solve all of our problems by invoking local enforcement." That is the issue, Mr. Speaker. It is whether or not we are going to abridge the last vestige of our local government and transfer to an overpowering central government far removed from our firesides and from the will of the people that we represent.

I have been very mortified to read in the newspapers during the discussion of the so-called civil rights bill in the other body the sentiment that many new dangers of the bill were presented by the other body for the first time. The implication was that here in the House we were asleep at the switch and did not point out to the American people all of the dangers of their constitutional rights in this iniquitous bill. I deny this implication. For weeks we in the House—before the Committee on Judicia, before the Rules Committee and here—have pointed out all of the evils in this legislation to the American people. Yet despite our logical pleas, we knew at the beginning we were defeated because certain political parties had determined that this year it was necessary to pass some kind of legislation such as we are considering today in order to get a few hundred thousand others before certain convictions in our great cities. I have had old wounds reopened the past few days as I have witnessed the spectacle of representatives of both of our parties filling in and out claiming credit for this proposed legislation and striving above everything else to get those votes which they think will turn the election next year for their particular party. Yet I see no way to make this prediction: There will be no political gain from this legislation—new wounds will be opened, new problems will be presented and in the final analysis both parties will become the victims.

Why am I opposed to this legislation? Even with the "bargain basement" jury-trial amendment, the legislation contains all of the evils that I have pointed out before in the House. This bill, if it were passed—and I have no doubt that it will pass—will take away from our local courts and juries the adjudication of certain laws that they have had for decades. This bill says to the people of Florida, the great State that I represent, "We have no confidence in your courts. We have no confidence in your juries." It not only makes this statement to the people of Florida, it makes the same statement to the citizens of every one of the sovereign States. This measure, if passed, will enable an aggrieved person to go to the United States district court and a Federal judge can, if in his opinion voting rights are denied, grant an injunction. This injunction can be enforced by jail sentence and by fine if the so-called violation is in either civil or criminal contempt. I have been somewhat amazed at the fine distinctions that legal minds have drawn between these two. If, under this procedure, Mr. Speaker, a Federal judge can put a citizen of Florida in jail and I do not imagine if that citizen finds himself in jail he is particularly concerned about the fine points of distinction between civil and criminal contempt and he is not too concerned about the "bargain basement" jury-trial opportunity that this legislation provides.

As my State\'s Senator, when a citizen is denied his voting rights, it is my earnest and sincere belief that he has adequate local administrative remedies to grant him these constitutional rights. I challenge the Senator from Florida to name one instance in Florida where these violations of rights have been appealed to our State administrative authorities and a hearing has been denied. Just recently in Hamilton County which is in my district, the press carried distorted facts about the persecution of one of our Negro citizens. The Department of the State immediately set up an investigation and that investigation was forthcoming. In just a matter of hours it was pointed out that no such persecution existed, that there was no evidence to support those charges.

This incident confirmed my opinion, that in my own State we have adequate State administrative remedies to take care of any violation of voting rights in those precious votes. This bill, if passed, will make of the Attorney General of the United States a veritable gestapo agent and I can predict that at least once every 4 years the taxpayer shall pay a sum of money on the part of the Attorney General and the special division in the Attorney General\'s office which will be assigned to prosecute cases under the terms of this bill.

Under the terms of this measure the so-called commission to explore this field of civil rights can still make a citizen, be he ever so poor, be he ever so sick, be he ever so violating civil rights, go at his own expense at considerable distance to shadow-box with the prosecution.

I will not go more into detail about this so-called legislation because, as I have indicated before, nothing that can be said will change the vote. Both political parties have agreed that something just must be done in order to give those suffering the loss of their precious votes. What a price to pay for a shallow victory, I will vote against this measure and I would vote against it if my voice were the only one raised in protest. My opposition to the bill even more bears on the Jeffersonian theory of States rights, based on the 10th amendment, a theory of constitutional government that I hold as sacred as any other part of the Constitution. I trust that the future historians will call this "the week of infamy" and condemn it as a great error.

The American people are saying to the Attorney General of the United States who seek to obey the voting rights granted by the measure, have your way. We will make the police system of this Nation to do what I think is right. I will not compromise on this legislation which, in my opinion, is evil in intent and is aimed primarily at the great section of the country that I represent. In conclusion, I would like to present an editorial by the eminent columnist David Lawrence, which appeared in the August 26, 1957, issue of the Washington Evening Star:

"AMERICA'S "WEEK OF INFAMY"—LABEL APPLIED AS CONGRESS SEEN APPROACHING CIVIL-RIGHTS PASSAGE"

(By David Lawrence)

This may turn out to be the week that future historians will label "the week of infamy." It is the week in which an intolerant majority in Congress is to take away one of the most important rights given to the States by the Constitution.

The Federal Government now is to become the policeman authorized by a law—disregard of the Constitution—to arrest and put in jail not only those local officials who are guilty of violating the voting procedures as set forth in their State laws but those individuals who allegedly influence the voters of other persons.

Nearly 20 years ago the late William E. Borah, of Idaho, a great progressive and
Mr. POFF. Mr. Speaker, for proper deliberation on the rule under debate, it is important to have in mind the amendments to the House-passed bill adopted in the Senate. A complete list of amendments and changes to the bill as amended and numbered in the bill before us total 16, they actually constitute only 8 substantive changes. Those eight changes:

First, the bill increased the $12 per day subsistence in lieu of actual expenses only when members of the Commission are away from their usual place of residence;

Second. Required interim and final reports to both Houses of Congress to submit the bill to Congress as well as to the President;

Third. Provided that the staff director for the Commission would be appointed by the President and not by Senate confirmation, and set his maximum salary at $22,500;

Fourth. Commanded the Commission not to use the services of voluntary or uncompensated personnel;

Fifth. Authorized the Commission to constitute advisory committees within States composed of citizens of that State;

Sixth. Struck out part III which authorized the Attorney General to do what the President, in the name of the United States, to obtain injunctions to prevent the violation of all civil rights embraced in section 1980 of the Revised Statutes (42 U. S. C. 1985) and under which a jury trial in criminal contempt proceedings was denied;

Seventh. Repealed section 189 of the Revised Statutes (42 U. S. C. 1983) which authorized the President to employ the armed forces of the United States to enforce judicial decrees in civil rights cases; and

Eighth. Added a new section, part V, which (A) amends title 18, United States Code, and (B) amends title 26, United States Code, providing a jury trial in all criminal contempt proceedings; (C) amends section 1981 of the Revised Statutes (42 U. S. C. 1985) and the addition of part V which directed the Attorney General with an indeterminate number of legal assistants, secretaries, and technical staff, and that it was unacceptable to all of us who earnestly and sincerely believe that the parties to the bill, on the part of the Federal Government to project its unwelcome nose further into the field of race relations can only inflame the passions and incite the ill will of the people of both races and thereby retard the peaceful, evolutionary, and voluntary solution of this vexing problem.

The two major improvements adopted in the other body were the removal of part III, which extended the extraordinary injunction and contempt process to the entire civil-rights conspiracy statute—title 42, United States Code, section 1985—and the addition of part V which itself makes two significant changes in existing law. First, it defines and clarifies the distinction between criminal contempt and civil contempt. Second, it repeals the provisions of the civil contempt statute which denies jury trials when the United States is a party to the proceedings and guarantees jury trials in all criminal-contempt cases.

Admittedly, this jury-trial amendment is broader than the one offered in the House on the motion to recommit. The House amendment, which was limited to original contempt proceedings before Congress and those who oppose the delegation of constitutional authority and responsibility to an appointed commission; if civil rights are in fact being deprived, and if the deprivation has persisted for a sufficient time for purposes of new legislation, then the legislative committees of the Congress, which are constituted by the elected representatives of the people and are not an attempt sometimes to coerce the vote of the people in the other body. The bill is also unacceptable to all of those who are truly interested in economy; throughout several weeks' debate in both Houses of Congress, no one has attempted to give the legislation any degree of accuracy or finally the cost of financing the work of this 2-year commission or the cost of the new Civil Rights Branch in the Department of Commerce, headed by a new Assistant Attorney General with an indeterminate number of legal assistants, secretaries, and technical staff, and finally it is unacceptable to all of us who earnestly and sincerely believe that the parties to the bill, on the part of the Federal Government to project its unwelcome nose further into the field of race relations can only inflame the passions and incite the ill will of the people of both races and thereby retard the peaceful, evolutionary, and voluntary solution of this vexing problem.

For the reasons stated above, I accept the broader amendment, even though it is defective in some particulars, as a reaffirmation
of congressional faith in the jury-trial principle in criminal proceedings. There have been, from other responsible sources, some rather irresponsible charges that the amendment would wreck the Federal judicial system. How irresponsible that statement is becomes apparent when you realize that in fiscal year 1957, all of the 243 Federal judges sitting in 267 districts tried only 69 criminal contempt cases. Of this number, 26 involved contempt of Congress and were tried by a jury. Only 43 were tried by the judge without a jury. It is the opinion of this member that the entire judicial system would have been wrecked if the defendants in those 43 cases had been accorded the right of a jury trial, especially when the judicial system customarily tries over 25,000 other criminal cases a year by a judge.

Those who oppose the broader jury-trial amendment also argue that it would weaken the Government's hand in presenting its case, and in securing judgments in antitrust actions, in which corporations rather than individuals usually are the defendants. The answer to that argument is three-fold. First, the amendment carefully provides that the judge may order a jury trial if he, for good cause stated, desires to have his order by criminal contempt proceedings without a jury. Second, the $1,000 fine limit for criminal contempt applies only to natural persons and to those corporations that usually are treated as individuals. Third, since 1953 there have been only 9 contempt proceedings in antitrust cases; only 6 of these involved criminal contempt, and 7 of the 9 were disposed of by consent decrees.

Mr. Speaker, after the other body had passed the bill, the gentleman from New York [Mr. Celler] offered a substitute for part V, restricting its application to jury trials in criminal contempt proceedings arising out of voting cases. The Celler jury-trial amendment was substantially the same as the jury-trial amendment rejected in the House. I cannot help but be appalled by the cavalier disregard of the constitutional question that took place in the distinguished gentleman from New York [Mr. Celler]. During the 2 weeks the House debated this bill, he stoutly maintained that a jury-trial amendment would emasculate the bill, and any argument to the contrary fell on deaf ears. Not even a compromise could be agreed upon—by consent decrees, by consent decrees, by consent decrees. Actually, the record of that Department is tantamount to a judicial instruction to the jury to find the defendant guilty and to impose a greater penalty than the judge himself was authorized to impose. Under such a statute, a defendant would be foolish ever to apply for a jury trial.

Then came the compromise advanced by the same people who were given substantial credit for enactment of the jury-trial amendment. I am surprised that they, naturally, should propose the same amendment. Let us suppose they will also accord credit for the compromise now before us. If credit is due, they are welcome to it, because any credit forthcoming will come in antitrust cases, in which corporations rather than individuals usually are the defendants. The compromise empowers the judge alone to try every contempt in voting injunction proceedings, both civil and criminal. Furthermore, when a judge has cited a man for contempt, tried him without a jury, found him guilty, and sentenced him to a penalty in excess of a $5 fine, the defendant in jail will have the right to a new trial on the适用.
Mr. ENGLE. Mr. Speaker, we are now in a time of stern testing, when the measure of our adherence to the ideals of human rights and democratic equality will determine our place in an atomic world which will hold together only if men now live up to the best that is in them.

Peoples the world over are looking to our country, watching us as we struggle to live up to the proposition on which our Nation is founded: that all men are created equal—equal before the law, enjoying the same political rights, and deserving of equal opportunities for education, for employment, and for decent living conditions.

In this critical time, no smokescreen of political oratory should be allowed to obscure the historic progress that will be made in this session of Congress—the passage of the first major civil-rights legislation since Reconstruction days.

In passing this year's civil-rights bill, the Congress will assert that it is now the national policy of the United States that all men must take the initiative in securing and protecting the Negro's constitutional right to vote.

This is indeed a major step forward, and one that was achieved—rather than because of—the desperate efforts of the Republican Party to make the legitimate demands of our Negro citizens into a political football for the 1958 and 1960 campaigns.

After Senator Humphrey passed its civil-rights bill, guaranteeing this right to vote, Republican Congressional captains delayed passage of civil-rights legislation for weeks while they tried to sell the American people an all-or-nothing knockdown-drag-out struggle for a stronger civil-rights bill than the Senate had passed.

Republicans in the House said no bill would be preferable to the Senate's civil-rights bill. Dwight Eisenhower threatened to veto civil-rights legislation unless the Senate bill was modified. Statement followed statement, all aimed to the grandstand, none aimed to the real goal—guaranteeing the Negro citizen his fundamental constitutional rights. By preventing passage of any civil-rights bill at all, Republicans hoped they would be able to get the most mileage possible out of the civil rights as an issue.

Only the outraged protests of sincere fighters for the rights of the Negro foiled this strategy. The present civil-rights bill has many features—many of them I would have liked. But despite what Republican leaders have been trying to sell to the American people, it is certainly far better than no civil-rights bill at all.

In threatening to block passage of any civil-rights bill at all, until they got the exact bill they wanted, the Republicans reminded one of my Congressional colleagues—Congressman Frank Thompson, of New Jersey—of the well-known story about Winnie-the-Pooh and Tigger.

It seems that the middle of one night, Winnie-the-Pooh was awakened by a breakfast noise—Tigger. When breakfast time came, Pooh, hospitable, asked Tigger what he would like for breakfast. Tigger assured Pooh that Tiggers love to eat anything. Pooh gave Tigger a taste of honey and Tigger explained that Tiggers love everything but honey. Piglet tried to feed Tigger haycorns; and Eeyore tried to feed him this cereal. "Now, Pooh," said Mrs. Tigger, "Tiggers love everything but honey or haycorns or thistles." This prompted Pooh to compose a lovely little poem:

What shall we do about poor little Tigger if he never eats nothing he'll never get bigger.

He doesn't like honey and haycorns and thistles
Because of the taste and because of the thorns and burs.
And all of the good things which an animal likes
Have the wrong sort of swallow or too many spikes.

The Republicans are crying long and loud to the grandstand about the so-called democratic weakening of civil-rights legislation. I wonder, though, whether the Republicans are not just using this bill to hide from the American people the real reasons why this year's civil-rights bill fails to guarantee to the Negroes certain fundamental protections which I—and most other Democrats—have fought to have included in the bill.

I wonder what kind of bill could have met Dwight Eisenhower's liking. And I wonder how Dwight Eisenhower could have had the nerve to threaten to veto our original civil-rights bill because it does not meet his specifications—when all year long no one has been able to figure out what his specifications are.

Let us look back on the record of civil rights since January 1957. We could look back only to 1957, to when the Republicans and Eisenhower failed to support the Democratic efforts for antilynch legislation, anti-poll-tax legislation, and Federal employment practices legislation during the years 1953 to 1958. We could look at how the majority of Congressional Republicans fought-vainly—to get the President to sign to his name the Civil Rights Act of 1960. Ike's name was signed to this statement.

A key section of the civil rights legislation, which the House of Representatives passed in June of this year provided that the Federal Government could secure civil injunctions to prevent anyone from interfering with any of the civil rights guaranteed by law to the Negro people.

Section III—as this provision was known—guaranteed to the Negro people their fundamental right to equal protection of the law, to the right to vote, but the right to equal education, to equal transportation, to equal opportunities for employment and decent living conditions.

Liberals in the House believed strongly then, as we do now, that section III was an essential part of a good civil-rights bill. That it is not enough merely to guarantee the Negro the right to vote. That Negroes deserve the right to equal protection of all the laws of our country.

In July the Senate began debate on our civil-rights bill. As was expected, southern Senators took the floor to denounced our bill—and especially section III—as a return to Reconstruction days. They painted gory pictures of the enforced intermingling of little children at all schools and said they wanted to send Federal troops into the South to enforce school integration, they asked.

Southern opposition to our civil-rights bill was strong. What was not expected was that the southerners would be supported by Dwight Eisenhower.

On July 4 of this year—less than 6 months after he had originally offered civil-rights provisions in the Johnson-Wallace bill to the Senate—Eisenhower admitted that he had not read his bill. Furthermore, he told a press conference, he was not sure what provisions it included. He was not sure what the bill contained. He asked a question to the Attorney General and see exactly what they do mean.

No one knows just what the Attorney General told the President. The Attorney General himself has been conspicuous during the civil-rights fight mostly by his silence—and by his absence from the conference. But the President made one remark on that I want to want to talk to the Attorney General and see exactly what they do mean.

"Well, no" sounded like the Eisenhower who in 1956 said he did not think it made any difference whether or not he issued a statement favoring school integration. "Well, no" sounded like the Eisenhower who in February of this year refused to go into the South to speak about desegregation because he was "too busy," but one day later climbed onto an airplane and flew to Georgia for a 10-day hunting trip. "Well, no" sounded like the Eisenhowe who waited for 3 1/2 years in the White House before presenting any civil rights program at all to the Congress.

"Well, no" sounded like all the Eisenhower we know so well. But it did not sound like the stanch champion of civil rights who in 1947, when it was learned that high-paid press agents are trying to paint in the public eye.
Who sold out the Negroes on enforcement of school integration? The Republicans can say all they like, but I think this matter is clear. Dwight Eisenhower himself was almost solely responsible for the defeat of section III, when the Senate voted on the civil-rights bill.

I say also that Dwight Eisenhower is responsible for the failure of the civil-rights amendment in this year’s civil rights bill.

Let us look at what he has had to say over the past months on the subject of whether the civil rights should include a provision allowing violators of civil rights injunctions to be tried by a jury.

On March 7, 1957, Ike said he did not—and I quote—"really know enough about it to discuss it well." Two weeks later he was saying, "I haven’t discussed it with the Attorney General. He hasn’t told me yet whether that would be a crippling or disabling amendment." Three months later in July, Ike still had not even read the bill.

Not until July 31—almost 2 weeks after the Senate had started debating the civil rights program—did Eisenhower finally call for judicial trials for violators of civil rights injunctions.

And then 3 days later, on August 2, he had the colossal nerve to indicate to the newspapers that he would rather have no civil rights bill at all than accept the one which provided jury trials in cases of criminal contempt of court.

That is the kind of leadership which advocates of civil rights have received from the White House. And yet the Republicans are trying to make partisan furor that the Republicans have been arousing over the weakening of the civil rights bill, some very real accomplishments are provided many things:

The Commission can make substantial gains if it is made up of persons who accept the basic proposition that all Americans are entitled to equal treatment under the law. The Commission will be worse than useless if the President follows his usual wishy-washy policy of appointing a balanced group—excluding as many persons opposed to the enforcement of civil rights as are in favor of civil rights—or, and this is atypical, including only objective persons with no strong opinions either way in the field. The Commission will be worse than useless, also, if the Republicans continue to be more interested in political gains than in real protection for the rights of the Negro—if the Commission is stacked against us—will make it evident to the public and of if a political forum aimed toward providing partisan ammunition for the 1958 and 1960 elections.

The many sincere advocates of civil rights in the Congress and the country can be cautiously hopeful that in this year, 1957, we have taken a major step forward in our lasting struggle to guarantee that rights afforded to our citizens by our Constitution shall be enforced.

The current session may help us to take a small step forward in a long struggle—a struggle that is far from won. I promise now, however, as I have before, that I will recognize that we have gone only a small way toward our goal—and that I will continue to fight as I always have to eradicate all discrimination based on race, religion, or nationality, wherever it may occur in our country.

Mr. VANK, Mr. Speaker, like many Members of the House, I take a position of support on this civil rights bill, because it appears to be the only legislative possibility for civil rights legislation in this session of Congress.

It was my feeling that as it originally passed the House, the civil rights bill represented a prefabricated compromise on the issue, fallen far short of the need for comprehensive, realistic approach. This bill reached House consideration only under the pressure of the discharge petition process. It was not strengthened by the amendments which it has suffered since its passage.

The amendments forced upon the House today providing that the trial of cases of criminal contempt stemming from the enforcement of any injunction could be tried by a judge with or without a jury in the discretion of the judge is novel. The second amendment providing the accused with a new trial if the judge fined him more than $300 or sentenced him more than 45 days is indeed an extraordinary admixture of judicial procedures. It is certainly unique in our system of jurisprudence for a defendant who is guaranteed two trials for a wrongdoing, one by a judge and one by a jury.

It is strangely coincidental that the beneficiaries of two trials will be those defendants who have made the more numerous attacks on the civil rights of others and who thereby receive the higher penalty which affords them the right to two trials. It is a strange direction for American jurisprudence to take, allowing the Double Trial to drastic offenders. The legislation is full of doubts and uncertainties, and it will undoubtedly take new legislation and the accumulation of judicial decisions to wrap up this legislation from the judicial wilderness in which it is now placed.

The significant fact is that for the first time in 82 years the Congress of the United States has placed itself on record in support of the civil rights of its citizens. The test of this legislation will not be in the indictments that are returned under it or in the convictions which it may produce. The test will be made in the.Download full text
passed the Federal Government will ultimately take complete control of our State election laws and, moreover, Federal authorities will likewise take over the local law-enforcement agencies of our States and local communities. Of course, I do not want to go to that extreme; but I believe if we do not turn back from the direction whence we are traveling, we will within the lifetime of many men sitting here today have a socialist or a socialistic form of Government in this country. I am opposed to any such legislation which is in any way directed or tends toward a socialist form of Government in this country. At least one of the speakers who preceded me stated that the passage of this legislation would be a bright day, but I believe this to be a sad day. To paraphrase David Lawrence in his news column of yesterday, I say it is a "day of infamy." This great and wise American author has been warning the American people, including the Members of Congress, against the passage of this type legislation since the first bills were introduced early in 1956. He is not a hotheaded rebel; he is not an ultraconservative; he is not just another politician who supports everything liberal and progressive; but on the contrary, he is a staunch defender of President Eisenhower and the Republican Party when he thinks they are right; and likewise he is a defender of the Democratic Party when it is right; but basically he believes in constitutional government, States rights and local self-government. In defending these democratic precepts of government he has found it necessary to attack the principles involved in the so-called new day civil-rights proposals. Yesterday in speaking his fears anew Mr. Lawrence said: "I am afraid that future historians will call the week of infamy in American history. For this is the week in which an intolerant majority in Congress is to take away one of the most precious gifts ever given to the States by the Constitution." I conclude my remarks with the final sentence of his editorial. "It is a sad chapter in American history—a turn back to the tragic years of the Reconstruction Era and to the reactionary concept that an intolerant majority can at any time ignore the constitutional rights of the States."

Mr. HAYS of Arkansas. Mr. Speaker, in spite of the admirable motivation which has produced this resolution, it does not in my judgment meet the requirements of regional harmony and justice. The bill which was passed by the Senate, while not considered necessary by many of us, who by reason of proximity are familiar with conditions in the South, did guarantee jury trials in cases of criminal contempt and thus the need for this legislation. Testimony adduced at the hearings clearly indicated that the civil rights of Negroes have been frustrated in certain areas. Specifically was this true with respect to the right to vote—a constitutional guaranty of all citizens of the United States. There is no question but that the right to vote was being usurped and violated. The right to vote is a basic constitutional right. As a matter of fact, it is one of the greatest and most important of the civil rights, for it guarantees to the citizen the right to participate in his government. It gives to that person a voice in the establishment of the laws under which he or she must live. Yet, it was found necessary, through the hearings and the debates by my distinguished colleague from Michigan, Congressman Dyes, that there is not one registered Negro voter in certain counties in the South with large Negro populations. Carroll County, Miss., with a Negro population of 87 percent; Jefferson County, Miss., with a Negro population of 74.5 percent; Neshoba County, Miss., with a Negro population of 74.4 percent and major political parties were threatened with internal cleavages of such a major sort that the splits might never be healed. The leaders of the House and Senate are, therefore, to be highly commended for the way they have worked to compose differences and relieve this explosive situation.

I believe, however, that the bill now before us has gone beyond the need for harmony. What was accomplished here was a compromise between regions, such as I had striven for with my Arkansas plan since 1949, a compromise reluctantly supported by some of my Congressional colleagues, who were the two criteria I have outlined, but rather an acceptance of language found suitable to a majority of the members of the Democratic and Republican Parties. Thus the new section has really eliminated trial by jury in criminal contempt cases, merely limiting the punishment a Federal judge can mete out to $300 or 45 days in jail. This provision strikes at the very heart of the 14th Amendment as conceived by Members from all parts of the country that trial by jury in criminal contempt cases is essential to the preservation of the integrity of our judicial system. I cannot accept this compromise as a reasonable adjustment to minority aspirations or national goals, since it strikes down a vital principle. We cannot undertake to uphold certain constitutional precepts of government and at the same time neglect or refuse to consider other constitutional rights, which certainly can be argued to have equal priority, particularly when we have had the Senate provide us with legislative methods safeguarding all constitutional rights.

Mr. BOLAND. Mr. Speaker, I rise to support this measure. It is a compromise and in many degrees it is less than that which staunch advocates of civil rights desire. But this measure before us represents a long step forward in the fight for civil rights for a particular minority group, the Negroes.

Mr. SPEAKER. The lengthy committee hearings that have been conducted and the long hours of debate produced clear-cut evidence of the need for this legislation. Testimony adduced at the hearings clearly indicated that the civil rights of Negroes have been frustrated in certain areas. Specifically was this true with respect to the right to vote—a constitutional guaranty of all citizens of the United States.

Mr. SPEAKER. There is no question but that the right to vote was being usurped and violated. The right to vote is a basic constitutional right. As a matter of fact, it is one of the greatest and most important of the civil rights, for it guarantees to the citizen the right to participate in his government. It gives to that person a voice in the establishment of the laws under which he or she must live. Yet, it was found necessary, through the hearings and the debates by my distinguished colleague from Michigan, Congressman Dyes, that there is not one registered Negro voter in certain counties in the South with large Negro populations. Carroll County, Miss., with a Negro population of 87 percent; Jefferson County, Miss., with a Negro population of 74.5 percent; Neshoba County, Miss., with a Negro population of 74.4 percent and
other counties with very high percentages of Negro population. But not one Negro voter registered. Witnesses from these areas that appeared before the committee who have not been indicated that they had been kept from the polls through intimidation and coercion.

Mr. Speaker, the Members of this House have an opportunity this afternoon to help correct these injustices which have been imposed upon American Negroes since the Reconstruction period. May I say that such voting rights have not been limited strictly to the South. This is a problem that has arisen in all areas of the country since the Reconstruction period. The rights of Negroes have been violated in the North also. The evidence before this House indicates the critical need for this legislation.

Mr. Speaker, I have always been an advocate of civil rights. My entire record in the Massachusetts Legislature and in Congress shows clearly that I have championed this cause. My voting record in this regard stems from deep moral convictions and reverence for the fundamental human rights of which we were born: that God created all men equal and that these human beings are endowed with the inalienable rights written by Thomas Jefferson in the Declaration of Independence: life, liberty, and the pursuit of happiness.

I am convinced, Mr. Speaker, that this legislation will in the long run result in greater understanding and contribute to bridging the gulf between the races in this great democracy. I know that there has been considerable anxiety connected with this legislation and perhaps some bitterness on the part of certain people. Let me say to them that this legislation is for the benefit of America and the American way of life and it will deal a deathblow to Communist propaganda which purports to show America as a great democracy. I know that there has been much to be desired. It is a frail little craft, with seams in the hull that leak, to attempt to navigate the sea of prejudice and discrimination in the ship of the United States, with its legions of Americans of equal rights in the exercise of the rights dear to all men.

Mr. Speaker, it will make the voyage in safety and its landing will be on the shores of that America of real equality for all men and women. Our ship is the continuing, tireless, unrelenting job of standing by as the sailors, to mend the seams in the hull with strengthening amendments beginning as soon as we get our committee on conference. To that, Mr. Speaker, we are dedicated. And now that the start has been made, feeble though it may be, we shall never cease to endeavor for the prompt enactment of civil-rights laws with teeth protecting all the people of the United States in the exercise of their rights as Americans to live in the society of their fellow Americans on a plane of equality and without discrimination of any nature based on the circumstances of race, religion or station.

We have come a long way. We still have far to go. But always we go forward, and just as the sun climbs over the mountains of adversity, so will our faith and our courage remain strong.

Mr. Speaker, I am opposed to this resolution. A vote for this resolution is a vote for the so-called civil-rights bill, H. R. 6127, with the Senate amendments, and with the amendments provided for in this resolution.

The proposal contained in House Res. 410 is one of the most unusual and extraordinary legislative actions I have seen or heard of. These proposals are completely new. The proposed amendment in lieu of amendment No. 15 was not contained in the bill as originally introduced, or in any amendment which was offered to the bill in the House or in the Senate. It is one of the most drastic proposals made during the entire progress of this legislation. It would take away a valuable and precious right which every American citizen now possesses. Its provisions have not been discussed before by any committee or subcommittees, and cannot be discussed in any detail in the 1 hour which is allotted for argument for this entire resolution.

It is regrettable and deplorable that Members of this great legislative body would be stampeded by political pressure into railroadimg any kind of legislation through in this fashion. It is deplorable that any Member would so far lose sight of fundamental rights and personal and national interests as to support such a legislative monstrosity, such a radical departure from orderly, sound, legal procedure as this resolution embodies.
I agree with the statement of David Lawrence in his newspaper column of yesterday in the Washington Evening Star, in which Mr. Barden said that this week is a week of infamy in the United States Congress. As I contemplate the events taking place on the floor of this House today, I am reminded of the statement I once heard made by my dear departed friend, the late Honorable Eugene Cox, Representative from the Second Congressional District of Georgia, when he said:

"I would not do to go to Heaven what some people do to get to Congress."

Mr. MADDEN. Mr. Speaker, I move the previous question.

Mr. SMITH of Virginia. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered; and there were—yeas 274, nays 110, not voting 57, as follows:

[Roll No. 213]

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The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**AMENDING CHAPTER 223 OF TITLE 18, UNITED STATES CODE**

Mr. SMITH of Virginia. Mr. Speaker, I call up the resolution (H. Res. 411) providing for the consideration of H. R. 7915, a bill to amend section 733 of title 28, United States Code, and ask for its immediate consideration.

The Clerk read the resolution as follows:

**Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 7915) to amend section 733 of title 28, United States Code. After general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendments under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without interven­tional motion except one motion to reconsider.**

Mr. SMITH of Virginia. Mr. Speaker, I yield 30 minutes to the gentleman from Pennsylvania (Mr. Scott), and now yield myself such time as I may consume.

Mr. Speaker, this bill is H. R. 7915, to amend a certain section of the United States Code. The purpose of the bill is to correct the decision of the Supreme Court in the so-called famous Jenkins case. That decision, as you all know, has had very much handicapped the Department of Justice and the FBI because of the requirement of the Court that FBI files be made available for the scrutiny of the accused person. You can readily understand how embarrassing that is to the Department and to the FBI by reason of having to disclose confidential communications made to them by both their own agents and by volunteers. I am not too familiar with the effect of the bill itself, but it seems to have the approval of the Committee on the Judiciary, and I understand from that committee that this bill will serve the purpose. It is a much needed piece of legislation. That situation must be corrected. Mr. Agent, Mr. Attorney, and Mr. Administrator of Justice. I hope the House will adopt the rule and pass the bill.

I now yield to the gentleman from Pennsylvania (Mr. Scott).

Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, I agree with the gentleman from Virginia as to the urgency of this bill. The Executive Branch may be unable to try certain people including the spy, Rudolf Ivanovich Abel, master spy and colonel in the Soviet Union, and his lawyers not only FBI records but also any kind of FBI file whenever information of any kind from those files was used in prosecuting Communist or Communist espionage cases.

A bill to amend the laws so as to protect the security of FBI files has been offered by Representative Kenneth B. Keating. It is now before the House. It is equally important that the security of FBI files be maintained.

This dilemma puts the issue squarely before Congress. It has the power to change those statutes which the Supreme Court has interpreted as giving witnesses the right to inspect FBI files whenever information of any kind from those files was used in prosecuting Communist or Communist espionage cases.

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The FBI bill is on President Eisenhower's program. Leaders concede that once before Congress had a similar bill would pass by an almost unanimous vote.

What is made doubly obvious by the Abel case is the urgent need for the FBI to formulate its own procedures. While there may be no opposition, the fact will matter little unless the bill is speeded to the House floor, debated, and voted upon before the Congress adjourns.

Time is of the essence. Here is definitely an emergency legislation. It is time to take the hands of those FBI officials and put them where they belong, on the conspirators and malefactors who would undermine and destroy our free America.

Mr. SMITH of Virginia. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. Celler].

Mr. Celler. Mr. Speaker, I am not so certain as the two gentlemen who have addressed the House, the gentleman from Virginia [Mr. Smith] and the gentleman from Pennsylvania [Mr. Scott], as to what this bill will do.

There has been a great deal of misinterpretation concerning the so-called Jencks decision. Some of that misinterpretation has been deliberate and purposeful. As I read that decision I do not think it is so horrendous as some people are trying to make the American people believe it is. Yesterday the Supreme Court of the United States district Judge Frederick Van Pelt Bryan, in deciding a matter before him, had the following to say about the Jencks case:

The Supreme Court case enunciates a simple, fair, and quite limited rule. It holds that where the prosecution places a witness on the stand the defense is entitled to use any unsworn statement or any records made by that witness as a prior consistent statement.
Mr. GROSS. I yield to the gentleman from New York.

Mr. CELLER. We were considering a civil-rights bill for several years. In addition to that, it took us 2 weeks to consider it on this very floor. I think every nook and cranny of the civil-rights bill was surveyed before we passed upon it.

Mr. GROSS. The House refused to adopt a jury-trial Amendment. It was never even tried on for size in the House. I will say to the gentleman. I was further intrigued today by the statements that the jury-trial amendment was accepted or compromised. What did the Members of the House, who voted against the jury-trial amendment when the bill was before the House, have to compromise? What did they have to compromise on the jury-trial amendment except perhaps their souls.

Mr. YATES. Mr. Speaker, will the gentleman yield to me?

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

Mr. YATES. Assuming that the gentleman's argument is correct that the civil-rights bill contained vague and ambiguous language in it?

Mr. GROSS. No. But I am intrigued by the gentleman's point that the pending bill contains vague and ambiguous language in it.

Mr. GROSS. Mr. Chairman, I yield to the gentleman from Louisiana.

Mr. WILLIS. Mr. Chairman, the bill before us for consideration today, H. R. 7915, was processed by the subcommittee of which I have the privilege of being the chairman, and I accept careful study. It is a very simple proposal that can be clearly understood by nonlawyers as well as lawyers in this body. The purpose of the measure is to correct a phase of the decision of the Supreme Court in the case of Jacobson against the United States of America, decided June 3, 1957.

In that case a ruling was made to the effect that a pending civil-rights bill contained vague and ambiguous language or phrases. Is that any argument to accept this bill with vague and ambiguous language in it?

Mr. GROSS. The bill before us today was drawn to the committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 7915) to amend section 1973 of title 28, United States Code. The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H. R. 7915, with Mr. ENGLE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

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In that case a ruling was made to the effect that a pending civil-rights bill contained vague and ambiguous language or phrases. Is that any argument to accept this bill with vague and ambiguous language in it?
The vital danger which results from the present application of the Jencks ruling by the district courts is found in the nature of the files of the various Government law-enforcement agencies. Reports of the FBI are all inclusive and cover the full investigation of every phase of a case. They include not only interviews with possible witnesses, but also confidential information relating to the task of the agencies in the handling of their operations and their impact on the law-enforcement agencies of the Federal Government. I am convinced by the hearings which we have held in the Senate that such a ruling as the Jencks case call for legislative action in order that our law-enforcement agencies will not be hampered in protecting the public.

Mr. YATES. Mr. Chairman, will the gentleman yield on that point?

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

Mr. YATES. With respect to that point, does not counsel for the defendant, however, have an opportunity to examine the testimony that is offered to the judge to determine whether or not to take an exception as to the matters individually or as a whole?

Mr. WILLIS. No; that was the very point at issue. The practice was to the contrary. This is the language of the Supreme Court itself. Here is the Supreme Court admitting what was the practice thenceforward. This is what the majority said:

The practice of producing Government documents to the trial judge for his determination of relevancy or materiality without hearing the accused is disapproved.

That is the whole thing this bill reaches, to go back to the former practice. As the result of that holding, upsetting the practice which the majority opinion itself held had prevailed thenceforward for 160 years, this is what Justice Clark in his dissenting opinion said would immediately result:

Unless the Congress changes the rule announced by the Supreme Court into a demand that the law-enforcement agencies of our Government engaged in law enforcement may as well close up shop. The Court has opened their files to the criminal and thus afforded him a Roman holiday for rummaging through confidential information as well as vital national secrets. This may well be a reason for the Congress changing the rule at the present time.

Mr. WILLIS. May I say this? In the first place, the language that the gentleman just read is a quotation from another case.

