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HOUSE OF REPRESENTATIVES

FRIDAY, JUNE 7, 1957

The House met at 12 o'clock noon.

President Lawrence S. Burton, of the Ogden Stake of the Church of Jesus Christ of Latter-Day Saints, Ogden, Utah, offered the following prayer:

Our Father which art in Heaven, we humbly bow our heads this morning before Thee in prayer and thanksgiving for Thy many blessings unto us individually and as a Nation. We thank Thee, Father, for our noble forebears, who laid the foundation of this very glorious country upon truth, righteousness, and justice. We thank Thee, Father, for those who have followed them in carrying forward those great principles. We are grateful, Father in Heaven, for this great legislative body, duly elected by the people to build upon this glorious foundation, and pray that Thou wilt bless them ea individually and collectively. We petition Thee, Father in Heaven, to bless this Nation that it may go forward even to greater heights; that it may continue to be the banner of truth and democracy to all nations of the earth, and hasten the time when freemen everywhere will enjoy the glorious principles of democracy which we enjoy here today. Bless and preserve this country. Bless our authorities and be with them at all times, we humbly beseech Thee in the name of our Lord and Saviour, Jesus Christ. Even so. 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 bills of the following titles, in which the concurrence of the House is requested:

S. 1141. An act to authorize and direct the Administrator of General Services to donate to the Philippine Republic certain records captured from insurrectos during 1899–1903;

S. 1408. An act to provide allowances for transportation of house trailers to civilian employees of the United States who are transferred from one official station to another;

S. 1535. An act to amend the Federal Property and Administrative Services Act of 1949 to authorize the Administrator of General Services to make contracts for cleaning and custodial services for periods not exceeding 5 years; and

S. 1799. An act to facilitate the payment of Government checks, and for other purposes.

FORT MYER REVIEW HONORING MEMBERS OF CONGRESS

The SPEAKER. The Chair recognizes the gentleman from Massachusetts to make an announcement.

Mr. McCORMACK. Mr. Speaker, a special retreat review will be conducted at Fort Myer, Va., at 4 p. m. on June 9, 1957, next Sunday, honoring the Members of Congress who are veterans of the Army and who have been invited to attend.

The veteran Members of Congress will be represented on the reviewing stand by our colleague the gentleman from Montana, Mr. LEROY H. ANDERSON.

The Silver Star will be presented to him during the ceremonies. LEROY ANDERSON is a major general in the United States Army Reserve. He was awarded the Silver Star but it has never been presented to him. It will be presented to him next Sunday afternoon at this ceremony.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 100]

Arends	Garmatz	O'Konski
Ayres	Green, Pa.	Philbin
Bailey	Gregory	Poage
Barrett	Gubser	Porter
Beamer	Gwinn	Powell
Blatnik	Harrison, Nebr.	Prouty
Bosch	Healey	Radwan
Bowler	Holtzman	Rhodes, Pa.
Buckley	James	Rogers, Colo.
Byrne, Ill.	Judd	Rogers, Mass.
Byrnes, Wis.	Kearney	St. George
Cederberg	Keeney	Schwengel
Chamberlain	Kelly, N. Y.	Shelley
Chudoff	Laird	Sheppard
Coudert	Lane	Simpson, Pa.
Curtis, Mo.	Latham	Taber
Dawson, Ill.	McConnell	Taylor
Delaney	McGovern	Teller
Dollinger	McIntire	Tewes
Donohue	Machrowicz	Utt
Dooley	Miller, Md.	Vursell
Dorn, N. Y.	Miller, N. Y.	Wainwright
Fallon	Minshall	Wier
Farbstein	Montoya	Withrow
Fino	Morano	Wolverton
Fogarty	Moulder	Zelenko
Friedel	O'Brien, Ill.	

The SPEAKER. On this rollcall 354 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CIVIL RIGHTS

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H. R. 6127, with Mr. FORAND in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. KEATING].

Mr. KEATING. Mr. Chairman, I am perfectly willing to defer to my colleague, the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, I yield such time as she may care to use to the gentlewoman from Pennsylvania [Mrs. GRANAHAN].

Mrs. GRANAHAN. Mr. Chairman, as a comparatively new Member of the House of Representatives, with a great deal yet to learn about national affairs and legislation, I nevertheless feel that on this subject of civil rights, of treating people as first-class Americans in all instances and in all cases, one does not have to be an expert on the obscure technicalities of the law in order to speak here.

I think it is a case of consulting with one's heart and conscience, and reaching one's decision from the standpoint of what is most in keeping with our ideals of true Americanism.

Either we believe the great concepts which were behind the Declaration of Independence and the Bill of Rights or we have mental reservations about them. Either we believe that all citizens of this country have a right to equal guaranties and equal treatment under the law or we are not quite convinced that the Revolution of 1776 was a good thing.

Of course no one will stand up on the Fourth of July and say our forefathers made a very bad mistake on that hot summer day in Philadelphia when they proclaimed the freedom of this Nation. We are accustomed to paying very lavish tribute each Independence Day to the spirit which motivated that Revolution and those patriots of long ago.

Can we match their courage, however, in meeting the serious social problems of our day?

Can we say in good conscience that we are as willing to attack deep-seated social ills?

They were fighting for civil rights, for their own civil rights. True, many of those who fought bravely for the concept of civil rights in those days were slave-owners who apparently saw no contradiction between their own yearnings for full freedom politically and the existence of slavery as an institution to which they contributed.

That is no reason to say that they did not exhibit courage or great political progress in fighting for political freedom. But obviously they did not go all the way toward full and complete freedom for all, even when many of these same great patriots gathered again to write the Bill of Rights.

But they started the pattern of American freedoms which we have expanded and improved and protected and spelled out more explicitly generation by generation. Yet even today we cannot claim that the United States of America is completely free of the taint of discriminations by reason of race or creed or color in the exercise of political, social, and economic rights.

That is why we need legislation such as this. This bill, labeled a civil-rights bill, actually does very little of a sensational nature. It is a sad commentary on the status of our social attitudes in this country that such a bill as this is necessary or even useful.

Actually, we know that not all American citizens have the full and complete and free opportunity to exercise their sacred rights as citizens—the most sacred of all being their right to vote. It is frequently denied. It is often abridged in one way or another. This is no secret—unfortunately it often happens right out in the open.

Such a situation must be corrected. If this bill helps in that respect, then it will indeed be most worthwhile legislation.