Mr. CHELF. But it is right here. They reaffirmed the decision in this Court.

Mr. WILLIS. In the second place, the Supreme Court itself, and you cannot get away from it, admitted point blank that that was reversing the past practice. That is the point at issue. In the third instance, with reference to the action of the other body, obviously, it would be satisfied if we did what they did there, that is, adopt the bill.

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield.

Mr. CHELF. Does the gentleman not think it is rather significant that the Justice who delivered the minority opinion was the one Justice of the nine who had the most reason to know the most about the operation of the FBI, having served as a former Attorney General, and if he does not know his business, then none of them know their business?

Mr. WILLIS. The gentleman is eminently correct. This bill was drawn by the Department of Justice. All in the world it does is to go back to the former practice that had prevailed prior to the decision, namely, it provides a balance between the interest of the Government of the United States and the interest of the man on trial. It simply restores the Federal judge in his traditional role of umpire between the accused and the Government. After all, irrespective of anything you can say, the judge always rules on the materiality, and that is all this bill does.
Clinton Jencks was tried and convicted for falsely swearing, in an affidavit submitted as a union official, that he was a member of the Communist Party. The Court of Appeals for the Fifth Circuit confirmed the conviction and the Supreme Court granted certiorari. During the trial, two Government witnesses, Matusow and Ford, testified as to Communist Party activities in which Jencks had participated. Under cross-examination they admitted that they had under other agents' activities over a period of time to the FBI. The defense, in the belief that some of those reports might be inconsistent with the witnesses' testimony at the trial, asked the court to order the Government to turn them over to the judge for his inspection to determine whether, and to what extent, the reports should be made available to the defense for use in impeaching the witnesses.

The Government did not invoke its privilege against disclosure on the grounds that these reports were confidential documents. Instead, it objected to the demand on the ground that the defense had made no showing that the contents of the reports in the file contradicted the testimony of the witnesses. The court of appeals affirmed the trial court's decision primarily on the ground that the defense had failed to show that the reports were inconsistent with the witnesses' testimony.

The Supreme Court reversed, holding that it was not necessary for the defense to establish that the reports in the file and the testimony of the witnesses were inconsistent. Citing the case of Gordon v. United States (344 U.S. 414), the Court clearly stated the necessary essentials for the production of a prior statement of a witness:

The necessary essentials of a foundation, emphasized in that opinion, and present in the Jencks affidavit, are: (1) that the production of the statements was at the behest of the Government; (2) that the statements were made for the purpose of procuring or producing of * * * specific documents and did not propose any broad or blind fishing expedition among documents possessed by the Government; (3) that something impeaching might turn up. Nor was this a demand for statements taken from persons or informants not offered as witnesses (344 U.S., at 419). We reaffirm and emphasize these essentials (pp. 9–10).

That statement, in my opinion, is the crux of the decision in the Jencks case. The Court, in other words, said that the defendant need not prove, as a condition precedent to production, that a specific document or any document in the Jencks case was before the Government. The Court did not require the defense to prove that the Jencks case was a specific document or anything in the Jencks case.

The fact that the Jencks case only involved a prior statement does not mean that the Jencks decision had the same effect in all cases. In a tax case in Atlanta, Ga., for instance, defense counsel moved for the production of an entire intelligence report after the first Government witness had testified. This witness had testified to details of the raid and the arrest involved in that case from his own personal knowledge. He had also testified that, as group supervisor, he had read the report of other agents who had not testified. The Court ordered the production of the entire report. The Government refused to turn over the entire report, but offered instead to delete portions of the report that were relevant to the defendants' case. The Court dismissed the action on the grounds that any deletion by the Government of non-relevant parts of the report would not comply with the Jencks decision.

Another case, which clearly points up the necessity for action to remove the misunderstanding in this area, arose in Bowling Green, Ky. In a criminal fraud case involving the FHA, the defense...
moved for a pretrial examination of all the documents, exhibits, and statements which the Government intended to use in its case in chief. The motion, however, was denied, but the Justice Department instructed the United States attorney not to produce the contents of the file. When the FBI agent appeared in court with the United States attorney, the judge asked him why he had refused to turn over the file to the defense counsel. The agent advised the court that he had no authority to make the statements in the file. The judge thereupon held the agent in contempt, imposing a fine of $1,000 which must be paid if the agent does not comply with the court's order by October 18.

That case is an example of how far the rule in the Jencks case can be carried. The court has so interpreted the rule as to enable the defense counsel to go through the Government file before the trial has even begun.

In perhaps the most unexpected and startling development, the Jencks decision has been applied to overturn two convictions already obtained by the court in Kentucky. In that case the court allowed the defendant access after a witness has testified to those parts of reports which are clearly not subject to impeachment. The court ordered the defendant to produce in this case. And yet its decision after the Jencks decision. The bill is not intended to nullify or to limit the decision of the Supreme Court, but rather to establish a single workable procedure for the introduction in evidence of statements and reports. It guarantees the defendant access after a witness has testified to those parts of reports previously made by the witness which actually touch on the subject under consideration. At the same time it would protect the public interest by permitting the Government to withhold those parts of such reports which are clearly not related.

Mr. Chairman, there is a compelling need for this legislation now. Almost every day brings news of another incident which could be handled as another case runs aground on the rocks built up out of misunderstanding of the Jencks case. A great number of cases have been wrecked because the Government has wisely refused to be a party to any Isak Walton expeditions.

Mr. Chairman, the American people have been alerted to the threat to their security and the security of this Nation posed by the present situation. The ever-mounting correspondence on my desk calls overwhelmingly for action now by this Congress. The President has clearly and vigorously expressed his support of the legislation. The enactment of this bill during this session. And the deep concern and frustration in the Department of Justice and security agencies of the Government grow with each passing day because some day we may lose track of vital information that might lead to bankruptcy of our law enforcement agencies.

For these reasons I urge the support of every Member of this Congress for this most vital measure. We have a mandate, we cannot in good conscience ignore.

Mr. Chairman, I would now like to read to the Members of the House a letter I received from the Acting Attorney General, Mr. Rogers:


HON. KENNETH B. KEATING, House of Representatives, Washington, D.C.

DEAR MR. KEATING: This version of the bill establishing procedures for the production of certain Government records in Federal criminal cases (H. R. 7915) was introduced yesterday by the Senate contains such serious defects that it contributes little, if anything, to meet the deep concern and frustration in the Department of Justice and security agencies.

Section (b) of the Senate version would require the Government to produce on demand of a defendant in a criminal case records or statements made by a Government witness which have never been signed by the witness or otherwise adopted or approved by him as co-conspirator. Such statements which have never been ratified or adopted by the witness could not possibly be considered by the court with all the evidence before it.

I firmly believe the provisions of this bill represent a modest, sound and reasonable solution to the problems created by the Jencks decision. The bill is not so interpreted as to relieve the Government from providing evidence which is relevant and material. It would go to the appellate court, so that it could review the decision of the trial court with all the evidence before it.

I refer to the ruling of Judge Day, in United States v. Abel, the alleged Russian superspy, has indicated he will seek to invoke the Jencks decision. The bill is not so interpreted as to relieve the Government from providing evidence which is relevant and material. It would go to the appellate court, so that it could review the decision of the trial court with all the evidence before it.
luctance on the part of numerous citizens to cooperate as freely as they once did. This, of course, is not a matter of new or less statements and documents taken from the files of the FBI and made available pursuant to H. R. 7915 as reported with amendments by the House Judiciary Committee on July 5, 1957, contains none of these defects. Its provisions are completely fair to defendants, while at the same time providing adequate protection for FBI and other Government files. It is considered by the Department of Justice as the most desirable of the Senate version of the procedure contemplated by the majority of the Supreme Court in the Jencks case. The Department of Justice urges the passage of the Senate version of H. R. 1013 as reported with amendments by the House Judiciary Committee on July 5, 1957, in the form in which it was passed by the Senate yesterday.

Sincerely,

William P. Rogers,
Acting Attorney General.

This is an urgent bill which we have before us today which does strike that fair balance between the protection of the files of our investigative agencies and the protection of the rights of every defendant who comes before the court receive the overwhelming approval of the Members of this body.

Mr. CHELF. Mr. Chairman, will the gentleman yield?

Mr. KEATING. Briefly.

Mr. CHELF. I agree fully with the gentleman and am entirely aware of the techniques of protecting America and protection of the rights of every defendant who comes before the court receive the overwhelming approval of the Members of this body.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. KEATING. Briefly.

Mr. CHELF. I agree fully with the gentleman and am entirely aware of the techniques of protecting America and protection of the rights of every defendant who comes before the court receive the overwhelming approval of the Members of this body.

Mr. CHELF. I do not think we do err in the terms of this bill.

Mr. CHELF. I do not, either.

Mr. KEATING. I entirely agree with the gentlemen's position.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. KEATING. I yield to the gentleman.

Mr. Yates. When the gentleman read the Attorney General's letter, I was struck by the fact that the Attorney General stated that he disagreed with the version of the bill passed by the Senate, because it went too far. He said it allowed examination of oral reports, which is something the Senate Unanimously did not approve. I now read from the Jencks decision:

We now hold that the petitioner was entitled to an order directing the Government to produce for inspection all reports of Matosow and Ford in its possession, written and oral, which had been prepared or recorded by the FBI touching the events and activities as to which they testified at the trial.

In this respect the Senate bill differs from the bill which is presented to the House today. The bill presented to the House today would permit a defendant to examine only written reports by a witness who is testifying against him at the trial: is not that correct?

Mr. KEATING. In my opinion, and it is the opinion of the Attorney General, that in the Jencks case there was only a holding that the Government would have to produce statements which had been identified and approved in some formal way by the witness who was before the court; either signed by him, initialed by him, or taken down in a question-and-answer form and then approved by him. It was never intended that there should be turned over to the defendant any document which could not be used to impeach the credibility of the witness.

Mr. KEATING. The time of the gentleman from New York [Mr. Kearing] has expired.

Mr. CELLER. Mr. Chairman, I yield myself here.

Mr. FASCSELL. Mr. Chairman, will the gentleman yield?

Mr. FASCSELL. Mr. Chairman, I yield.

Mr. FASCSELL. I would appreciate it if the chairman of the committee could answer this question: whether the bill before us now modifies rule 16 or rule 17C of the Criminal Procedure?

Mr. FASCSELL. Yes; it does. There is express language in the bill on page 3, lines 8 to 10 we have the following:

In any criminal prosecution brought by the United States, any rule of court or procedure to the contrary notwithstanding.

Mr. FASCSELL. Of course, that would have the effect of modifying the existing rule it, in the rule which follows does modify the existing rule.

Mr. FASCSELL. It affects the rule of discovery, rule 16 and rule 17C, I think it is. It militates against what we always call, what the gentleman in his practice would call, the Jencks procedure. That is, the defendant shall have the right to a pretrial discovery of any statements that have been made by any prospective witnesses so that he can prepare for his defense. That is in the Rules of Criminal Procedure. Under the amended bill all pretrial discovery proceedings will be wiped out. The only time a defendant would have the right to a pretrial discovery if the record is after the witness has testified at the trial and not before. This bill does all that.

Mr. FASCSELL. Will not the gentleman yield to the gentleman?

Mr. FASCSELL. I am trying to get this clarified in my own mind.

Mr. CELLER. The gentleman is taking a great deal of my time in general debate. Will not the gentleman wait until we have the minute state?

We heard much this afternoon that this bill would open up the FBI files to saboteurs and espionage agents, that secret discussions that go on which are embodied in the FBI files would be opened up to spies, and so forth.

I defy anybody to point out to me in the Jencks case anywhere where anything like that is included. In truth and in fact, in the Jencks case you have this very significant language on pages 12 and 13:

In the courts below the Government did not assert that the reports were privileged; there was no protection against disclosure on grounds of national security, confidential character of the report, public interest, or otherwise.

When do you find any kind of implication that in this Jencks case there were involved secret files, files impinging on our national security? That is denied by this very language I have just read.

So that this great house that has been built up by the gentleman from New York [Mr. Kearing] just falls to the ground.

Now, has the Department of Justice protection presently against disclosure of any files or secret files, for protection against prying into those files? Let us read the record again. On page 13 the Court had this to say:

It is unquestionably true that the protection presently afforded would not be adequate to frustrate public disclosure of documents in the Government's possession. This has been recognized in decisions of this Court in civil causes where the Court has considered the statutory authority conferred upon the departments of Government to regulate disclosures "not inconsistent with law, for * * * use * * * of the records, papers * * pertaining" to his department.

Then significantly the Court states:

The Attorney General has adopted regulations pursuant to this authority declaring all Justice Department records--

Including FBI records--

declaring all Justice Department records confidential and that no disclosure, including disclosure in response to subpoena, may be made without his permission.

Whose permission? The Attorney General's permission. That means the FBI situation, and whether or not it wishes to have the records made public. Just first and second. First, from J. Edgar Hoover and, or the Attorney General before you can make any disclosure. What more protection is there for FBI files than that?

A whole hullabaloo has been made over this situation. There is nothing in here concerning national security, but there are emanating, unfortunately, from the FBI great waves of propaganda that raise to a fever pitch, contrary, that there are national security records involved in the Jencks case.

There are none—so the Court said.

The bill before us is aimed at confidences matters contained in FBI files and their preservation. That is what the report says which accompanied the bill. FBI files, as I indicated, are now protected if they impinge in the slightest degree on the national security. I do not think the FBI should unduly endeavor to influence legislation, as they have done in this instance. The FBI is a nonpolitical entity and should not exert pressure on Members or through...
the press. I have great respect for a really and genuinely dedicated public servant, J. Edgar Hoover, and the FBI. But public relations on Capitol Hill should not be the forte of the FBI. That kind of approach can boomerang. I hope the FBI will not again indulge in this vast propaganda that has been generated in the press. They propagandized on the ground that the national security is involved and on the ground that the Jencks case is opening up these records to spies and espionage agents. These falsehoods are unwarranted.

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. LAIRD. I just want to ask the gentleman from New York about this pressure that he talks about from the FBI. I have seen no pressure from the FBI with reference to this legislation.

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Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. LAIRD. I just want to ask the gentleman from New York about this pressure that he talks about from the FBI. I have seen no pressure from the FBI with reference to this legislation. I think the Hearst newspapers have done a magnificent job in bringing this problem to the attention of the public, but I have seen no pressure from the FBI.

Mr. BELCHER. As I understand it, these records would be subject to being delivered to the court, unless they were records in possession of your accountant or some of your creditors or some of your debtors, and you would not get these documents that could be used to exculpate yourself, prove your innocence or in some way help you have the right to see these documents or evidence at the time of trial—too late for proper preparation for trial. That is what would happen. That is, therefore, as I say, to have been very careful before you enter into that kind of danger and vote for such a provision.

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assert its privilege and at the same time prosecute those who are trying to subvert and practice treason against the United States.

The gentleman from New York also asserted that he knew of the case that was at hand and concerned because the Government did not assert its privilege in this case.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CURTIS of Massachusetts. Can the gentleman from New York (Mr. Celler) yield me more time?

Mr. Celler. Mr. Chairman, how much time have I had for questioning?

The CHAIRMAN. The gentleman from New York has 2 minutes remaining.

Mr. Celler. I yield my 2 minutes to the gentleman from Massachusetts.

Mr. CURTIS of Massachusetts. I thank the gentleman.

Mr. Chairman, the Government did not assert its privilege because if it did it would lose the case.

If there were the danger to FBI files, let me quote what the Court said in the Jencks case:

We now hold that the petitioner, that is, the defendant in the case, was entitled to an order directing the Government to produce for inspection all reports of Matusow and Ford in its possession, written and, when orally made, as recorded by the FBI, touching the events and activities as to which they testified.

Those were two confidential agents of the FBI. The Court goes on to say that the petitioner is entitled to inspect such reports of Matusow and Ford.

So in conclusion, Mr. Chairman, I hope this body will support the action of its Judiciary Committee; and I would like to agree with my colleague, the gentleman from Kentucky (Mr. Chelf), that if we are going to err, we should err on the side of the United States.

Mr. KEATING. Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota (Mr. Burdick).

Mr. BURDICK. Mr. Chairman, about the only thing I can contribute to this debate that will help you form a decision is the fact that I was in charge of Federal prosecution for crime in North Dakota for a number of years, and I have had experience in court. All the commotion about finding fault with the Supreme Court has risen from the fact that they have very few lawyers on that Court. If they had as good lawyers as I can pick out in this House this afternoon, some of these decisions would not happen to be reversed.

In prosecuting these criminal cases I discovered that the records I had, both accumulated by the FBI and myself and our State organization, contained the name and addresses of the witnesses. If a defendant was in court being prosecuted and he wanted to find out just what this witness had said in the record—whether he was telling the truth or not—if he could get hold of that record there would not be any more lawsuit because I have seen the time when I refused to call a man as a witness because I knew they would kill him.

We are right out there where they do business. I refused to call him. But the mere fact they saw him going to the Federal district attorney's office was enough. That night he was killed.

Well, now, if you open up these records and find the names of 8 or 10 that may have some reference to the case, and the next time there will not be any names in there, they will not contribute any information, because they would rather live than be shot. If you had experienced men on the Supreme Court of the United States that had been through all of these battles in trials you would not have any ridiculous decision like that to turn over all of the information to these whacky runners and murderers.

You can take your choice. You can turn this down or you can leave the law where it was before the Supreme Court forgot their duty as interpreters of the law and started to legislate. We must not turn this great Government over to Murder, Inc.

Mr. KEATING. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. Cramer).

Mr. CRAMER. Mr. Chairman, I would like to take my time to call attention first, to what exactly the Jencks ruling did, and secondly, to do to clarify that decision and to discuss some of the things that have been said with regard to this matter.

First, what did the Jencks case do? There previously was a rule of law of long standing changed in the Jencks decision. The first is that the defense was entitled, without laying a preliminary foundation of inconsistency, to an order directing the Government to produce for inspection all reports of Matusow and Ford, in its possession, written and, when orally made, as recorded by the FBI, touching the events and activities as to which they testified.

I want to point out to those who are concerned about the rights of the defendant, the rights of the accused and the right of the individual whose names are in the Jencks case, and apparently are superior in some way to the rights of society, that our committee has done a constructive job in protecting individual rights in that it has written into this bill this additional rule of evidence as stated by the Court which had not theretofore been the law of the land to protect the rights of individuals. That is in this bill although I do not necessarily agree with this new rule of evidence.

Secondly, what did the Court do? The Court said that the defense is entitled to inspect the reports to decide whether to use them in his defense and the practice of producing Government documents to the trial judge for his determination of relevancy and materiality without hearing the accused is disapproved. The determination of what should be included in the trial of the case is not to be determined by the judge himself. The new rule is, it shall be determined by the defendant.

This is inconceivable, and as the distinguished gentleman from Louisiana pointed out, that at no time in the past history of our jurisprudence the defendant has been the one who has been entitled to search through all the files of the FBI or any other Government agency for the purpose of determining what in his opinion is relevant to the case. That has been within the sole discretion of the judge.

All this bill does is to retain discretion where it has been for the last 160 years, that is, in the judge himself. That is what this bill does.

Why is this legislation important? It is not because the FBI or J. Edgar Hoover or anybody else is raising a fuss about it. It is because of the decisions of the lower courts releasing many defendants. It has become apparent that the Jencks case decision was so broad in its scope and so hard to interpret in many respects that the lower courts themselves have in many instances completely misinterpreted. I believe, the intention of the Court. Let us read just 2 or 3 of the sentences of the Court. The Court alludes to reports when it says:

Relative statements or reports in the possession of the Government should be turned over to the defendant.

First, what did the Jencks case do? There previously was a rule of law of long standing changed in the Jencks decision. The first is that the defense was entitled, without laying a preliminary foundation of inconsistency, to an order directing the Government to produce for inspection all reports of Matusow and Ford, in its possession, written and, when orally made, as recorded by the FBI, touching the events and activities as to which they testified.

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Relative statements or reports in the possession of the Government should be turned over to the defendant.

First, what did the Jencks case do? There previously was a rule of law of long standing changed in the Jencks decision. The first is that the defense was entitled, without laying a preliminary foundation of inconsistency, to an order directing the Government to produce for inspection all reports of Matusow and Ford, in its possession, written and, when orally made, as recorded by the FBI, touching the events and activities as to which they testified.

I want to point out to those who are concerned about the rights of the defendant, the rights of the accused and the right of the individual whose names are in the Jencks case, and apparently are superior in some way to the rights of society, that our committee has done a constructive job in protecting individual rights in that it has written into this bill this additional rule of evidence as stated by the Court which had not theretofore been the law of the land to protect the rights of individuals. That is in this bill although I do not necessarily agree with this new rule of evidence.

Secondly, what did the Court do? The Court said that the defense is entitled to inspect the reports to decide whether to use them in his defense and the practice of producing Government documents to the trial judge for his determination of relevancy and materiality without hearing the accused is disapproved. The determination of what should be included in the trial of the case is not to be determined by the judge himself. The new rule is, it shall be determined by the defendant.

This is inconceivable, and as the distinguished gentleman from Louisiana pointed out, that at no time in the past history of our jurisprudence the defendant has been the one who has been
The problem which arises from the above holding of the Supreme Court is the insistence of some—although not all—lower Federal courts that entire reports of the FBI and other investigative agencies, such as the Narcotics Bureau and the Alcohol and Tobacco Tax Division of the Treasury Department, the Bureau of Immigration, the Defense Investigation Section, and the Foreign Intelligence Unit, as well as other materials in the Government's possession, be handed over to defendants even though only a small part of the reports relates to the pertinent testimony of Government witnesses. It is sometimes possible for confidential Government files containing information relating to the public interest, welfare, safety, and otherwise, to be disclosed even though such confidential and vital information has no material bearing on the case. Such insistence could lead to broad and harmful expeditions among documents possessed by the Government for purposes which could have the result of undermining the criminal prosecution for which they have been produced.

To understand the seriousness of the situation, it is important to know what Government witnesses testified at the Jencks case, the Court says:

The burden is the Government's, not to be shifted to the trial judge, to decide whether the public interest in aiding the detection of the crime to go unpunished is greater than that attendant upon the possible disclosure of state secrets and other confidential information in the Government's possession.

Actually a number of the members of the committee know and fully appreciate the rule stated by the Supreme Court, on page 14, when they say:

The rationale of the criminal cases is that, since the Government which prosecutes an accused also has the duty to see that justice is done, it is unconscionable to allow it to undertake prosecution and then invoke its governmental privileges to deprive the accused of anything which might be material to his defense.

In legislation we are debating today, the defendant is protected and it does not deprive him of anything which might be material to his defense. In order to protect the files, there must be some protection for its present form as the best interest of our country demands it.

The CHAIRMAN. The time of the gentleman from West Virginia (Mr. Moore) has expired:

Mr. POPP. Mr. Chairman, as one of the authors of legislation designed to accomplish the objective of H.R. 7915, I endorse the bill as reported by the Committee.

On June 3, 1957, in the case of Jencks v. United States (353 U.S. 657), the Supreme Court held, among other things, that, for purposes of discrediting Government's witnesses, defendants in Federal criminal prosecutions are entitled to inspect “all reports of Government witnesses in its possession touching the events and activities to which the witnesses testified in the trial.” Conflicting interpretations by lower Federal courts as to the meaning of this statement and the necessity for a procedure which will be uniform throughout the Federal system, and resulted in the introduction of legislation by several Members of Congress seeking to clarify the effect of this decision.

Under the instant legislation, which the Department of Justice supports and the language of which it in fact suggested, a defendant in a Federal criminal prosecution, while his will be entitled to see pertinent reports and statements of Government witnesses which the Government has in its possession, he will obtain, instead of the entire reports or statements, only those portions which relate to the testimony of the Government witnesses at the trial. It should be emphasized that this legislation in no way seeks to restrict or limit the decision of the Supreme Court in its present form as the best interest of our country demands it.
tionally wrong, but, even to a greater degree, seeks to alter our system of government. The Jencks case is without doubt one of the outstanding examples in a record of more legislative than judicial reasoning.

Prior to the introduction of my bill, H. R. 8243, dealing with this subject matter, I carefully read and analyzed the conference report indicating the Jencks decision which appeared on the United States Supreme Court Calendar No. 23, October Term 1956, and in which decision was rendered June 3, 1957. Mr. Chairman, it was in that opinion, Mr. Justice Brennan, when he refers to the decision of Chief Justice Marshall in the U. S. v. Burr (25 Fed. Cas. 187), as a precedent, was he doing so for, as I see it, the opinion in that case, when read in toto, sustains the position of President Thomas Jefferson against Aaron Burr who wanted him held in contempt of court, for he had received a letter from Attorney General Wilkinson relating to Aaron Burr's treason. In substance, this decision upholds the contention that the Federal Bureau of Investigation should not be deliriously compelled to turn over informants' reports, some of them from FBI agents who were doing their patriotic work in the suspected organization of which Jencks was a former official in the Department of Justice. Even more important, it was only after serious thought and consideration, having regard to the long-standing rule that it is up to the trial judge to determine whether the defendant shall be allowed to examine relevant reports which incidentally is the precedent referred to in the dissent in the Jencks case, read by Mr. Justices Burton and Frankfurter, that I introduced H. R. 8243.

Mr. Chairman, I support H. R. 7915, the bill under consideration even though I might be happier with an even stronger piece of legislation. Its purpose simply, as stated in the report, "protects the legitimate public interest in safeguarding confidential governmental documents and at the same time it respects the interest of justice by permitting defendants to receive all information necessary to their defense." I believe it is imperative that this legislation be overwhelmingly adopted as an expression by this body of its support of the long-established rules of jurisprudence and to uphold the hand of the Federal Bureau of Investigation in its ever-engaging fight against the subversive and criminal elements in our great country. To put it bluntly and clearly, Mr. Chairman, this bill is in the interest of our national security.

Mr. O'HARA of Illinois. Mr. Speaker, I regret that this measure is coming before us apparently as part of a two-piece package. The Rules Committee voted a rule for the civil-rights bill it also voted a rule for a bill which is regarded by those opposing the civil-rights bill as a slap at the Supreme Court of the United States. On the same day the two bills came before us for debate and for passage. We have been in session since the first week in Janu-

ary; and now late in August in one day and in a couple of hours of debate we are to pass upon measures of large importance. It may be said by some that the bill is a slap at the Supreme Court and not intended as a measure in criticism of the Supreme Court of the United States. But it is to be noted that many of those who are most ardently pressing for its passage, with the most mature debate, are those who most ardently fought the civil-rights bill to the bitter end.

I trust that the committee will accept the Celler amendment. For that amendment, it is proposed that the court can order the witness in a criminal case, it should enjoin the privacy that it requires in most cases, but it should not be misunderstood, that I have known precious few judges, whether in district court can go, even though I say in all fairness, and in order that I may not be misunderstood, that I have known President of the United States. So I know how far a district court can go, even though I say in all fairness, and in order that I may not be misunderstood, that I have known precious few judges, whether in Federal courts, who did not measure up to the highest standards of integrity and of judicial deportment. But a few stubborn men can do a lot of mischief on the bench.

So, Mr. Speaker, I repeat that I in good conscience can support the Celler amendment taken as a whole. It was never the contention of the Supreme Court that the whole of the civil-rights bill should be the subject of the Celler amendment. Just the opposite, I remember, if I recall it, there were more than 10 pages of the public record of the many laws this district judge so promptly found unconstitutional, not one failed to pass the approving scrutiny of the Supreme Court of the United States. So I know how far a district court can go, even though I say in all fairness, and in order that I may not be misunderstood, that I have known precious few judges, whether in Federal courts, who did not measure up to the highest standards of integrity and of judicial deportment. But a few stubborn men can do a lot of mischief on the bench.

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of the United States. It is part of a two-price package. The import of the Cellar substitute bill is to meet the situation arising from erroneous interpretations by lesser courts, to protect the legitimate threatened by such misinterpretations sullied and unweakened the authority of the price package. The import of the Celler part and parcel of American justice. apparent that there has been able confusion as to the precise results I have been pleased that some of the intemperate attacks that editorial conviction in the Jencks' case. Matusow the trial court directing the Government defense was entitled to an order of to produce all reports made by Matusow and, one, J. ing upon the events and activities which blackest in recent history of the Justice among documents possessed by the defense. The Matusow chapter is one of the I have read some of the statements Mr. Harvey Matusow, a self-confessed per­ jurer, and now under sentence for per­ jury, was one of the professional witness­ es who testified against Clifton Jencks and whose testimony helped secure a and, one, J. W. Ford, as recorded, touch­ ing upon the events and actions of others were began to hear the testimony at the trial. The decision specifically bars any broad or blind fishing expedition among documents possessed by the Gov­ ernment.

The Matusow chapter is one of the blackest in recent history of the Justice Department, and has dramatically pointed out the dangers to the rights of individuals the actions of lesser courts and professional witnesses upon which to base a Federal conviction. The Supreme Court decision reaffirms the right of the individual American citizen fight against an iniquitous party to access to the evidence in the possession of the prosecutor that is necessary to his defense.

I have read some of the statements that have emanated from the Depart­ ment of Justice since the Jencks decision was handed down and I am unable to read into the decision a good many things the Attorney General says that he finds there. I am glad to learn that my colleagues on the Judiciary Committee also have been unable to foresee the dire results of the Jencks decision that have been forecast by some.

But comes too as a result of the decision there have been various conflicting interpretations within the same circuit and sometimes within the same district so that it is necessary to have legislation to straighten this matter out. In fact the law does not answer what about what the Supreme Court decision did. It does adopt the majority principle of the Jencks decision insofar as it requires the Government to produce the reports of a Government witness either written, or when orally made, as recorded, touching the events and activities about which the witness has testified at the trial.

However, the legislation before us pro­ ceeds to write the rules under which the disclosure shall be made. I submit that this is within the prerogative of the judiciary under broad, general legisla­ tive principles heretofore adopted. There are no rules of procedure under which the making power is in the legislature. My own State is one. But the Federal courts and their judicial councils exercise rule­ making power for those courts under specific principles and logic that is a better way, in my opinion. We can rely upon the sound exercise of this rulemaking power to protect the rights of the people of the United States, as the complainant in a criminal action, and at the same time to preserve the traditional American rights of the accused.

I am not sure whether this legislation does preserve basic rights of the accused or not. I have listened to the gentleman from Colorado [Mr. Roosæ] and the gentleman from New York [Mr. Hastings] about their arguments that this legislation does change rules of procedure.

As I read the Jencks case and see that the basic principle of the decision is, by its language and its holding, to prevent enforcement by the Government of a conviction. I am reluctant to vote for a bill that might change the decision or the rules of procedure under which it was pro­ mulgated. It seems to me that the orderly way is to let the customary and traditional judicial process formulate the body of law around this decision, just as the law has been built around other decisions of the Supreme Court and inter­ preted State by procedural matters. It, after mature consideration of the Supreme Court's interpretations and the district court procedures, the Congress and the courts and the Members of Congress, could pass a law to give effect to the decision, to make the law clear.

I am reluctant to vote for a bill that might change the decision or the rules of procedure under which it was promulgated. It seems to me that the orderly way is to let the customary and traditional judicial process formulate the body of law around this decision, just as the law has been built around other decisions of the Supreme Court and interpreted State by procedural matters. It, after mature consideration of the Supreme Court's interpretations and the district court procedures, the Congress and the courts and the Members of Congress, could pass a law to give effect to the decision, to make the law clear.

To me the case for urgency has not been proven. The case for careful de­ liberation of such a matter as affects basic constitutional liberties is always with us. Therefore, I shall vote against H. R. 7915.

Mr. COFFIN. Mr. Chairman, in de­ ciding to vote with the small minority against H. R. 7915, which was devised to correct the misunderstandings in the wake of the Jencks case, I was reminded of, and influenced by, the example set by Maine's great son, William Pitt Fessen­ den, who, notwithstanding popular opinion to the contrary, said: "Andrew Johnson, cast the first Republican vote of not guilty."

On questions of great moment, one is answerable in the final analysis only to his conscience. H. R. 7915 was such a question. It raised not only the issue of immediate wisdom but the issue of the way we have devised and maintained all Government which has at its best moments preserved and strengthened, rather than eroded and weakened, a separation of the powers of the execu­ tive, the legislative, and the Judicial branches.

During my period as a Federal law clerk and as a frequent practitioner of the law in the Federal court of Maine, I suppose that I became as familiar as any lawyer in my State with the Federal Criminal and Civil Rules of Procedure. They have proved eminently successful because they were adopted only after thorough exploration and discus­ sion by the judicial council, and the General Assembly of the State, and the Senate, so it was revealed in the debate, since the inauguration of these rules, has Congress attempted to work its will on the body of rules so carefully wrought. Now, in a near frenzy over the prospect of delay or acquittals during the next several months, we set ourselves the task of legislating a rule of court, during the hectic last-minute rush of this session, without taking the time to wade through the many pages of detailed legislative language in depth, without seeking or gaining the reasoned advice of bench and bar. And, allowing only 1 hour of general debate, we rush forward with a bill that would add to the already troublesome effec­ tiveness of our system of justice.

The debate, short though it was, illu­ minated that the task we set ourselves was too much. Despite the protestations of the committee chairman and the leader of the majority, the basis of the bill was that we are unable to foresee the dire results of the Jencks decision that has been forecast by some. But, the gentleman from Virginia [Mr. Styron] and the gentleman from New York [Mr. Hastings] and the gentleman from Maine [Mr. Fessen­ den] and the gentleman from Maine [Mr. Foote] and the gentleman from Maine [Mr. Fessen­ den] have, the right to inspect documents of a competitor, either voluntarily given to or seized by the Government. This does not affect wages and hours case, could not inspect, before trial, documents or receipts of allegedly aggrieved employees. Or, in an income tax evasion case, the accused taxpayer could not inspect, before trial, invoices or receipts of others as to his income or expenditures. These examples illustrate how far reaching this seemingly simple legislation is, and how profoundly it alters the existing rules and the structure of the law. I voted for the version of this legisla­ tion as it passed the Senate, because I felt that the existing structure of the law had been left undisturbed.

Even then I did so most reluctantly. I felt that this was not the way to proceed if we are to insure continued balance, practicability, and justice in these matters.

I have the conviction that in the long run the people of this country will re­ affirm, as they did when an attempt was made to pack the Supreme Court, their faith in the Court as the indelible guardian of the system of justice that has nurtured our greatness. In times to come they will look back on this as an ill-advised attempt to pack the rules of our courts.
We are being naive if we believe that the next 4 or 5 months will see the wholesale acquittal of subversives or other desperadoes. At the most there will be delay in bringing cases to trial. That delay, if used—as it certainly should and could be used—to invoke the judicial council and the advice of bench and bar throughout the country, is not a small price to pay for the sane and orderly improvement of our system of justice. The legislative cure is likely to prove a wonder drug leaving after effects worse than the ailment it seeks to remedy.

Mr. BECKER. Mr. Chairman, it is my firm conviction that this legislation will, for the time being at least, correct the ill effects of the Supreme Court decision affecting the disclosure of the FBI files.

In listening to the debate today, I am reminded that, through my years as a member of the New York State Assembly and since I have been a Member of the House of Representatives, every time legislation comes on the floor affecting the release of the greatest legal, technical debate takes place. In no other legislation to my knowledge do the legal technicalities arise that have been injected here today. I want to state that I believe those arguing in opposition to this legislation have the best interests of our country and its security at heart. Nevertheless, I firmly support this bill as required by the committee and, if any difficulties should arise in the near future, the Congress will be back in session again and can correct them, if necessary, but it is essentially vital for the internal security of our Nation that this legislation be passed at once.

I am happy that my statement of 2 weeks ago, which I made on the floor of the House, asking that this Congress not adjourn until this legislation had been completed is being carried out. I commend the Judiciary Subcommittee in drawing this bill and setting upon it in an expedient manner, and I am sure that the Congress will render an overwhelming vote of this House.

Mr. ASHLEY. Mr. Chairman, Congress today is hurrying to pass a bill to restrict the Supreme Court's recent decision in the Jencks case which held that Federal Bureau of Investigation records, papers, or documents shall read as follows:

The Court's view was based on the long-established right to counsel to impeach an opposing witness—that is, destroy his credibility—by producing earlier statements against him which may be at variance with court testimony.

But in the Jencks case the Supreme Court made this right of counsel specifically applicable to the hitherto sacrosanct FBI files. Up to this time the FBI had always been able to maintain that its files must be kept secret. Since the Jencks case was decided, J. Edgar Hoover and Justice Department officials have been pressing for legislation to change the Jencks ruling.

It is extremely unfortunate, Mr. Chairman, that this pressure—exerted through press, radio, and other media—has resulted in an eleventh-hour consideration of the bill before us. Because this bill is so important, I believe that broadly the Jencks case opens FBI files to every whim and demand of defendants in espionage and other cases involving our national security, the legislative skids have been greased, the adjournment flag has been readied, and word has gone out that the bill is not really too bad after all.