From the jockeying which is going on over this bill—and which has been going on for months during this session of Congress—it is obvious that attempts are being made to weaken this bill even further.

Mr. Chairman, I urge us all to search our own hearts and our own consciences. I urge that we consult God and seek His guidance in this matter.

If we believe in His teachings, we must believe in the decency and in the dignity of each person—each human being. We must believe, then, in the justice of full rights for all regardless of race, creed, or color.

We must stand for brotherhood and for human rights—and not hesitate to take our stand for what is right.

Mr. KEATING. Mr. Chairman, I yield such time as she may require to the gentlewoman from New Jersey [Mrs. DWYER].

Mrs. DWYER. Mr. Chairman, I rise in support of the President's program on civil rights which is embodied in the bill, H. R. 6127. I oppose any crippling amendments which may be offered on the floor.

Mr. Chairman, Members of this House are now preparing to act on legislation to which the platforms of both parties are pledged. I am referring, of course, to civil rights.

I have a particular interest in this legislation. I have introduced legislation based on President Eisenhower's civil rights program during this session of Congress—legislation similar to that introduced by my distinguished colleague the gentleman from New York [Mr. KEATING].

But, even beyond that immediate interest, I am proud to address this body as a legislator who long has worked for the cause of civil rights in my home State of New Jersey, where it has been proven beyond question that civil rights legislation can be an effective safeguard of the God-given rights of equal opportunity and justice.

Today, in urging House support of the President's civil rights program, I also stand opposed to any amendments which would, in effect, cripple the intent and the effectiveness of this long-overdue legislation.

It is not my aim to discuss the technical aspects of this legislation. Such details are being fully explored in the lengthy debate on this question. Rather, I want to discuss the moral aspects which I feel should, in large measure, guide our actions on civil rights in this Chamber.

From this viewpoint, I believe it might be well for all of us in the Congress to recall the words contained in the platforms of our respective parties last year.

In Chicago, the leadership of the Democratic Party produced a platform document which included this pledge to the people of America:

> The Democratic Party is committed to support and advance the individual rights and liberties of all Americans. Our country is founded on the proposition that all men are created equal. This means that all citizens are equal before the law and should enjoy all political rights. They should have equal opportunities for education, for economic advancement, and for decent living conditions.

The Democratic Party then pledged:

> We will continue our efforts to eradicate discrimination based on race, religion or national origin. We know this task requires action, not just in one section of the Nation, but in all sections. It requires the cooperative efforts of individual citizens, and action by State and local governments. It also requires Federal action. The Federal Government must live up to the ideals of the Declaration of Independence, and must exercise the powers vested in it by the Constitution.
>
> The Democratic Party pledges itself to continue its efforts to eliminate illegal discriminations of all kinds, in relation to (1) full rights to vote, (2) full rights to engage in gainful occupations, (3) full rights to enjoy security of the person, and (4) full rights to education in all publicly supported institutions.

Now, I turn to the platform of my own Republican Party, forged in San Francisco late last August.

That platform pledged:

> This administration has impartially enforced Federal civil rights statutes, and we pledge that it will continue to do so. We support the enactment of the civil rights program already presented by the President to the 84th Congress.

The Republican platform continued:

> The Republican Party has unequivocally recognized that the supreme law of the land is embodied in the Constitution, which guarantees to all people the blessing of liberty, due process and equal protection of the laws. It confers upon all native-born and naturalized citizens not only citizenship in the State where the individual resides but citizenship of the United States as well. This is an unqualified right, regardless of race, creed or color.
>
> We believe that true progress can be attained through intelligent study, understanding, education, and good will. Use of force or violence by any group or agency will tend only to worsen the many problems inherent in the situation. This progress must be encouraged and the work of the courts supported in every legal manner by all branches of the Federal Government to the end that the constitutional ideal of equality before the law, regardless of race, creed, or color, will be steadily achieved.

Yes, these are the civil-rights planks in the 1956 platforms of the Republican and Democratic Parties.

I, for one, support the aims of these platforms.

Certainly, the need for such civil-rights legislation as we now are considering has been clearly established. A means must be provided for achieving a more effective enforcement of the rights already guaranteed by the Constitution and the laws of the United States, if there is to be an end to the shame of second-class citizenship, if we are to prove to the world that we really practice the freedoms that we preach.

Our Founding Fathers, nearly two centuries ago, set the goal which we are still seeking to achieve when they declared "that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness."

If we are to attain this goal, we must recognize that the rights and privileges of all Americans, regardless of race, color, or creed, are the responsibility of the Federal Government because those rights and privileges are anchored in the Constitution and the laws of the United States.

These rights, however, cannot be guaranteed if we continue to turn our backs on the need for stronger civil-rights legislation, or if we render ineffective this legislation with devious legislative devices.

In a final analysis, I believe that the questions we must honestly face as we act upon this civil-rights legislation are:

Are we in the Congress once more going to render only lipservice to the cause of civil rights—turn our backs on our platform pledges?

Or will we carry out the pledges of our respective party platforms and enact an effective civil-rights program to guarantee equal opportunity and justice for all?

My stand is clear. I will stand by the pledge of my party.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Ohio [Mr. HAYS]

Mr. HAYS of Ohio. Mr. Chairman, yesterday Members of the House, presumably all Members of the House, received a mimeographed letter signed by the gentleman from New York, Mr. ADAM CLAYTON POWELL, in which he both tried to persuade and threaten Members to

vote for this legislation. I called Mr. POWELL's office to tell them that I was going to reply to this letter, and his office told me that he was suffering from a heart attack which had occurred in New York, but that he had been moved to Bethesda Hospital in Washington. Apparently, from the information I got, the attack is going to last for 10 days or just until this debate is over. So, I felt it necessary this letter should be answered now. I would prefer, of course, that the gentleman in question the gentleman from New York [Mr. POWELL] should be on the floor. I would like to recall to you that last year when this legislation was being debated, the gentleman from New York [Mr. POWELL] was at sea on a vessel on his way to a vacation in Europe. The reason I bring this letter to your attention is because one paragraph says this:

As a final word to Democrats, let me say that the colored voters of the North are fed up with weak platforms and watered-down legislation. They are increasingly asking the question—Why send Pennsylvania and Ohio Democrats to Congress if they must take their orders from middlemen who serve the white citizens' councils in Mississippi and Alabama?