Mr. Chairman, I am opposed to the legislation which I believe will have the effect that it has received sufficient consideration and because I resent the atmosphere in which it comes to this body. I feel strongly that Congress, with the perspective in any civil or criminal proceeding, the effects of the Jencks decision will be better able to legislate in the public interest on this matter in the next session of the Congress.

The CHAIRMAN. All time has expired.

The Clerk will read the bill for amendment.

The Clerk reads as follows:

Be it enacted, etc. That, section 1733 of title 18, United States Code, is hereby amended by adding the following additional subsections:

"(c) In any court of the United States and in any court established by act of Congress, any books, records, papers, or documents of any department or agency of the United States which contain information of the Attorney General, contain information of a confidential nature, the disclosure of which the Attorney General, in his discretion, concludes would be prejudicial to the public interest, safety, or security of the United States shall not be admissible in evidence in any civil or criminal proceeding, over the objection of the Attorney General, unless—

(i) such books, records, papers, or documents have been produced in open court and have been used or relied upon by a witness for the purpose of establishing a record of the witness's past recollection, of any events being testified to, or

(ii) such books, records, papers, or documents have been or are produced in open court or used or relied upon by a witness for the purpose of refreshing his present recollection of any events being testified to,

(d) Whenever, in any civil or criminal proceeding in any court of the United States or in any court established by act of Congress, demand is made for the production of any books, records, papers, or documents of any department or agency of the United States which have been used or relied upon by a witness in the trial for the purpose of refreshing the witness's recollection, or as a record of his past recollection, such books, records, papers, or documents shall not be produced or admitted in evidence over the objection of the Attorney General unless the trial court, in its discretion and upon personal inspection thereof without disclosure to any party or counsel, determines that such books, records, papers, or documents should be produced in the interest of justice and for the proper identification of the party affected thereby.

Mr. KEATING. I am opposed to the legislation which I believe will have the effect that it has received sufficient consideration and because I resent the atmosphere in which it comes to this body. I feel strongly that Congress, with the perspective in any civil or criminal proceeding, the effects of the Jencks decision will be better able to legislate in the public interest on this matter in the next session of the Congress.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Clerk will read the committee amendment.

The Clerk reads the committee amendment, as follows:

"(a) In any criminal proceeding brought by the United States, any rule of court or procedure to the contrary notwithstanding, no statement or report of any prospective witness or person other than a defendant is admissible in evidence if the United States shall be the subject of subpoena, discovery, or inspection, except as provided in paragraph (b) of this section.

"(b) After a witness called by the United States has testified on direct examination, the court shall, on motion of the defendant, order the United States to produce and introduce for the inspection of the court in camera such reports or statements of the witness in the possession of the United States, if signed by the witness, or otherwise adopted or approved by him as correct relating to the matter as to which he has testified. Upon such production the court shall then determine what portions, if any, of said reports or statements relate to the subject matter as to which the witness has testified. In pursuance to such determination, any portion of said reports or statements is withheld from the defendant, and the trial is continued to an adjudication of the guilt of the defendant, the entire reports or statements are withheld. And in the event the defendant shall appeal, shall be made available to the appellate court at its request for the purpose of comparing the correctness of the ruling of the trial judge.

(c) In the event that the United States elects not to continue any criminal proceeding in any court under paragraph (b) hereof to deliver to the defendant any report or statement or such portion thereof as the court may direct, the court shall strike from the record the testimony of the witness and the trial shall proceed unless the court in its discretion shall determine that the interests of justice require that a mistrial be declared. The analysis of such chapter is amended by adding at the end thereof the following:

"3500. Demands for production of statements and reports of witnesses."

Mr. ROGERS of Colorado. Mr. Chairman, I move to strike out the last word.
Mr. Chairman, I doubt very seriously whether the Congress of the United States can write legislation attempting to reconcile the dilemma which has resulted from the Jencks decision.

May I point out that the Supreme Court in its decision on page 11 of Jencks against United States, after it was heard in two separate chambers, Matusow and Ford had testified that they had made certain statements to the FBI and the defendants' counsel asked that those statements be produced and the Government opposed it, stating:

We now hold that the petitioner was entitled to an order directing the Government to produce for inspection all reports of Matusow and Ford in its possession, written and, when orally made, as recorded by the FBI, touching the events and activities as to which they testified at the trial. We hold further, that the petitioner is entitled to inspect the reports to decide whether to use them in his defense. Because only the defense is entitled to have such information, the defense must initially be entitled to see them to determine what use may be made of them. Justice requires no less.

Let us take that part of the decision and say to the House: 'It is a great problem.' It in effect says that when a witness has taken the witness stand and has admitted that he has given reports to the FBI, then we say in the second paragraph that instead of those reports being produced and turned over to counsel for the defense as provided in this decision, we say under this bill that it shall be given to the judge for him to ascertain what part of that report should be turned over to the defendant. Let us see what the Supreme Court said, and the reason that I now say, it is virtually impossible for this House to write a rule of reason, so as to speak, to apply to the Jencks decision. For the Supreme Court on page 12, after reciting the necessity of turning over the reports to defense counsel makes this statement:

The practice of producing Government documents to the trial judge for his determination of relevancy and materiality without hearing the accused is disapproved. Relevancy and materiality are questions of production and inspection with a view to use on cross examination are established when the reports are shown to relate to the testimony of the witness. Only after inspection of the reports by the accused must the trial judge determine admissibility.

The Court in that decision said that he is in that procedure when he has an opportunity to inspect the reports that are in the files. We can talk all we want to about the security of the Nation and things of that nature. This is a rule that we are under the Law of the United States and this Court. They have laid it down. We attempt in this bill to take from him the right to inspect the files unless the judge appropriately directs him. It is the very opposite of the Jencks decision. He is now asked to violate the old rule and you will now give it to the judge and the judge shall determine rather than you being able to examine it yourselves and make that determination.

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ROGERS of Colorado. Mr. Chairman, let us go one step further. The chairman of our committee has pointed out that if the first part of this bill as reported is adopted, then you are going to be exceeding the present procedure of making a rule of evidence, meaning to change some of the rules of criminal procedure. That is not all that this bill would do—and I do not know what else can be done about it, but whenever you change the law, you change the circumstances. If the Court delivers to the defendant the files or the reports, understand that in the first instance we say in this bill "such reports or statements of the witness in the possession of the United States as are signed by the witness."

Now, that is No. 1, and continuing "or otherwise adopted or approved by him as currently relating to the subject matter to which he testifies."

The word "relate" goes a long way.

Now let us go one step further and see if we are actually, by this procedure, saying that we are amending the rule as it relates to the subject matter of the conversation. It could very easily arise in this instance. Suppose that the FBI had placed a wiretap, and that that wiretapping has been put in their report, and it deals with a witness who is on the witness stand. We authorize the judge, under this procedure, to take that report because it relates to that witness, and he is in duty bound, under this procedure, to deliver it to the defendant's counsel. After it is delivered to him, then you run into the first big problem. Our Federal Communications Commission Act does not make it a crime to wiretap. It makes it a crime to expose and disclose the thing that you hear in the wiretap.

Here is a report which contains the wiretap information, which is given to the Federal judge. He orders, and he, in the second instance, delivers it to counsel for the defendant. Is he privileged, then, under the law, to expose what he heard in that wiretap? That is the thing to be considered. Certainly if he can, then he is violating the exposure of the information heard in the wiretap.

There are a number of things we should consider in connection with this piece of legislation. What we have before us is a bill that was prepared by the Department of Justice in the first instance. When the other body considered this legislation and when they approved it yesterday, they did not adopt the provision of the Justice Department bill. They did not adopt it. They have been made as an amendment to the original bill. The other body has amended it in several particulars.

Now here is the whole crux of the thing. What is a record? The bill as provided by the other body in effect says "a record." Is a record what is told to an FBI agent who in turn tells what he has heard? Does that become a record which must be passed to counsel for the defendant? The other body at the suggestion of the Justice Department had an amendment over there to change the word "record" to "recording," meaning thereby to make a limitation upon the things that will be considered a defendant. In other words, a "recording" means speaking what the man may have said that they have picked up. It would eliminate the question of the record discussed.

I therefore believe that if we are to adequately meet this situation it would take a great deal more study than we have been able to give it. Otherwise you can run into a situation where due process has been denied.

The CHAIRMAN. The time of the gentleman from Colorado [Mr. Rockefeller] has again expired.

Mr. CELLER. Mr. Chairman, I offer a substitute amendment.

The Clerk reads as follows:

Substitute amendment offered by Mr. Celler: Page 1, strike out all after the number "1500," and strike out after the number "4500." "(a) 3500. Demands for production of statements and reports of witnesses"

"(a) In any criminal prosecution brought by the United States, no statement or report of a Government witness or prospective Government witness (other than the defendant) made to an agent of the Government which is in the possession of the United States shall be the subject of subpoena, attachment, except if provided in the Federal Rules of Criminal Procedure, or as provided in paragraphs (b) and (c) of this section.

"(b) After a witness, called by the United States, has testified on direct examination, the defendant shall have the right to request the United States to produce any written statements previously made by the witness in the possession of the United States which are signed by the witness or otherwise adopted or approved by him, and any transcriptions or recordings, or oral statement made by the witness to an agent of the Government, relating to the subject matter as to which the witness has testified. If the entire contents of such statement, transcription, or recording are not produced under this section, the court shall order the United States to deliver such statement, transcription, or recording for the inspection of the court in camera. Upon such delivery the court shall excise the portions of said statement, transcription, or recording which do not relate to the subject matter of the testimony of the witness, the court shall order the United States to deliver such statement, transcription, or recording for the inspection of the court in camera. In the event the United States claims that any statement, transcription, or recording ordered to be produced under this section contains matter which does not relate to the subject matter of the testimony of the witness, the court shall order the United States to deliver such statement, transcription, or recording for the inspection of the court in camera. Upon such delivery the court shall excise the portions of said statement, transcription, or recording which do not relate to the subject matter of the testimony of the witness, the court shall order the United States to deliver such statement, transcription, or recording for the inspection of the court in camera. In the event the United States claims that any statement, transcription, or recording ordered to be produced under this section contains matter which does not relate to the subject matter of the testimony of the witness, the court shall order the United States to deliver such statement, transcription, or recording for the inspection of the court in camera. Upon such delivery the court shall excise the portions of said statement, transcription, or recording which do not relate to the subject matter of the testimony of the witness, the court shall order the United States to deliver such statement, transcription, or recording for the inspection of the court in camera.

"(c) In the event that the United States claims that any statement, transcription, or recording ordered to be produced under this section contains matter which does not relate to the subject matter of the testimony of the witness, the court shall order the United States to deliver such statement, transcription, or recording for the inspection of the court in camera. Upon such delivery the court shall excise the portions of said statement, transcription, or recording which do not relate to the subject matter of the testimony of the witness, the court shall order the United States to deliver such statement, transcription, or recording for the inspection of the court in camera. Upon such delivery the court shall excise the portions of said statement, transcription, or recording which do not relate to the subject matter of the testimony of the witness, the court shall order the United States to deliver such statement, transcription, or recording for the inspection of the court in camera. Upon such delivery the court shall excise the portions of said statement, transcription, or recording which do not relate to the subject matter of the testimony of the witness, the court shall order the United States to deliver such statement, transcription, or recording for the inspection of the court in camera.

"(d) If the court orders any portion of the foregoing statements, transcriptions, or recordings to be excised, it shall set forth in writing the reasons therefor. The order shall be incorporated into the record of the proceeding and made a part of the remand to the United States Court of Appeals. In addition, the court may also order the existence of the portions of the written or oral statements excised the court shall then direct the United States to deliver such statement, transcription, or recording for the inspection of the court in camera.

"(e) The defendant may move to strike any portion of any statement that the court has ordered to be delivered to the United States. The court shall make such order as it deems just.

"(f) Such a motion must be made within 10 days after the delivery of such statement, transcription, or recording to the defendant. If the defendant does not comply with such a motion within such 10-day period, the court shall order the United States to deliver such statement, transcription, or recording for the inspection of the court in camera. Upon such delivery the court shall excise the portions of said statement, transcription, or recording which do not relate to the subject matter of the testimony of the witness, the court shall order the United States to deliver such statement, transcription, or recording for the inspection of the court in camera. Upon such delivery the court shall excise the portions of said statement, transcription, or recording which do not relate to the subject matter of the testimony of the witness, the court shall order the United States to deliver such statement, transcription, or recording for the inspection of the court in camera. Upon such delivery the court shall excise the portions of said statement, transcription, or recording which do not relate to the subject matter of the testimony of the witness, the court shall order the United States to deliver such statement, transcription, or recording for the inspection of the court in camera.

"(g) The defendant may appeal from the order of the court. The defendant's appeal shall not be entered for the purpose of correcting the correctness of the ruling of the trial judge. Whenever any statements, transcriptions, or recordings ordered to be delivered to the defendant pursuant to this section, the court shall by its discretion, upon application of said de-
fendant, may recess proceedings in the trial for such time as it may determine to be reasonably required for the examination of such statements, transcriptions, or recordings by said defendant and his preparation for their use in the trial.

"In the bill that the United States elects not to comply with an order of the court under paragraphs (b) and (c) hereof to deliver to the defendant any statement, transcription, or recording, or such person thereof as the court may direct, the court shall strike from the record the testimony of the particular witness that is the subject thereof as the court may direct. The court shall privilege the defendant's counsel to examine such statements, transcriptions, or recordings by said defendant and his preparation for their use in the trial.

"The analysis of each chapter is amended by adding at the end thereof the following: "$300. Demands for production of statements and reports of witnesses.""

Mr. CELLER. Mr. Chairman, this substitute embodies practically the bill that was passed in the other body yesterday.

At the outset I wish to indicate clearly that the Jencks decision made no reference to the Federal Rules of Criminal Procedure. The bill before us changes the Federal Rules of Criminal Procedure. Those rules are time honored. They are prepared by the Justices of the United States. They are the rules of the Court of last resort of the United States. They are the rules of the Supreme Court under the Constitution of the United States.

I made the change from the Senate bill substituting the word "records" for "transcripts." We are out real and mature deliberation we are given actually, or rather, we are given from time to time by the Supreme Court under the Constitution of the United States. They are prepared by the Justices of this Court. They are sifted and culled out by the Supreme Court. Those rules if we see fit. Never have we amended the Rules of Criminal Procedure. The bill before us does not involve any amendment to the Federal Rules of Criminal Procedure nor this amendment.

The CHAIRMAN. The time of the gentleman from New York has expired.

By unanimous consent (at the request of Mr. CELLE.

Mr. SCHERER. Mr. Chairman, those are the changes and with those changes the substitute is exactly as is the bill before us.

Mr. SCHERER. Mr. Chairman, will the gentleman yield?

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

Mr. SCHERER. Under the gentleman's amendment, would the district attorney have the right after a witness takes the stand, to then ask the defendant to reveal to the Government what those rules if we see fit. Never have we amended the Rules of Criminal Procedure. The bill before us does not involve any amendment to the Federal Rules of Criminal Procedure nor this amendment.

Mr. SCHERER. Would the situation be allowed to exist under the Jencks ruling to stand as it now does?

Mr. CELLER. The Government under the law today can seize an accused person's papers, and so forth.

Mr. SCHERER. Not after a witness has taken the stand can you ask the defendant to take from his files information concerning statements that that witness made?

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Louisiana.

Mr. WILLIS. The gentleman is restating the Jencks decision. That is what we are trying to correct.

Mr. SCHERER. Does it apply in reverse?

Mr. CELLER. I doubt it since the Government has the burden of proof of proving guilt beyond reasonable doubt. Defendant may stand silent.

Mr. SCHERER. Would the district attorney have the right to get from the defendant the information that the defendant might remain silent.

Mr. CURTIS of Massachusetts. I do not think they would have that right because there is the matter of self-incrimination which is involved therein.

Mr. SCHERER. I am not talking about the defendant. I am talking about witnesses who may be called on behalf of the defendant.

Mr. CELLER. Does the gentleman ask whether the Jencks decision affects that right or whether the substitute will affect that right?

Mr. SCHERER. Both.

Mr. CELLER. The substitute amendment has nothing to do with that. It does not affect it.

Mr. SCHERER. Does not the same reasoning apply if you allow the Jencks decision to stand?

Mr. CELLER. I do not think so.

Mr. SCHERER. Would not the district attorney have the right to ask the defendant for the same information?

Mr. CELLER. No, because you will have to remember in all criminal cases the burden of proof is on the prosecution. The defendant need not do anything. The Federal Rules of Criminal Procedure do not now, I believe, provide for the production of such records in criminal cases.

Mr. SCHERER. If the defense is in the presentation of its case and it offers a witness to substantiate the defense, then cannot the district attorney ask the defendant to produce from its files any statement that that particular witness may have made?

Mr. CELLER. I doubt that very much, for the reasons I have already given.

The CHAIRMAN. The time of the gentleman from New York has again expired.

By unanimous consent (at the request of Mr. CELLER) he was allowed to proceed for 1 additional minute.)

Mr. CELLER. I do not think so because you might have a case where the defendant might remain silent. If you forced him to do that, that is not silence. He would be compelled to confess himself.

Mr. SCHERER. I think the gentleman is missing the point. I am saying that if witnesses who are supporting the defense, have given to the defendant's lawyer a contradictory statement, then does the Government have the right to go into the defendant's files?

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Neither the Rules of Criminal Procedure nor this amendment provides anything of that sort.

Mr. SCHERER. Should not the Government have that right?

Mr. CELLER. Whether it should or should not is a question not expressly present in this bill. I do not believe that it now has such right, at least at that time in the trial after a witness has testified.

Mr. SCHERER. Should it not work both ways?

Mr. CELLER. It does not.

Mr. WILLIS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, it should be realized that the amendment offered by the gentleman from New York (Mr. CELLER) would definitely affect and bring into
Mr. WILLS. The gentleman is correct.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WILLS. I yield to the gentleman from New York.

Mr. CELLER. While it may be true that you have a clause in there, "any rule of court or procedure to the contrary notwithstanding," I think that the language in the bill itself is contradictory of rule 16 of the Rules of Criminal Procedure. For example, rule 16 is as follows:

Upon motion of a defendant at any time after the filing of the indictment or information—

"At any time," it does not mean at the time of the trial—

the court may order the attorney for the Government to permit the defendant to inspect and copy or photograph designated books, papers, documents, or tangible objects, obtained from or belonging to the defendant or obtained from others by seizure or by process, upon a showing that the items sought may be material to the preparation of the defendant's defense and are reasonably obtainable. The order shall specify the time, place, and manner of making the inspection and of taking the copies or photographs and may prescribe such terms and conditions as are just.

Then go on to rule 17 (c), entitled "For Production of Documentary Evidence and of Objects."

A subpoena may also command the person to whom it is directed to produce the books, papers, documents, or other objects designated therein. The court on motion made promptly before the time specified in the subpoena produced before the court at a time prior to the trial or prior to the time when they are to be offered in evidence may upon their production permit the books, papers, documents, or objects or portions thereof to be inspected by the parties and their attorneys.

Mr. WILLS. I may say to the gentleman that the books, records, and documents are not of the type this bill speaks about at all.

Mr. CELLER. Why not?

Mr. WILLS. Let me show the gentleman. Section (b) of the bill states—

After a witness called by the United States has testified on direct examination, the court shall, on motion of the defendant, order the United States to produce—

What?—

to produce such reports or statements of the witness in the possession of the United States.

It has nothing to do with the books or records referred to in the Rules of Criminal Procedure.

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What?—

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what Attorney General Tom Clark said in this case. He reminds me of Jeremiah weeping at the wall. He said, "This criminal action was dismissed. Can you get that? A case is thrown out of United States and you cannot try that Communist any more and you have nine more in the same situation. Then he says, "This ruling fashion a new rule of evidence which is foreign to our Federal jurisprudence." Is there a man here who disputes that? As a matter of fact, he says that if you are going to make that holding, you should overrule Gold-man v. United States (310 U.S. 485) which was decided in 1941. He says if you adhere to this and unless you change this rule, the rule announced by the Court today, the intelligence agencies of the Government engaged in law enforcement may as well close up shop, if the court has to open the books to the criminal and afford to him a Roman holiday. No one with experience in the prosecution of Communist outrages can disagree with the accuracy of Justice Clark's statements. This legislation is stopgap legislation to assist the Government in its efforts to prosecute Communists, to protect our books and to maintain the accuracy of Government files. As stopgap legislation I support it, but permanent legislation must be passed which will be a conference. I am happy to have the gentleman from New York [Mr. Forrester] on my right and the gentleman from Georgia [Mr. Keating] on my left and the gentleman from New York [Mr. Celler] will be a conferee and can take part in hammering this out in conference instead of on the floor.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. CELLER. If the bill does not change the rules of procedure, why do you have the language "any rule of court or procedure to the contrary notwithstanding"?

Mr. KEATING. The purpose of this bill is to restate what is understood to be the law now. What I object to is inserting these words into the Federal Rules of Criminal Procedure. The Federal Rules of Criminal Procedure now allow a defendant in a criminal case to go rummaging through the files of the Government.

The very thing we are trying to do is to make it abundantly clear that the defendant has no such right. We are establishing one exclusive procedure for the production of statements of Government witnesses. Why should we adopt something which negatives the very thing we are trying to do?

Mr. CELLER. Why do you use that language?

Mr. KEATING. I am not using that language; it is the gentleman from New York who seeks to insert the language "except if provided in the Rules of Criminal Procedure." It is in the gentleman's bill. The gentleman uses the language "Any rule of court or procedure to the contrary notwithstanding." Why do you use that language if you do not include the rules of Criminal Procedure?

Mr. KEATING. The bill does not intend to deal with, or affect in any way the Federal Rules. It attempts to establish a single procedure independent of those rules. We seek, by that language to make it clear that those rules do not apply to this situation. We establish the procedure in paragraph (b) and in (a) we state that that procedure is the exclusive procedure to be followed. The gentleman from New York supported this in the committee.

The CHAIRMAN. The time of the gentleman from New York is limited.

The question is on the substitute offered by the gentleman from New York [Mr. Celler] for the committee amendment. The question was taken; and on a division (demand by Mr. Celler) there were—ayes 55, noes 161. So the substitute amendment was rejected.

The CHAIRMAN. The question recurs on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule the Committee rises.
Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ENGLE, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H. R. 7915) to amend section 1733 of title 28, United States Code, pursuant to House Resolution 411, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

Mr. MORANO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were 351, nays 17, not voting 64, as follows:

[Roll No. 215]

YEAS—351

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All
Mr. MARTIN. Mr. Speaker, I know I voice the sentiment of Members on both sides of the aisle when I rise to pay my tribute to a man who has served here in Congress for many years with distinction, and who is terminating his Congressional career tonight. I refer to the gentleman from Pennsylvania, Mr. SAMUEL K. McCONNELL.

It has been my privilege to know Mr. McCONNELL intimately for many years. I know of no one who participated in his work with greater enthusiasm, with more devotion, and with a single purpose than to serve his district, his State and his country. Mr. McCONNELL loved his work and he loved to serve his people and that wonderful desire made his career such a splendid one.

Mr. Speaker, we all realize we are losing a valuable Member as he goes to assume a very responsible position, a position that will absorb and divide the energies of people. I am sure Mr. McCONNELL knows, as he enters into these important duties that lie ahead of him, he carries with him the ardent and best wishes of all of us. I trust the use regardless of party. He has accepted a great challenge for service and we are all sad as he leaves this House where he has made such a fine record.

Mr. REECE of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Tennessee.

Mr. REECE of Tennessee. Although his career as a Member of Congress for the distinguished gentleman from Pennsylvania may be coming to an end today, the prestige he has gained from the work he has done here will stand for many years as a monument to him and to the people of Pennsylvania who sent him here. He has performed valiant service in many areas of important legislative and jurisdictional duty. I assume a very responsible position, I mean, Mr. Speaker.

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

Mr. MARTIN. I yield to the gentleman from Massachusetts.

Mr. MCCORMACK. I join with my friend from Massachusetts in the compliment paid by him to our distinguished friend and colleague from Pennsylvania.

Mr. Speaker, I ask unanimous consent to address the House for a purpose, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

HON. SAMUEL K. McCONNELL, JR. Mr. MARTIN. Mr. Speaker, I ask unanimous consent to address the House for a purpose, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The analysis of such chapter is amended by adding at the end thereof the following:

"... as the court may direct unless the court in its discretion shall determine that the interest of justice require that a mistrial be declared."

The committee amendment was agreed to.

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

A similar House bill (H. R. 7915) was laid on the table.

Mr. Celler. Mr. Speaker, I ask unanimous consent to strike out all after the enacting clause of the bill (S. 2377) and insert the provisions of H. R. 7916.

The committee amendment was agreed to.

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

A similar House bill (H. R. 7915) was laid on the table.

Mr. Celler. Mr. Speaker, I ask unanimous consent to have the Speaker's table the bill (S. 2377) with a House amendment thereto, insist on the amendment of the House and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none and appoints the following conference: Mr. Celler, Mr. Willis, Mr. Brooks of Texas, Mr. Keating, and Mr. Curtis of Massachusetts.

PRIVATE CALENDAR

Mr. MCCORMACK. Mr. Speaker, I ask unanimous consent to address the House for a purpose, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.
him do through the years he has been here, and we have all benefited from his intelligent presentations.

So, certainly, in my opinion, he typifies what I consider to be the best in him do through the years he has confidence as I am that in the activity he now goes he will establish the best of luck in his new assignment. I am sure that I, along with all Members, have also been to have been associated with Sam McConnell in this body.

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

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

Mr. Speaker, I feel a little like the colored preacher who, after delivering a great sermon, finally stuttered a little bit and said, "Well, there is little more I can say, I think maybe I will ask somebody in the audience, "Why don't you say 'Amen' and sit down?"

All these fine things that have been said about Sam I want to say are absolutely true. When we come to Congress there he would have been the finest possible manner. Labor, wish to say how very much I and all love you very much. God bless you. I want to say are absolutely true. When we come to Congress there he would have been the finest possible manner. Labor, wish to say how very much I and all love you very much. God bless you.

Mr. KEARNs. Mr. Speaker, it has been my very fortunate opportunity to serve with Sam McConnell from the 80th Congress. I first served with him in 1947 on a special committee that met in Washington, D.C. After the many things that have been said about him here today, we should say one thing that has not been stated so far, and that is that he is a Sam McConnell. And I, as ranking minority member of the committee, will always know that he is one of the gentlemen who serves the handicapped whom he loves. He always wanted to help people. Now God has called him to that field and I know the good Lord will bless him and we will look to him. So, Sam, God bless you and we, the 435 Members of the House, will remember you always.

Mr. MARTIN. Mr. Speaker, I yield to the gentleman from Pennsylvania.

Mr. GREEN of Pennsylvania. Mr. Speaker, I have been a fortunate opportunity to serve with Sam McConnell from the 80th Congress. I first served with him in 1947 on a special committee that met in Washington, D.C. After the many things that have been said about him here today, we should say one thing that has not been stated so far, and that is that he is a Sam McConnell. And I, as ranking minority member of the committee, will always know that he is one of the gentlemen who serves the handicapped whom he loves. He always wanted to help people. Now God has called him to that field and I know the good Lord will bless him and we will look to him. So, Sam, God bless you and we, the 435 Members of the House, will remember you always.

Mr. MARTIN. Mr. Speaker, I yield to the gentleman from Pennsylvania.

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

Mr. MARTIN. I yield to the gentleman from Pennsylvania.

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of these promises of esteem and assistance. All members of the Committee on Education and Labor, on both sides, respect him and know that when he makes a promise or any sort of promise we have it in words that are as sound or even more sound than a Government bond. We will miss him very much.

Mr. MARTIN. Mr. Speaker, I yield to the gentleman from New York (Mr. ROONEY).

Mr. ROONEY. Mr. Speaker, I should like to join in the many well-deserved tributes being paid here this afternoon to the distinguished gentleman from Pennsylvania (Mr. McCONNELL). One of the great rewards of my years of service in the House of Representatives has been the acquaintance and friendship during all those years with the highly respected gentleman from Pennsylvania (Mr. McCONNELL). I have always admired SAM's ability and capacity for work and his reputation for trustworthiness. The fact that his word is his bond has never been questioned. I am in wishing SAM McCONNELL Godspeed in his newly chosen career. I am sure he will be the great success in his new field of endeavor that he has been here faithfully representing the people of his district, his State, and his Nation.

Mr. MARTIN. I yield to the gentleman from Ohio (Mr. McGREGOR).

Mr. McGREGOR. Mr. Speaker, I concur in the very fine eulogy that is being given to one of our Members who is leaving on his own accord. But you know there is an old saying that whenever there is something good or something bad about you, you really are a nice person. It has been my privilege to be SAM McCONNELL's neighbor for many, many years in our legislative offices. SAM and I have always known that whenever we are fortunate enough to see you go, but we congratulate the organization to which you are going. From your neighbors we extend to you our kindest regards and best wishes.

Mr. MARTIN. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. PENTON).

Mr. PENTON. Mr. Speaker, it was indeed grand to hear the fine tributes paid by previous speakers to our good friend and colleague Congressman SAMUEL McCONNELL.

As one of the senior members of the Pennsylvania delegation in the House of Representatives, and as chairman of the Republican delegation, I want the membership of the Republican delegation, and all succeed­ ing Members of Congress and the people of the county to know that we appreciate the wonderful statements made about SAM, regardless of partisanship.

To me, personally, it was with a touch of sorrow that we are to lose in this Congress, one of the senior Members of the Committee on Education and Labor. I think the fine deeds of my years of service in the House of Representatives have been the acquaintance and friend­ ship among the great rewards of my years of service.

SAM McCONNELL's background from his birth reflects the kind of person he is. Born in Eddystone, Pa., he is the son of a Methodist minister. He has been interested all his life in work with boys, particularly in settlement house and labor centers. In his senior year at the University of Pennsylvania he was chief counselor for boys.

SAM is interested in Boy Scout work, and the great movement it is in building character and ability. His service here has been a credit to his district, State, and Nation.

SAM McCONNELL's background from his birth reflects the kind of person he is. Born in Eddystone, Pa., he is the son of a Methodist minister. He has been interested all his life in work with boys, particularly in settlement house and labor centers. In his senior year at the University of Pennsylvania he was chief counselor for boys.

As chairman of the second war loan drive in the House of Representatives in 1943 at a special election to fill the vacancy due to the untimely death of the beloved Congressman William Ditter. He has been reelected to all succeeding Congresses.

We all are aware of the fine work SAM has done as a member of the Education and Labor Committee of the House. As the ranking Republican member of that committee he was its chairman in the 83d Congress. He handled all education and labor debates for his party.

Mr. MARTIN. Mr. Speaker, I yield to the gentleman from Minnesota (Mr. JUDD).

Mr. JUDD. Mr. Speaker, the Chinese have an apt saying that goes something like this: "With clothing, the new is best; with friends, the old are best." That is true of his experience here in the House of Representatives. New Members are constantly coming and we welcome them. But it is hard to lose the old—those who have been tested and tried and have done true. Some Members flash across the sky like a meteor but are soon gone. But some leave a permanent imprint on the Congress as well as on us who have been here. We wish them well. With friends the old are indeed best; and we hate to see SAM McCONNELL leave us.

He has in an unusual degree the qualities that we most admire in others and wish for ourselves. First, a good mind. Whenever he gets up to speak on any issue, he knows what he is talking about and he explains it clearly. He has done this work just as he did it in the House. He knows the fine print as well as the big print, and we can always count on what he says. It illuminates.

Second, a warm heart. He not only knows about the needs of human beings and the well-being of our country.

Third, underriding everything, he is a man of sterling character—unimpeachable and impervious.

It is a great loss, not only to us as his old friends but to our country, for him to leave this body. But it is an equally great gain to the work for the handicapped and the crippled youth of our country. I trust that his work will bring him back to Washington and to the House of Representatives frequently.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have permission to speak on any item of business. Any further remarks at this point in the Record.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RAYBURN. Mr. Speaker, I join with great regret in expressing my deep regret that SAM McCONNELL is leaving the public service as a Member of this House. May his coming days be happy ones.

Mr. HAYS of Arkansas. Mr. Speaker, I have listened with interest and deep appreciation to the tributes to our distinguished colleague, the gentleman from Pennsylvania. I share the great admiration and congeniality of the occasion and their remarks at this point in the Record.

The SPEAKER. Without objection, it is so ordered.

Mr. ELLIOTT. Mr. Speaker, I am happy to have this opportunity to praise...
the public service of the gentleman from Pennsylvania (Mr. McConnell). I have enjoyed the rare privilege in recent years of working under the leadership of the late Speaker, Sam McConnell, on the House Committee on Education and Labor.

I have worked with him when his party was in power in the House. I have worked with him when my party was in power. And I have had the privilege of serving on his subcommittee that examined into the operation of the vocational rehabilitation law and other legislation pertaining to handicapped persons and, more particularly, in 1953 and 1954. I had the privilege of traveling with Sam McConnell and other members of the subcommittee in the fall of 1953 as we visited the outstanding rehabilitation centers in New York, in Virginia, in Alabama, and in Georgia.

As I recall, we visited the Warm Springs Foundation on November 11, 1953, when we visited the Little White House where Franklin Delano Roosevelt died.

Out of the work done by this subcommittee came the amendments to the Vocational Rehabilitation Act of 1954. I have had the rare privilege in many of the many conversations I have had with Sam McConnell. I know that he regards his accomplishment in the legislative field of vocational rehabilitation as perhaps the high point in his distinguished career. His vision, his determination, his tact, and his temperament enabled him to lead in the performance of a great public service in the passage of this 1954 act.

I would like to say that the State funds appropriated for matching Federal funds for vocational rehabilitation have increased from $14 million in 1954 to $22 million in 1957, an increase of an outstanding or an increase of 57 percent. In my own State of Alabama, State funds available for vocational rehabilitation have increased from $400,000 in 1954 to $720,000 in 1957, an increase of $320,000, or 80 percent. Actively, this new Vocational Rehabilitation Act is just now getting into full swing, and it is my judgment that appropriations by the State and the Federal Government under this act will greatly increase in the future. Likewise, the number of people being completely rehabilitated under the act is growing in similar proportion.

A completely rehabilitated handicapped person is considered as one who has become employed or reemployed.

Just last week, Mr. McConnell told me that his interest in the new job that he will soon take grew directly out of the stimulation and interest generated by his work on this legislation in 1953 and 1954.

Another outstanding monument to the public service of Sam McConnell is the Coal Mine Safety Act of the years 1953 and 1954. His leadership in the passage of this act was most unusual and most outstanding. He represented a district which I am sure he could have sold, yet he realized that legislation to protect the lives and limbs of those who mine the Nation's coal had to be passed. His foresight and his judgment in sponsoring the coal mine safety bill to passage in the United States House of Representatives has resulted, even now, in a reduction of coal mine accidents by a flat 50 percent.

These two major pieces of legislation illustrate, I think, the character of Sam McConnell. Sam McConnell has a broad-gaged mind. He is a fearless thinker. He has a sense of independence surpassed by few men. The Nation was thrilled when it learned that Sam McConnell spent the last months of the year traveling at his own expense, over sections of the country commonly regarded as being well-to-do to sections to determine for himself whether or not this Nation could afford the Federal funds to aid to the States for the purpose of building classrooms for America's school-children. Sam McConnell found the facts. He found that America needed a school construction bill. He threw himself into the fight to pass such a bill, and had it not for the unfortunate circumstances which occurred during the debate in that bill, the Congress would have passed a school construction bill. He was magnificent, however, in the defeat which the school construction bill suffered.

Sam McConnell's service in the United States House of Representatives has been most meaningful. He has built a record that will live through the ages. He leaves this body with the respect, admiration, and good will of all his colleagues. He carries his best wishes into his new career where they know he will accomplish many more great things for the benefit of mankind.

Mr. CHENOWETH. Mr. Speaker, I wish to join my colleagues in expressing regret on the resignation of our distinguished colleague from Pennsylvania, Mr. Sam McConnell. He has been a great loss to this body, to his district, and to the Nation. However, I know that he is to assume a more responsible position and will continue to serve his country in that position.

It has been a great privilege and pleasure for me to serve with Sam in the House. I have greatly enjoyed my association with him over the years. He is a gentleman in the highest position, and it was easy for him to make friends. I cannot recall that I ever heard him speak ill of anyone.

The people of Pennsylvania can be proud of men like Sam McConnell. I wish him success and much happiness for many years to come.

Mr. GAVIN. Mr. Speaker, I want to join with my colleagues in paying tribute to our mutual good and able friend, Samuel McConnell. It was with a bit of sadness and sincere regret that I heard he was leaving the Congress of the United States. I know he is to accept the position of director of the National Cerebral Palsy Foundation, a position for which I know he has a deep understanding and for which he is eminently qualified.