Now, I do not pay too much attention to any accusations made by the gentleman from New York, but I think it is fair, in view of this accusation, to sort of read the record and consider from whence this testimony comes. All 6 of the Democrats from Ohio—and I have not researched it—but I believe all of the Democrats from Pennsylvania voted for the civil-rights legislation last year, and all 6 of the Democrats from Ohio voted against the motion to recommit—all of this while the gentleman from New York who is making this thing such an issue was not able to be in the Chamber because it seemed to be more important to him to be leaving on a sea voyage to Europe for a vacation than for him to be here to vote on this important legislation; legislation on which he is now sending a letter threatening us if we do not vote for it. May I point that again this year the gentleman from New York [Mr. POWELL] is not here in person.

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

Mr. HAYS of Ohio. I yield briefly to the gentleman.

Mr. WALTER. Does the gentleman not think that the most disappointed person in America, if this legislation is enacted into law, would be the gentleman from New York?

Mr. HAYS of Ohio. Yes. Because there would be nothing left for him to talk about.

I have always been told if you have evidence introduced—I am not an attorney, so I am trying in my feeble way to refute this—if you have evidence introduced, you consider from whence this evidence comes. Since Mr. POWELL is the sole source of this statement and since Mr. POWELL has made this accusation against Members from Pennsylvania and Ohio, maybe we should consider some of his previous statements. Why he made this accusation I do not know. I suppose that is as hard to explain as it would be to explain why he appeared with Earl Browder and William Z. Foster at a joint rally of the Communist Party in Madison Square Garden in 1944 and shared top billing with those two. Or it might be as hard to explain why he was the editor of a newspaper and the author of a column in which he one time identified the New York Times as "a Salsberger journal of first-class Negro baiters." I have heard the New York Times called just the opposite on this floor by many more people than the gentleman from New York [Mr. POWELL]. Or why when one time, when the distinguished gentleman from Texas [Mr. DIES] had the temerity to summon one of the columnists of Mr. POWELL's newspaper before his Committee on Un-American Activities, the Reverend Mr. POWELL wrote, "The sooner DIES is buried, the better." And he goes on quoting a lot of other trash that I will not quote because I do not want it to appear in the RECORD.

He winds up by saying, "The death of DIES is just as important as the death of Hitler." Well, Mr. DIES is here, full of vim, vigor, and vitality, I am happy to say. So that wish of the reverend gentleman from New York had no more reason than his dishonest statement against Members of Congress from Pennsylvania and Ohio.

Maybe we should consider why Mr. POWELL one time said, in 1944, that "the Soviet Union has renounced violence; that its position on religion is healthful; that it is in contradistinction to the United States. It—the Soviet Union—accepted the practices rather than the doctrines of Christianity, especially brotherhood."

This is the same gentleman who is saying that the Members from Pennsylvania and Ohio are taking orders from some middlemen from some white citizens council.

Right after the war, this gentleman, the Reverend Mr. POWELL, told the students of Middleboro College that "religion was in for a new reformation whose coming would be hastened by basically nonreligious forces, for orthodox religion has alined itself with the Western World, which is on the way out." Get that. That the Western World is on the way out.

Last June he made an address at Morehouse College in which he said, "Negroes must walk together, work together, fight together, resist together, and organize together." In other words, there is no person in my opinion in the United States who is doing more to divide Negro citizens from the rest of the citizens than the gentleman from New York, who sends this letter around.

I just want to tell you a little experience I had 10 or 12 years ago, when I was a county commissioner in Ohio. A Negro gentleman apparently of the same opinions as the gentleman from New York [Mr. POWELL], came into our county and called a meeting at which he asked all county officials to attend. Most of the county officials did attend. He made a speech. He said, "I have come here to tell you gentlemen we are going to organize a committee in every town of this county to see, insist, and be present to observe that the Negroes get every civil right which the Constitution of the State of Ohio guarantees them."

I do not recall his name at the moment, but I got up and took the floor and I said:

"I have just one word of advice to you. In the little village in which I live, we have some Negro citizens. They can and do live on any street in the town; they can and do go into any restaurant in the town; they can and do go to the same public school that all the other public-school children go to; they can and do attend the theater and sit where they like; they can and do attend the social functions of the school. The only thing you are going to do if you set up a committee to tell the people of Flushing that they have to do what they are already doing and what they have been doing for a hundred years is to make them determined that they will not do it any longer, because they are doing it voluntarily, and they do not want any outsider coming in and telling them they have to do something they already are doing because they want to do it."

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

Mr. HAYS of Ohio. In just a minute.

I said further: "I am not only county commissioner, but I am also mayor of that town; and, if you come around there trying to upset the harmony in which the races live, I expect you will find yourself in jail for disturbing the peace and I will probably be too busy for about 3 weeks to hear your case."

Mr. CELLER. May I ask the gentleman if he is in favor of the bill or against the bill?

Mr. HAYS of Ohio. The gentleman has already said that the six Democratic Members from Ohio, of which he is one, voted for the bill the last time, and I expect to vote for the bill this time, but I do not preclude that I might vote for an amendment or two.

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

Mr. HAYS of Ohio. I yield.

Mr. CELLER. Of course I do not know anything about the controversy that you are stirring up between the gentleman from New York [Mr. POWELL]——

Mr. HAYS of Ohio. Just a minute; I am not stirring up any controversy. Mr. POWELL stirred up the controversy.

Mr. CELLER. Does the gentleman not think it would come with better grace if he had made this statement when Mr. POWELL was in the Chamber rather than when he is in the hospital suffering from a heart attack?

Mr. HAYS of Ohio. May I say to the gentleman that I have already said I would much prefer Mr. POWELL's being present. But he circularized this letter from the hospital for the purpose of affecting the outcome of this bill and if there is to be any refutation of the letter it has to be now. I have not said anything about Mr. POWELL that I would not say were he present and I would much prefer, I say, that he were present.

Just one final thing: On the first Sunday of October 1956, Mr. POWELL asked his congregation how he, as a Congressman, could campaign for Stevenson or

Eisenhower when both parties take the Negroes' money and send it to Mississippi and other States to build separate schools. Four days later he saw President Eisenhower at the White House and startled the country by agreeing to campaign for him, and this is what he said:

In some mysterious way the President of the United States has changed his mind in 5 days.

Of course you all know the history of the White House issuing a denial of what Mr. POWELL said.