Sam has been a hard worker while serving in the Congress; conscientious in the performance of his duties, and his work in the House and on the Education and Labor Committee, has won and deserves the hearty commendations of the Members on both sides of the aisle.

He is greatly endeared to all who know him, and he has a host of friends. Sam is always glad to see one and is gracious and kindly to everybody. He is the kind of friend one seeks for advice and counsel, and I have always found him to be sympathetic and helpful.

Sam is the kind of fellow who adds comfort to our daily lives and always rejoices mightily when any little word or action of his adds to the happiness of any of us.

I cannot in a short time attempt to grasp or sum up the aggregate of his service in public life; however, over the years, it would be so heart and hand, and the love and patriotism for his State and Nation, has produced a performance that has won for him the hearty acclaim of all who know him.

He is a firm believer in our American way of life. His great faith in the principles and ideals of our Government is a deep-rooted growth of many years. I know his one great ambition in life is to hand on to posterity and the generations of tomorrow a finer, greater America than was handed to him.

I know much of his work, and perhaps the thing most to be admired is that he is a fine Christian citizen and gentleman, a devoted and patriotic American, who has contributed much to the building of his State, his particular district, his State and his Nation.

I wish for Sam and his family great happiness, success for the future, and all the good things in life over the years ahead. I sincerely hope that next day he will again join us and serve in the Congress of the United States.

Mr. WOLFEKTON. Mr. Speaker, there is a mingling of pleasure and disappointment as I make these remarks relating to our colleague, Sam McConnell, who leaves us to take upon an important task of a great human welfare agency.

It is with a feeling of pleasure that the opportunity is afforded to me whereby I can express my high regard for a man as noble in character and as distinguished as Sam McConnell. Never have I had the opportunity to be associated with any man, in either public or private life, who has adhered as closely to the principles of rectitude and morality in his everyday life with his fellow man, nor with one who has been so genuinely accepted and acknowledged by all who knew him as possessing all the qualities that make for true and abiding friendship.

In the performance of his public duties, sincerity, honesty of purpose, and ability have characterized his entire career in the Congress of the United States. He met trying situations as Sam McConnell. Never have I had the opportunity to be associated with any man, in either public or private life, who has adhered as closely to the principles of rectitude and morality in his everyday life with his fellow man, nor with one who has been so genuinely accepted and acknowledged by all who knew him as possessing all the qualities that make for true and abiding friendship.

It is a great achievement for anyone to serve in the Congress as many years as our friend and be able to leave it with the knowledge that he has offended no one, and, that every Member, regard-
Mr. CANDYFIELD. Mr. Speaker, the distinguished gentleman from Pennsylvania we affectionately know as Sam McConnell leaves the House this week to become executive director of the United Cerebral Palsy Association.

Having felt the friendly and inspiring influence of this most characterful and dedicated legislator during his 13 years of productive service in this body, I wish to record our observations:

He is an unforgettable statesman and humanitarian.

He believes his mission in life is to add to the sum of human happiness, subtract from the sum of human misery. He has been preeminent in legislative endeavors for the handicapped, the underprivileged.

He has used the helpful service above self in a quiet yet very persuasive way and he believes he has been truly called to his new and challenging work.

I shall always feel close to Sam McConnell for the many years he has rendered outstanding service to his political party. His accomplishments as a member of the House of Representatives have been closely associated. In the field of mine safety legislation, his leadership was a great inspiration.

His devotion to his duties as a Member of the House and to the Congress for the past 14 years in which he has been a loyal Member of this House.

He has had a very special contribution as a member of the House Committee on Education and Labor, and as its senior Republican member and its chairman, he has always had the support of the committee. He has had the difficult problems to deal with. By his character, his ability, and his spirit of fairness and courtesy, I have been impressed with him at this time to accept the position of executive director of the United Cerebral Palsy Association, Inc., only done after much careful consideration. There is no doubt that this trustworthy and wholesome-hearted American citizen will do well in whatever position he may fill and he carries with him the sincere and wholehearted best wishes of the many friends that he has made.

Mr. WIGGLESWORTH. Mr. Speaker, I want to join in the tributes paid to our able and distinguished colleague, Hon. Samuel K. McConnell, of Pennsylvania, who has served this House for 16 years. We need more men like him. I join with my colleagues in this deserved recognition and praise, and extend to Sam and his family Godspeed and all good wishes for the future.

Mr. SAYLOR. Mr. Speaker, one of our most valued and most respected Members will not be in the House when Congress convenes in January. It is Sam McConnell's own decision, and he is to be admired for accepting the directorship of the United Cerebral Palsy Association, Inc., in which position he is further devoting his strength to the interests of his fellow men. Yet we who have been associated with him cannot help but be reluctant to see him take leave of his seat in Congress, for Sam McConnell has always been a leader and an inspiration to his colleagues.

The Honorable Samuel K. McConnell was a legislator whom I came to admire from the time that he joined the Pennsylvania delegation as a Member of the House. Upon my own election to Congress several years later I found him to be all that I had envisioned: a warm and enthusiastic individual, a conscientious and industrious Congressman. While we have a number of times disagreed on policy or legislation, I have nevertheless always appreciated his points of view and conclusions on all controversial matters.

Mr. BAILEY. Mr. Speaker, it is with regret that I view the retirement of this esteemed colleague, Sam K. McConnell, Jr. My regret is tempered with the knowledge that in his new post he will continue to promote the cause of human rights.

Sam McConnell and I have been closely associated in working for the boys and girls of America. Beginning in 1950 when we established the principle of Federal obligation to assist education in impacted areas through July of this year when the lack of leadership from the head of his own party pulled the rug from under Sam McConnell, we have worked closely to promote the cause of better education in the United States.

In the field of mine safety legislation, another important issue with which I have been closely associated, I can safely state that what progress has been made is a direct result of the interest and hard work of the gentleman from Pennsylvania.

As he leaves the Congress, I wish to pay my respect and tribute to a good friend and a loyal and a conscientious Congressman.

Mr. SIMPSON of Pennsylvania. Mr. Speaker, I wish to join my colleagues from Pennsylvania and from other States in wishing Sam McConnell, the very best of everything as he leaves the Halls of Congress.

We will sorely miss him as our colleague in this House but he may be assured that the affection in which he is held will not abate. We insist that he keep in touch with us and have no doubt we will have opportunities to see him from time to time.

His devotion to his duties as a Member of this House and to the Congress and Labor Committee is well known and need not be recounted here. National recognition has attended his efforts in behalf of the American people, and those who know him best are especially mindful of his sincerity of purpose.

Sam McConnell has also rendered devoted and tireless service to his political party. His accomplishments as chairman of the Pennsylvania Republican Committee have marked him as one of the most astute party leaders in the Commonwealth of Pennsylvania.
Undoubtedly, his activities on the county level have been a major factor in his thorough appreciation of the problems confronting State and local government authorities.

Since I became chairman of the National Republican Congressional Committee, I have worked closely with Sam McConnell on numerous Congressional campaign problems, particularly in Pennsylvania. He has been Pennsylvania’s member on the Congressional committee, and I have sought his advice and assistance on a regular basis.

I wish his wise counsel in this important area of my responsibilities. Pennsylvania Republicans will hope that Sam will maintain his interest in Republican affairs.

In his new position of trust, Sam McConnell will give further evidence of his great ability in handling matters of vital public concern. We wish him well.

Mr. McConnell.

Mr. Speaker, so often in life we feel we will be able to say the things we should say before we go—before we depart this life or before we leave a group with whom we have been associated. As Joseph Conrad the novelist stated in one of his interviews, it seems that the world creeps on us too fast to ever say the last word. That is how I feel today as I listen to these lovely sentiments of Congressman Gross and the complimentary things you have said about my service. They have made me feel very humble in one respect and very thankful deep in my heart in another way. I seem to have been destined by fate to have represented a very fine district and to have been associated in my public life with fine people.

Here in Congress I have been a most lucky fellow, because I have been associated with the type of committee work which is emotionally controversial, as all of you know, nevertheless I leave you with a feeling that I do not have a single enemy among you. I know my heart has no enmity or bitter feeling in any way toward any person in this body.

This has been a marvelous education. On Monday I took my mother, who is 85 years of age, living with a nurse and not very well, my father being dead, I took her up to see her relatives. On our return trip she said, “You know, son, you have changed greatly since I left you a Member of Congress.” She said, “It has broadened you. You seem to understand human problems and people better than you understood them before you went to Washington.” Mother is quite correct. They know their sons. This Congressional life has changed me. I am a different man from when I arrived in Washington. Human beings as a whole are not bad. They are fundamentally decent, but if you let so this mixture would crash within 24 hours. I know that so well. When I see an action at which others might look with disfavor, I say, “No, I wouldn’t do that!” We are all heroes and cowards, saints and sinners. Qualities and emotions are so mixed up within all of us; the things we do and do not do. That is true. We do things that we ought not to do. We are such a mixture. It was for the glory of mankind and human beings that the Creator made us that way, because out of it develops real character.

So I leave you with joy in my heart, with respect in my heart; not only for you as individuals, because you have proven that by your devotion to your country, but I also leave this body with respect for our system of government, the American Republic.

I wish all of you well. If I can serve you in any way, I will be a joy. So I say goodbye, au revoir, and may God be with you.

GENERAL LEAVE TO EXTEND REMARKS

Mr. Cellier. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend these remarks on the bill H. R. 7815 just passed.

The Speaker. Is there objection? There was no objection.

CONSTRUCTION, REPAIR, AND PRESERVATION OF CERTAIN PUBLIC WORKS ON RIVERS AND HARBOORS

Mr. Rooney. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2603) to amend the act entitled “An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,” approved June 3, 1896, is hereby amended by deleting therefrom the following paragraph:

“And in order to meet the demands of the greatly enlarged size of vessels, and of the increasing commerce, it is hereby further provided that such piers as may be built between 15th Street, on the south shore of Gowanus Creek, and Fort Hamilton may be constructed so that so much thereof as shall be between the pier and bulkhead lines may be of a width not exceeding 500 feet, and, whether, of that width or of less width, may be filled with solid materials when an equal tidal prism or space to receive the influx of the tides is provided in compensation therefor, behind the authorized bulkhead line and adjacent to said piers.”

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

ABSENCE OF AMBASSADORS FROM THEIR POSTS

Mr. Moran. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The Speaker. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That chapter 314 of the laws of 1896, entitled, “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,” approved June 3, 1896, is hereby amended by deleting therefrom the following paragraph:

“And in order to meet the demands of the greatly enlarged size of vessels, and of the increasing commerce, it is hereby further provided that such piers as may be built between 15th Street, on the south shore of Gowanus Creek, and Fort Hamilton may be constructed so that so much thereof as shall be between the pier and bulkhead lines may be of a linear width not exceeding 500 feet, and, whether, of that width or of less width, may be filled with solid materials when an equal tidal prism or space to receive the influx of the tides is provided in compensation therefor, behind the authorized bulkhead line and adjacent to said piers.”

The bill was ordered to be read a third time, to revise and extend, and a motion to reconsider was laid on the table.
ACQUISITION OF LAND BY NA
TIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Mr. DURHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3377) to promote the national defense by authorizing the construction of aeronautical research facilities and the acquisition of land by the National Advisory Committee for Aeronautics necessary to the effective prosecution of aeronautical re-

search, with Senate amendments there-
to, and concur in the Senate amend-
ments.

The Clerk read the title of the bill. The Clerk read the Senate amend-
ments as follows:

Page 2, line 3, after "tunnel," insert "taxi
strip."

Page 2, line 3, strike out "$8,164,000" and insert "$8,914,000."

Page 2, line 30, strike out "$44,700,000" and insert "$45,450,000."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were con-
curred in.

A motion to reconsider was laid on the table.

SPECIAL ORDER

Mr. PAYTMAN. Mr. Speaker, I ask unanimous consent to address the House for 45 minutes today following the special orders heretofore entered, to re-

vise and extend my remarks, and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. McBride, one of its clerks, an-
nounced that the Senate had passed, with amendments in which the concur-
rence of the House is requested, a bill of the House of the following title:

H. R. 9302. An act making appropriations for mutual security for the fiscal year end-
ing June 30, 1958, and for other purposes.

The message also announced that the Senate insists upon its amendments to

the bill and requests a conference with the House on the disagree-

ing votes of the two Houses thereon, and appoints Mr. Hayden, Mr. Russell,

Mr. Chavez, Mr. Ellender, Mr. Hill, Mr. Saltzgiver, Mr. Knowland, Mr. Tydings,

and Mr. Dirksen to be the conferees on the part of the Senate.

MUTUAL SECURITY APPROPRIA-
TION BILL, 1958

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9302) making appropriations for mutual se-

curity for the fiscal year ending June 30, 1958, and for other purposes; with amend-
ments thereto, disagree to the amendments, and agree to the con-

ference asked by the Senate.

The Clerk read the title of the bill. The SPEAKER. Is there objection to the request of the gentleman from Louisiana? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. Passman, Gay, Rooney, Lanham, Natchez, Denton, Alexander, Sheppard, Taber, Wiggins, Ford, and Miller of Maryland.

THE HOME PORT OF THE U. S. "RANGER" SHOULD BE BREMERTON

Mr. PELLY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. PELLY. Mr. Speaker, in the CONGRESSIONAL RECORD, under an extension of remarks on Monday, August 26, 1957, my good friend and highly imaginative col-
league from the 18th District of Cal-
ifornia, which includes Long Beach, Mr. Hosmer, quotes a columnist, Virginia Kelly. Who Miss Kelly is or where her column appears I do not know; but she enters into the field of naval strategy, and suggests that the new Forrestal class carrier, U. S. S. Ranger, be home ported at Long Beach because of operational and flying conditions, alleged better liv-
ing conditions for Navy families, and be-
coming the drydocking facilities there. Miss Kelly's article compares Long Beach with San Francisco and the Puget Sound Naval Shipyard at Bremerton, Wash.

Mr. Speaker, the gentleman from Cal-
ifornia, in inserting Miss Kelly's state-
ment indicates that in his opinion Long

Beach should stand at the top of the selection list. His extension of remarks has a title, "U. S. S. Ranger West Coast Home Port: Why Not Long Beach?" The gentleman from Washington [Mr. PELLY] whose Congressional District in-
cludes the Puget Sound Naval Shipyard, will give the gentleman an answer. It is contained in the general debate on authorizing construction and conversion of certain naval vessels under date of February 1, 1956. This will be found in the CONGRESSIONAL RECORD, volume 102, part 7, pages 18359-18360.

Reference to the debate will show that the gentleman from Iowa [Mr. GROSS] raised the point of dispersal of aircraft carriers and stated that he had received a clipping from a constituent with a Chicago Tribune picture page under date of December 21, 1955, showing the car-

riers Hornet, Princeton, Shangri-La, Lexington, Philippine Sea, and the Wasp—all berthed within an area of about 2 miles in the harbor of San Diego. The gentleman from Iowa quotes correspondence he had with the Secretary of Defense, and concluded with some comments of his own with which I at that time agreed, namely that such an undue concentration of our combat ves-

sels was an open invitation to an enemy

flying and maneuvering against those who seek publicity at the expense of our representatives abroad.
all at the port of San Diego. He said the point was well taken, and the Department should not, under any circumstances, berth the aircraft carriers all in port at any one time.

I recommend, Mr. Speaker, that the gentleman from California [Mr. Holmes] read the entire discussion on dispersal contained in these pages of the Congressional Record, if he has not already done so, as far as that has been referred. And likewise I recommend the careful reading of these pages to the columnist, Virginia Kelly, because already there are a number of stories written by her out of Long Beach, and in fact our entire Pacific Fleet, and I have expressed this view for a long time, is not properly dispersed. We always will be taking a calculated risk until such time as the suggestion of the gentleman from Georgia [Mr. Vinson] is put into effect and the other west-coast locations are utilized.

At least a magazine from California [Mr. Holmes] knows so well, the construction of a new drydock especially designed for Forrestal-type carriers is due to commence early in 1958 at Bremerton, Mont. The new Drydock No. 1, Bertram Zeranski, is expected to be home ported in Bremerton, and under date of August 15, 1957, I wrote to the Chief of Naval Operations, Adm. Arleigh Burke, urging the Bremerton selection. The Navy, I feel, has the idea as well as the gentleman from Washington [Mr. Pelley] is concerned. When the gentleman from Iowa [Mr. Goss] in 1956 raised the issue and commended him, and said that during the previous session of Congress I had written the Secretary of the Navy urging dispersal on the Pacific coast, and then as now I expressed the viewpoint that we have a dangerous situation.

It is true, as Miss Kelly has indicated, that Long Beach offers good living conditions for Navy families. Long Beach also has all its fishing but not as big as Long Beach has it. And I am thinking of the city is able to do a lot for naval personnel, but, Mr. Speaker, I think it is possible that the city has been sold out to some people who thought that if they put the oil from under the shipyard they should not pay for the damage. But I have a point there. There is fine housing and wholesome and unexciting, but living in the Puget Sound area for naval families. Under existing conditions every naval vessel that is assigned to the Bremerton yard for overhaul before being sent to southern California for morale purposes so that members of the crew can visit their families. It would be a great economy to have some of these families living in the Bremerton area. We should not have these unnecessary trips for sea trials after drydock at Puget Sound.

Mr. Speaker, I hope this answers the question of the gentleman from California. Since he and I are good friends and both strong believers in the Navy as a deterrent to war, and since we agree on many issues, including the need for proper recognition of the Pacific coast and other matters equally important to the national welfare, I will conclude by suggesting that my friend from California sit down and allow me to explain to him the facts of life when the U. S. S. Ranger should be home ported at Bremerton when it comes to the Pacific coast. I know that my fair-minded friend will see the vast area of, Washington and the likelihood where there are no fighting units of the fleet based, and thus there is a defense vacuum. I know that the gentleman from California will not want a situation to exist when we could have a second Pearl Harbor.

CANADIAN GAS—INTERNATIONAL WINDFALL OR DOWNFALL

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

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

There was no objection.

Mr. SAYLOR. Mr. Speaker, as this session of Congress nears adjournment, I suggest that we all take another look at the Trans-Canada Gas case which is before the Federal Power Commission. After a brief summer recess, the hearings in the case are likely to continue at least throughout the remainder of the year. I am happy to note that numerous other Members of the House and Senate have since April 11, when the first debate on the bill, has been going on, at least in the House of Commons one day in May 1956, when the liberal government's economic czar, Trade and Commerce Minister Howe, brought in a bill to insure the construction of a gas pipeline from Alberta to eastern Canada. The franchise had already been granted to Trans-Canada Pipe Lines Ltd., a corporation controlled by Canadians. Minister Howe proposed to lend the company $80 million to start construction. In addition, he planned to set up a government corporation to build an uneconomic section of the line. Angriically, the Tories in the House tried to shout down the loan. If government were needed, argued Tory Leader George Drew, let it go to a company controlled by Canadians. Prime Minister Diefenbaker bailed Mr. Howe out, tried to shout down the loan, and unpopular closure motion to shut down debate and whip the bill through.

During debate in the House of Commons, Mrs. Diefenbaker revealed that American interests were behind the pipeline. She said that American States companies involved would benefit at the expense of Canada by $2 million a year for 25 years.

Mr. Diefenbaker asserted that prices to Canada, fixed by American pipeline lines would be far less than those charged to Canadian consumers.

Throughout the pipeline debate, Mr. Diefenbaker and the other Conservative Party Members of Parliament sought to determine for the people of Canada just what deals the management of Trans-Canada had entered into with its part owner, Tennessee Gas Transmission Co. The Conservatives knew quite well that any sale of large volumes of gas by Trans-Canada, which was then dominated by Tennessee Gas Transmission Co., to Midwestern Gas Transmission Co., which was and still is owned by Tennessee, would not be made with the welfare of the Canadian people in mind. At the same time the Cana­dian public was being asked to build outright the $30 million uneconomic northern Ontario section of the line which would then be leased to Trans-Canada. Mr. Diefenbaker insisted that the imposition of education—is so close between American and Canadians that automobile license plates are usually the only mark of identification on these foreign to the embassies in either city.
of closure by Mr. Howe denied to Mr. Diefenbaker and his associates their right to learn the facts.

During Canada's last election the voters let it be known that they sided with the Diefenbaker party and prepared to do anything they could do to know about the gas deals that the new Prime Minister believes were inimical to their rights and interests.

Now that Mr. Diefenbaker, whom Trudeau describes as "profoundly and confessedly a nationalist," is Prime Minister, he will unquestionably make a thorough and unbiased investigation of the dealings between Trans-Canada and its allied companies. Mr. Diefenbaker is certainly justified in his attitude, for if the American public were to be subjected to a similar deal, you can be sure that Congress would lose no time in asking where, when, who, why, how, and by what authority.

Even the most fervent American patriot is dubious of a deal which would allow Midwestern to enter the United States at rates below those being charged to consumers in Canada, regardless of the fact that it appears to be a terrific bargain for the Americans. We are sup­posedly have some excellent horse traders among our gas industry gentry, but no one can be so naive as to assume that Canadians will play dead if they feel they are being induced to commit discris­mination. Anyone who has seen the Alouettes, Argonauts, Stampeder, or their Canadian opponents play football knows full well that you do not get away with it, and that they get away from you faster than you do in Pittsburgh, Detroit, Chicago, and points west.

Through some strange maneuvers, Midwestern Gas Transmission Co., whose application to import Canadian gas in one of the cases is now before the FPC, has contracted to pay an average of 27.76 cents per thousand cubic feet for Canadian gas furnished over a 25-year period of its contract. At the same time, the Winnipeg & Central Gas Co., which is actually closer to the source of production, would be required to pay 35.68 cents per thousand cubic feet in 1958, is set at 10 cents per thousand cubic feet, with a slight rise to take place from year to year until it reaches 15.75 cents per thousand cubic feet in 1981, and is subject to the same 4% tax. He will ask, "How do these prices compare with the cost of natural gas which Midwestern's parent, Tennessee Gas Transmission Co., is paying elsewhere?" Sanious, the witness, previously agreed to purchase large volumes of gas located from 10 to 25 miles out in the Gulf of Mexico at an initial price of 22.4 cents per thousand cubic feet, including 5 cents per thousand delivered November 1, 1962; by 1986 this price will have risen to 38.46 per thousand cubic feet. He will also learn that it will cost Ten­nessee quite a bit more to buy from Emerson that 3 to 5 cents per thousand cubic feet to transport this gas to the Louisiana mainland where it can enter Tennessee between 25 to 27 cents per thousand cubic feet but will still be as far from the market area of Tennessee's affiliated Midwestern as is the 10-cent Canadian gas.

Mr. Diefenbaker will learn that the price paid by Tennessee and the Gulf of Mexico producing companies was the lowest possible; at least here is how Mr. Hennessey's counsel explained nego­tiation to the FPC on June 12 of this year:

The negotiations between Tennessee and the producers began back in October 1955. It ended some 10 months later with the execution of the contract on August 17, 1956.

Now, those 10 months involved the hardest kind of bare-knuckly bargaining as to new contracts or conditions. The bidding for this gas, or the competition for this gas was keen. Four other major pipelines had their applications before the FPC. At this price, because it was well located, it represented the largest block of gas available in the Gulf coast area, and was a very desirable reserve.

We were satisfied with the price, or else we would not have appended our signatures to the contract, although it is fair to say that and the recall shows that we fought as hard as we know how to secure a lower price.

Mr. Diefenbaker will surely be inter­ested in the fact that Tennessee had to fight to buy gas from 26 to 39 cents per thousand cubic feet in Louisiana while the average of 10 cents per thousand cubic feet in Canada is getting gas from the Cana­dian producer at 10 to 15% cents per thousand cubic feet.

When the new Prime Minister's investi­gation is completed, the balloons adver­tising cheap Canadian gas for the United States may be quickly deflated. The natural gas which Midwestern and Tennessee want to buy at Emerson for 10 cents per thousand cubic feet can become considerably more expensive as quickly as legislation can be enacted in Ottawa. Or it can become completely nonexistent if Mr. Diefenbaker finds that cheap Canadian gas is not in excess of Canada's needs but is required to provide heat and power for the homes and businesses of the Canadians whose tax money was loaned to Trans-Canada to get the line started and whose tax money is being used to build the unecono­mical $130-million northern Ontario section of the line.

The pipeline people who have osten­sibly negotiated such an advantageous transaction with Trans-Canada are—as they have demonstrated before the FPC—most desirous that the commission not act. The hard fact is that they might hope for immediate approval of their applications. With Prime Minister Diefenbaker already having expressed himself so vehemently on the subject, the appearance of fairness in power will eventually decide that per­mitting natural gas to be sold outside the country at bargain rates against the public interest and must be cut off. In that event, after a dependence upon this new resource, we are in the area where the pipeline had snaked its way from the border, the United States consumer would be helpless to do anything but pay the piper whatever his new price might be.

The pipeline interests do not worry about boosting prices, for they know by experience that once their monopoly status has been granted the consumer has no alternative but to suffer through boost after boost. If Canadian gas pre­empts our Midwest markets on the loss leader basis, there will thereafter be no competition whatever in the areas where the pipeline had snaked its way from the border, the United States consumer would be helpless to do anything but pay the piper whatever his new price might be.

We cannot afford to keep the store open if their patrons quit coming in. Once these businesses have been driven out, the customer loses any opportunity to take advantage of what he will end up paying for the monopoly fuel that has inad­vaced the area and usurped the markets. Mr. Speaker, we who represent coal areas will be watching the Canadian gas closely, and we shall not be shy in urging the Government to cut ad­journment. The gas pressure upon the FPC is tremendous, but we are confident that the Commission will not succumb to
it. It would be grossly unfair to allow a foreign fuel—subject to cutoff or price increase at any time—to displace a product which is the medium of employment for thousands of American coal miners, railroaders, dockworkers, truckdrivers, and other labor groups in allied industries and businesses.

I reiterate, Mr. Speaker, that we are proud of our associations with the people of Canada. When they are in need, we will always be ready to help, and I am sure that they would reciprocate if the situation were reversed. At the moment, however, the United States is not suffering from a shortage of fuel, and even if we were we would not expect Canada to give it to us at a price below that which their own citizens must pay. We value Canada's friendship, but we do not feel that it is necessary for her to offer us C. c. f.'s of B. t. u.'s at a percentage of what residents of Canada are charged for the same product.

TO AMEND RAILROAD RETIREMENT ACT TO PROVIDE FOR INVESTMENT IN FEDERAL HOUSING MORTGAGES

Mr. PORTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

This is in response to the request of the gentleman from Oregon?

There was no objection.

Mr. PORTER. Mr. Speaker, I am today introducing a bill aimed at benefiting retired railroad workers and firming up the present soft lumber market.

The three major objectives of the bill are as follows:

First. To benefit retired railroad employees by increasing the railroad retirement fund. This would be accomplished by directing the Secretary of the Treasury to invest at least part of the fund in Government-insured mortgages, which bear interest at a considerably higher rate than the special-issue Government bonds to which the fund is now restricted.

Second. To help hundreds of thousands of families throughout the country to purchase their own homes, despite the tight-money policies of the administration, by making available not less than $1 billion from the retirement fund for investment in the secondary mortgage market.

Third. To give a much-needed boost to the sagging lumber industry of the Pacific Northwest, and especially southwestern Oregon, as an indirect result of the upswing in housing starts which would be a direct result of the above measures.

The title of the legislation reads: "A bill to amend the Railroad Retirement Act of 1937 to provide for the investment of not less than $1 billion of the amounts in the railroad retirement account in mortgages insured by the Federal Housing Commissioner."

I decided to introduce the bill before the end of the present Congress in anticipation that there would be time during the recess for the various Government agencies involved to study the legislation and prepare reports on it for the House committee to which the bill will be referred.

I recognize that there will be objections to this bill from the Department of the Treasury and possibly from other agencies. There may even be some opposition from the agencies of the Railroad Retirement Board and from some representatives of the railroads and railroad labor groups. However, I believe this opposition can be met and overcome when the provisions of the bill are fully explained, understood, and, if necessary, revised in some respects.

Investment of money from the railroad retirement fund will be at the fund a return of at least 1% percent more than it now gets from the special-issue Government bonds in which the fund must, by present law, be invested. These bonds return a guaranteed 3% percent interest. Under my bill the return could never be less than 3% percent on FHA insured mortgages and could be much higher, since the present interest rate on these mortgages was recently increased to 5% percent.

The bill directs the Federal National Mortgage Association to act as agent for the Secretary of the Treasury for the purpose of disposing of the mortgages acquired from selling mortgages for the railroad retirement fund. FNMA would be allowed to deduct from the monthly interest payment of such servicing, but not to exceed 1% percent.

If the service cost used up a full 1% percent, the net return to the fund from FHA insured mortgages would not be less than 2% percent. These mortgages are now selling at discounts in many areas of the country, the net return could actually be somewhat higher.

It is obvious that the railroad retirement fund could realize as much as $250 million a year more in interest from investment in these Government-insured mortgages than it now receives from the special-issue Government bonds, and under the provisions of my bill, would be just as well protected as it has been in the past.

I do not feel that this bill, as written, is the final word. I expect the committee to come up with recommendations for amendments to modify the legislation after it has had a chance to make studies and hold hearings.

If the bill should become law as written, it would certainly have the effect of easing the tight-money market in the home-mortgage field, by making available a billion dollars again for investment in FHA mortgages. This would undoubtedly lead to a significant increase in housing starts in most areas of the country and would expand the market considerably for western Oregon lumber products.

The bill is as follows:

A bill to amend the Railroad Retirement Act of 1937 to provide for investment of not less than $1 billion of the amounts in the railroad retirement account in mortgages insured by the Federal Housing Commissioner.

Be it enacted, etc. That section 15 of the Railroad Retirement Act of 1937 is amended by adding at the end thereof the following new subsection:

"(e) (1) The Secretary of the Treasury shall invest and reinvest not less than $1 billion out of the railroad retirement account by purchasing, and (in the case of loans on new construction) by making commitments to purchase, mortgages hereafter insuring under section 203 of the Bankhead-Jones Act.

The price to be paid for any such mortgage shall not exceed the unpaid principal balance of the mortgage plus any additional charges which such mortgage shall be purchased under this subsection (A) except from the original mortgages before any other sale therefor, (B) unless the sales price of the mortgage exceeds $15,000 or less, (C) unless the construction of the housing covered by the mortgage is completed within 12 months of enactment of this subsection, and (D) unless the Secretary of the Treasury determines that the rate of the net return on such mortgage will exceed, whichever is higher, the average rate of interest payable on the interest-bearing obligations of the United States having maturities of 10 or more years most recently issued, or 3 percent per annum. Any mortgage so purchased may be sold for its amortizable value or cancelled by the Secretary of the Treasury. FNMA would be allowed to purchase, hold, service, and sell the insured mortgages under this section at a profit not less than 3% percent on FHA insured mortgages."

COMITY BETWEEN THE TWO BODIES OF CONGRESS

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, as I understand the rules of the House it would not be permitted for a Member of this House to refer to a measure that has been referred to the Senate, since such a word would imply that Members of the body who had voted for it were party to a crime.

In Illinois delegation, and I include the Democrats and the Republican Members, very much resent that which appears on page 15871 of the Congressional Record of yesterday. The head-
ing is "The Need for Continued Opposition to the Chicago Water Steal."
We appreciate that when there is no area of argument or opposition, resort is made to name-calling. This, of course, is evidence that there is no argument.
We do think that it is pretty bad taste on the part of the headline writers to adapt a maxim without realizing that the headline as "The Need for Continued Opposition to the Chicago Water Steal."

CLARIFY SUPREME COURT DECISIONS
Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Recess.
The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?
There was no objection.
Mr. PHILBIN. Mr. Speaker, I think it would be most unfortunate, indeed it could be disastrous in some respects, if Congress were to adopt any legislation designed to correct and adjust the effects of several recent Supreme Court decisions. The action we have just taken was most appropriate.
Our great and distinguished Supreme Court as head of one of the coordinate branches of our Government holds a high place in the estimation of the American people. It is the last resort of men who are seeking to escape from the glare of the media of public opinion. It has been an invaluable, stabilizing and interpretative force in providing balance and equilibrium between governmental branches and defining and interpreting constitutional limitations. It is as essential and indispensable as the executive or legislative departments. It must keep its proper relations with these judicial governmental arrangements. It must not assume legislative or executive functions.
Like other institutions, it is conducted and directed by human beings, and thus is a fallible, subject to mistake and error like all other human beings. It has been very disturbing for Congress and the American people to note the nature and consequences of some of the recent decisions of the Court. This is true, not only of one, but of several cases. It would appear that in some respects the Court is embracing an entirely new legal philosophy which deviates radically from time-honored judicial precedents and constitutional concepts.

Some of these decisions have, in effect, crippled the conduct of Congressional investigations in the exercise of our remedial, lawmaking and informing functions. Another has taken from the sovereign States the historic right to protect themselves against subversion. Another, we have just acted upon, has hampered the FBI and has already resulted in the release of several persons accused of serious crimes. The FBI states in substance that this decision will have deepest repercussions upon its entire investigative process by destroying its system of securing evidence through informants and opening its most secret files to inspection.

Still another decision stripped local school boards of their right to select teachers of their own choice in whom they can place the trust, confidence, and respect for their character, fitness, and patriotism.

Still another decision in effect checked the power of Congress to punish subversive activities. Several of these decisions, I repeat, have greatly disturbed the Nation.
Our great House Judiciary Committee has considered and reported measures to offset several of these decisions, and I cannot understand why all these bills have not been brought to the floor of the House for discussion, extended debate and action. I believe we have a distinct duty to apply the remedy and to cure the obviously confusing and undesirable aspects of some of these decisions.

I have carefully studied these decisions and noted that some of them read more like philosophical treatises than judicial opinions. They invoked strange doctrine, novel legal reasoning and no inconceivable conflict with established precedents. They represent a neofunctional approach to constitutional problems.

The Court is entitled to formulate its opinions in terminology and language of its own choice, however puzzling and alien to much of the public. It is the sovereign bar who are well versed in constitutional legal principles. It is the effect of the opinions, however, that must give us all pause as well as resolve to do what we can with all due respect to bring about legislative adjustment.

I do not propose to indulge in personal criticism of the Court because I have respect for its membership. Like many others, I disagree with the results in some cases, and I do not believe that, if we are going to have a government of laws by men in this country, the law-making branch can afford not to move all reasonable law and order that will make it very clear to our courts and our citizens what the legislative intent is regarding many grave questions affecting the stability and the powers of Congress as well as the powers of our sovereign States.

I urge the House committees, and the Rules Committee, considering these measures to bring more of them to the floor before adjournment so that necessary action may be taken to apply proper remedies.

INFLATION VERSUS DEFLATION
Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Recess.
The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?
There was no objection.
Mr. PHILBIN. Mr. Speaker, even a casual survey of present price levels, interest rates, and general unloaded business conditions indicates beyond question that our economic and financial system is in the throes of dangerous inflationary pressures.

These conditions have been evident for some time past to Members of Congress who are called upon by their constituents to do something about rising prices and rising interest rates threatening the economic stability of ordinary working men and women as well as businessmen, particularly small-business men.

It is told by high officials of the Government that inflation comes from total demand exceeding total supplies, particularly in the money market where the demand for funds has badly outrun savings. It is argued that to restrain further inflation there must be a moderation of spending, both governmental and private, until the demands for funds are balanced by savings. A larger budget surplus and an effective monetary policy to restrain the growth of bank credit are also suggested.

Admittedly, the causes of inflation are complex and the result of a variety of conditions in the economy. We know from sad experience that inflation leads ultimately to deflation, depression, unemployment and social ills and evils bringing untold hardships which segment of the economy and all our people.
The Congress and the Government must make determined concerted efforts to check inflation to reach such contours. It is gratifying to note that this session of Congress has moved to curb unnecessary, wasteful spending, and to reduce the high budget, and it is to be hoped that this trend will lead to a Federal surplus, and permit early tax relief.

Current interest rate policies are undoubtedly producing many undesirable effects. Business is feeling the pinch of high credit and monetary rates. The brunt of these effects appears to fall upon small business. Current credit and money shortages and high interest rates are penalizing and obstructing economic activity. In many instances, concerned lest this process may precipitate and release deflationary forces in the economy which will more than offset inflationary trends and cause business retreatment and unemployment.

Of late, I have been greatly disturbed by some of the viewpoints expressed by high Government officials dealing with our credit and monetary problems and controls. At the same time I realize how difficult it is to execute policies in this field once the inflationary spiral has gained substantial impetus.

One thing strikes me very definitely and forcibly however, and that is, that this Government cannot allow any of our efforts to check inflation to reach such proportions that they invite or produce deflation. It is my hope that by some means, the demand for funds has badly outrun savings.

We are living in a period of rapid change. Politically, economically, socially, and in every other way the Nation is moving toward new frontiers of achievement. The population is growing
in leaps and bounds and has increased about 28 million since 1940. Almost incredible developments in the world of science and technology have opened up for the American people new vistas of opportunity. The prospects for progress, increased living standards, and opportunities for higher status are improving every day. It would seem clear that the country is destined for additional marked growth and advancement. Our aim must be, notwithstanding these great changes and readjustments, to keep the economy on a sound basis and to maintain it as an efficient system of enterprise furnishing unbounded opportunities for all our people.

I do not agree with the philosophy which holds that in order to check inflation it is necessary to pursue policies that will bring economic losses to industry and individuals. In fact, I think this is the very end we should scrupulously seek to avoid. It is recognized that in any system like ours, which is featured by venture and risk, that economic losses will occur in any event. Sometimes these losses are accompanied by reduced employment and business conditions. Such losses are in the nature of human endeavor since for one reason or another every venture cannot be successful and some are ill advised and not commonly handled.

But on the whole, losses resulting from the ordinary risks of venture and enterprise are minimal, and not necessarily a part of major deflationary dislocation. It is the duty of this Government to encourage, and not to discourage, ambitious citizens and groups to strive for economic and professional success. It should be the policy of this Government not only to engender a national climate productive of this end, but also to see to it that no conditions are deliberately or consciously induced which may restrict free competition and induce inflationary conditions.

The Government cannot be responsible for conducting or supporting the private business operations of its citizens, but it has a responsibility at all times for setting up safeguards against the recurrence of widespread depression which we know from sorry experience brings heartache, privation, and misery to millions of people.

There is no more certain way to insure the success and growth of radical, political, and economic movements in this Nation than for the Government to adopt the policy of encouraging and maintaining favorable economic conditions in the economy and the Nation.

If depressions are man-made, they can and must be man-prevented, and the Government must stay in touch with the whole world where people go in for high hedges and solid walls around their property, put up a premium on privacy, and feel that buying or renting a place next door hardly constitutes introduction to the neighbors. The word 'neighbor,' write songs and commercial jingles starting off 'Hi, neighbor,' and put a lot of semantic faith in any international good-neighbor policy.

'American neighbors must be credited with being a sinecure of the world's problems: How much, for example, the head of the house next door really earns, how much he spends, and whom he spends it with are invariably very well received and accepted by all the neighborhood. The beauty shop, and how well Junior is doing in college—especially if he isn't. They are always sorry to hear about their neighbor's failure in business or death of an economic calamity, but always hear about them. There is reputed to be more kindly neighborliness in the country than any international good-neighbor policy.

'American neighbors must be credited with being a sinecure of the world's problems: How much, for example, the head of the house next door really earns, how much he spends, and whom he spends it with are invariably very well received and accepted by all the neighborhood. The beauty shop, and how well Junior is doing in college—especially if he isn't. They are always sorry to hear about their neighbor's failure in business or death of an economic calamity, but always hear about them. There is reputed to be more kindly neighborliness in the country than any international good-neighbor policy.

I hope that appropriate officials of the Government will keep these plain economic truths in mind because popular psychology is peculiarly sensitive to the implication of such credits and monetary controls.
this activity, and this award, which is the second one of its kind which General Wooten has received, and one of the Army's highest noncombatant awards, was bestowed upon him in recognition of this outstanding service.

Early this year General Wooten received the highest honor conferred by the holy father, the Benemerenti medal. These awards were not only richly merited but they indicate the wide fields in which General Wooten has served and contributed with such great distinction. It is a real joy for us to know that we have contemporary leaders in our Armed Forces who are rendering such conspicuous service to the Nation.

AUGUST 14, 1957.

Brig. Gen. Sidney C. Wooten,
Commanding, United States Army
Garrison, Fort Devens, Mass.

DEAR GENERAL WOOTEN:...
anniversary of our meeting in this Chamber in the Capitol. The pictures I have here show the different places where the Congress met in Washington, D. C., as well as the various buildings it met in. I also have pictures of the two House Chambers well known to us. One is a picture of what is now known as Statuary Hall, taken at the time Abraham Lincoln was a Member of Congress. Alexander Hamilton, Stevens, and John Quincy Adams also served here. I have a picture, that was taken soon after the Congress moved into this Chamber, which I shall leave on this table for any of the Members who may want to see it.

Mr. Speaker, it is a deep conviction of mine that we ought at every opportunity to give attention to the important lessons that history teaches. This year is the 100th anniversary since the House of Representatives first met in this Chamber. This seems to afford us an excellent opportunity to reflect, and, as exemplified by what our forefathers did and did point out that here are many of the answers to the difficult problems of our time.

Mr. Speaker, historically, the Capitol at Washington is the most amazing, awe-inspiring, interesting, and important edifice in the United States. It is also the busiest Capitol in the world. Here we find elected officials doing more with the aid of limousines and chauffeurs, as well as efficient, professional staffs for their people than any other group of elected legislators on earth.

In addition, they are trying with great effort, dedication, and ability to represent the rising crescendo of American democracy and in the legislative halls. Here, more than any place in the world, what is done in the Capitol is important to the peoples of the world and the people of the country.

The seat of our Government is most unusual, too, in that it resembles a great extent both the beginning and the growth of the greatest Nation on earth. Its growth and its capacity to change while protecting individual liberties are among its greatest virtues.

Since the laying of the cornerstone of this building in 1793, many great and significant things have happened here. Events that have made a difference and helped our people to a better way of life. Reading and study of our heritage and history indicates that it has been a great influence toward a better way of life for the liberty-loving people of the world.

Besides the laying of the cornerstone of this building in 1793, many great and significant things have happened here. Events that have made a difference and helped our people to a better way of life. Reading and study of our heritage and history indicates that it has been a great influence toward a better way of life for the liberty-loving people of the world.

The Continental Congress met in eight different cities, in towns, namely:

Philadelphia: September 5, 1774, to December 2, 1776.

Baltimore: December 20, 1776, to February 7, 1777.

New York City: March 4 to September 18, 1777.

Lancaster, Pa.: September 27, 1777.

York, Pa.: September 30, 1777, to June 27, 1778.

Philadelphia: July 2, 1778, to June 21, 1783.


Annapolis, Md.: November 26, 1783, to June 18, 1784.

Trenton, N. J.: November 18 to December 24, 1784.

New York City: January 11, 1785, to March 4, 1789.

The Congress under the Constitution — First Congress

New York City: First session, March 4, 1789, to September 29, 1789; second session, January 4, 1790, to August 12, 1790.

Philadelphia: Third session, December 6, 1790, to March 3, 1791.

Second Congress, third session to the Sixth Congress, second session, the meeting place was Philadelphia. Since November 1800 sessions have been held in Washington.

Nor is it likely that many people could identify all the places right here in Washington, D. C., where the House of Representatives met since 1800.
the north wing of the old Capitol; the so-called oval shaped Chamber in the south wing which was burned in 1814; Blodgett's Hotel in the south wing, which is now the present site of the Court; the semicircular Chamber in the south wing, which was built after the British attack of 1814, and is now occupied by the Disbursing Office.

The House first convened in the Federal Building in New York City on March 4, 1789. It met in Congress Hall in Philadelphia from December 6, 1790, to May 14, 1800.

The present Chamber was redecorated in 1950 and during that period sessions were held in the Ways and Means Committee room in the New House Office Building.

Now how did the House come to be in its present home? By its action in 1804, the Committee on Public Buildings recommended an extension of the Capitol. It was by this time evident that the building was now too small to house the expanding Congress and to accommodate the increasing number of visitors. A competition was held late in 1850 for the architectural plans for the extension, a $500 prize being provided the victor. One of the competitors was Thomas U. Walter, who split the prize money with three other individuals and was appointed Architect of the United States Capitol Extension by President Fillmore on June 19, 1851. In general, the present House and Senate wings follow a modified plan laid down by Walter. Charles F. Anderson, one of the contestants, also long claimed credit for the Chamber which appeared in the final plans.

On July 4, 1851, the cornerstone of the Capitol extension was laid with elaborate ceremonies. President Fillmore and other officials, including Capt. Walter Lewis, then mayor of Washington—the City of Washington then had a mayor—participated. B. B. French, grand master of the Masonic fraternity, made a short address, and Daniel Webster, then Secretary of State, delivered an oration.

Fifty-eight years have elapsed—

Declared French—

and, in that comparatively brief space in the ages of governments, we are called upon to assemble here and lay the cornerstone of an additional edifice, which shall hereafter tower up, resting firmly on the strong foundation this day planted, adding beauty and magnitude to the people's house and illustrating to the world the people's hearts of the principles of freedom, and the rapid growth of those principles on this Western Continent.

Yes, my brethren, standing here, where, 58 years ago Washington stood, clothed in the same Masonic regalia that he then wore, using the identical gavel that he used, we have assembled here to lay the cornerstone of the new Capitol of these United States this day, as Solomon of old laid the foundation of the temple of the living God.

Among the papers deposited in the cornerstone was one by Webster which, in part, read:

"Ye men of this generation, I rejoice and thank God for being able to see that labor, toil, poverty, as it were, are not taught to us that we should be satisfied with the prosperous, you are happy, you are grateful; the fire of liberty burns brightly and steadily in your hearts, while duty and the law remain in the hands of those for whom the fire of wild and destructive conflagration.

Cherish liberty, as you love it; cherish its securities as you wish to preserve it. Maintain the Constitution which we labored so painfully to establish, and which has been in the hands of a source of inestimable blessings. Preserve the union of the States, cemented as it was by our prayers, our tears, and our blood. Be true to God, to your country, and to your duty. So shall the whole eastern world follow the morning sun to contemplate you as a nation; so shall all generations hereafter behold you and be blessed; and so shall that Almighty Power which so graciously protected us, and which now protects you, always shower blessings upon you and your posterity.

Thus spoke one of America's greatest orators on this significant day.

Soon after this the Members of both the House and Senate complained that there was not enough room there, and requested what we in our day would call progress reports. Particular solicitude was expressed regarding the proper ventilation and the acoustical properties of the Chambers. Acoustics was particularly important to the Members. In neither of the Houses' two previous Chambers, the oval Chamber burned by the British in 1814, or the semicircular Chamber built by Latrobe after the war with Britain, could a Member be heard distinctly. The decision to build in an oblong shape eliminated the curved surfaces which had previously caused so much trouble.

A further object of interest to Members was the building stone used. The cornerstone, the House was informed, came from the same quarry on a river area, above Washington. A committee of experts ascertained that its average crushing strength was about 15,000 pounds per square inch. A special commission was appointed to select the marble for the exterior of the extensions. Marble from Lee, Mass., was selected, it being found that 22,702 pounds were required to crush a square inch.

Administratively, the older part of the Capitol was in charge of the Commissioner of Public Buildings and Grounds, William Essby, but the work of building the new extension was done under Capt. Walter, who was responsible to the Secretary of the Interior. Essby evidently felt chagrined at not having been placed in charge of the extension and helped encourage charges that he was being defrauded. Essby's complaints evidently had their effect, for the President, Franklin Pierce, transferred the superintendence of the building, upon assuming office, to the War Department.

Secretary of War Jefferson Davis de­tailed Capt. Montgomery C. Meigs to
States Glenn Brown in his history of the Capitol—

at first questioned the propriety of meeting in the Chamber, as they feared ill effects from the dampness of the place. A special committee was appointed to investigate the condition of the hall, and reported December 14 that the hall was dry and everything ready for the inauguration. The hall was first used for divine worship, December 13, 1857, Rev. G. D. Cumming conducting the service. The first session of the House, members of the House of Representatives took formal possession and held their first session in their new hall.

At 12 o'clock noon on December 18, Speaker James L. Orr called the first session of the House in its new Chamber to order. Prayer was offered by the Reverend Andrew G. Carothers, who asked:

May this Hall now dedicated by thy ser-vant, the Representatives of the people, as the place wherein the political and constitutional rights of our countrymen shall ever be defended and protected, receive of thee the honor and glory to this land. Let the deliberations and decisions of this Congress advance the interests of our Government, and make our Nation the praise of the world earth.

The first item of business was a bill by Representative Justin S. Morrill, of Vermont, donating public lands to the various States and Territories to provide colleges for the benefit of agriculture and the mechanic arts. The bill was referred to the Committee on Public Lands. Representative Morrill later became a Member of the Senate. His proposal eventually became the Morrill Act of 1862, establishing the present system of land-grant colleges.

After several other routine items, Rep-resentative Sherrard Clemens, of Virgin-ia, obtained the floor and sponsored a bill to place the funds and sponsored a bill to place the House to draw from a box, one at a time, the names of each Member to establish and provide seats. Other questions discussed during the brief session were admission of Chaplains of the House and Senate to the Library of Congress, printing of the President's message, and hale African Members.

The new Hall of Representatives—

Declared Harper's Weekly, 100 years ago—

which has been the subject of so much dis-cussion of late in the press, is in the center of the first story of the new extension, south. It is a room 159 feet long, 86 wide, and 30 feet high. The Members' desks, which number 300 altogether, are arranged in a semicircle, with the Speaker's desk in the middle, and the chairs for the Speaker and the members capitulated in a large gallery running round the room, and capable, it is said, of seating 4,932 persons. The desks and chairs of Members have been got up regardless of expense. The former are of plain oak, with carvings on the back; the chairs of the same material, and the backs, covered with red morocco.

Two objections have been taken to this new arrangement. They are that there is no com-munication with the free air of day. It has no windows. Light penetrates through a grating placed in the glass over which, at night, gas burners are lit. The idea of the architect is, that they can venti-late the Hall by pumping fresh air in, and provide windows and light. The same idea was adopted in Kansas, in the Lecompton Constitution was adopted in Kansas Territory, the free-State men not voting.

The building was being extended, it was felt that a larger dome was needed. Meigs was attempting to supplant him as Architect. After much dispute, during the course of which Meigs was eventually overruled and appealed over the heads of his superiors to the President, Secretary of War, John B. Floyd, finally dismissed Meigs to the Tortugas, where he was put to work building fortifications. This, however, was in 1859, after the completion of most of the work on the Capitol.

Meigs was later Quartermaster General of the Union Army during the Civil War. Both Walter and Meigs have left their mark on our Capitol City. Meigs later supervised plans for the National Museum and became the architect of the Pension Office building, and Walter re-modeled the exterior of the Treasury and designed St. Elizabeth's Hospital and the interior of the State, War, and Navy Building. He was not responsible for the "gingerbread" on the exterior of the latter, which was added later. Walter also built the Congressional Library and the Capitol in order to give the large dome, which he designed, a better proportioned base. This latter proposal is still being discussed, a special Commission having been established in 1856 to study the question. By November 1857, it was reported that the House Chamber was ready for occupa-nation. When the 58th Congress met on December 7, they were in the old Chamber.}

The House—

But this diving-bell arrangement does not meet with general approval. It is urged that until fresh air, pure from the vault of heaven be got into the Hall without the intervention of pumps and tubes, cases of paralysis must occur very frequently among Members who are attentive to their duties.

The following is a description of the ventilation system as described by Harper's Weekly:

The hot air, having passed through a hot-water sieve, in order to absorb sufficient moisture, will be forced into the Hall from above, whereas in a steam-house the foul air will escape through apertures near the floor, and its place will be occupied by the fresh warm air from above.

Some critics have caviled at the profuse and gaudy decorations of the new Hall.

Continued Harper's Weekly.

It will be perceived, on glancing at the picture on the preceding page, that the wall is striped—each panel being intended to receive a historical painting in fresco. The moldings are painted in the brightest colors; and the painting on the small panel, represents, in panels, the arms of the various States of the Union. "The general effect," says one of the Washington correspondents, "is dazzling and meretricious; one is reminded of a fash-ionable saloon in a gay capital, rather than of meetings of men of the best interest.* * * Time, however, will do much toward softening the defects which these critics deplore. A few years will wonder-fully mellow the bright colors of the panels and molding; the gliding will wear away, and a solemn daze will gradually over-whelm the Chamber."

In the life of nations, a hundred years is a comparatively short span. What was happening in our Nation 100 years ago when the House first sat in its present Chamber?

In the year 1857, James Buchanan was inaugurated President of the United States. Several days following his inaugura-tion, Chief Justice Taney announced the Dred Scott decision, in which he declared the Missouri Com-mission in Kansas and framed a slave consti- tution met in Kansas and framed a proslavery constitution. President Bu-chanan in his annual message urged the legality of the disputed convention's actions. On December 21, shortly after the House first met in the new Chamber, the Lecompton Constitution was adopted in Kansas Territory, the free-State men not voting.

In the field of education, the Michigan State College of Agriculture was authorized by a legislative act in Michigan, and the Cooper Institute first opened. The first issue of the Atlantic Monthly, edited by James L. Agassiz, appeared in 1857.

The most prominent individuals of the era included Abraham Lincoln, later President of the United States; General Ulysses S. Grant, later Secretary of War; and Charles L. Francis, later President of the United States.

Among the early events of the period was the establishment of the first public school system in the United States, which was founded in 1857.

The Civil War began in 1861, and the first battle of the war was fought at Fort Sumter on April 12, 1861. The war lasted for four years and claimed the lives of more than 600,000 soldiers.

As the war progressed, the Union forces gained momentum, and by 1865, the North had emerged victorious. The war left a lasting impact on the country, both politically and economically.

In conclusion, the period from 1857 to 1865 was marked by significant events, including the founding of the Atlantic Monthly and the beginning of the Civil War. These events shaped the future of the United States and had a profound impact on American society.

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**Events on Capitol Hill 1857 to 1867**

The story of what happened on Capitol Hill in the 100 years we have been in the House Chamber would take volumes to relate, even if we tried to deal with it in a very brief and concise manner. This obviously makes it impossible to insert this story in any detail in the present work. It would take an enormous volume to do justice to any of these topics. This is not the place to consider these topics, but I am sure all will agree that it might be of interest to list the major events that appear to me to be among the most important that happened on Capitol Hill in that period. Some students will disagree with some of my listings and notations as being important. Others will no doubt point out that some important events have been omitted. In answer to each objection, let me state that with further study I might be able to add many of these events. In the case of these assumptions, but I am sure all will agree that a good part of the following list would be among the most important events on Capitol Hill in the last 100 years, and I have therefore compiled this list, herewith, for whatever benefit it may be to a further study of this period of history.

It should be pointed out that each event has been listed because it was important at the time it happened, or the fact that it did happen made the event important later. In each case, in my opinion, those actions made a difference in the destiny of our country.

It will be noted that the events of the Civil War were not included. This is because, in my opinion, this era of history has been reviewed and because of its importance, it should be treated separately.

To those who are better students of this period than I have had time to be, and who disagree with this list, I will yield. The following is my list of important happenings of the last 100 years:

- Army bakery established in United States Capitol, 1861.
- Establishment of Joint Committee on the Conduct of the War, Senator Wade, chairman, December 1861.
- First House Chamber dedicated as National Monument, 1864.
- House Appropriations Committee assumed authority over appropriations measures, formerly held by Ways and Means Committee, 1796-1865. Banking and Currency Committee also established as offshoot of Ways and Means Committee, 1865.
- Appointment of Joint Committee on Reconstruction, beginning of period of Congressional reconstruction, December 1865.
- Radical war on Congressional election of 1866, November 1866.
- First impeachment of Johnson failed in House, December 1867.
- Impeachment of Johnson by House, February 1868.
- President Johnson acquitted by Senate, sitting as court to try him on House impeachment charges, May 1868.
- Congressional investigation of New York election frauds, 1869.
- Congressional investigation of New York City election, 1872.
- House committee under Representative Luke P. Poland investigated Credit Mobilier affair, recommended expulsion of Representatives Oakes Ames and James B. McCreary, February 1873.
- King David Kalakaua, of Hawaii, addressed joint session, December 1874.
- Select committee of House investigated whisky frauds, 1876.
- Contested presidential election, Hayes versus Tilden; appointment of joint House-Senate-Supreme Court Electoral Commission; Justice Joseph P. Bradley cast deciding vote for Hayes, 1876.

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**1857 Congressional Record — House**

James G. Blaine read from Mulligan letters on House floor, defending himself against using official position as Speaker of House to promote the fortunes of a railroad company, June 1876.

Death of Constantino Brumidi, painter of some of friezes in Capitol rotunda, many other Capitol paintings, 1880.

Charles S. Parnell, Irish political leader, addressed House, February 1886.

Senator Cullom launched investigation of railroads, made Interstate Commerce Committee important body; direct result was Interstate Commerce Act of 1887.

Nadir of the Presidency as political office. James Bryce declared in the American Commonwealth that a Presidential recommendation to Congress received no more consideration than an article in a prominent party newspaper, 1888.

Congressional investigation of transportation and sale of meat products, fore­ runner of pure food and drug legislation, 1888.

Speaker Reed’s rules adopted by House; substituted a present for a voting quorum, reduced size of Committee of the Whole, increased power of Speaker, who became known as czar, February 1890.

President Cleveland secretly operated on cancer in yacht cruising up East River; had Cleveland died, Vice President Adlai E. Stevenson who differed from Cleveland on currency question, would have become President, 1883.


Jacob Coxey, leader of Coxey’s army, advocate of public works program for unemployed, tried to speak from Capitol steps, jailed for walking on the Capitol grass, May 1884.


Congress directed President McKinley to intervene in Cuba and bring about Cuban independence; Spanish-American War began, April 1898.

Senator Tillman and Senator Mc­ Laurin engaged in personal altercation on Senate floor; Senate motion of censure considered; President Roosevelt withdrew Tillman invitation to White House, 1902.

Cornerstone of Senate Office Building laid after senatorial offices at New Jersey and B NW, were condemned as a fire­ trap, 1906.

House Office Building completed, 1908.
President Wilson appealed for Democratic Congress; Republicans won Congress in November 1918.


House investigation of a National Security League, 1918-19.

House denied Representative Victor L. Berger, Socialist, right to seat; sentenced by Judge Kenesaw M. Landis to 20 years in prison for opposing United States participation in World War I, 1919.

Sixty-fifth Congress ended in La Follette filibuster against coal and oil bill; Franklin D. Roosevelt and Josephus Daniels at Capitol anxiously following filibuster, which prevented passage of bill allowing private exploitation of naval oil reserves, 1919.

House and Senate committees investigated United States budgetary practices, 1919-20.

Publication of Procedure in the House of Representatives by CLARENCE CANNON, 1920.


President Harding broke precedent by appearing before joint session of Congress on inauguration day, presenting his Cabinet for immediate confirmation; Senator La Follette's plan to organize opposition to appointment of Albert E. Fall as Secretary of the Interior thwarted, March 1921.

Budget and Accounting Act, advocated by Republican Party in 1920 election, authorized President to prepare and submit annual budget to Congress; created office of Comptroller General, General Accounting Office as adjuncts of Congressional branch of Governmental Budget, 1921.

Charles G. Dawes, first Director of Budget, 1921.

House committee investigated escape of Grover Cleveland Beldoll, World War I draft dodger, from Governors Island, N.Y., 1922.

Conviction of Representative Victor Berger reversed by United States Supreme Court, 1925.

Senator La Follette introduced resolution in Senate calling for Teapot Dome investigation, April 1922.

Mrs. Rebecca L. Felton, appointed to fill Senate seat of Thomas R. Watson, of Georgia, attended two sessions; first woman Senator, November 1922.

Congressional investigation of Veterans Bureau, 1923.

Representative Victor L. Berger seated in House as Member from Wisconsin, serving in 68th, 69th, and 70th Congresses, 1923-39.

Vice President Dawes stole inaugural spotlight by delivering unprecedented inaugural harangue to Senate against senatorial filibusters, March 1925.

Charles Warren, appointed by President Coolidge to be Attorney General, rejected by United States Senate; Vice President Dawes, absent from Capitol, failed to return in time to break vote, to annoyance of President Coolidge, 1925.

Senator Hiram Bingham censured for jumping from gallery during speech of Senate committee considering Smoot-Hawley Tariff, 1929.

Prime Minister Ramsay MacDonald of England addressed United States Senate, October 1929.


Mrs. Hattie Carraway, first woman Senator elected to a full term—appeared, 1931, elected 1932, 1938.

New House Office Building completed, 1933.

Senator Huey Long shot by assassin, 1935.

House investigation of Townsend old-age pension plan, 1936.

Failure of Roosevelt court-packing plan, 1937.

President Roosevelt's attempted purge of Congressional officials unsuccessful, 1938.

House Special Committee on Un-American Activities—Dies committee—established, 1938.

Poet and presidential speech writer, Archibald MacLeish, appointed Librarian of Congress, 1939.

President Roosevelt delivered war message to Congress, December 1941.

Queen Wilhelmina of Holland addressed joint session, August 1942.

Mme. Chiang Kai-shek addressed Senate and House, February 1943.


Mrs. Hattie Carraway, first woman to preside over United States Senate, October 1943.

House investigation of governmental seizure of Montgomery Ward & Co., 1944.

Gen. Dwight D. Eisenhower addressed joint session following return from European theater, June 1945.


President Truman delivered message on Greek-Turkish crisis to joint session, March 1947.

Under new Presidential Succession Act, Speaker of House and President pro tempore of Senate next in line of succession to Presidency following President and Vice President, July 1947.

Jawaharlal Nehru, Prime Minister of India, addressed Senate and House, October 1949.

Senator McCarthy in Senate speech, listed 81 alleged Communists in State Department, leading to Tydings investigation, February 1950.


Senator McCarthy in Senate speech, listed 81 alleged Communists in State Department, leading to Tydings investigation, February 1951.

Gen. Douglas MacArthur address joint session, April 1951.

Representative Alvin Bentley, four others, wounded on House floor by Puerto Rican terrorists in gallery, March 1954.

McCarthy hearings—Senate Subcommitte on Permanent Investigations investigated charges brought by Secretary of the Army Stevens against Senator McCarthy—April-June 1954.
Select Committee To Study Censure Charges Against Senator McCarthy appointed by Vice President Nixon, August 1954.

Senator McCarthy censured by United States Senate, December 1954.

EVENTS AND HAPPENINGS OUTSIDE THE CONGRESS, 1857 TO 1967

A study of what happened in our country as the result of, or in spite of what happened on the Hill is a story of great moment. But here, as in the discussion of what happened on the Hill, a presentation of any phase, even though done briefly and if I could do it properly, would take up more time and space than could be allowed for the Record, so with apologies to those who are better students of this era than I am, I present this list in the hope that it may add to the interest and study of our history. Here, as in the later events on the Hill, I am willing to accept any amendment to add to, or take from, any part of this list.

It seems to me that a study of this period is much more valuable in that it indicates among other things our struggle for survival, how our freedom promoted expansion and growth, how education and discussion of public affairs focused attention on the shortcomings, which resulted in many improvements, how depression and economic conditions forced us to have a concern for our fellowman and his economic welfare, and how expressing through a free press of abuses of opportunity and privileges lead to legislation to correct evils. It indicates also, how freedom of expression to the various avenues caused the moral integrity of our basic belief to demand that right should win and therefore a better political atmosphere.

Here, then, is this list:

Eighteen hundred and fifty-seven: Park Riots, Cincinnati.

Eighteen hundred and fifty-eight: Battle of Fort Sumter.

Eighteen hundred and fifty-nine: Battle of Antietam.

Eighteen hundred and sixty: Abolition of slavery, adopted.

Eighteen hundred and sixty-one: Beginnings of the Civil War.

Eighteenth Amendment, abolishing slavery, adopted.


Eighteen hundred and sixty-three: Assassination of Abraham Lincoln.

Eighteen hundred and sixty-four: Grant took Richmond; Confederate surrender at Appomattox; Assassination of Lincoln. Thirteenth amendment, abolishing slavery, adopted.

Eighteen hundred and sixty-five: Spanish-American War.

Eighteen hundred and sixty-six: Alaska purchase.

Eighteen hundred and sixty-eight: Mexican War.

Eighteen hundred and sixty-nine: New York subway opened.

Eighteen hundred and seventy: Telephones first used in New Hampshire.

Eighteen hundred and seventy-one: Opening of Brooklyn Bridge; 12 people lost their lives; Haymarket rioters; first attempt to make the United States pay indemnity for Civil War.

Eighteen hundred and seventy-two: Irish and German immigrants began to depart.

Eighteen hundred and seventy-three: First transcontinental railroad.

Eighteen hundred and seventy-four: Start of Grant in the Battle of the Wilderness; Sherman's march to the sea.

Eighteen hundred and seventy-five: Grant took Richmond; Confederate surrender at Appomattox; Assassination of Lincoln. Thirteenth amendment, abolishing slavery, adopted.

Eighteen hundred and seventy-six: 4th of July celebration.

Eighteen hundred and seventy-seven: Flushing Peace Conference.

Eighteen hundred and seventy-eight: Panama Canal opened; United States Marine at Vera Cruz; Sinking of Lusitania by German submarine.

Eighteen hundred and seventy-nine: Panama Pacific International Exposition, San Francisco, California.

Eighteen hundred and eighty: United States recognizes China.


Eighteen hundred and eighty-two: Captain Cook reached South Pole.

Eighteen hundred and eighty-three: Boy Scouts founded.

Eighteen hundred and eighty-four: Tense steel strike; 18 died.

Eighteen hundred and eighty-five: Strike for 8-hour day. Geronimo, Apache Indian chief, surrendered to United States troops.

Eighteen hundred and eighty-six: Captain Cook reached South Pole; 145 killed. First transcontinental airplane flight by C. P. Rodgers, New York to Pasadena.

Eighteen hundred and eight-seven: First commercial telephone exchange opened, New Haven, Conn.

Eighteen hundred and eight-eight: First electric street railway in United States opened at Baltimore.

Eighteen hundred and eight-nine: Opening of Brooklyn Bridge; 12 people trampled to death.

Eighteen hundred and ninety: Assassination of President Garfield.

Eighteen hundred and ninety-one: Opening of Panama Canal.

Eighteen hundred and ninety-two: Assassination of President McKinley.

Eighteen hundred and ninety-three: Start of Russo-Japanese War.

Eighteen hundred and ninety-four: Alaska purchase.

Eighteen hundred and ninety-five: Start of Spanish-American War.

Eighteen hundred and ninety-six: Panama Canal opened; United States Marine at Vera Cruz; Sinking of Lusitania by German submarine.

Eighteen hundred and ninety-seven: Panama Pacific International Exposition, San Francisco, California.

Eighteen hundred and ninety-eight: United States recognizes China.

Eighteen hundred and ninety-nine: Assassination of President McKinley.


Eighteen hundred and two: Spanish-American War.

Eighteen hundred and three: Spanish-American War.

Eighteen hundred and four: Assassination of President Garfield.

Eighteen hundred and five: Assassination of President Garfield.

Eighteen hundred and six: Assassination of President Garfield.

Eighteen hundred and seven: Assassination of President Garfield.

Eighteen hundred and eight: Assassination of President Garfield.

Eighteen hundred and nine: Assassination of President Garfield.

Eighteen hundred and ten: Assassination of President Garfield.

Eighteen hundred and eleven: Assassination of President Garfield.

Eighteen hundred and twelve: Assassination of President Garfield.

Eighteen hundred and thirteen: Assassination of President Garfield.

Eighteen hundred and fourteen: Assassination of President Garfield.

Eighteen hundred and fifteen: Assassination of President Garfield.

Eighteen hundred and sixteen: Assassination of President Garfield.

Eighteen hundred and seventeen: Assassination of President Garfield.

Eighteen hundred and eighteen: Assassination of President Garfield.

Eighteen hundred and nineteen: Assassination of President Garfield.

Eighteen hundred and twenty: Assassination of President Garfield.

Eighteen hundred and twenty-one: Assassination of President Garfield.

Eighteen hundred and twenty-two: Assassination of President Garfield.

Eighteen hundred and twenty-three: Assassination of President Garfield.

Eighteen hundred and twenty-four: Assassination of President Garfield.

Eighteen hundred and twenty-five: Assassination of President Garfield.

Eighteen hundred and twenty-six: Assassination of President Garfield.

Eighteen hundred and twenty-seven: Assassination of President Garfield.

Eighteen hundred and twenty-eight: Assassination of President Garfield.

Eighteen hundred and twenty-nine: Assassination of President Garfield.

Eighteen hundred and thirty: Assassination of President Garfield.

Eighteen hundred and thirty-one: Assassination of President Garfield.

Eighteen hundred and thirty-two: Assassination of President Garfield.

Eighteen hundred and thirty-three: Assassination of President Garfield.

Eighteen hundred and thirty-four: Assassination of President Garfield.

Eighteen hundred and thirty-five: Assassination of President Garfield.

Eighteen hundred and thirty-six: Assassination of President Garfield.

Eighteen hundred and thirty-seven: Assassination of President Garfield.

Eighteen hundred and thirty-eight: Assassination of President Garfield.

Eighteen hundred and thirty-nine: Assassination of President Garfield.

Eighteen hundred and forty: Assassination of President Garfield.

Eighteen hundred and forty-one: Assassination of President Garfield.

Eighteen hundred and forty-two: Assassination of President Garfield.

Eighteen hundred and forty-three: Assassination of President Garfield.

Eighteen hundred and forty-four: Assassination of President Garfield.

Eighteen hundred and forty-five: Assassination of President Garfield.

Eighteen hundred and forty-six: Assassination of President Garfield.

Eighteen hundred and forty-seven: Assassination of President Garfield.

Eighteen hundred and forty-eight: Assassination of President Garfield.

Eighteen hundred and forty-nine: Assassination of President Garfield.

Eighteen hundred and fifty: Assassination of President Garfield.

Eighteen hundred and fifty-one: Assassination of President Garfield.

Eighteen hundred and fifty-two: Assassination of President Garfield.

Eighteen hundred and fifty-three: Assassination of President Garfield.

Eighteen hundred and fifty-four: Assassination of President Garfield.

Eighteen hundred and fifty-five: Assassination of President Garfield.

Eighteen hundred and fifty-six: Assassination of President Garfield.

Eighteen hundred and fifty-seven: Assassination of President Garfield.

Eighteen hundred and fifty-eight: Assassination of President Garfield.

Eighteen hundred and fifty-nine: Assassination of President Garfield.

Eighteen hundred and sixty: Assassination of President Garfield.

Eighteen hundred and sixty-one: Assassination of President Garfield.

Eighteen hundred and sixty-two: Assassination of President Garfield.

Eighteen hundred and sixty-three: Assassination of President Garfield.

Eighteen hundred and sixty-four: Assassination of President Garfield.

Eighteen hundred and sixty-five: Assassination of President Garfield.

Eighteen hundred and sixty-six: Assassination of President Garfield.

Eighteen hundred and sixty-seven: Assassination of President Garfield.

Eighteen hundred and sixty-eight: Assassination of President Garfield.

Eighteen hundred and sixty-nine: Assassination of President Garfield.

Eighteen hundred and seventy: Assassination of President Garfield.

Eighteen hundred and seventy-one: Assassination of President Garfield.

Eighteen hundred and seventy-two: Assassination of President Garfield.

Eighteen hundred and seventy-three: Assassination of President Garfield.

Eighteen hundred and seventy-four: Assassination of President Garfield.

Eighteen hundred and seventy-five: Assassination of President Garfield.

Eighteen hundred and seventy-six: Assassination of President Garfield.

Eighteen hundred and seventy-seven: Assassination of President Garfield.

Eighteen hundred and seventy-eight: Assassination of President Garfield.

Eighteen hundred and seventy-nine: Assassination of President Garfield.

Eighteen hundred and eighty: Assassination of President Garfield.

Eighteen hundred and eighty-one: Assassination of President Garfield.

Eighteen hundred and eighty-two: Assassination of President Garfield.

Eighteen hundred and eighty-three: Assassination of President Garfield.

Eighteen hundred and eighty-four: Assassination of President Garfield.

Eighteen hundred and eighty-five: Assassination of President Garfield.

Eighteen hundred and eighty-six: Assassination of President Garfield.

Eighteen hundred and eighty-seven: Assassination of President Garfield.

Eighteen hundred and eighty-eight: Assassination of President Garfield.

Eighteen hundred and eighty-nine: Assassination of President Garfield.

Eighteen hundred and ninety: Assassination of President Garfield.

Eighteen hundred and ninety-one: Assassination of President Garfield.

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Eighteen hundred and ninety-three: Assassination of President Garfield.

Eighteen hundred and ninety-four: Assassination of President Garfield.

Eighteen hundred and ninety-five: Assassination of President Garfield.

Eighteen hundred and ninety-six: Assassination of President Garfield.

Eighteen hundred and ninety-seven: Assassination of President Garfield.

Eighteen hundred and ninety-eight: Assassination of President Garfield.

Eighteen hundred and ninety-nine: Assassination of President Garfield.

Eighteen hundred and one: Assassination of President Garfield.

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Eighteen hundred and four: Assassination of President Garfield.

Eighteen hundred and five: Assassination of President Garfield.

Eighteen hundred and six: Assassination of President Garfield.
had no right to divulge intercepted telephone messages.

Nineteen hundred and thirty-eight: "Wrong-Way" Corrigan flew Atlantic.