I merely cite a few of these things to point out to you that the Members from Pennsylvania and Ohio do not have to accept any dictation from anyone, especially from such a source as the quotes I have just read indicate. They do not have to apologize for their record to anyone, and they do not have to take slanders of the scurrilous kind that are in this letter from Mr. POWELL or anyone else. The Members from Pennsylvania and Ohio stand on their own two feet, and I think that it was a very small political trick that Mr. POWELL singled out those two States to try to make someone think that the Democrats from Pennsylvania and Ohio were some kind of dishonorable small people who were taking orders from some kind of undesirable person. The gist of his letter is that he is demanding that the trial by jury amendment not be accepted. I think he himself has made enough arguments to convince me that maybe the traditional American right of trial by jury amendment would be a good thing. Trial by jury is unknown in the Soviet Union which Mr. POWELL's statements seem to indicate he so much admires.

Mr. KEATING. Mr. Chairman, I yield such time as he may require to the gentleman from California [Mr. BALDWIN].

Mr. BALDWIN. Mr. Chairman, I rise in support of H. R. 6127. This civil rights bill would establish a Federal Commission on Civil Rights, would create an additional Assistant Attorney General's position in the Department of Justice, and would authorize the Attorney General to institute civil actions or applications for a permanent or temporary injunction, or restraining order, in cases involving a violation of civil rights, including the right to vote.

It seems to me that perhaps the most important single right of a citizen of the United States is the right to vote in a Federal election for the offices of President, Vice President, presidential elector, Member of the Senate, or a Member of the House of Representatives. I believe that this right to vote in a Federal election should be given every protection by the Federal Government.

It is deeply disturbing to hear reports that there have been incidents where citizens of the United States have been intimidated or threatened in an effort to prevent them from registering or from voting in a Federal election. In my opinion, the passage of this civil rights bill is most essential in order to provide proper protection to such citizens.

Many constituents in my Congressional District are very much interested in the passage of this civil rights measure. They feel that it is completely proper and just for the Federal Government to establish more clearly its position in this field of voting rights in Federal elections. I share their views on this subject and would like to urge that the House approve this civil rights measure.

Mr. KEATING. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. HILLINGS].

Mr. HILLINGS. Mr. Chairman, I rise in support of the bill before us today for several reasons. In the first place, it is only right and fair that legislation of this kind designed to implement and carry out the constitutional guaranties on the right to vote for every American citizen, regardless of race, creed, or color, be enacted. It is only right and fair that the legislation necessary to implement that guaranty should be approved by the Congress.

This is important at a time when our country is trying to convince millions of people across the world that they should join our side, that they should turn deaf ears toward the Communist promises that are being made. It is right and fair at a time such as this that we enact legislation which will make sure that every American has the right to vote.

Further, Mr. Chairman, this is a moderate bill. The bill probably does not satisfy the extremists who feel we should have more drastic and more direct action to meet discrimination and interference with the right to vote. I submit the very fact that this bill is moderate in its approach makes it easier for all Americans to support it and will make the time come faster when we can eliminate all forms of discrimination in our country.

We have made real progress under President Eisenhower in the field of eliminating discrimination in America and we have done it in a quiet, efficient manner, without a lot of hullabaloo, shouting, and screaming that sometimes have characterized previous attempts to do something in the field, attempts which in many instances in the past, despite all kinds of promises, accomplished very little. We have eliminated segregation in the District of Columbia. We have eliminated segregation in our Armed Forces. This progress has been accomplished in just a few years' time, but always with a moderate and a fair approach to the problem, an approach designed not to take away the rights of our States or the rights of individuals in various parts of the country but at the same time to guarantee the right to vote for all American citizens.

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

Mr. HILLINGS. I only have 10 minutes. I expect to be on the floor throughout the debate under the 5-minute rule and I hope to discuss this subject with the gentleman at that time.

Mr. Chairman, there has been much criticism in the Congress recently of the USIA—the United States Information Agency. Members on both sides of the aisle have attacked that agency on the ground its broadcasting techniques, its pamphleteering, or other devices used to carry our story across the world and behind the Iron Curtain are not being performed satisfactorily. But all the best broadcasting and techniques in the world would avail us little if we do not have the kind of system in America which does the things we tell the peoples of the world we do. One of these things is the right of all American citizens to vote regardless of race, creed, or color.

I consider this legislation just as important in our efforts to maintain the peace and to keep the Communists continuing on the downgrade, that side of the problem is just as important as the domestic aspect of this bill.

We are going to hear a great deal of discussion in the course of the debate on this bill on whether or not we should approve an amendment allowing a jury trial in contempt cases which might arise out of this particular legislation. I know it is very difficult for lawyers and nonlawyers alike to have a full comprehension and understanding of why it is important that those of us who favor this legislation should vote against the amendment to provide for a jury trial. It is difficult to explain because all Americans hold very dear the right to trial by jury in criminal cases or in all civil cases where the amount involved is $20 or more under the provisions of our Constitution. But I hope that those who have grave doubts about whether they should oppose this amendment will listen to the discussion which will take place concerning it, will listen to the discussion as we trace the history of jury trials in contempt proceedings. It is interesting to me that so many of those who are arguing so vociferously in favor of jury trials have done nothing in their own States to see to it that their own State laws are changed to provide for jury trials in similar proceedings, because there is not a State law in the country which has such a provision. Yet, those who are arguing in opposition to the bill on the ground that it is an interference with States rights have done nothing that I know of in their own individual States to see that their laws are changed, but they are confining their interest and their attack to this civil rights legislation which is now before us.

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

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

Mr. CELLER. Is it not true, where a crime is committed, that we do not interfere with the right of trial by jury? All we do in this bill is to provide on the equity side of the court that the Attorney General can start an equity proceeding for an injunction to prevent the commission of a crime. It is prophylactic, it is prevention, so that we can nip in the bud a contemplated wrong, and in that sense there is no interference with the time-honored right of trial by jury, because there never has been shown a right of trial by jury of a contemner who has violated the order of the court.

Mr. HILLINGS. The gentleman is correct.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. HILLINGS. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. I would like to ask the gentleman this question, and I ask it in good faith. How does the gentleman reconcile the fact that Congress has given to the labor unions under section 3692 of title XVIII of the code the right of trial by jury in all contempt cases arising out of labor disputes? Now, how does the gentleman reconcile that with his apparent denial to give to his own constituents the right of trial by jury when they are brought up under this bill?

Mr. HILLINGS. Let me say to the gentleman that I cannot agree that we have given the right of trial by jury in contempt cases involving labor unions, because under the Taft-Hartley Act, which is currently the law of the land, that particular provision which was contained in some previous legislation does not apply. So, under my interpretation of existing law—and I think that most lawyers after studying the problem concur—there is now, today, no guaranty of trial by jury of labor unions in similar cases because of the existence of the Taft-Hartley Act.

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

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

Mr. KEATING. On that point, the proof of the pudding is in the eating. Since the enactment of the Taft-Hartley Act, which has been on our statute books for 10 years, there has not been a jury trial in any case arising under that act, and in 2 cases where a jury was demanded, the court ruled that there was no right to a jury trial.

Mr. HILLINGS. The gentleman is correct.

There are two particular points at this time which I would like to raise in support of my contention that it is not right and proper to have a jury trial in contempt proceedings which might arise after the passage of this particular legislation. There will be more arguments advanced on that during the course of the debate. But there are two basic reasons I wish to bring up now. One of the reasons why a jury trial cannot apply in a situation where a court issues an injunction and then someone violates that injunction and is brought before the court for contempt is that time is of the essence, and if time were taken to have a jury trial under such a situation, the whole effect of the injunction would be null and void and there would have been no reason for the court to issue such an order in the first instance. That does not mean that the person in violation cannot be heard or have counsel; all those rights are preserved. But the very purpose for the court to issue an injunction in most instances, not only in this type of case but in labor strikes and other cases, is that time is of the essence and some action must be taken quickly. If this bill were passed and the court issued an order instructing the local election officials to allow a certain individual to vote, the action would probably come on the eve of an election. If the election official failed to act in response to the court order and then were called into court and sued, and there were a jury trial, in most cases the election would be over and the question would be moot. So it is important to consider the fact that time is of the essence in these cases.

A second reason which I consider equally important in opposing the jury trial amendment, which is going to be offered in this House next week, is the fact that to compel a jury trial in this situation in many ways challenges the integrity of our courts across the country.

One of the greatest authorities on this subject was the former Chief Justice of the United States, Mr. Taft, also a former President. Some of the Members have already read in the newspapers the quotation from former Chief Justice Taft which President Eisenhower used at his press conference this week when he discussed this very problem. But I think it is worth reading again and it is worth listening to. The words of our former Chief Justice certainly have a great bearing on any decision that we shall make in a situation of this kind involving the legal rights of individuals under our Constitution. This is what former Chief Justice and former President Taft said in 1908:

> The administration of justice lies at the foundation of government. The maintenance of authority of the courts is essential unless we are prepared to embrace anarchy. Never in the history of the country has there been such an insidious attack upon the judicial system as the proposal to interject a jury trial between all orders of the court made after full hearing and the enforcement of such orders.

Mr. Chairman, I do not think I have to explain further or interpret what Chief Justice and former President Taft was saying. But just imagine if, every time a court isued an order in an equity proceeding, we would have to stop to have a jury trial, what would happen. It would make the court powerless to act and would make it almost impossible to see that any of its orders were enforced. It is a fundamental concept of our judicial system which is at stake here. If the jury trial amendment succeeds in this instance, then it could be applied in many other instances which could weaken our Federal judicial system.

Mr. SCOTT of Pennsylvania. Mr. Chairman, will the gentleman yield?

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

Mr. SCOTT of Pennsylvania. Does not the gentleman agree that this so-called right of trial by jury is not being sought on behalf of the injured party at all; that the injured party is the man who is denied the right to vote. But this so-called right is being sought, not on his behalf, but on behalf of the man who violates the decree of the Federal court and seeks to postpone the effect of any action against him until it is too late to do the injured party any good.

Mr. HILLINGS. The gentleman is correct. It again points up the factor that we must always keep in mind in a case of this kind that time is of the essence. That is one of the major considerations.

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

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

Mr. YATES. Mr. Chairman, the gentleman has made a very excellent statement on the question of the jury trial. But does not the gentleman agree with me that the discussions that have taken place thus far have placed an overemphasis on the so-called right to trial by jury amendment and that we have thereby been diverted from consideration of the basic purposes of the bill, namely, to protect an equal right to that of trial by jury which is the right to vote. No democracy can exist without participation by its citizens in its affairs. The primary method of conducting its affairs is by citizens voting. There has not been much discussion on this floor of the abuses toward which this bill is directed, namely, of protecting the citizens of our country in their right to vote. Certainly, this deserves as much of our consideration as the amendment that is going to be offered. Let us not lose sight of the fundamental need for this bill.

Mr. HILLINGS. The gentleman from Illinois [Mr. YATES] has made an important observation and one in which I concur. In the course of the debate thus far, the opponents of this legislation very skillfully and cleverly have been able at times to take us away from the real issue because of their proposed amendment. We must keep in mind that our main objective is to see that all Americans in this country, regardless of race, creed, or color, have the right to vote, as guaranteed under the Constitution.

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

Mr. HILLINGS. I yield to the gentleman from Mississippi.

Mr. COLMER. Of course, we ought to clarify one thing at this point. That is the question on which I wanted the gentleman to yield to me before. The gentleman says that the provisions of the Norris-La Guardia Act giving and preserving to labor the right of trial by jury are not now the law. He says that they have been repealed by the Taft-Hartley Act. I ask the gentleman to point out in the Taft-Hartley Act where that law was repealed. That is No. 1.

No. 2, if our contention is correct, that it is still the law of the land that labor enjoys that privilege, would the gentleman who is now addressing the House favor repealing that right that labor now enjoys?

Mr. HILLINGS. To take the second part of the question first, I do not think there is any reason to discuss the question of repealing such a right because such a question is moot. I am convinced that the Taft-Hartley Act changed the Norris-La Guardia Act to the point where there is not now this guaranty. In support of that, let me just cite a statement

of the Attorney General of the United States, the Honorable Herbert Brownell, which was placed in the CONGRESSIONAL RECORD by the distinguished gentleman from New York [Mr. KEATING].

Mr. COLMER. Before the gentleman does that, the gentleman said the question is moot. That was not my question. I asked the gentleman if our contention is correct that that right is now a right enjoyed by labor. Whether the gentleman would vote to take it away from them.

Mr. HILLINGS. Let me say as one who has taken a consistent position on this that, as I pointed out earlier, there is no State law in the land which provides for a jury trial in such a contempt proceeding. It is not contained in the labor laws as I interpret them today. If the gentleman's position were correct—and again, this is an "iffy" question—assuming a fact not in evidence, but assuming the gentleman's position is correct, I would take the position that he suggests.