Nineteen hundred and thirty-nine: Ten thousand men of the United States Marines in Iceland; United States and Britain preparing to occupy Azores when Hitler invaded Russia. Captive released on Pearl Harbor. United States in World War II. Lend-lease aid pledged Russia.

Nineteen hundred and forty-two: Supreme Court upheld right of Negroes to vote in state primaries. Ringling Brothers Circus fire, Hartford, Conn.; 107 killed. Roosevelt reelected for fourth term.

Nineteen hundred and forty-five: German surrender; atomic bombs dropped on Hiroshima and Nagasaki; Japanese surrender.

Nineteen hundred and fifty-one: MacArthur fired as Korean commander; appearance before Congress. Rosenberg case.

Nineteen hundred and fifty-three: Establishment of world court; Universal Postal Union recognized by United States.

The Capitol is unique in that it both typifies the beginning and also marks the growth of the Nation.

Declares Charles Moore in his introduction to Glenn Brown's History of the United States Capitol.

Like the great Gothic cathedrals of Europe, its surpassing merit is not its completeness, but its aspirations. Like them, too, the Capitol is not a creation, but a growth.

Illustrative of this statement have been the changes in the past hundred years. On December 2, 1863, the statue of Freedom was placed on the dome, and in 1865, final work was done in the Domicile tower. This completed most of the major changes made in the Capitol during the Civil War period. The next important change in the Capitol came in the 1890's when Frederick Law Olmsted, the landscape architect who designed Central Park in New York City and the Chicago World's Fair of 1893, was engaged to create the present pattern of site, grounds, and interior of the Capitol grounds. Olmsted was also responsible for the imposing terrace and steps on the west side of the building overlooking the Mall.

During the period from 1949 to 1951 the old roof and skylights over the Senate and House wings, including the Senate and House connections, were replaced with a new roof of concrete and steel construction. The glass and glass ceilings of the Senate and House Chambers were replaced with new ceilings of stainless steel and plaster. Alterations and improvements were also made in the interior of the Chambers.

The design for the remodeling of the two Chambers was studies with motives...
from the same sources of early Federal architecture used in the old Supreme Court and Statuary Hall sections of the Capitol and from other buildings of the early Republic.

And later, in 1955, a non-denominational Prayer Room was added for the use of Members.

Under the Legislative Appropriation Act, 1956, provision has been made for extension, reconstruction, and replacement of the east central portion of the Capitol and other improvements. To date, appropriations totaling some $17 million have been provided for carrying forward work under this project. Preliminary studies are now in progress under the direction of the Architect of the Capitol and the Commission for Extension of the United States Capitol.

Meantime, many changes, of course, have been made in the ventilation and lighting. About 1865, steam heat was introduced. In 1880 Congress investigated the possibility of using arc lights in the Capitol. Incandescent electric light was installed in the cloakrooms, lobbies, and stairwells; in 1886 they were installed in the Senate extension; and in 1888 they were installed in the House which was soon completely converted to electric lighting. The latter, a familiar sight to visitors in the mid-19th century, stands near the spot formerly occupied by the Tripoli Monument, a memorial to that brave war in 1804. The former House Chamber, originally considered as an audience room, was set aside for the display of statues of two historic figures from each State. Additions are still being made to the statuary collection, which has now overflowed into other areas of the Capitol.

Other artwork and sculpture have been added right up to recent years. In 1918, the sculptures on the House pediment were unveiled. The Grant Memorial, on First Street, across the Capitol end of the Mall, was added in 1922, on the centenary of Grant's birth. The Brumidi frescoes high up in the rotunda were only completed a few years ago. The latter were carried out as a proposed bill for the purpose of hanging five of the most distinguished Senators in the Senate reception room.

The growth of membership in the House, reflected in the changing seating arrangements. Originally Members were entitled to permanent seats. Up to the 29th Congress, seats were taken on a first-come first-choice basis. Members lined up for seats who arrived early for a session secured the most advantageous seats and kept them for the duration of the session. In the 29th Congress Members began to draw for the seats. In 1857, when the new House Chamber opened, Representatives had individual carved oak desks and chairs. In 1859, these were replaced by circular benches, with the parties arranged opposite each other. In 1860, however, the benches were removed and again in 1902, smaller desks were introduced; in each instance the reason was increased membership. By 1914 the membership stood at 335 and the House was forced to remove the desks and replace them with chairs arranged in bench construction. Today there are 448 medium-tan leather-covered chairs with walnut frames, bronze feet, and leather-padded arm rests. Members may now occupy any vacant chair.

So great has been the growth in complexity of the legislative process in the past hundred years that various activities that once could be more easily handled have necessitated moves that have necessarily had to be moved elsewhere.

With the growth of the House, for example, additional office space was required. Until 1908 a Member's desk was his office, except in the case of committee chairmen. Now there are two House Office Buildings and a Senate Office Building. Additional new House and Senate Office Buildings are under construction. The Library of Congress was established by act of April 24, 1800, which provided an appropriation for the purchase of books by Congress, required that a suitable apartment in the Capitol be set aside to house them, and established a Joint Committee on the Library to establish rules for their use. By 1815, there were only some 6,500 books in the Library, which had been sold to the Government by Thomas Jefferson after the British had burned the original Library; now there are over 11 million books and millions of other items in the Library of Congress, which occupies two buildings. The first of these, the present main building, was opened in 1897, and the second, the Library Annex, in 1932.

In 1904, the Capitol Power Plant at New Jersey and B Street SE was opened. In 1925, work was commenced on a tunnel connecting many of the Capitol Hill buildings to the powerhouse; this project was completed in 1934. At present the plant serves not only as a source of steam and refrigeration. Electrical energy is now purchased from a private utility company. During the past several years, the buildings of the Capitol complex have been gradually converted from direct to alternating current. Work is now in progress to enlarge the refrigeration capacity of the powerhouse.

CONGRESSIONAL CEMETERY

Many people do not know that Congress has its own cemetery, located at 17th and F Streets SE, near Barney Circle. In 1816, they assigned 100 sites for the interment of Members of Congress. Congress appropriated money to enclose the area with a brick wall. An additional 70 sites were added later. One hundred and thirteen Congressmen have been buried in this Congressional Cemetery. Of these, 14 have been removed for burial in their native States. Tilden Bacon Park, of Arkansas, Representative from 1921 to 1937, who died in February 1930, was the last Representative to be buried in the Congressional Cemetery.

In the early history of Washington Parish—created in 1794—certain residues of the estate of George Washington purchased a plot of ground for a private cemetery. The date of this purchase is said to be about 1807, perhaps a few years earlier. A little later, thinking that it might be desirable to continue this project, the owners of this private cemetery tendered the property to Washington Parish. A deed to the land was delivered to the vestry of this parish March 30, 1812, and the cemetery was officially named Washington Parish Burial Ground. Later—possibly between 1840 and 1850—the name was changed to Washington Burial Ground and the name has continued as its official name ever since.

The cemetery soon became a semiofficial burying ground for United States Senators, Representatives, and other officials of the Government. In 1816, Congress purchased a section of the cemetery and reserved it for the interment of Government officials. Since then, the cemetery has been commonly known as the Congressional Cemetery. It comprises about 30 acres of ground situated on the north bank of the Anacostia River, northeast of Pennsylvania Avenue and 17th Street SE.

From the time of the early history of the cemetery, the vestry of Washington Parish donated several...
hundred plots to the United States Government. In 1848, additional plots were deeded to the Government in return for a grant of about $5,000 for the construction of the wrought-iron fence which surrounds the north side of the cemetery. The brick wall surrounding the south side, the public vault, and the keeper’s house, were also paid for by the Government. At the present time, 925 plots in the cemetery are owned by the Government.

During the early period of the cemetery’s history, when a prominent United States official died, the Government erected in the cemetery a sandstone cenotaph in his honor. Often, the interment was not actually made in the Congressional Cemetery. The cenotaph was placed there merely as a memorial. There are at present about 176 cenotaphs in the cemetery. Few, if any, have been placed there for the last 60 years.

Recently I took advantage of an opportunity to visit this cemetery and while generally I am glad to report the cemetery is in good condition, the tombstones marking the present burial plots of the Members of Congress who are buried there are in very poor condition; and in my opinion should receive the attention of Congress at a very early date, restoring them and making them a more respectable appearing monument and tribute to deceased Members buried there. On visiting the cemetery I found that among the interred were Elbridge Gerry, a signer of the Declaration of Independence, William Thornton, the first Architect of the Capitol, Push-Ma-Ta-Ha, famous Choctaw Indian chief who fought under Jackson in the Pensacola campaign, John Philip Sousa, and 21 young women who perished in the explosion of the Federal arsenal on the site of the present National War College, during the Civil War.

Reflecting the increasing complexity of government, which has affected the legislative as well as the executive branch of government, there have been various institutional changes in Congress itself in the past century.

The number of House Members has increased from 237 in 1857 to 435 today. This latter figure is the number fixed by Congress after the admission of Arizona and New Mexico. Should Alaska or Hawaii be admitted to the Union, a temporary increase in seats, followed by a reapportionment, would probably ensue.

The meeting date of the Congress was changed by the 20th Amendment from the first Monday in December to the third day of January, unless Congress shall by law appoint a different day.

The House ceased to be an all-male club when Jeannette Rankin, Republican of Montana, took her seat in 1916. Since then 57 members of the fair sex have been elected to Congress and the record shows that they all have served with better than average ability.

The salary of present Members of Congress is $22,500 per annum as compared with $6,000 per Congress in 1857. The additional allowances of the present Members of Congress are pretty well known, but what is not known, about 100 years ago is the fact that then the Congressmen received 80 cents a mile each way for traveling expenses. It occurred to me that it might be of interest to have an analysis of a representative list of Congressmen and their expenses and then also to note that in 1857, if a Congressman was absent without excuse for any given day, he was charged $8.22 for his absence which was his estimated daily pay based upon the salary allowed at that time. Same rules applied today on this matter would mean a deduction of approximately $82.50 per day.

Salary and travel statements of representative group of House Members, 1857

<table>
<thead>
<tr>
<th>Name</th>
<th>State</th>
<th>State</th>
<th>Total miles traveled, 2 sessions</th>
<th>Days absent</th>
<th>Deduction for absence</th>
<th>Salary, 2 years</th>
<th>Total salary allowance less election deduction, 1857-59</th>
</tr>
</thead>
<tbody>
<tr>
<td>James Orr, Speaker of the House...</td>
<td>South Carolina, Craytonville</td>
<td>California, Sierra County</td>
<td>1,408</td>
<td>$1,126.40</td>
<td>None</td>
<td>None</td>
<td>$15,000</td>
</tr>
<tr>
<td>Joseph MckIlhon...</td>
<td>Vermont, Stratford</td>
<td>Rhode Island, Tiverton</td>
<td>1,020</td>
<td>817.60</td>
<td>1</td>
<td>50.40</td>
<td>6,000</td>
</tr>
<tr>
<td>Nathaniel Durfee...</td>
<td>Virginia, Green Valley</td>
<td>Mississippi, Oxford</td>
<td>534</td>
<td>522.00</td>
<td>None</td>
<td>None</td>
<td>6,000</td>
</tr>
<tr>
<td>Albert Jenkins...</td>
<td>Georgia, Crawfordville</td>
<td>California, Sierra County</td>
<td>4,080</td>
<td>3,200.00</td>
<td>None</td>
<td>None</td>
<td>7,067.20</td>
</tr>
<tr>
<td>Lucius Lamar...</td>
<td>North Carolina, Craytonville</td>
<td>New York, New York City</td>
<td>408</td>
<td>381.60</td>
<td>35</td>
<td>267.68</td>
<td>6,000</td>
</tr>
<tr>
<td>Alexander H. Stephens...</td>
<td>Ohio, Mansfield</td>
<td>Ohio, Mansfield</td>
<td>1,126</td>
<td>1,067.20</td>
<td>None</td>
<td>None</td>
<td>6,000</td>
</tr>
</tbody>
</table>

Here are statements of three Washburn brothers:

<table>
<thead>
<tr>
<th>Name</th>
<th>State</th>
<th>State</th>
<th>Total miles traveled, 2 sessions</th>
<th>Days absent</th>
<th>Deduction for absence</th>
<th>Salary, 2 years</th>
<th>Total salary allowance less election deduction, 1857-59</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cadwallader Washburn...</td>
<td>Wisconsin, La Crosse</td>
<td>Illinois, Galena</td>
<td>4,080</td>
<td>$3,200.00</td>
<td>10</td>
<td>$82.20</td>
<td>6,000</td>
</tr>
<tr>
<td>Elihu Washburn...</td>
<td>Illinois, Galena</td>
<td>Maine, Bangor</td>
<td>4,080</td>
<td>3,200.00</td>
<td>None</td>
<td>None</td>
<td>6,000</td>
</tr>
<tr>
<td>Daniel Washburn, Jr...</td>
<td>Maine, Bangor</td>
<td>Maine, Bangor</td>
<td>1,126</td>
<td>1,067.20</td>
<td>None</td>
<td>None</td>
<td>6,000</td>
</tr>
</tbody>
</table>

The House rules have been changed at various times. A particular difficulty was the fact that to obtain a quorum, Members had originally to answer the roll. In 1890, Speaker Reed introduced the so-called Reed rules, by which a quorum might be established by counting Members present who refused to answer roll calls. The power to answer roll calls of the Speaker of the House was given so much personal power that he became known as a czar. In the person of "Uncle Joe" Cannon, the Speakership became, in the minds of some Members, an obstacle to desirable progressive measures. Attempts by William H. Hepburn, an Iowa Republican, in 1905, and by Champ Clark, a Missouri Democrat, in 1911, to strip Cannon of various powers, came to naught. In 1910, however, the Democrats, with the aid of 30 insurgent Republicans, stripped the Speaker of his membership on the Rules Committee, deprived him of the power to appoint members to this committee, enlarged the membership of the committee, and restricted his power of recognition. Further changes were made in 1911, when the election of members and chairmen of standing committees was taken from the Speaker and returned to the House.

Summary and comment on education, civil rights, and lessons of history

At the time the House moved to its part of the Capitol extension in 1857, there were 31 States in the Union. The population of the United States was about 38,000,000 as compared to an estimated 170,081,000 today. The center of population was in the South of Chillicothe, Ohio. It is now in southwestern Ohio. The country has grown correspondingly in its industrial facilities and its wealth. More Americans today have an opportunity to advance themselves through education and technology than ever before.

If there is one thing that has not changed since 1857, it is the conviction that our way of life is ideally suited to the happiness and prosperity of our people. Our belief in constitutional government, education, and freedom has not dimmed with the years. On the contrary, faith in our institutions has grown as their value has been demonstrated.
The period since 1857, as the period before it, has been a testing time for our concept of government. The Civil War, in which great national issues were decided, not by the peaceable means afforded by the Constitution, but by conflict between the challenge of the pointed musket and the opposition of the musket of the petition, has forever passed. The pieces of legislation, in its ultimate essence, were a conflict of personal interest and intervention of ordinary political means. The period of the organization of the ratification of 1886 were ominous indications that there are always some members of our society who do not believe in the American concept of ordered liberty under law.

We have a national belief in progress under the American system has not diminished. We have made progress sort of an American custom. Optimism has always been one of the distinguishing characteristics of the American people. Optimism would have said that our faith has been chastened by depressions and wars and atomic bombs, but the underlying American belief in the ability of ordinary mortals to improve themselves and their states in life itself, in doing it, their society, is still strong.

It is perhaps not mere coincidence that as the opportunity of our people to obtain an education grew, and as American belief in the right of everyone to enjoy an equal opportunity to better himself grew, the prosperity of the country also grew.

Progress in education, for instance, has been great since the House of Representatives first sat in this Chamber 100 years ago. The great Morrill Act of 1862, establishing our system of land-grant colleges, was one of the most important pieces of legislation that you and its ultimate effects upon our society, ever passed. The American college system a hundred years ago was just developing its postgraduate facilities. In those days colleges supplied only a general education. Today we have some of the best graduate schools in the world turning out our teachers and doctors and lawyers and engineers.

A hundred years ago the concept of free public schools had only recently taken root. Today virtually everyone in our Nation is assured of a free public education. This result has come about because of the great belief of the American people in the value of education. Virtually all of it has come about through the personal interest and intervention of ordinary people in the educational policies of their communities.

The period since 1857 has likewise been a great era in the development of the American belief in equal rights. We have had two great constitutional amendments, the 14th and the 19th, forbidding States to deny the right of suffrage on the grounds of race or sex. The 14th amendment says that the States are deprived of the person of life, liberty, or property without due process of law. This battle for civil rights is as old as our country. It began with the Revolution, when our people rebelled against the arbitrary government of King George III. Thomas Jefferson said that the idea of our rights and liberties in the Declaration of Independence. Traditional English concepts of individual rights were written into our American political system by American colonists who continued to believe in the concept of limited government. They continue to believe that their government must not act in an arbitrary manner. They continue to believe in legal processes, that there is a law that this starts the procedure.

Today virtually everyone in our Nation is assured of a free public education. Also, if these great ideas were better understood and appreciated by our teachers and our leaders as we promote the ideals we are pleased to call America.

Mr. Speaker, at the beginning of my dissertation I said that we ought at least to discuss the important lessons taught by history. It is a deep conviction of mine that if all our citizens had a better knowledge and understanding of American history and the rich heritage that is ours because of the sacrifice to promote great ideas and ideals of our forefathers, there would be no need for concern for the future of our country. Also, if these great ideas were better understood by our people, the fight against communism or any foreign ism would be much less difficult. This could mean much more and be more effective than any wars we could wage against any foreign ism. I think there are important lessons to be learned from history that can help us meet the challenge and problems of the day.

The American people, it is true, are the best prepared to deal with the complex problems of this dramatic age. This age that is fraught with great extremes; on the one hand, a terrible fear of the possible complete extinction of mankind; on the other, an unprecedented opportunity with this new power to promote peace, prosperity, and understanding never known to the human family before.

There are many expressions of our forefathers that lend encouragement and point the way to a better life for all of us. It is impossible to quote many of them, so I shall quote very briefly some of the pertinent thoughts given to us by three of our greatest—Washington, Jefferson, and Lincoln.

In discussing the life of George Washington, there are many things that come to mind that are exciting. For the purpose of this dissertation, I should like to refer briefly to a part of his Farewell Address. I have quoted him because it was noted by our country through the years, we were able to grow and prosper materially and spiritually. I am referring to the moral grounding that is necessary for our system to function that I fear is weaker—Washington, Jefferson, and Lincoln.

Here, I believe, is the best statement on the objective of government, and especially the principal objective of our Government ever stated by anyone.

Then he points out how our form of American government is a constant experiment. While he was speaking then of the terrible Civil War, I submit the following has its application in our time as well; Our form of government, our way of life would soon fail. This is what George Washington said on that subject:

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would our government endure, were it the mistake of a patriotic, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens.

This is indeed a great fundamental truth.

In my opinion, Jefferson's greatest contribution came to our way of life after he had served in many capacities, including the Presidency of the United States. When he made it his business to go back to Monticello to spend the rest of his life promoting the educational system for his country, he did more to shore up the great foundations of our Nation and assure the perpetuity of our Government than any man in that time. Examples of his attitude toward education in our country is found in almost all of his writings. Among them I like this best:

I am not an advocate for frequent changes in legislation or even for political changes, however important. We must not be content to import our civil Constitution and institutions must go hand in hand with the progress of the human mind, for that becomes more developed, more enlightened, as new discoveries are made, new truths discovered, and manners and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy as civilized society to remain under the regimen of their barbarous ancestors.

It seems that fate has always provided leaders for this country that seem to fit the difficult challenge that presents itself and no better example can be found of this, in my opinion, than the story of Lincoln and his contribution to the saving of the best hope of mankind. He more than anyone else has captured the hearts and minds of the people of the world. Reading the life story of this man as it relates to our country is always a great thrill. He spoke so simply and understandably and seemed to speak with the voice of the time, an ancient voice. The world was ready to be fed. And the world is ready to listen. The woods along the Mississippi are still echoing his words.

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people have already settled—the successful establishment, and the successful administering of it. One still remains—its successful maintenance against a formidable internal attack. It is not for us to stand still and demonstrate to the world that those who can fairly carry an election can also suppress a rebellion. That ballots are the rightful and peaceful successors of ballots; and that when ballots have fairly and constitutionally decided a contest, there can be no successful appeal to bullets; that there can be no successful election can fairly and constitutionally succeed, and the establishment, and the ing of it.

In this paragraph is a citation and a statement that ought to be read, reread, and studied by all the peoples of the world and especially by those attending the Disarmament Conference in London these days.

Finally, I submit that Lincoln’s statement at the second inaugural, the last paragraph sums up some thoughts that we need to think about. Let me quote:

With malice toward none, with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the wounds of the nation until a new birth of freedom shall have taken place within it. It is now for them to take it by an election, neither can they establish, and the

I was interested a few days ago in looking through his book to notice that he has been my observation that

Finally, let me suggest that all of us as

congressional record — house

August 27

Mr. SCHWENGEL. I yield to the gentleman from New Jersey.

Mr. CANFIELD. Mr. Speaker, when I learned that our distinguished colleague from Iowa, Mr. SCHWENGEL, planned to address the House today on the subject, I asked Congressman Huyler's task as a legislator could not not have been an easy one in the politically charged atmosphere of a country struggling to maintain its economic equilibrium through the panic of 1857, bitterly divided over the Dred Scott decision and wracked by scandals in the Midwest where Kansas Territory had a record of four changes in executive administration in one 3-year period. The powerful forces that swept the Nation into the bloody War Between the States were then building momentum, and a Congressman must have often wished for the pastoral peace of north Jersey.

What did the New York Times of December 17, 1857, say about the first meeting of the House in the new Chamber, the day before?

"The Times reported that "amid much confusion the Members proceeded to select their seats by lottery."

As the admission of Kansas, according to the Times, the House approved a resolution to print 16,000 copies of the report of the Secretary of the Treasury and another resolution making necessary to accommodate reporters in the new Hall. On the day before, the Times in its page one dispatch had criticized severely the Architect or Superintendent for not providing any accommodations whatever for the press.

Getting back to my predecessor. I am sure that he never dreamed that communication and transportation, then existing in our day link the entire world in a matter of minutes and hours. When I left Newark, N. J. to come to Washington by plane yesterday, the trip was completed in less than 45 minutes. Congressman Huyler in 1857 used both train and ferries to make the same trip which involved several days.

Mr. SCHWENGEL. I yield to the gentleman from Massachusetts.

Mr. SCHWENGEL. I yield to the gentleman from Indiana.

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

Mr. SCHWENGEL. I yield to the gentleman from Indiana.

Mr. HALLECK. I commend the gentleman for his extremely interesting
speech. I think it will do a great deal of good, because hordes of people go through the Capitol here and do not have a chance to really see everything. The gentleman made reference to the Congressional Record, and I must say that Senator Gary had a very distinguished ancestor buried there and we were instrumental in securing a small amount of money to put a fence around that spot, and I think they did a very good job at that time. It took one entire day to go by horse-drawn vehicle from the White House to the cemetery and back again.

Mr. SCHWENGEL. I thank the gentleman for her contribution and also thank the gentleman from New Jersey [Mr. CANFIELD].

Mr. CANFIELD. Mr. Speaker, will the gentleman yield further to me?

Mr. SCHWENGEL. I yield to the gentleman from New Jersey.

Mr. CANFIELD. The gentleman has referred to members of the fair sex sitting in this body. I am sure he knows, as I do, that the distinguished gentlewoman from Massachusetts [Mrs. Roscbs] has served in this body for 33 years, and that Congress has been in a legislative parliament longer than any other woman in all legislative history.

Mr. SCHWENGEL. I thank the gentleman for his contribution. I was aware of that. I am glad the gentleman mentioned it as part of the record. I think it is a high compliment to the lady's ability.

Mr. O'HARA of Illinois. Mr. Speaker, will the gentleman yield?

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

Mr. O'HARA of Illinois. May I add that the gentlewoman from Massachusetts is embedded deep in the hearts of the veterans of America. No love was ever greater than that they give to her. I was deeply moved only yesterday when as a member of the committee, I was not forgetful of the Spanish War widows who are in such need and put in a word prodding the other body to follow the good example of the House. Mr. Speaker, I thank the gentleman from Illinois. The gentleman is absolutely correct in that statement.

Mr. O'HARA of Illinois. Mr. Speaker, will the gentleman yield?

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

Mr. O'HARA of Illinois. I have been wondering how Congressmen in that day were able to spend as much as $3,000 a year. When I was a boy eggs sold for 7 and 8 cents a dozen, and milk for 4 and 5 cents a quart. A pound of the best meat was 10 cents and they gave you that many of the rest of it for free. A man had to be pretty smart to spend as much as $3,000 in a year.

Mr. SCHWENGEL. I think that is a very interesting observation. I am having a great deal of Congress can compare the dollar values of that time with those of today. I had hoped to have it here today, but unfortunately I do not. I think the gentleman has made a very interesting observation.

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

Mr. SCHWENGEL. I yield to the gentleman from Wisconsin.

Mr. REUSS. I know every Member here this afternoon and everyone who reads the Congressional Record will be in debt to the gentleman from Iowa [Mr. SCHWENGEL] for helping to commemorate the hundredth anniversary this year of the founding of our Nation's Capitol in the form of the record. We owed it to the gentleman's debt for his scholarly research. It is a great privilege to serve in this body with a Member who has the instinct for history, buy the past. To me, a citizen of the great State of Wisconsin, right across the Mississippi River from the State of Iowa, it has been an especially privilege to be here this afternoon because it has brought to my mind one of Wisconsin's great contributions to these halls, the late Senator Robert Marion La Follette, Sr., who served, as the gentleman knows, from 1886 to 1895, and then again from 1906 until his death in 1925 was a Member of the other body, and always, in whatever body, a great friend of the plain people of America.

When Senator La Follette died, and his personal effects were taken account of in his desk in the Senate, among them was found a note which well sums up his political and social philosophy. In that last note he said:

I would be remembered as one who in the world's darkest hour kept a clean conscience and stood for the end for the ideals of American democracy. I am very grateful to the gentleman for evoking some of those great memories of the past this afternoon.

Mr. SCHWENGEL. I thank the gentleman very much for his fine contribution.

I have here a whole series of biographies of Members of the Congress. I have right here with me a list of those who I think were five very greatest in history. I am afraid to present that list at this time because someone may want to challenge me as to whom I have placed there. I am going to present this list. I do not want to put it in the Record now, because I am not quite ready to defend it, although in some instances I am.

There are two gentlemen, however, with whom it is your privilege and mine to serve in this Congress, and they stand out among the greatest. They are none other than our leader, Joe MARTIN, and your leader and our Speaker, Sam Ray- bourn, who, as most of you know, now holds the record for continuous service in the Congress and, if he lives out this term, will hold the record for longevity of service. Also, of course, he holds the record for having been Speaker longer than any other Member. He has served with more Members of Congress than any man in history, probably more than any man with.

So many times in my short time here I have noted that as to both him and Joe there were times when party politics was second to them. The cause of their country was first. I thank God we have leaders of that type in this country to help us through these difficult and dangerous times.

Mr. O'HARA of Illinois. Mr. Speaker, if the gentleman will yield further, I wish to join with the gentleman from Wisconsin and others of our colleagues here in commending the distinguished gentleman on his scholarly and inspired address. It has been a fitting observ­ ance of the hundredth anniversary of the founding of our Capitol here. The gentleman has rendered a great service.

I wonder if the gentleman would consider provocative of greater interest in the past and in the great men and women who have served in this body if he would make up a list of the 25 or maybe 30 Members whom he regards as the greatest Members of this body in all the history of this House. Then he might wish to submit his list to other Members so that we could have a provocative debate to stir up interest in the past, because it is that interest in the past that gives us virility, drive, and purpose to the present.

Mr. SCHWENGEL. I thank the gentleman for his observation. I have thought of doing the very thing he has suggested. When I heard of this discussion, it seems to me it is quite a task reading the biographies of the Members of the Congress—there have been books written about many of them, but, of course, not about all of them—it is a rather difficult task and I hope to tackle it some day, and I may advise with you further on that.

Mr. CUNNINGHAM of Iowa. Mr. Speaker, will the gentleman yield?

Mr. SCHWENGEL. I yield.

Mr. CUNNINGHAM of Iowa. I wish to concur in what the distinguished gentleman from Illinois [Mr. O'HARA] suggested to the gentleman from Iowa. I think it is an excellent suggestion. I think the gentleman from Iowa is well equipped to start on the project. If he starts, he has the best of it. I hope he will undertake it when he can in the future, because he has made a wonderful contribution this afternoon.

Mr. SCHWENGEL. I thank the gentleman.

USDA ATTITUDE TOWARD ACP EN- DANGERS HUMAN NUTRITION AND SOIL CONSERVATION

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

Mr. POLK. Mr. Speaker, during the recent consideration by the Congress of the Department of Agriculture Appropriation Bill for the 1958 fiscal year, there was considerable discussion on the advisability of continuing conservation payments to farmers for the use of agricultural limestone. From what I heard of this discussion, it seems to me that a number of administrators and critics of the agricultural conservation program through which farmers receive assistance for the use of agricultural limestone not only misunderstand Congressional intent, but by the passage of the Soil Conservation and Domestic Allotment Act, but also fail to...
understand the importance which agricultural limestone plays in the total conservation picture. Even more important is the key role of this vital material to the health of all of our people—not just to plants and animals. For agricultural limestone provides the fundamental ingredient of the soil but the supplier of that most important element to all life—calcium.

It is a well-known fact that the use of agricultural limestone on farmland greatly improves both in quality and quantity. While the Nation is vitally interested in the economic welfare of farmers, which is affected materially by the increased use of agricultural limestone, it is equally more concerned that adequate supplies of this material be used because of its tremendous contribution to the health of our people. It is really only in recent years that we have become fully aware of the fact that we are what we eat because of what we eat and that the better we eat the better we individuals are. It was not so long ago that calcium was not even considered as a mere food. Now we know that it is not enough merely to fill our stomachs, but that the quality of the food is of extreme importance.

This agricultural limestone, which agronomists have long recommended as fundamental to a sound agriculture, now looms as one of the most important elements necessary for the adequate health and quality of the people in our Nation. We all know that we need adequate amounts of calcium, riboflavin, high quality protein, and vitamin A.

Back in 1936 when the Congress passed the Soil Conservation and Domestic Allotment Act which is still in effect it said, and I quote:

It is hereby declared to be the policy of this act also to secure, and the purposes of this act shall include: (1) the prevention and improvement of soil fertility; (2) the promotion of the economic use and conservation of land, and (3) the wise and unscientific use of national soil resources.

Mr. Speaker, the officials in the Department of Agriculture in their report, the Federal Government has an obligation by the Congress to assist farmers in carrying out to effectuate the policies of this act, by consulting with both the farmer-elected committees throughout the Nation and with the educational and vocational committees of the various State colleges. Without exception, it was the recommendation of the people in the humid area that the use of agricultural limestone was essential to any worthwhile program.

At that time the 5 million farmers of the Nation were using about a million tons of agricultural limestone in their normal farming operations. The extension agents now know that was started by an act of Congress in 1914, had been urging farmers to utilize more agricultural limestone from that time until this Federal-aid program was begun in 1936 to assist the educational teachings. Farmers then began to use more liming material until a peak of 30 million tons was reached at that time. Because the funds for the program have been reduced by the Congress and because of administrative restrictions written in by the Department of Agriculture, the use has declined until now it stands at about 20 million tons a year.

In September 1952 the Department of Agriculture issued a bulletin in which it stated that it would take 350 million tons of limestone to treat the Nation's soils and bring them up to the level which the agronomists of the Nation had indicated was satisfactory. Once this was done, this bulletin states, the Nation would require a consumption of 47 million tons a year to maintain a desirable level of lime content in the soil. Obviously we are falling far short of what our scientists claim is the optimum in spite of all the educational work being done throughout the Nation and in spite of the fact that there are payments available under the agricultural conservation program to stimulate the use of lime.

Now, Mr. Speaker, I should like to address myself to the question of why the use of agricultural limestone is important to the Nation and why each and every citizen should be vitally concerned not only with the expansion of the agricultural conservation program, which is currently reaching over a million farmers a year but also with the use of agricultural limestone on our soils in the humid area. It seems to me in considering our farm legislation we all too often lose sight of the fact that these programs are designed for the general welfare and not just for the individual benefit of farmers. There is no question that by using agricultural limestone farmers become better farmers in the long run by producing better crops and better livestock. I use this term deliberately, because I believe they develop and develop at a later point. All too frequently we think in terms of increasing our farm production in pounds or tons or bales, but we also need to improve our agricultural production from the standpoint of quality of the product. More minerals in the soil mean more minerals in the plants and eventually the animals and animal products and ultimately more minerals in the human diet.

In 1950 a witness appeared before a House Select Committee of the 8lst Congress pursuant to House Resolution 232. He was Dr. W. A. Albrecht, chairman, Department of Soils, University of Missouri, Columbia, Mo., an international authority on soil fertility. In his statement he said:

It is hereby contended that human, animal, and plant nutrition—and thereby the health of all these—cannot be maintained at a high rate unless calcium is correspondingly maintained by the judicious use of fertilizers on the soil.

He later said:

Nutritional science has only recently turned its attention to the problem of growing the four essential nutrients most likely to be lacking in the American diet. This is calcium, riboflavin, high quality protein, and vitamin A.

You will note that Dr. Albrecht here points out that fertile soils produce quality feeds that have a direct bearing on not just plants and animals but most important, upon human health. And what is the key element in this list? It is calcium. And where does calcium come from? Calcium originally came from the mineral-rich soils with which this Nation was so abundantly blessed.

You will note Dr. Albrecht here points out that fertile soils produce quality feeds that have a direct bearing on not just plants and animals but most important, upon human health. And what is the key element in this list? It is calcium. And where does calcium come from? Calcium originally came from the mineral-rich soils with which this Nation was so abundantly blessed.
In an article that Dr. Albrecht wrote in 1946 entitled "Agricultural Limestone for Better Quality of Foods" he said:

Perhaps you have never thought that your own body contains the calcium equivalent of 36 pounds of agricultural limestone. Probably you have not connected limestone with the calcium that plays such a vital role in helping to synthesize crops that result in protein products both in plants and animals. And it may not be commonly recognized that this nutrient element as put into the soil by applications of pulverized lime rock should have a big share in determining the quality of food for man and beast and thereby the health of both. We are just now coming around to recognize the greater health value in the quality of foods that are grown on the more fertile soils. The use of agricultural limestone is one of the helps in making our soils more fertile. This practice is, therefore, one of the means of gaining better health by building it from the ground up.

It has long been general practice to use limestone in connection with the growing of various legumes, the nitrogen-fixing crops, and also those protein-rich crops that can provide a part of their nitrogen needs by using this element from the extensive gaseous supply in the soil, air and atmosphere. Liming is readily connected with the soil properties. It was considered able to synthesize air nitrogen into combination with hydrogen and carbon as organic compounds. It is these that put the nutrient nitrogen into circulation for so many years. Lime is one of the most useful elements in soils. The previous residues of the plants are put into the soil for decay. Soil improvement by means of legume crops is dependent on the services of calcium as a plant maker, more than on any changes in more fertile soils. The use of agricultural limestone is one of the helps in making our soils more fertile. This practice is, therefore, one of the means of gaining better health by building it from the ground up.

We have come a long way since Dr. Bear's statement in 1922 and the evidence which we have now developed in the nutritional field proves him to be a prophet. For example, during the war we found that seven out of ten draftees were accepted from Colorado and seven out of ten were rejected from one of the Southern States where we have a deficiency in calcium in the soil and limestone. As you know, the Colorado soils have one of the highest calcium ratios in the Nation. Neil Clark in a Saturday Evening Post article entitled "Are We Starving to Death" said that the American people are apparently eating better than anywhere else in the world many of our people have hidden hunger because of our mineral-depleted lands. Age, as found in the list of our full life, strikes silently, is almost as hard to believe in as germs were when Pasteur revolutionized medicine by revealing their role in disease. This condition is not something that the mineral disease of the soil is directly transmissible to man but, unlike its devouring cousin erosion, it silts up no rivers to cause billion-dollar floods, digs no gulleys to wash away but leaves no clear-cut sign. Fields that always have been green may be green still but the same life is no longer in them.

Calcium is one of the two nutrients in which American nutritionists fall below the recommendation of the Food and Nutrition Board of the National Research Council. Calculi deficiency in nutrition and the disease they cause them is probably the most common of all diseases, and physicians commonly realize because there is no good way of detecting them. In fact, a condition which nutrition research has now shown to be one of short- living and which with a wealth in history, is still commonly counted as within the range of the normal. In the light of present knowledge of lifetime relationships it is now apparent that we need calcium. The human body at birth has not only a much smaller amount but also a much smaller percentage of calcium than the normal fully developed body contains.