Mr. COLMER. What is that?

Mr. HILLINGS. I would see to it that if the jury-trial amendment is turned down by this House, is not included in this legislation, that should be the consistent approach we should make in all cases where contempt citations are involved, including the labor cases.

Mr. COLMER. Did I understand the gentleman to say that if it is still in the law he would vote to take it away from them?

Mr. HILLINGS. No. In the first place, it is not in the law. In the second place, assuming it were, I think we should be consistent in the approach we are making to the contempt citations. It might be that in labor cases there would be something different involved. I was not a Member of the Congress when the Taft-Hartley Act was approved, so I do not have the background on it the gentleman has. But in similar cases, assuming labor legislation were involved in a similar type of contempt action, in my opinion we should be consistent.

Let me quote from the Attorney General's statement:

> It was only with the enactment of the Taft-Hartley Act in 1947 that the Government was given jurisdiction to seek injunctions in any substantial number of labor dispute cases and that act expressly provided that the jury trial requirement of the Norris-La Guardia Act should not apply to it. Hence it is probable that the statute which appears to grant jury trial in contempt proceedings for violation of injunctions issued in labor dispute cases (18 U. S. C. 3692) has no application to injunction suits brought by the Government under Taft-Hartley, which are, for all practical purposes, the only type of injunction suits (private or governmental) in labor dispute cases over which the Federal courts have jurisdiction. (See *United States* v. *United Mine Workers of America* (330 U. S. 258).)

That is a clearcut opinion of the Attorney General of the United States. He cites cases in support of it. I cannot see where any lawyer who has seriously studied this problem can argue effectively that a jury trial would apply in labor injunction cases.

Mr. COLMER. The gentleman has been very gracious with me. I hope he will yield further, because he can get plenty of time.

I wish the gentleman would give me a definite answer as to whether he would favor repealing that right if our contention is correct. I do not know that he gave me a definite answer on that, so I will put it another way: I will ask my friend if he had been present in the Congress at the time these alleged abuses had occurred if he would not have supported the Norris-La Guardia bill.

Mr. HILLINGS. Now the distinguished gentleman has very cleverly changed his question. The gentleman has now added the word "abuses." If we find that there are abuses of this particular bill we are now debating, and assuming that a jury trial provision is not contained within it, if we find there are abuses, then I think it is right and proper that this House should reconsider such action it may have taken to prohibit a jury trial. If we find in labor disputes cases under the Taft-Hartley Act that there are actually abuses involved in the handling of this type of contempt proceeding, we should seriously consider the addition of a jury trial amendment. But, in my opinion, in the absence of such a showing, we should be consistent in all forms of legislation where similar contempt proceedings are involved. In order for a court to act quickly, effectively, and fairly, I do not believe it is right and proper that a jury trial should be granted in such similar contempt proceedings whether they happen to involve labor, civil rights, or whatever the case be.

I urge that this civil-rights bill be approved by this House to strengthen our constitutional guaranty of the right to vote for all American citizens.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Chairman, the distinguished gentleman from New York [Mr. CELLER] and I have had a gentleman's agreement that we were going to discuss this question as to whether the right of labor to a jury trial had been repealed at a later time, and we were going to discuss it rather fully. But since the matter has arisen now, I would like to make a brief statement about it. It is evident here that there is a difference of opinion between lawyers about the question, and, of course, there is always a difference of opinion between lawyers, because if there were not none of us could make a living as lawyers. But I do want briefly to point to the law, and I hope the gentlemen who are interested in this will make a note of what I am going to refer you to in the way of the law, because this is quite an important question. It, perhaps, seems strange that all the gentlemen here on both sides of the House who are accustomed to defending the rights of labor should leave it to me to be the sole one to defend those sacred rights at this time. I had to do it in the Committee on Rules—these liberal gentlemen who have always been so vociferous in defending the rights of labor just would not defend them in that case. And the case is so clear to my mind that it just seemed to me that somebody ought to point out what the law is. There is no doubt in my mind as to what the law is, and that is what I want to point out to you. The first right of trial by jury was given in the Clayton Act. But the real substance of the thing was carried into the Norris-La Guardia Act in 1932, when labor was given the definite right to a trial by jury in contempt cases in all cases arising under the Norris-La Guardia Act, and just under the Norris-La Guardia Act. I happened to be here at that time, and it happens that I voted for the Norris-La Guardia Act. Then we come along to the Taft-Hartley Act. The distinguished gentleman from New York [Mr. CELLER] and the distinguished gentleman from New York [Mr. KEATING] both say that the Taft-Hartley Act repealed the right of trial by jury to the labor unions in those cases. That is the nub of the question that arises. Here is what happened: In the enactment of the Taft-Hartley Act it provided that in the enforcement of orders of the National Labor Relations Board that certain provisions with respect to the Norris-La Guardia Act should not apply. It cited 10 sections. It said that the sections from 1 to 10 and from 13 to 15 outlined in the United States Code should not apply in the enforcement of orders of the National Labor Relations Board. But it so happens that they omitted, and purposely omitted, two sections from that exclusion, and those two sections were section 111, which gave them the right to trial by jury. It omitted section 112, which gave labor the right to say, "This judge is prejudiced against us, and we want some other judge to try the case." The Taft-Hartley Act expressly included them from the exception and left that as the law.

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

Mr. SMITH of Virginia. I will when I finish my statement, if you will give me time.

That is the way the Taft-Hartley Act left the law. Bear in mind that the Taft-Hartley Act was passed in the year 1947. In 1948 the Congress, as shown in the Statutes at Large of the United States, solemnly enacted title 18 of the code into positive law. That became the law in 1948. What was said in that code at that time became the law in 1948. Then in the revision of the code, in title 29, at page 4453, section 111—that is the section giving them a jury trial. And remember that was a year subsequent to the passage of the Taft-Hartley Act. The note of the revisers under that section said: "That section is repealed." Then it says, "But it is now covered by section 3692." In other words, they simply transferred that and broadened it. So, let us see what section 3692 is. Remember that the Taft-Hartley Act was in 1947; the code was in 1948, and the code is the last word of Congress on that subject. And the most of you people voted for it. Let us see what section 3692 says. It does not say the same thing as the Norris-La Guardia Act. The Norris-La Guardia Act says they were entitled to a jury trial in all cases arising under the Nor-

ris-La Guardia Act, but in 1948 the Congress said more in section 3692. This is the law of the land today, and nobody can successfully dispute that it is the law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CELLER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. SMITH of Virginia. Section 3692, "In all cases"—not only any case arising under the National Labor Relations Act and the Norris-La Guardia Act, but "in all cases, all cases of contempt arising under the laws of the United States governing the issuance of injunction or restraining orders in any case involving or growing out of a labor dispute, the accused shall enjoy the right to a speedy and public trial by an impartial jury in the district in which the contempt is committed." Can anything be plainer than that?