In addition to the importance of lime in the field of human nutrition and the health of people generally, there is a very important feature of soil conservation where lime is equally indispensable. The only source of this necessary food element, calcium, is the lime in our soils from which hay and pasture crops, in fact all plants, derive their calcium, and in this way, provide lime carbonate in milk and in fruits and vegetables.

Certainly this is of significant importance to health to warrant the use of Federal funds through the ACP to encourage farmers to apply more lime to their fields.

In addition to the importance of lime in the field of human nutrition and the health of people generally, there is a very important feature of soil conservation where lime is equally indispensable.

To illustrate what I mean I shall read a brief excerpt from the testimony of Dr. Ralph W. Cummins, director of research, North Carolina Agricultural Experiment Station, before a select committee of Congress in 1950.

He said:

A small watershed in Buncombe County, N. C., had become too poor and too severely eroded to be making any significant amount of forest cover a few years ago. Without treatment, vegetation was very sparse and conditions were very poor. Kesler Lepidesea would germinate but would not grow. A moderate application of lime and superphosphate made possible the establishment of a lespedeza cover and increased the total production of vegetation more than threefold. The dominant vegetation was changed from poverty grass and weeds to lespedeza and shortly thereafter, palatable grasses such as bluegrass and orchard grass could establish. By more liberal applications of lime, superphosphate, and potash, it has been possible recently to establish ladino clover and tall fescue on similar lands on the college farm near Raleigh, with resulting yields in digestible nutrition of the order of 6 tons of crude dry matter of corn per acre. Thus land which was producing practically nothing of value has been changed by chemical fertilizers and lime to a condition in which it produces good yields of milk and meat. The effects of this change on human nutrition should be obvious when we consider the fact that we Starving to Death. Men Grow Bigger in Some Parts of the Country.

He said:

Aside from the fact that lime makes some crops grow bigger and better, did you ever stop to wonder if its effects went farther than just increasing yields? Did you know that the limestone in your field affected your livestock and even yourself and your family? From the standpoint of health, strength, and physical growth, I mean. How can we account for consistent yields that the Kentucky mountains grower, and the Michigan sota football player? It must be environment and the soil is one of the most important environmental factors. Virgin limestone is one of the big bone-building men, well-muscled men with large feet and hands.

You further stated:

It might even be possible to determine the necessity for lime from a study of the people themselves.

He said:

I am confident that the lack of carbonate of lime in the soil can be detected from the study of people as well as the animals and the vegetation a locality produces.

An interesting explanation is found in the fact that food calcium is more liberal there results a better development of the internal structure of the bones. This is well brought out with the porous ends of long bones where the bone is a great surface of bone mineral in contact with the circulating blood, and therefore a more much prompt and effective restoration of the blood calcium to full normal concentration after all the many small wastages that occur in everyday life as well as under various conditions of extra strain.

Although fluctuations of blood calcium concentration are small from the viewpoint of our ability to measure them, yet the more quickly and completely the blood recovers from every decline in its calcium content the better the body maintains its highest degree of health and efficiency. Thus it is very important to the welfare of every country that its people get a good calcium supply from their food and drink and to that end we need extensive gaseous supply in the soil, air and atmosphere. Liming is readily connected with the soil properties. It was considered able to synthesize air nitrogen into combination with hydrogen and carbon as organic compounds. It is these that put the nutrient nitrogen into circulation for so many years. Lime is one of the most useful elements in soils. The previous residues of the plants are put into the soil for decay. Soil improvement by means of legume crops is dependent on the services of calcium as a plant maker, more than on any changes in more fertile soils. The use of agricultural limestone is one of the helps in making our soils more fertile. This practice is, therefore, one of the means of gaining better health by building it from the ground up.

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[The rest of the text is not visible]
of vegetation more than threefold. Furthermore, by more liberal applications of lime, superphosphate, and potash, Ladino clover and tall fescue were established on similarly eroded soils. This is a point that makes it is necessary to use lime in conjunction with chemical fertilizers. Fertilizers alone will not restore most soils, but when used with sufficient amounts of lime remarkable results can be obtained.

In order to encourage farmers to use this conservation practice of liming eroded soils, Congress has provided funds through the ACP for this purpose. It appears that some persons in the USDA who administer the ACP and related conservation programs are not fully aware of the need and the desirability of expanding this very worthwhile phase of soil conservation.

In dealing with the subject of soil fertility and its implication on our health it is important to establish these facts and principles at the outset and then follow through as they seem to have causal connections with the phenomena under consideration.

The fact that may well be considered is the observation that under moderate temperatures the increase in annual rainfall from zero to 60 inches, for example—is as the range in going across the United States from near the coast range eastward—gives first an increased weathering of the rocks. That change represents increased soil construction. Going east from zero rainfall means increasing the productivity of soil until one reaches about the midcontinental area. Then with still more rainfall, there comes excessive soil development under the higher rainfall which means increased soil destruction in terms of soil fertility considered both in quantity and in quality.

Consequently, if we are to reverse this trend of nature and not only conserve our soils but work on the inimical in the humid area but improve the fertility of these soils as directed by the Congress in the Soil Conservation and Domestic Allotment Act, we must continue the emphasis on—educational and ACP payments—to get agricultural lime used in the quantities recommended by our soil scientists on the Nation's farms to insure the health of all our people.

In conclusion I should like to refer briefly to the recent hearings before the Joint Committee on Atomic Energy. Agricultural and Atomic Energy scientists pointed out in their testimony that, on the basis of present information, the danger from strontium 90 fallout is not as great when soils are adequately limed. They indicated that strontium 90 is very similar to calcium. When plants have a choice, they prefer calcium to strontium 90. The present evidence is that when adequate amounts of calcium are present in the soil, plants only take up 25 percent as much strontium 90 as when there is a shortage of calcium.

The greatest danger from fallout of strontium 90 is not what you get on your body but what you get from the food that you eat. For example, sheep on calcium-deficient soils in Wales have 4 times as much strontium 90 as sheep under strontium 90 in this country on soils with adequate calcium. The Atomic Energy Commission has indicated that 100 sunshine units is the maximum number a human can absorb before the danger of bone cancer or leukemia may develop. They have estimated that some areas which are calcium deficient could approach the tolerance limit for large populations by the beginning of the 21st century.

If adequate amounts of calcium—agricultural limestone—will reduce the uptake in the animal body 75 percent, is it not good insurance for us to expand the use of agricultural limestone to the optimum recommended by the atomic and agronomic scientists? It seems to me that in the face of the facts as presented by the agronomic scientists concerning our health and the atomic scientists concerning our protection, the Congress and the administration should be very liberal in authorizing funds to encourage the use of agricultural lime on the Nation's farms.

The major disappointment was the defeat of the school-construction bill by the close margin of six votes. I was assigned the task of handling the rule and opened the 3-day debate on this important and necessary legislation. The Washington Post in its August 18 edition gave a factual account of the defeat of this bill; I hereby quote excerpts therefrom:

The House finally considered the Kelley bill authorizing $1.5 billion for construction of schools. This was a compromise measure. In advance of the voting, President Eisenhower was described as not being altogether satisfied with the compromise, saying it would accept it as “a starter.” However he made no ringing appeal for its passage; in fact, he said nothing.

While the bill was under consideration in the House, advocates of school construction became fearful that it would be defeated. Republican members of the House of Representatives, Republican, of Ohio, dusted off President Eisenhower's own program and offered it as an amendment, which was defeated. As it happened, a group of House members—Republican—wanted some kind of a school bill, arose one after another to voice support of the Eisenhower program.

Then Representative HOWARD W. SMITH, Democrat, of Virginia, came up with a motion to strike out the enacting clause of the bill. This was defeated by a vote of 208 to 203. Among those who voted to do this were three administrative state wide—Representative CHARLES HALECK, of Indiana, assistant Republican leader, Representative LESLIE H. LEWIS, of Illinois, and Representative LEO E. ALLEN, of Illinois, ranking Republican on the Rules Committee.

And so it is, that—alas—we might very well have done at some urging from the White House—would have been opened for a vote in the Senate, Eisenhower's Education Bill as embodied in the Ayres amendment and there would have been a good chance of passage.

Did you or so see at a news conference the President was reminded that Democrats had switched and lined up behind his school program. "I never heard of that," he said. "That is true, why you are telling me something I never heard." Why the President hadn't heard—what had been in its final form was not the broad, effective legislation that passed the House.

The Democratic and Republican platforms in the last presidential election endorsed Federal financial aid for school construction. Eisenhower called for more in his campaign in 1952 in his campaign speeches said, "We need 340,000 schoolrooms." Almost 5 years have passed but the White House has made no serious effort to carry out that campaign promise.

The bill provided only $340 million for building construction aid for a period of 5 years with all control of construction in the local and State authorities.

CIVIL RIGHTS

This session of Congress enacted the first legislation on civil rights since the Civil War reconstruction days. The bill in its final form was not the broad, effective legislation that passed the House. It is hoped that the right to vote will now be exercised by all Americans without the curbs and barriers which have existed in the past. It is hoped that the power which has been circulated to the effect that passage of this bill would place control of our schools under the Federal Government was unfortunate. The bill provided only for building construction aid for a period of 5 years with all control of construction in the local and State authorities.
HIGH COST OF LIVING

Each month for over a year, the Government has announced additional increases in the cost of living. The executive department has refused to initiate any plan or take any effective steps to curb this devastating raid on the consumer public. In fact the Republican leadership in the House opposed the legislation this session which would bring about a full-scale investigation of Secretary Humphrey's financial policies including high interest rates and other causes for inflation. The Eisenhower administration has been in office 4½ years and made the farmers, consumers, wage-earners, retired groups, and small-business men bear the brunt of the skyrocketing cost of living and rising inflation.

AGRICULTURE

Six hundred thousand families left their farms since the Eisenhower-Benson farm policy was launched in the spring of 1953. During President Truman's administration the farmer was receiving $10.00 a day and the Benson program has reduced parity to almost 80 percent.

It is estimated that the farmers lost 12 billion in income during this 4½-year period and their livestock inventory has lowered to 8.7 billion. Secretary Humphrey's high interest policy has also dealt the farmer a heavy blow.

NATIONAL DEBT

Unfortunately the press fails to remind the people that President Eisenhower and his campaigner in 1952 promised to reduce the national debt. The facts are that on January 15, 1953, our national debt was $266.7 billion, while today it has increased to $274.2 billion. Also with the aid of Secretary Humphrey's increased interest rate policy the American taxpayer is paying $927 million more annual interest on our national debt than 4 years ago.

LABOR

The Eisenhower administration through Secretary of Labor Mitchell, has both praised and passed over legislative action on amendments to the Taft-Hartley law; and also opposed increasing and expanding coverage under the minimum wage law. Secretary Mitchell expended hollow promises and lip-service in opposition to the so-called and phony labeled right-to-work laws. The Eisenhower-Mitchell combination make convincing speeches wowing the support of labor, but wholly neglect to offer any program to carry out their promises.

In 17 States the so-called right-to-work laws have been locked around the neck of union labor. In those States wage earners and employers are prohibited from sitting around the collective bargaining table; they are estopped from making agreements on wages, hours, and working conditions. In these 17 States union security is restricted and the basic strength of union labor is undermined. The anti-labor provisions of the right-to-work laws enacted in some States go further than the rigid provisions in the Taft-Hartley law, which gives to strike-breaking employees the right to vote in union elections and disputes, replacing the qualified union member on strike. Labor must unite and concentrate its force and power in the next session of Congress. The Secretary of Labor should act favorably or remain neutral on necessary labor bills which is difficult to combat powerful anti-labor lobbies. When the administration and its Labor Department give undercover support to anti-labor forces, it is extremely difficult for labor to secure justice and equity on labor laws.

All honest and sincere officers and members of organized labor endorse the efforts of the organized labor to expose and punish crooks and racketeers in union labor. Millions of dues-paying members of labor organizations must be protected from dishonest labor leaders. Considering the number of officers in labor unions over the country, the percentage of crooks is on a par with any other business or profession.

The AFL-CIO organization has over 15,000,000 members and in addition over 60,000 officers of local unions. Other labor unions would add to this number of labor-union officials throughout our country. The dozen or so labor leaders called before the McClellan and Douglas committees is but a small faction of 1 percent of the total; these investigations should expose, not only labor racketeers, but also dishonest employers who deal with the guilty labor leaders.

ECONOMY

Certain newspapers reprint the Congressional Quarterly report on the votes of Congressmen on various appropriations items, and thereby classify a Member's economy record. This voting yardstick is both inaccurate and unfair. To oppose reductions for veterans' hospitals, medical care and aid for veterans' dependents, women's division in labor department, medical and welfare, postal salary increase, conservation funds, and so forth, are labeled by this publication as anti-economy votes. A Member's vote against extravagant expenditures like the above are small items compared to the amount of money saved by opposing the gas bill, the lumber, mineral, metal subsidies and tax write-offs worth millions of dollars.

All the domestic and international problems which the Congress has considered in this session cannot be discussed adequately in one review. When the second session of the 86th Congress meets in January 1958, I hope that the Members will have canvassed public sentiment in their home districts and be in a mood to complete the unfinished business of the American people during the last presidential campaign.

EFFECT OF LOBBYISTS' PROPAGANDA UPON OUR SUPREME COURT

The SPEAKER pro tempore. Under the previous order of the House the Chair recognizes Mr. PATMAN for 45 minutes.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, a proper functioning judiciary is necessary to the protection of the rights of the individual. My firm beliefs and efforts have supported strongly the principle of the separation of powers upon which our Government was founded. Because of my adherence to that principle through - out my term as a Member of the Congress, I have tried meticulously to avoid doing anything that could be construed as an unwarranted trespass by a Member of the legislative branch upon or in the direction of the judiciary.

My faith in the importance of the principle of separation of powers in our Government requires my continued care in that respect. I subscribe to and respect the principle that requires a proper functioning judiciary to afford each of the opposing parties full opportunity to test in the Court and on the record the arguments of the other before the Court undertakes to subscribe to or reply upon such arguments.

Notwithstanding what I have said about the proper function of the judiciary in the separation of powers, I do not consider that Congress is required to bury its head and refuse to take note of the standards, methods, and factors relied upon by the Federal judiciary in reaching decisions and results. And when there appears to be real reason to question the propriety of standards, methods, and factors utilized by the judiciary, we in the legislative branch should not hesitate to do so.

A number of the Members of the Congress who are lawyers have expressed the belief that the Supreme Court has gone too far in some decisions of our Federal judiciary. We all know that some of the recent decisions and results reached by our Federal judiciary are so important as to vitally affect our entire people. We believe that these decisions were taken into account and relied upon to reach the announced decisions. Particularly the Supreme Court has been singled out for criticism in that connection. Many prominent lawyers have indicated that they are unable to determine what factors prompted the Supreme Court to decide certain cases as it did. In the past our difficulties in that respect were less pronounced. Formerly, we had every reason to expect that decisions by our Supreme Court would be controlled by the standards outlined by the Constitution, the law, the facts of the case and by the sound reasoning of the justices. In the past even though we felt the Court had decided a case wrongly we were helpless finally we could understand that the Court had a basis in the record of the hearing in the case for its decision. We could detect known factors which had been relied upon by the opposing parties as factors relied upon by the Court for its decision in the case. Today we cannot be so sure that the Court is restricting itself to the use of such known factors, standards, and
methods. We now have reason to believe it will not restrict itself to considering information of record presented to the Court by the parties.

Today we are finding that an additional factor is creeping in to influence the thinking and action of the Supreme Court of the United States. That factor is the Court's consideration of unknown, unrecognized and nonauthoritative text books, Law Review articles, and other writings of propaganda artists and lobbyists. In some instances it appears that the Court has considered and adopted such questionable writings in an ex parte fashion because counsels' arguments and briefs made no reference thereto. Apparently therefore the Court itself uncovered and utilized the articles written by these lobbyists without having notified counsel of its intention so to do. If as indicated such a procedure was followed a situation would be presented wherein counsel would have enjoyed no opportunity to meet the arguments of these theorists and lobbyists. In adopting and relying upon such pseudo legal papers disseminated by the lobbyist-authors thereof the result is that the theories advanced by these pretended authorities were presented and received by the Court in an ex parte fashion.

In other cases however it appears that some of the articles written by the lobbyists were mentioned or cited in the brief by counsel for defendants and later cited in the Court's opinion. In such instances it seems to me that here again the Court has acted in an ex parte fashion unless it gave affirmative notice to opposing counsel that it intended to use and rely upon the miscellaneous nonauthoritative writings of the lobbyists and theorists referred to hereinafore. This is true, it seems to me, because counsel is entitled to assume that the Court will not pay attention to citations or writings not herefore accepted by the Court as authoritative. The Law Review articles, treatises, and so forth, prepared and disseminated by the lobbyists have had telling effect on the arguments of these theorists and lobbyists. If the rule were otherwise counsel would have been relied upon by the Court without adhering to the Harvard Law School and without relying upon such ex parte arguments in the fashion described above which in question were received by the Court and which have managed to get the ear and receive the attention of the Justices of our Supreme Court.

When and how did this new concept of relying upon such ex parte arguments creep into the decisions of the Supreme Court of the United States? It appears that it gained substantial acceptance when certain Justices of the Court commenced turning to miscellaneous law Review and other publications during about 1940 for advice on how the Supreme Court of the United States should decide antitrust cases.

Research conducted by the Library of Congress regarding all of the decisions made by the Supreme Court of the United States between 1890 to 1957 discloses that in no antitrust case prior to 1940 had the Supreme Court cited as an authority a law review article on the point in issue and upon which it relied for decision in the case. However, the study has shown that commencing in 1940 the influence of law-review articles and of other publications has grown steadily with the Supreme Court of the United States in its consideration and decision in antitrust cases. The following tabulation sets forth the results of that study including the first antitrust case, U. S. v. Socony-Vacuum Oil Co., Inc. (310 U. S. 150, decided in May 1940), in which the Supreme Court of the United States cited and relied upon writings appearing in law and economic reviews. References to some of the writings appearing in the works of individuals who were the authors. For example, in the opinion of Justice Frankfurter in the case of Automatic Cable Company v. American v. Federal Trade Commission (345 U. S. 594), there appears the reference "Comment, 61 Yale L. J. 948 at 977, n. 162." In the first of those instances the reference is to notes on the subject appearing in the Harvard Law Review without revealing the names of the authors. In the second instance the reference is to "comment" on the subject in question appearing in the Yale Law Journal and without specifying or revealing the name of the author making the "comment." This explanation applies to other similar references appearing in the following tabulation:

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<th>Review article cited</th>
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Prior to 1940 the argumentative writings and dissertations of students and theorists appearing in law review articles and similar works had limited influence. Principally they were used by students and theorists who were free to utilize any and all materials upon which they were able to lay hands. Such writings and works had not been accepted as a basis for decisions by the Supreme Court of the United States. As pointed out they had not been relied upon by that Court in any Federal antitrust law case prior to 1940.

At this time I shall point to examples where this lobbying of the Supreme Court has been used in the important area of our antitrust laws. In that area of public policy against monopoly the lobbying has apparently influenced the Court materially in recent years. As a result, it appears that the public has lost a number of important cases which were brought to curb monopoly and monopolistic practices.

Through our research we learned that once it became apparent to the would-be lobbyist that the Supreme Court of the United States would pay attention to and rely upon arguments contained in law review articles, books, and other works of the law writers but not upon the words of the authors, the supply of such propaganda multiplied. The increase in the supply of arguments in law review articles brought an increase in their influence upon some members of the Court. An example of that is in the opinion written by Justice Frankfurter in the case of the Automatic Canteen Co. of America v. Federal Trade Commission (346 U. S. 61). In that case Justice Frankfurter—formerly a professor of law at Harvard Law School—used arguments which were contained in law review articles brought by Justice Frankfurter and the Antitrust Laws. 64 Harv. L. Rev. 139, 139 (1951).

The arguments considered by Justice Frankfurter ex parte, but in fairness to him it should be said that he had no notice that the writers of some of the arguments he cited and relied upon were partisans with axes to grind.

One of the most devastating blows suffered by those provisions of our antitrust laws designed to nip monopolistic practices in the bud and before they arrive at full bloom was the decision by the Supreme Court of the United States in the case of Standard Oil Company of Indiana v. Federal Trade Commission (346 U. S. 61). In that case the Supreme Court cited a number of authorities it relied upon in arriving at its conclusion and decision against the Government and in favor of the Standard Oil Company of Indiana. Among those authorities were arguments which had been made by various persons in speeches, law review articles, and in statements to Congress. I have advised beforehand that the Court would consider such arguments. Therefore, the arguments well could be said to have been presented and considered ex parte, but in fairness to the writers it should be said that it appears that they had no notice that the Court was relying upon arguments contained in law review articles written by others without inquiring into the words of the authors, the device of presenting arguments contained in law review articles brought an increase in the supply of arguments in law review articles which were served by that decision as a means of influencing the Court.

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<td>537. 343 U. S. 333</td>
<td>Comment, Local Policy Against Monopoly the Supreme Court Materially in Recent Years. As a Case Study. 346 U. S. 61.</td>
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* Dissenting opinion.
favor of the Standard Oil Company of Indiana was the Court's reasoning that the Robinson-Patman Act, the antitrust law under which that case had been brought, was inconsistent with the Sherman Antitrust Act. It connected it with other antitrust cases.

Writeings by Adelman propagandizing against the application of the antitrust laws to monopolistic practices were reprinted and widely distributed by the Great Atlantic & Pacific Tea Co. Undoubtedly that propaganda assisted A. & P. in defending an antitrust case. Big business concerns contributed to a fund from which Adelman was paid to help in the preparation of writings on those works were directed principally to the Antitrust Laws. Also in that report was the announced determination of that case. However, those judges were not prejudiced, nonpartisan writers. Actually, many of them have been carefully planned and devised by opponents of our public policy against monopoly with a view to defeating the effort to make future antitrust policy. In that connection recommendations were made for "coordination and revision" of our public policy against monopoly and antitrust laws. Those recommendations in those works were directed principally to our Federal judiciary and with a view to influencing the thinking and action of the Supreme Court of the United States. Much of the activity of the lobbyists in that regard is outlined in detail at pages 11 to 53 of House Report No. 2986, 84th Congress, 2d session. That report was approved by the Select Committee on Small Business of the House of Representatives regarding the background, the composition, the purpose and the action of the Attorney General's National Committee to Study the Antitrust Laws. Also in that report it is detailed how a report prepared by that Committee of the Attorney General was sent to every Federal judge who has jurisdiction for deciding an antitrust case. However, those judges were not informed either in the report or by the Attorney General in any accompanying letter that a majority of all the members of the Attorney General's Committee who wrote the report have been actively engaged in opposing the application of our antitrust laws.

The Attorney General's Committee to Study the Nation's Antitrust Laws, to which I have made reference, at page 181 states:

"This Committee approves the result of the Standard Oil decision, believing such decision to be in consonance with the Nation's antitrust policy."

Mr. Adelman and Mr. McAllister, to whose writings reference was made by the Supreme Court of the United States in the opinion of the Standard Oil case, were members of the Attorney General's Committee and were, therefore, in part responsible for the statement in the report of that Committee concerning the Standard Oil case. Thus, they and others who have opposed the application of our antitrust laws to price discrimination situations provided not only some argument which the Supreme Court in the Standard Oil case reasoned its opinion and decision but also later took advantage of what was thus achieved. They used the result of the Standard Oil case through the report of the Attorney General's Committee to propose similar action by all other Federal courts.

It appears the full impact of this lobbying of the Supreme Court by agitators against our antitrust laws was realized last year when the Court handed down its decision in the case of the United States v. E. I. DuPont de Nemours & Co. (377 U. S. 377) sometimes referred to as the Cellophane case. As many as 15 citations were made by members of the Court in the opinions and decisions of that case to law review articles and other writings as far back as 1922 from which it appears stemmed considerable reasoning by the Court providing a way for the decision against the Government and against the application of the antitrust laws to price discrimination articles by one of the cochairmen of the Attorney General's Committee were cited by the Court in that case as was the report of the Attorney General's committee. There were a number of citations to the latter.

It is not possible for us to appraise the extent and the significance of the damage that was done by the fact that the report of the Attorney General's National Committee to Study the Antitrust Laws has been accepted and relied upon by the Supreme Court of the United States in deciding the more important antitrust cases. One thing we do know—the Supreme Court in relying upon that report has accepted as an authority a collection of arguments made by a majority of the members of which have opposed our public policy against monopoly and monopolistic practices. It was the announced determination of that group to make antitrust policy, that price discrimination is not bad but is actually a competitive practice, and that laws against it are anticompetitive.

In order to supply its arguments, the defenders of monopoly and monopolists have held extensive hearings and testified in a number of cases in behalf of law violators, and there argued that the discriminatory practices involved were not anticompetitive from the viewpoint of economists. They argued that instead, price discrimination should be expected to occur in a number of our large and fine educational institutions, to assist in building a new body of literature on the subject of price discrimination in the field of economics. First, the hired professors appeared and testified in a number of cases in behalf of law violators, and there argued that the discriminatory practices involved were not anticompetitive from the viewpoint of economists. They argued that instead, price discrimination should be expected to occur in a number of cases where price discrimination is not competitive. They argued that it was only under the economic concepts of pure or perfect competition that we would expect price discrimination to be evident, therefore, the argument continued, since we do not have perfect competition, we should expect the practice of price discrimination. To those arguments Prof. Holbrook Working, of Stanford University, has provided an answer. In his testimony he said:

"Consider why the theory of perfect competition was constructed. Its purpose was to analyze the laws of competition under conditions which are somewhat artificially simplified for purposes of analysis but which tend to indicate the relative actual or attainable conditions in a considerable part of the economy. The results of this analysis are to tell us how we are not of the sort considered desirable. Among those results that were considered undesirable are conditions of both absence of price discrimination. The belief that price discrimination tends to be objectionable runs as a thread through all the important economic effects of competition. Any implication that economists have held only that price discrimination was objectionable under the peculiar and special conditions of perfect competition, and under those conditions only, is unfounded."

When arguments did not prove successful enough to acquit law violators in the
stances where they were used in litigated cases, the defenses of monopoly arranged for the presentation of the arguments in either forums where they would appear as objective statements by writers who were unbiased. The arguments began to appear in booklets, pamphlets, speeches and writings which were published in highly respected law reviews and economic reviews. Through such writings, the defenders of monopoly not only restated the argument of price discrimination in a new dress which gives it an appearance of respectability. The economists, who have been hired to defend the practices, have thus been enabled by them but rejected in litigated cases—namely, the old argument that laws price discrimination are in some respect from the position of the report. When one deducts the law professors, who made up one-third of the 61-man committee, which was studying competition, there was no representative of American consumers. There was no representative of American labor; there was no representative of American farmers; there was no representative of American small business. There was no representative of American man who, of course, are a majority of those that monopoly and economic concentration? How far have we gone in that direction? How serious is the situation? What should we do about it? Indeed, the committee, in the report it issued and caused to be published, stated: "The articulate spokesmen who were before the Congress made no findings concerning the antitrust laws. They all appear to be part and parcel of the same scheme for lobbying against our antitrust laws."

The Attorney General's Committee did not even attempt to study, much less answer, the basic questions which confront the Nation in the monopoly field; namely, where does our United States stand in respect to monopoly and economic concentration? How far have we gone in that direction? How serious is the situation? What should we do about it?

The Senate investigation of the antitrust laws was, as we have seen, the result of the influence of a monopoly-minded special-interest group. The Senate and the House stood for a fair and effective competition. The articulate spokesmen who were before the Congress and the Senate made no findings concerning the antitrust laws. They all appear to be part and parcel of the same scheme for lobbying against our antitrust laws.

To Study the Antitrust Laws was stacked from the outset with persons whose experiences was in opposition to our antitrust laws and who were far more interested in the defense of the defense of the antitrust laws. Since such writings often were written by advocates or partisans of laws based on the conclusions of which the writers were polished up a bit the arguments which were already advanced by them but rejected in litigated cases—namely, the old argument that laws price discrimination are in some respect from the position of the report. When one deducts the law professors, who made up one-third of the 61-man committee, which was studying competition, there was no representative of American consumers. There was no representative of American labor; there was no representative of American farmers; there was no representative of American small business. There was no representative of American man who, of course, are a majority of those that monopoly and economic concentration? How far have we gone in that direction? How serious is the situation? What should we do about it?

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member of the Judiciary Committee United States Senate, and a widely recognized authority on problems relating to small business and monopoly.

Senator: "To paraphrase General Bradley, the basic thing wrong with the majority report is that it asks the wrong questions, at the wrong time, of the wrong people. Among the right questions to which we here and now? What should public policy trend of concentration to even greater new antimerger law, the Celler-Kefauver ·

states have already been established by the Big Three, the Big Four, the Big Five? What should be done about the continuing trend of economic concentration? To what extent are predatory practices, such as price discrimination, rendered completely ineffective?

It is plain that the plain -

whether the report of the Attorney General's committee is being cited in pending antitrust case. There were speeches of praise by the Attorney General of the United States, Assistant Attorney General for the Antitrust Division, Mr. Erskine B. Cochrane, Prof. S. Chesterfield Oppenheim, when they addressed an evening meeting of the antitrust section of the American Bar Association in Washington, D. C. on the day the report was released. Immediately, thousands of copies of the report were printed by the Government Printing Office and distributed widely. At the suggestion of Professor Oppenheim, Attorney General Mr. Herbert Brownell, Jr., sent a copy of the report to every judge who would have jurisdiction over, and be responsible for making decisions, in future antimonopoly cases. This of Government agencies who are charged with the responsibility of determining what action should be brought under our anti- monopoly laws and antitrust laws, and to the extent utilized was to affect the thinking and views of Federal officials, and conscience judges and others who would be concerned about our antitrust laws and antitrust policy. (See p. 61 of this report.)

On of the prominent members of the Attorney General's committee, when asked as to whether the report of the Attorney General's committee is being distributed to the Federal judges would impress them, answered, "I hope so." (p. 61 of this report).

On the report of the Attorney General's Committee on the Antitrust Laws was being cited in pending cases in the courtroom to influence the decisions of the courts. One remarkable aspect of such citations is that the Attorney General's report is being cited as an authority to support in the courtroom views of the Government that the offense does indeed receive varying amounts from buyers at different locations.

Thus, the conclusions of effective competition rest on selective use of competitive characteristics, and the arguments leap with agility from one side of the market to the other. The law of competition at a given destination, the market is so defined by the buyer's location. This ignores the fact that the price paid for goods not only by many sellers but also by many buyers. Clearly, there are not many buyers at the individual buyer's doorstep, where the law of competition at any given market constitutes the relevant price. The arguments ignore the fact that homogeneity of a product means homo- geneity of production and services as well as homogeneity of services received by the buyer. They ignore the fact that the "true" price of competition is not the amount the seller pays, but also to the amount the seller actually receives for the product he sells. While it is true that a case will not pay more to one seller than to another, it is equally true that in a competitive market a seller will not accept less

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Reference is made to the fact that approximately two-thirds of all of the practicing lawyers who were included in the membership of the Attorney General's committee have appeared directly or through their law firms for alleged violators of antitrust laws in proceedings and investigations in the past.

From the records of the hearings relating to the composition of the Attorney General's National Committee to Study the Antitrust Laws there has been compiled a listing of the members of that committee along with a showing of the antitrust cases in pending cases in which their law firms had appeared in opposition to the application of the antitrust laws.

According to the membership list appearing in this matter were not so serious as to its application by the author of the article to deprecate the Robinson-Patman Act and rely upon other writings of others who were members of the Attorney General's committee. Some of that self-publishing technique is utilized without informing the readers that the authors of the writings are partisans advocating the same causes in pending court cases. Perhaps this is not the rule-of-reason approach, but it is an attempt to throw discredit upon the direction of an effort of one to try his hand not in the newspapers but in law review.

Recently there appeared in the Yale Law Journal an article written by an attorney who was a member of the Attorney General's committee. That article adversely failed to disclose that the author is affiliated with a law firm presently opposing the Government in a number of cases arising under the Robinson-Patman Act. The article attempts to deprecate the Robinson-Patman Act and proceeds to argue many issues of fact and law in a pending case arising under that act and present in pending litigation. It is copious in its use of footnotes citing "authorities" upon which it relies rather than the positive presentation of his own writings.

A substantial number of all of the authorities thus cited, a total of 57, were either to statements upon which the report of the Attorney General's committee or to writings by members of the Attorney General's committee. Actually the author of the article appearing in the Yale Law Journal cited seven times his own writings as authorities. If this matter were not so serious as to its possible presentation, it would be enforced upon the interpretation of our antitrust laws, this instance could be dismissed lightly as an eminently unnecessary and improper attempt to persuade oneself by his own bootstraps and the bootstraps of his colleagues.

10. The committee deploys these efforts to alleviate the disregard of the enforcement of the antitrust laws and our antitrust laws and our antitrust policy.

11. The antitrust laws are essential to not only of our economic but also of our political liberty. A nation in which all economic power is concentrated in the hands of a relatively few giant business firms cannot long survive as a political democracy. The history of other nations makes this choice quite clear between private socialism in the form of business monopoly, or public socialism in the form of government monopoly, or some other form of totalitarianism, a nation will always eventually select the latter. If we are to preserve, therefore, our political liberty, we must make certain that the enforcement of these laws does not get beyond the danger point in the United States.

II. The continued searching study of our antitrust laws and the monopoly situation in the United States is essential. It is made more essential by the appearance and distribution of theendid report of the Attorney General's committee with the great prestige accorded that committee by the fact that it was recommended singly by President Eisenhower at the instance of Attorney General Brownell.
al; American Tobacco Co.; Agricultural In- 
sidectile and Fungicide Association et al.; Auto-
mobile Painters' National Brotherhood of 
Union Distributing Co. et al.; E. I. du Pont 
de Nemours & Co., Inc. et al.; Association of 
Copper Producers, Inc. et al.; E. E. Phillips, Jr., 
& Sons, Inc., et al.; American Chicle Co.; the 
Larsen Co.; Malleable Chain Manufacturers 
Inc. et al.; Atlas & Sterling Electric Prod- 
ucts, Inc. et al.; Atlas Supply Co. et al.; H. J. 
Heinz Co. et al.

Cyrus Austin, Appell. Austin & Gay, New 
York. Federal Trade Commission cases: 
Standard Oil Co; Acme Asbestos Covering 
& Flooring Co. et al. (court proceedings 
only); Rubber Manufacturers Association, 
E. F. Fuller, Fuller, Harrington, & Layne. 
Federal Trade Commission cases: D. 5365, 
International Association of Electricians & 
Tailorworkers, Inc. et al.

Bruce Bromley. Antitrust cases: Alle- 
gheny Ludlum Steel Corp.; Bendix Aviation 
Corp.; American School Supply Makers 
Association; Yellow Armour & Meat 
Producers et al.; Atlas & Sterling Electric 
Products, Inc. et al.; U. S. Alkali Export 
Association; U. S. Gypsum Co. Federal Trade 
Commission cases: Paramount Famous Lasky 
Corp.; West Coast Asbestos Insulation 
Corporation et al.

Hammond E. Chadlafa. Antitrust cases: 
American Optical Co. (represented by firm) ; 
Armour & Company; Mortgage Bankers 
Association; Yellow Cab Co.; Swift & Co.; 
Wilson & Co. Inc.; Association of Lumber 
Manufacturers of America. Federal Trade 
Commission cases: D. 5026, Contract 
Manufacturers (criminal); J. Shaw 
Rochester, et al.; Standard Oil Co. (Indians); 
National Tea Co. et al.; B. F. Goodrich Co.; 
Atlas Supply Co. et al.; Continental Textile 
Co. et al.; Goodrich Co.; "ellipsis.

Herbert W. Clark, Morrison, Rohfeld, Poerster & Clark, San Francisco, Calif. 
Antitrust cases: Food Machinery & Chemical 
Corp. (represented by firm); National Associ- 
ation of the Electrical Contractors (criminal); 
Northern California Plumbing & Heating 
Wholesalers Assn. (criminal); Wallace 
& Tiernan, Inc. (criminal and civil); Central 
Supply Assn. of the United States; South 
American Cheese Institute. Federal Trade 
Commission cases: United States Malsters 
& Maltsters Assn.; Universal (deceased); 
United States Metal Lath Manufacturers 
Association et al.; American Surgical Trade 
Association et al. (criminal); E. H. W. & 
Company. E. H. W. & Company (criminal); 
Food Machinery & Chemical Corp.; Cement 
Institute (represented by firm); Walter 
Kiddie & Co. (represented by firm); Northern 
California Plumbing & Heating Wholesalers 
Association (criminal); Northern Cali- 
ifornia Plumbing & Heating Wholesalers 
Association (criminal); George P. Lamb. 
Antitrust cases: Diamond Match Co.; Johnson 
& Johnson. Federal Trade Commission cases: 
Card Clothing Manufacturers Assn.; American 
Veneer Package Association et al.; Wire Rope 
& Strand Manufacturers Assn. et al.; Tag 
Manufacturers Institute et al.; Rubber 
Manufacturers Association, Inc. et al.; 
American Iron & Steel Institute et al.; 
National Paper Trade Association of the 
United States, Inc. et al.; Vitrified Chines 
Association, Inc. et al.; Advertising Spec-
cialty National Association et al.