Mr. CELLER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I wish to state that the gentleman from Virginia [Mr. SMITH] and myself had a gentleman's agreement that subsequently we would discuss this matter. I did not anticipate the subject of our contemplated debate was coming up today. We had agreed to participate in debate on Monday. I am prepared to meet the distinguished gentleman in "combat," as two contending lawyers, on Monday next at the beginning of the session—meet this great "defender" of liberalism, and I wonder whether labor considers the gentleman from Virginia a "defender" of labor. But I am sure they would say, "Beware of the Greeks bearing gifts." With reference to what he has said about the code and the Taft-Hartley Act and the Norris-La Guardia Act, nobody has ever stated, as far as I know, who represented the Judiciary Committee of the House, neither the distinguished gentleman from New York [Mr. KEATING] nor myself particularly, that the Taft-Hartley Act repealed the Norris-La Guardia Act. It did not. The Taft-Hartley Act waived the provisions of the Norris-La Guardia Act with reference to the injunction and, therefore, the Norris-La Guardia Act has no applicability whatsoever with reference to the Taft-Hartley Act and the National Labor Relations Board Act.

The Judiciary Committee codifies the statutes; it is our duty. We have been doing that for years. This is the first time I have heard any criticism about the codification work of the Judiciary Committee. In revision and codification we retain the best experts possible. Codification is very difficult work, but our duty as codifiers is not to change the law; we have no right to do that. We cannot change one iota the substantive law; we have to write the substance of the law and try to reconcile as best we can whatever conflicts may exist in the statutes. Therefore, we have continued the Norris-La Guardia Act in the new code and we say it is the law. We had no choice. But we could not disregard the Taft-Hartley Act which in effect waives the provisions of the Norris-La Guardia Act. We also include in the code the Taft-Hartley Act and the Norris-La Guardia Act. So when the gentleman from Virginia says that we indicate that there is a repeal of the provisions of the Norris-La Guardia Act, that just is not so.

As lawyers we evaluate those statutes. We come to the inevitable conclusion that the later statute waived the former statute; namely, Taft-Hartley waived the provisions, skirted around the provisions, if I may put it that way, of the Norris-La Guardia Act. That is the sum and substance of the matter. I shall be very glad to go more in detail on Monday next with reference thereto.

Mr. KEATING. Mr. Chairman, I yield myself 2 minutes. I agree with the gentleman from New York that it will serve a more useful purpose Monday to go into this thing more fully, but it seems to me that at this point in the RECORD it should be pointed out to the gentleman from Virginia, and others who are interested, that when the gentleman from Virginia sat here in this body with this piece of paper, a bill like we are considering today, both he and I, in voting for the Taft-Hartley law, voted to waive not the sections as he has given them, sections 101 to 110 and sections 113 to 115; the piece of paper that we considered here waived the provisions of sections 101 to 115. Section 111 was the jury trial provision. It was waived when we passed the bill in this body on a piece of paper similar to that which I now hold in my hand.

We lawyers are in some dispute over what the effect of codification was. Recodification bills go through here without any consideration on the floor. We are in dispute. The Attorney General has held that the provisions of the Norris-La Guardia Act, so far as jury trial is concerned, are waived by the provisions of the Taft-Hartley Act. I agree with it; the gentleman from New York agrees with it. The gentleman from Virginia disagrees.

It so happens that a court has passed on the question and has held that in a labor dispute under the Taft-Hartley Act there is no right of jury trial. This case was tried out in the fifth circuit.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield for a correction of the RECORD?

Mr. KEATING. It seems to me, therefore, that in the absence of something later that is the last word. It certainly was the intention of Congress in passing this piece of paper, the Taft-Hartley law, to waive the provisions of the Norris-La Guardia Act.

As I said before, the proof of the pudding is in the eating. To my knowledge, there has never been a jury trial in the hundreds and hundreds of labor disputes we have had in this country under the Taft-Hartley law, or since the NLRB was set up.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. KEATING. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. Would the gentleman be good enough to put in his remarks the reference to the case that decided that point?

Mr. KEATING. Yes.

Mr. SMITH of Virginia. May I ask a further question. Of course, this thing involves a far more serious question. It involves the question of the integrity and the reliability of the United States Code, which is depended upon by lawyers in 48 States of the Union as expressing the law. They do not go back to these technical things we are talking about. They look at the code, and the code says that title 18 was enacted into positive law in 1948, a year later than the Taft-Hartley Act. The reviser's note reads as follows:

> This title was enacted into positive law by act of Congress on June 25, 1948, chapter 645, volume 62, Statutes at Large, at page 683. The complete title as so enacted into positive law is set up herein.

If that is not the law of the land, how is a lawyer or a judge to determine what is the law of the land?

Mr. KEATING. The court has determined that and also the Attorney General. It is clearly the law that there is no right to a jury trial.

Mr. SMITH of Virginia. Will the gentleman name the cases that so hold?

Mr. KEATING. I will, yes. It is *National Labor Relations Board* v. *Red Arrow Freight Lines* (193 F. 2d 979 (5th Cir. 1952)).

Mr. SMITH of Virginia. Some of us would like to know what they are.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. VANIK].

Mr. VANIK. Mr. Chairman, today we are concerned with the relationship of the right to vote to the right of jury trial in contempt proceedings. The right of American citizens to vote is vital and at least equal to the right to jury trial. We must weigh the equities when one or the other is threatened. Certainly, the right of law-abiding citizens to vote without restraint is in every respect as important as the right of a wrongdoer to a jury trial. In most States the jury panels are selected from among the electors, and, therefore, the right to vote itself is fundamental and essential to the conduct of fair jury trials. It is in the nature of things that some people who seek to interfere or restrain others in their right to vote must give up their right to jury trial under these circumstances so that others—equal Americans—may have the right to vote, from which all authority in our Government develops.