Herman F. Selvin. Antitrust case: Union 
Court Martial; General Electric Co. (criminal) 
& Heating Wholesalers Association; 
Luden's, Inc. et al.; F. B. Washburn Candy Corp.; 
Kimbell's Candy Co.

James A. Rahl (for name made of it under the antitrust laws).

Dr. Jack Uhlemann. Antitrust case: 
Philadelphia Wholesale Drug Co. et al.; 
Colgate-Palmolive Co. et al.; General 
Electric Co. (represented by firm); General 
Motors Corp. (represented by firm).

Edward L. Scaife. Antitrust cases: 
Michigan Paper Co.; Carpenter & 
Hamidy Co. et al.; Ohio Oil Refining 
Co. et al.; Cleveland & Heights Refining 
Co. et al.

Evelyn A. Sponser. Antitrust case: 
General Electric Co. (represented by firm) 
& Heating Wholesalers Association; 
Luden's, Inc. et al.; F. B. Washburn Candy Corp.; 
Kimbell's Candy Co.

George P. Lamb. Antitrust cases: 
Diamond Match Co.; Johnson & Johnson. 
Federal Trade Commission cases: Card 
Clothing Manufacturers Assn.; American 
Veneer Package Association et al.; Wire Rope 
& Strand Manufacturers Assn. et al.; Tag 
Manufacturers Institute et al.; Rubber 
Manufacturers Association, Inc. et al.; 
American Iron & Steel Institute et al.; 
National Paper Trade Association of the 
United States, Inc. et al.; Vitrified Chines 
Association, Inc. et al.; Advertising Spec-
cialty National Association et al.

W. M. G. Williams. Jr. Antitrust cases: 
Timken Roller Bearing Co. (represented by} 
Federal Trade Commission cases: Indepen- 
dent Grocers Alliance Distribution 
Co. et al.

S. Chesterfield Oppenheim, cochairman (represented Burroughs Adding Machine Co. 
& Heating Wholesalers Association that was made of it under the antitrust laws).

**Economists**

Morris A. Adelman, economic depart- 
ment, Massachusetts Institute of Technology. 
Library Binding Institute & General 
Motors Corp. (represented by firm).

John Maurice Clark, Westport, Conn. 
(employed by the Cement Institute and 
in that connection assisted in preparing the
economic defense in the Cement Institute case.

Dean Earnst T. Grether, School of Business Administration, University of California, Berkeley 4, Calif. (Was employed by the Cement Institute in its defense in the Cement Institute case.)

Prof. Clare E. Griffin, School of Business Administration, The University of Michigan, Ann Arbor, Mich. (Was employed by the Cement Institute to testify in its defense in the Cement Institute case. He also was employed by the defendant to testify in their defense in the Rigid Steel Conduit case and the American Tobacco case.)

I have called attention to the fact that Morris A. Adelman was a member of the Attorney General’s National Committee To Study the Antitrust Laws. Also I have referred to the fact that he received pay to produce propaganda in opposition to the application of our antitrust laws to price discrimination situations and that he wrote law-review articles which furthered that propaganda. Then it was shown how the Supreme Court cited and relied upon some of those writings by Adelman.

Also I have called attention to the fact that the Supreme Court in the case of United States v. E. I. du Pont de Nemours & Co. (351 U.S. 377 (1956)), and in the case of In re Rigid Steel Conduit (211 F. 2d 638 (3rd Cir. 1955)), decided against applying the antitrust laws to the Rigid Steel Conduit and Cellophane cases. Those who oppose the application of the Antitrust Laws and the writings by members of that group as authorities for the Court’s position.

The instances I have cited are not isolated. Propaganda in the form of the report of the Attorney General’s National Committee To Study the Antitrust Laws and writings by members of that group are continuing to be cited and relied upon as “authorities” in court cases. Those who oppose the application of our antitrust laws to situations involving monopoly and monopolistic practices are making much use of such “authorities.” It is for that reason that the matter is so serious.

Henry A. McCulloch, a member of the Attorney General’s National Committee To Study the Antitrust Laws, and the report of the Attorney General’s committee was released with considerable publicity, was one of the leading members of that group. When one of the leading members of that group speaks in court cases, it is important to know what their position is, and that is the subject of my remarks today.

The gentleman from Ohio [Mr. McCulloch], a member of the Select Committee on Small Business, during the course of those hearings, made some observations disagreeing with that subject.

Those observations are quoted as follows:

Mr. McCulloch. Mr. Chairman, I would like to make these points. This is the report of the Attorney General’s report, or is it? Isn’t it the report of a committee to study the antitrust laws? Mr. Chairman, that’s right.

Mr. McCulloch. It could create a false impression.

Mr. McCulloch. That does not mean by what I have said heretofore, that I agree with the conclusions or the recommendations of the committee that I have cited. I do not mean, on the other hand, that I disagree. It does mean that if there is to be a change in the statutory law of the country, I shall expect the Attorney General’s committee to study the antitrust laws of the States to make his recommendations known in a manner that has long been established in this country.

Primarily that is through communications to the Speaker of the House of Representatives and, as I said yesterday, in other instances responsible for legislation dealing with the question in accordance with the Reorganization Act of 1946, and also hearings before the House Select Committee on Small Business, House of Representatives, November 2, 1955, pp. 812 and 913.

When Prof. Louis B. Schwartz was testifying before the Select Committee on Small Business, House of Representatives, October 31, 1955, the matter of whether to see the report of the Attorney General’s committee was brought to his attention and the gentleman from California (Mr. Roosweyl) had the opportunity to question him as to whether it would be the effect of the report to have a recommendation of some committee which had no legal force and effect whatever.

The Chairman. I think the statement of the gentleman from New York is absolutely sound, but I can prognosticate that many of the recommendations of the Attorney General’s committee are going to be cited in all manner and kinds of briefs in the future.

Mr. Keating. Well, no court worthy of its salt would give such a recommendation of an authoritative statement any consideration.

On Thursday, March 31, 1955, the report was released with considerable fanfare and publicity. It consisted of 393 printed pages and was made the subject of a debate in speeches by Mr. Brownell, Assistant Attorney General Stanley N. Barnes, and Prof. S. Chesterfield Oppenheim when they addressed a meeting of the antitrust section of the American Bar Association in Washington, D.C., on March 31, 1955.

Immediately thousands of copies of the report were printed at the Government Printing Office, the cost of which was $20,000, and these copies were distributed by the Government to the Department of Justice for the use of its Antitrust Division in the enforcement of the antitrust laws. The thousands of copies of this report, thus printed, were distributed widely.

Attorney General Brownell, at the suggestion of Professor Oppenheim, took steps to distribute copies of the report to every judge who would have jurisdiction over and responsible for making decisions in future antitrust cases. Likewise educational leaders who would be expected to teach what our antitrust laws mean and who have been associated with copies of the report. Officials of Government agencies who are charged with the responsibility of determining what actions should be brought under our antimonopoly laws also were supplied with copies of the report.

When one of the leading members of the Antitrust Subcommittee of the Committee on the Judiciary, House of Representatives, also held hearings concerning the report of the Attorney General’s National Committee To Study the Antitrust Laws. During the course of those hearings on May 16, 1955, after information had been received dealing with the propriety of the use of copies of such report in court proceedings, the gentleman from New York [Mr. Keating], a member of the Judiciary Committee, made some observations about the matter. They are quoted as follows:

Mr. Keating. Well, they have no probative value, do they?

Mr. McConnell. They didn’t in this instance, but they may have in other cases, I don’t know. It depends on how much weight a court wants to give them.

Mr. Keating. Well, no court worthy of its salt would give such a recommendation of an authoritative statement any consideration.

The Chairman. I think the statement of the gentleman from New York is absolutely sound, but I can prognosticate that many of the recommendations of the Attorney General’s committee are going to be cited in all manner and kinds of briefs in the future.

Mr. Brownell. In briefs? (P. 405 of the printed record of hearings before the Antitrust Subcommittee of the Committee on the Judiciary, House of Representatives, pt. 1, May 16, 1955, serial No. 3.)
the auspices of the Attorney General—although he has disavowed that it represents the official views of the Department of Justice—and caused to be distributed by him to every Federal judge; it would naturally be looked upon by a judge as something pretty powerful. The member of the Attorney General’s committee who was testifying replied “I hope so.”

That witness was not the only member of the Attorney General’s National Committee to Study the Antitrust Laws who entertained and held to the “authority” which the Select Committee on Small Business, House of Representatives, in 1945, had helped prepare as an “authority” to support the position he was arguing in court. He did that without informing the court that he and other writers similarly collaborated and participated in the preparation of a most amazing document. That document has been referred to in open hearings before the Select Committee on Small Business, House of Representatives, in Washington, D. C., November 4, 1945—transcript page 904—that he and his law partners, Supreme Court Justice Learned Hand, and others to whom their arguments were partisan advocates of lobbying or master plan for lobbying and propagandizing provide, and what arguments were partisan advocates of lobbying or master plan for lobbying and propagandizing provide, and what

It is believed that one can best be informed in that respect through quotations from the contents of that document, as follows:

**SUGGESTED PROGRAM TO REESTABLISH THE LEGALITY OF DELIVERED-PRICE MARKETING**

In considering what should be the objective, it is wise to remember that certain things, no matter how logically they may be defended will never be politically popular because they just do not look right. One of these is the kind of so-called phantom freight, the bonus or system or from the existence of non-basing points mills in a multiple-basing-point area it would be impossible not to stomach the thought of a buyer in Chicago buying from a Chicago factory and being forced to pay freight from Pittsburgh.

Another thing which is politically difficult to defend is the type of zone system in which, for example, the lowest price is charged in the East, a little higher price in the West, a still higher price in the Far West, and a still higher price on the Pacific coast, where there are mills located in all or most of those zones. Such a system is merely a modification of Pittsburgh-plus, and will be so recognized without difficulty by the man in the line who takes any interest in the subject at all (p. 9).

**The first step in marshaling evidence is to determine what one wishes to prove. An equally important step is to determine what the opposition will seek to establish so as to be prepared to rebut it. These determinations would, of course, be made and crystallized in the trial brief to be presented to the Committee subcommittee before the hearings.**

The fact that there will be bitter opposition, and the nature of such opposition, should be kept in mind at all times (p. 9).

A single-purpose organization will provide the best means of carrying the foregoing program through to a successful result. It has been seen that existing organizations such as NAM and the United States Chamber of Commerce are not in a position to undertake the stewardship of such a program, and there appears to be no other organization tailor made for the task. An organization has been designed for the one specific object of expressing the view of the consumer on the delivered-pricing question and of frankly presenting business’ ideas for legislation would have to be a group of insurance and a clean slate public-relationswise (p. 14).

Mr. Lamb and other counsel who joined with him on the main brief for petitioners, Chain Institute, Inc., and others, in the case to which I have referred, not only prepared the “authority” which he represented them as counsel.

Now what does Mr. Lamb’s blueprint for lobbying or master plan for lobbying and propagandizing provide, and what arguments were partisan advocates of lobbying or master plan for lobbying and propagandizing provide, and what

Mr. Lamb also testified that in preparing the master plan he talked with his clients and with other people similarly situated and that he considered the work he did in that respect would benefit them, although he received no pay for doing work except those amounts received as fees of counsel which he represented them as counsel.

Fortunately, the Select Committee on Small Business of the House of Representatives during the 84th Congress was able to investigate, hold hearings, and issue a report dealing with this important matter. That report was then made available to each of the judges of the Federal judiciary to whom the Attorney General’s committee would refer a copy of the report of the Attorney General’s National Committee To Study the Antitrust Laws. Many of the judges who received a copy of the Small Business Committee report learned for the first time about the background, the purposes, and the nature of the propaganda of the report of the Attorney General’s National Committee To Study the Antitrust Laws. Fortunately, the Select Committee on Small Business of the House of Representatives, in 1945, had of course received and read the Attorney General’s committee report learned for the first time about the background, the purposes, and the nature of the propaganda of the report of the Attorney General’s National Committee To Study the Antitrust Laws.

Thank you for sending me the report of your Select Committee on Small Business on Price Discrimination, the Robinson-Patman Act, and the Antitrust Laws. I have read with particular interest the dissenting statement or opinion of Professor Swain.

Thank you very much for affording me this privilege. I have laid your report alongside the Attorney General’s report for future reference. I do not suppose it would be appropriate for me to make further comment.

Earlier, I spoke of the principle of separation of powers upon which our Government was founded. My support of that principle is well known. However, as I have pointed out, adherence to that principle does not give the legislative branch ignore faults or needs of the judiciary. The Constitution imposes upon the legislative branch the responsibility and the duty to act when circumstances warrant for the preservation of an independent and proper functioning judiciary. Neither the independence nor a proper functioning of the judiciary can be expected if the legislative branch continues to ignore efforts of pressure groups to propagandize and mold the thinking and decisions of the judiciary. Even if the judiciary could and should undertake to move and curb writings of pressure groups designed to propagandize the judiciary, the latter would need the help of the legislative branch. That is true because unless the legislative branch should act to help protect the judiciary from such pressure groups, then pressure groups would eventually utilize their power and influence to destroy the judiciary. We have seen pressure groups use their might when they have wished to "follow the line" of the pressure groups. The judiciary is the next step from the
quasi-judicial regulatory commissions. It has been noted how pressure groups with the help of the Attorney General of the United States recently made "recommendations" to the judiciary regarding the general application of laws on public policy. We do not want the pressure groups to propagandize, "stack pack," take over; or destroy either the quasi-judicial regulatory commissions or the judiciary. It has been suggested that committees of the Congress should proceed, under their presently constituted powers, to re-examine and decide with participation by individuals and groups in the formation of a new body of literature upon the basis of which to propagate their views and using it to participate in formulating propaganda and decisions. It is my view that an investigation of that character is long overdue. I believe the record should be considered ex parte from the Supreme Court of the United States.

Mr. NATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

Mr. Speaker, the Senate, by a vote of 98-0, authorized and directed the formation of a new body of literature and propaganda for its consideration and decisions. It is my view that an investigation of that character is long overdue. I believe the record should be considered ex parte from the Supreme Court of the United States.

Mr. NATCHER. Mr. Speaker, the virtually unprecedented public interest in the budget for 1958 lends special significance to its designation as the most important issue of the 1st session of the 85th Congress. In considering the accomplishments of this first session, we must remember that the many long hours spent on such subjects as the $71.8 billion budget, school construction assistance, civil rights, foreign aid authorization, and the atomic-energy program for 1958.

Many issues were presented in the House of Representatives through the introduction of some 10,409 bills and amendments; and although many were acted upon, the remainder will stay alive for the 2d session of the 85th Congress. Some of the major bills enacted into law were the Middle East doctrine; United States membership in the International Atomic Energy Agency; Federal housing; extension of the life of the Small Business Administration; maintaining a personnel ceiling of 2.8 million for our Armed Forces through July 31, 1957; providing for additional military construction for the preservation and security of our Nation; extension of the authority of the Export-Import Bank to June 30, 1957; legislation for veterans with service-connected disabilities; extension of termination dates of sales of surplus commodities for foreign currency and relief for disaster areas; limitation on sales for foreign currency increased to $4 billion and the limitation on relief for disaster areas increased to $800 million; increased benefits in payments of old-age assistance, aid to the blind, dependent children and totally disabled; approving the Niagara power project; housing assistance for veterans in rural areas and small towns; compulsory inspection of poultry and poultry products; and increasing the borrowing power of the St. Lawrence Seaway Development Corporation. A number of other bills were passed which will prove beneficial to our country. The bills setting forth the budget requests for 1958 received much attention and time.

The budget message of the President for fiscal years 1957 and 1958 was delivered to the Congress on January 16, 1957. An all-time record peacetime expenditure of $71.8 billion was requested with the proposed expenditure increases distributed among many sectors by way of many small increases. Budget receipts were estimated at $73.6 billion, based partly on the assumption that surpluses would exist both in 1957 and 1958. A casual examination of this budget clearly showed that it was in precarious balance depending on postal rate increases and other anticipations, which were not necessarily to be depended upon for a steady growing income. The people generally believed this budget to be inconsistent with good government so they demanded that cuts be made, thereby stabilizing and encouraging the sound growth of our economy.

When you examine the Federal budget, you really study three budgets: the expenditure budget; the budget of new authorizations and appropriations; and the budget of unexpended balances in prior appropriations from which expenditures may be made during the coming year without any current action by Congress.

In comparing the 1958 budget with amounts approved for prior years, we find that for 1957, $60,647,000,000 was approved; for 1956, $63,124,000,000; for 1955, $54,752,000,000; for 1954, $54,530,000,000; for 1953, $57,350,000,000; for 1952, $49,050,000,000; for 1951, $84,882,000,000; and for 1950, $37,823,000,000 were approved.

Federal spending on the scale proposed would have an inflationary effect on our whole economy, and higher living costs would be inevitable. A continuously expanding Federal Social Security System is a great threat to the economy of this country. Our people expressed their opinion concerning this budget, and their resentment reflects the emotional antipathy toward high taxes which is so general today.

In examining this budget, we find that the Federal payroll for civilian employees, including foreign nationals, will probably not amount to slightly over $1 billion per month. Our Government is the largest business in the world, and it requires nearly 2½ million employees to operate it. Along with our big Government, we have the largest debt in the world, $275 billion, which is more than the debts of all the other countries combined.

The budget deals in terms of billions. A billion is a formidable figure and almost beyond our comprehension. One billion minutes is over 60,000 hours, or 3,750 days, 16 years, or nearly 3 generations.

"Billion Minutes Since Christ's Birth." This editorial aids in our conception of a billion by showing that if you multiply 60 minutes 24 hours times 365 days times 1,607 years, the answer is
1,028,599,200 minutes. Should you multiply this figure by 60 to obtain the number of seconds since Christ's birth, you will find that the proposed expenditure for 1958 is still beyond one second.

The budget estimates that the revenue will be received from these sources: 29 percent from corporation income taxes, 51 percent from individual income taxes, 12 percent from excise taxes, and 8 percent from other sources. This budget seeks appropriations expending this revenue as follows: 59 percent for national security, 10 percent for interest, 7 percent for veterans, 8 percent for agriculture, 2 percent for debt retirement, and 15 percent for other governmental functions.

Appropriations must originate in the House. Shortly after the President's budget message was submitted, the Committee on Appropriations, of which I am a member, divided into 13 subcommittees to pass upon the requests of the different departments and agencies of the Administration. Each subcommittee is composed of 50 members, 30 Democrats and 20 Republicans, who are assigned to the following subcommittees: Agriculture and Related Agencies; Department of Commerce and Labor; District of Columbia; District of Columbia Appropriations and Appropriation Bill; Education and Welfare; Foreign Operations—Foreign Aid; General Government Matters; Independent Offices; Labor, Health, Education, and Welfare; Legislative Appropriations; Legislative; Defense; Public Works; Supplemental for Post Office; Supplemental for Post Office; Supplemental for 1958 and Mutual Security. The total requests for all of these departments and items amounted to $61,416,229,815. This is a reduction on the part of the House of Representatives of $5,200,714,509 or 8.4 percent of the President's Second Supplemental and Deficiency Appropriations for 1957 request amounted to $55,100,000, and we reduced this 11.1 percent, appropriating $49,990,000. The Urgent Deficiency Appropriation bill for 1957 requested $320,090,000, and the House approved $306,698,329, and the House appropriation bill for 1956 was approved in the sum of $320,090,000 for a cut of 2.1 percent. The Third Supplemental Appropriation bill for 1957 requested $55,100,000, and the House approved $48,400,788 for a reduction of 41.4 percent.

The price of peace is high. There is no indication of immediate relaxation of international tensions between the Communist East and the Free West. None of us would jeopardize our Nation's defenses. Our defense cost this fiscal year totals $33,789,850,000, and we must expect such costs until peace prevails throughout the world. We can save some $5 to $6 billion each year on our defense expenditures when we have complete and full unification of our military services in this country. Our President is the man to bring this about. A military leader who has witnessed duplications, wastes and extravagances costing this country billions of dollars is now in a position to enforce complete unification in our armed services. So far nothing has been done to unify the extravagant purchasing system of the different military arms. We must continue to eliminate nonessentials in our budgets. We can spend our country into destruction. Our use of the paring knife on this distended budget was proper in every respect.

Mr. Speaker, the budget for 1958 was the most important issue presented during the 1st session of the 85th Congress, and its reduction was our greatest achievement.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. WALTER of Pennsylvania (at the request of Mr. LRANK, indefinitely, on account of illness.

Mr. PILCHER, for 10 days, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders here-tofore entered, was granted to:

MRS. SULLIVAN, for 40 minutes, on tommorrow.

Mr. HESSLETEN (at the request of Mr. MARTIN), for 30 minutes, on tommorrow.

Mr. MEADER (at the request of Mr. TABER), for 10 minutes, tommorrow.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. KING (at the request of Mr. BART Ley), for 60 minutes on tommorrow.

Mr. CEDERBERG and to include an editorial.

Mr. RHODES of Arizona and to include extraneous matter.

Mr. BLATNER of Oregon and to include extraneous matter.

Mr. BLATNER (at the request of Mr. RHODES of Arizona and to include extraneous matter.

Mr. TALLE and to include extraneous matter.

Mr. POWELL (at the request of Mr. BLATNER) in three instances and to include extraneous matter.

Mr. TALLE and to include extraneous matter.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 314. An act to assist the United States cotton-textile industry in regaining its equitable share of the world market; to the Committee on Agriculture.

S. 479. An act to convey right-of-way to Evanston, Interstate Community Water Supply Association; to the Committee on Agriculture.

S. 628. An act to direct the Secretary of the Army to convey certain property located at Boston Neck, Narragansett, Washington County, R. I., to the State of Rhode Island; to the Committee on Armed Services.

S. 1040. An act to amend the acts known as the Life Insurance Act, approved June 19, 1944, and the Fire and Casualty Act, approved October 9, 1940; to the Committee on the District of Columbia.

S. 1245. An act to provide a right-of-way to the city of Alamosa, a municipal corporation of the State of New Mexico; to the Committee on Agriculture.

S. 1294. An act for the relief of Maria del Carmen Viquera Pinar; to the Committee on the Judiciary.

S. 1728. An act to provide certain assistance to State and Territorial maritime academies or colleges; to the Committee on Merchant Marine and Fisheries.

S. 2042. An act to authorize the conveyance of a fee simple title to certain lands in the Territory of Alaska underlying war housing project Alaska—50083, and for other purposes; to the Committee on Banking and Currency.
ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that the committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 38. An act to amend the Tariff Act of 1930 to provide for the temporary free importation of cacao.
H. R. 277. An act to amend title 17 of the United States Code entitled "Copyrights" to provide for a statute of limitations with respect to civil actions.
H. R. 499. An act to direct the Secretary of the Navy or his designee to convey a 2,470-acre tract of land, in the Willow Creek subdivided checkerboard easements in Tarrant and Wise Counties, Tex., situated about 30 miles northwest of the city of Fort Worth, Tex., to the State of Texas.
H. R. 896. An act to amend title 10, United States Code, to authorize the Secretary of the Army to furnish heraldic services.
H. R. 1214. An act to authorize the President to award the Medal of Honor to the unknown American who lost his life while serving overseas in the Armed Forces of the United States during the Korean conflict.
H. R. 6986. An act for the relief of the estate of Agnes Moulton Cannon and for the relief of Clifton L. Cannon, Sr.
H. R. 7836. An act to provide for the conveyance to the State of Florida of a certain tract of land, in Davie County, for the purpose of constructing roads and a park; and for other purposes.
H. J. Res. 290. An act in furtherance to suspend the application of certain Federal laws with respect to personnel employed by the House Committee on Ways and Means in connection with the investigations ordered by House Resolution 104, 85th Congress.
H. J. Res. 315. Joint resolution designating the week of November 29-30, 1957, as National Farm-City Week; 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.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1153. An act for the relief of Zdenka Sneler.
S. 1167. An act for the relief of John Nicholas Christodoulou.
S. 1175. An act for the relief of Helene Corderly Hall.
S. 1290. An act for the relief of Lee-Ana Barron.
S. 1293. An act for the relief of Eitanianhu (Eling) Yellin.
S. 1307. An act for the relief of Toribia Basterrechea (Arroja).
S. 1308. An act for the relief of Carmen Jeanne Laurois Johnson.
S. 1370. An act for the relief of Wanda Wawczyniak.
S. 1387. An act for the relief of Rebecca Jean Lundy (Helen Choy).
S. 1421. An act for the relief of Anne Luisa Duran.
S. 1462. An act to amend certain provisions of the Columbia Basin Project Act, and for other purposes.
S. 1466. An act for the relief of Nicoleta P. Pantelaikis.
S. 1467. An act for the relief of Sic Gun Chai (Tee) and Hung Man Chai.
S. 1796. An act for the relief of Ross Sigi.
S. 1797. An act for the relief of Eileen Sheila Dhanda.
S. 1798. An act for the relief of Randolph Stephan Walker.
S. 1815. An act for the relief of Nicholas Dilles.
S. 1817. An act for the relief of John Peckton.
S. 1848. An act for the relief of Michelle Patricia Hill (Partina Adschi).
S. 1856. An act for the relief of Maria West.
S. 1902. An act for the relief of Bella Rodriguez Tornel.
S. 1910. An act for the relief of Salvatore Salerno.
S. 1932. An act to authorize the Secretary of Agriculture to convey a certain tract of land owned by the United States to the Perkins chapel Methodist Church, Bowie, Md.
S. 2063. An act for the relief of Guy H. Davorko.
S. 2095. An act for the relief of Vaclav, Uhlrik, Marta Uhlrik, Vaclav Uhlrik, Jr., and Eva Uhlrik.
S. 2162. An act for the relief of Gertrud Mesger.
S. 2229. An act to provide for Government guaranty of private loans to certain air carriers for purchase of modern aircraft and equipment, to foster the development and use of modern transport aircraft by such carriers, and for other purposes.
S. 2494. An act to amend the act entitled "An act to provide books for the adult blind;" and
S. 2498. An act to amend the District of Columbia Business Corporation Act; and
S. 2460. An act to authorize the transfer of certain housing projects to the city of Dearborn, Ill., or to the Dearborn Housing Authority.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on August 26, 1957,
present to the President, for his approval, bills of the House of the following titles:

H. R. 2580. An act to increase the storage capacity of the Whitney Dam and Reservoir and to make available 600,000,000 feet of water from the reservoir for domestic and industrial use;

H. R. 2938. An act for the relief of Cooperative American Remittances to Everywhere, Inc.;

H. R. 5831. An act for the relief of the legal guardian of Mrs. Mattie Jane Lawson;

H. R. 6363. An act to amend the act of May 24, 1928, providing for a bridge across Bear Creek at or near Lovel Point, Baltimore County, Md., to provide for the construction of another bridge, and for other purposes;

H. R. 7864. An act to amend the act of May 4, 1956 (70 Stat. 130), relating to the establishment of public recreational facilities in Alaska;

H. R. 8125. An act to amend section 16 (c) of the Revised Organic Act of the Virgin Islands;

H. R. 8946. An act to amend the Alaska Public Works Act (63 Stat. 627, 48 U. S. C. 467-477), to clarify the authority of the Secretary of the Interior to convey federally owned land utilized in the furnishing hospital care to certain Indians; and

H. R. 9379. An act to provide for the Atomic Energy Commission, transmitting the 18th report of the Atomic Energy Commission, transmitting a report that the appropriation for the Atomic Energy Commission, transmitting a report that the appropriation for the Atomic Energy

ADJOURNMENT

Mr. O'HARA of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to. Accordingly (at 6 o'clock and 30 minutes p. m.) the House adjourned until tomorrow, Wednesday, August 28, 1957, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1169. A letter from the Chairman, the United States Advisory Commission on Educational Exchanges, transmitting the 18th semianual report on the educational exchange activities for the period January 1 through June 30, 1957, pursuant to Public Law 402, 80th Congress (H. Doc. No. 260), to the Committee on Foreign Affairs and ordered to be printed.

1170. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation for the general administration of the Federal Education and Welfare for salaries and expenses, Bureau of Old-Age and Survivors Insurance, and the fiscal year 1958, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

1171. A letter from the Secretary of Defense, transmitting a report on real and personal property of the Department of Defense as of December 31, 1956, pursuant to the National Security Act of 1947, as amended, for the fiscal year 1957; to the Committee on Appropriations.

1172. A letter from the Acting Secretary of Commerce, transmitting a report of all claims paid by the Department of Commerce during fiscal year 1957, to section 404 of the Federal Tort Claims Act (28 U. S. C. 2673); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:


Mr. COOPER: Committee on Ways and Means. H. R. 6066. A bill to amend certain provisions of the Internal Revenue Code of 1954, to provide for greater certainty, speed, and efficiency in the enforcement thereof, and for other purposes; with amendment (Rept. No. 1261). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANE: Committee on the Judiciary, H. R. 1665. A bill to remove the present $1,000 limitation which prevents the settlement of certain claims arising out of the crash of an aircraft belonging to the General Motors Corporation, at or near Topeka, Kansas; without amendment (Rept. No. 1259). Referred to the Committee of the Whole House on the State of the Union.

Mr. ENGLE: Committee on Interior and Insular Affairs. Report pursuant to House Resolution 94, 84th Congress, pertaining to a Special Subcommittee on Coal Research; without amendment (Rept. No. 1263). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FEIGHAN: Committee on the Judiciary. H. R. 8139. A bill for the relief of Mrs. Catherine Pochon Dike; without amendment (Rept. No. 1245). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 281. An act for the relief of Jaffa Kam; without amendment (Rept. No. 1249). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 684. A bill for the relief of Juse Ani; without amendment (Rept. No. 1247). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 868. An act for the relief of Necmettin Cengiz; without amendment (Rept. No. 1246). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 862. An act for the relief of Pauline Ethel Goldstein; without amendment (Rept. No. 1248). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1466. An act for the relief of Retiguo Guerrero-Monje; without amendment (Rept. No. 1230). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1461. An act for the relief of Tacuma Kasahan; without amendment (Rept. No. 1231). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1382. An act for the relief of Helen Demouchou; with amendment (Rept. No. 1232). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1395. An act for the relief of Maria Tallours, erected; without amendment (Rept. No. 1236). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2028. An act for the relief of Delina Cinco de Lopez; with amendment (Rept. No. 1234). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2035. An act for the relief of Maria Dojac, erected; without amendment (Rept. No. 1255). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2039. An act for the relief of Sherwood Lloyd Pierce; without amendment (Rept. No. 1257). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2080. An act for the relief of Maria Goldstein; without amendment (Rept. No. 1238). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 2204. An act for the relief of Margaret E. Cuffley; without amendment (Rept. No. 1239). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT of Florida:

H. R. 9455. A bill to amend section 710 of the Merchant Marine Act, 1936, to require a payment bond from persons chartering certain vessels of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. BENNETT of Michigan:

H. R. 9456. A bill to amend title II of the Social Security Act to provide that an individual's disability insurance benefits under that title shall not be reduced because of any periodic benefits payable to him by the State's administrative agency; to the Committee on Ways and Means.

By Mr. BOW:

H. R. 9457. A bill to authorize the construction and sale by the Federal Maritime Board of a passenger vessel for operation in the Pacific Ocean; to the Committee on Merchant Marine and Fisheries.

By Mr. BROOKLYN:

H. R. 9458. A bill to exchange certain lands in the city of Detroit, Mich.; to the Committee on Government Operations.

By Mr. BROOKLYN:

H. R. 9459. A bill to amend section 1161(h) of title 10 of the United States Code to provide that retired commissioned officers
dropped from the rolls shall not thereby forfeit their retired pay; to the Committee on Armed Services.

By Mr. REES of Tennessee:
H. R. 9472. A bill relating to the promotion of small business loans, and to amend the Small Business Administration Act of 1953, to authorize the Secretary of Commerce to guarantee loans not exceeding 25% of the amount of any such loan; to the Committee on Banking and Currency.

By Mr. ROBESON of Virginia:
H. R. 9473. A bill to authorize the construction and sale by the Federal Maritime Board of a passenger vessel for operation in the Pacific Ocean; to the Committee on Merchant Marine and Fisheries.

By Mr. SHELLEY:
H. R. 9474. A bill to authorize the construction and sale by the Federal Maritime Board of a passenger vessel for operation in the Pacific Ocean; to the Committee on Merchant Marine and Fisheries.

By Mr. TOLLEFSON:
H. R. 9477. A bill to authorize the construction and sale by the Federal Maritime Board of a passenger vessel for operation in the Pacific Ocean; to the Committee on Merchant Marine and Fisheries.

By Mr. H. R. 9478. A bill to encourage and stimulate the development of new and existing industries, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SIMPSON of Pennsylvania:
H. R. 9481. A bill to amend the Internal Revenue Code of 1954 so as to provide that for calendar year 1957 and thereafter, any elections made with respect to the sale of coal and lignite; to the Committee on Ways and Means.

By Mr. SIMPSON of Pennsylvania:
H. R. 9480. A bill to amend the Internal Revenue Code of 1954 to increase the depletion allowance for coal and lignite; to the Committee on Ways and Means.

By Mr. SIMPSON of Pennsylvania:
H. R. 9482. A bill to encourage expansion of teaching and research in the education of mentally disabled children, or emotionally ill children, and to encourage the development of programs of rehabilitation for such children; to the Committee on Education and Labor.

By Mr. SIMPSON of Pennsylvania:
H. R. 9483. A bill relating to certain inspections and investigations in metallic and nonmetallic mines (excluding coal and lignite mines); to the Committee on Education and Labor.

By Mr. SIMPSON of Pennsylvania:
H. R. 9484. A bill to establish a temporary Presidential Commission to study and report on the problems relating to blindness and the needs of blind persons, and for other purposes; to the Committee on Education and Labor.

By Mr. SHELLEY:
H. R. 9485. A bill to amend the public assistance provisions of the Social Security Act to eliminate certain inequities and restrictions and permit a more effective distribution of Federal funds; to the Committee on Ways and Means.

By Mr. ROBESON of Virginia:
H. R. 9486. A bill to prohibit unjust discrimination in employment because of age; to the Committee on Education and Labor.

By Mr. BOYKIN:
H. Res. 421. Joint resolution to permit the utilization of existing structures on the National System of Interstate and Defense Highways; to the Committee on Public Works.

By Mr. HARDY:
H. Res. 422. Joint resolution to authorize the House Committee on Government Operations to conduct studies and investigations outside the United States during the 82nd Congress; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXIII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOGGS:
H. R. 9487. A bill for the relief of Mrs. Elsa Fenn Tynes; to the Committee on the Judiciary.

By Mr. BOW:
H. R. 9488. A bill for the relief of Stefanos Frentzou; to the Committee on the Judiciary.

By Mr. BURNS of Hawaii:
H. R. 9489. A bill for the relief of Mrs. Ivy Leong Lowe; to the Committee on the Judiciary.

By Mr. CURTIS of Massachusetts:
H. R. 9490. A bill for the relief of Sidney A. Conn; to the Committee on the Judiciary.

By Mr. FARSTEIN:
H. R. 9491. A bill for the relief of Harry and Lena Stopnitsky; to the Committee on the Judiciary.

By Mr. FOGARTY:
H. R. 9492. A bill for the relief of Paula Dorian; to the Committee on the Judiciary.

By Mr. MORRISON:
H. R. 9493. A bill for the relief of Mair C. Suiton; to the Committee on the Judiciary.

By Mr. NIMTZ:
H. R. 9494. A bill for the relief of Cecilio Williams; to the Committee on the Judiciary.

By Mr. PHILBIN (by request):
H. R. 9495. A bill for the relief of Cho Hung Choy; to the Committee on the Judiciary.

By Mr. POWELL:
H. R. 9496. A bill for the relief of Mrs. Ruth Feuer and her minor son, Elfat Feuer; to the Committee on the Judiciary.

By Mr. SCOTT of Pennsylvania:
H. R. 9497. A bill for the relief of Albert R. Sabaroff; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:
H. R. 9498. A bill for the relief of Eduard Benc, his wife, Hilde Benc, and their minor children, Elfriede, Judith, and Maria Benc; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXIII, 337. The SPEAKER presented a petition of the Secretary, Sons of the American Revolution, Patrick Henry Chapter, Austin, Tex., requesting that they be placed on record as favoring legislation which will rectify the Supreme Court decision generally referred to as the Jencks case, which was referred to the Committee on the Judiciary.