The purpose of this legislation is to restrain, abate, or condemn a wrongful act before it occurs. The purpose of this law is to define and identify a wrongful act before it occurs. The purpose of an injunction is to restrain a mob from unlawful action or threats to engage in unlawful action. It is the only means known to give quick force and effect to a court determination that the civil rights of a citizen have been violated or threatened.

In my community restraining orders and injunctions have been used by the courts to limit the rights of picketing as well as to assure the rights of pickets to picket in an orderly manner. When these court orders were violated, citizens have been jailed without jury trial and without community complaint. In my

city, the citizens' right to assembly has been limited without jury trial by the exercise of the court's injunctive process. In one case, the menacing assembly of members of a group was prohibited at or near the judge's personal residence. The purpose of this legisaltion is to provide the polling place with similar protection from indignity.

The right of jury trial as well as the right not to testify against one's own self are rights protected by all for the benefit of very few who must rely upon them. If human rights can be given a priority, it seems to me that the right to vote precedes the rights of a person charged with a wrongdoing. The former are the rights of equal people in the manifestation of their equality while the latter are rights of people presumed to be innocent but suspect of possible wrongdoing.

If civil rights legislation is to be effective at all, it must be expeditious. The determination that civil rights have been transgressed upon after an election has been consummated are rights lost forever. Once lost, they cannot be regained or restored. By the time a suspected transgressor of civil rights could be brought to trial before a jury of his peers, the finding of the court would be a meaningless determination which would be history rather than a practical working of the law.

In relying on the use of the injunctive process, this Congress is not narrowing the liberty of man. It is extending it. It is creating a living law which faces up to the practicality of an existing situation and seeks to avoid the injury to citizens by deprivation of the right to vote before that injury occurs. It is to be expected and hoped that the mere existence of this power in the court will of itself be sufficient to render its use unnecessary. It is not contemplated that citizens will be imprisoned in large numbers or in groups. It is contemplated that they will respect the great and proper power with which our courts are vested.

The purpose of this legislation is not to eliminate trial by jury, as many of our colleagues would have us believe. Its purpose is to provide for compliance with the law which cannot be provided in any other way of which we know. The legislation anticipates that many varied means and devices may be developed by individuals and groups to circumvent the spirit of the law, and it vests the court by injunctive mandate to determine upon the facts what acts can or cannot be undertaken and then provides the court with the power of contempt proceedings where prompt compliance does not follow.

No one stands suspect. No one stands accused. If conditions arise which, when brought to the attention of the court, appear to invade or transgress upon the rights of citizens to exercise their right to vote and the court does so find upon the facts submitted, the court can issue its mandate directing those persons to cease and desist from pursuing in such conduct. If such persons feel that such order is arbitrary or capricious and without support in fact or law, they can take proper legal steps to appeal the action of the court. To this point no one has been hurt, and no one has suffered, and the civil rights of uncountable persons have been preserved. Only those persons who persist in a course of conduct found unlawful and restrained by the order of the court need worry about the likelihood of punishment. The right to vote without restraint or restriction is a fleeting right which passes with the day. Once lost, it can no more be restored than the day which has passed. Only the firm and well-considered directive of a court can prevent the infringement of this sacred and highly volatile privilege.

In his argument on the floor of the House yesterday, the gentleman from Virginia [Mr. POFF], argued that this legislation constitutes a mass indictment of the integrity of the entire southern populace of the country and that it would be irresponsible to charge that a whole people would be faithless to a solemn jury's oath. Permit me to point out to the gentleman that the conduct of contempt proceedings under this legislation will in every case be conducted before distinguished jurists of the Federal bench who have lived and who have developed in their home communities. In every respect they are products of the South. They know its traditions and its culture.

Can those who oppose this legislation logically contend that these gentlemen would ignore their obligation to comply with all corners of the law in passing upon the contempt charges which may be brought against their fellow men? Can it be contended that these are men who may be swayed by passion or prejudice or who will render arbitrary and indiscretionary judgments? I do not believe so.

Mr. Chairman, at the proper time, I shall ask unanimous consent to include following my remarks and as part of them a biographical sketch of the members of the Federal district courts in the South, gentlemen who were born and raised in the communities in which they now act and pass judgment as judges of the Federal district court. They are products of the schools of the South. Many were Members of this Congress and many have served with distinction throughout their entire careers. There is no reason for anyone to suspect that the legislation which we are considering today if enacted into law will not be administered in keeping with the highest traditions of American jurisprudence.

Mr. KEATING. Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Chairman, I first want to say that I shall not attempt to discuss the legal technicalities and the legal problems that are involved in this bill before us. I leave that to the distinguished members of the bar who are Members of this House. They are doing a pretty good job, I observe.

Secondly, I want to say that I shall not even attempt to discuss the provisions of the bill, nor what might happen if the provisions of the bill are translated into law. I shall leave that to others who are members of the Committee on the Judiciary. The chairman of the committee, the gentleman from New York [Mr. CELLER], and the ranking minority member of the committee, the gentleman from New York [Mr. KEATING], have done an excellent job covering the provisions of the bill. That leaves nothing for me to do but make a few general observations about the bill.

Mr. JOHANSEN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Eighty-six Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 101]

Andresen, August H.	Fogarty	Moulder
Anfuso	Friedel	Multer
Arends	Garmatz	O'Konski
Ayres	Green, Pa.	Philbin
Bailey	Gubser	Poage
Barrett	Gwinn	Porter
Beamer	Harrison, Nebr.	Powell
Belcher	Healey	Prouty
Blatnik	Hébert	Radwan
Bosch	Holtzman	Rains
Bowler	James	Rhodes, Ariz.
Buckley	Jensen	Rhodes, Pa.
Byrne, Ill.	Keeney	Rogers, Mass.
Byrnes, Wis.	Kelly, N. Y.	St. George
Cederberg	Keogh	Schwengel
Chamberlain	Kilburn	Shelley
Chudoff	Krueger	Simpson, Pa.
Clark	Laird	Spence
Coudert	Lane	Taber
Curtis, Mo.	Latham	Taylor
Dawson, Ill.	McConnell	Teague, Tex.
Delaney	McCulloch	Teller
Dollinger	McGovern	Tewes
Donohue	McIntire	Thompson, La.
Dooley	Machrowicz	Utt
Dorn, N. Y.	Miller, Md.	Vursell
Eberharter	Miller, N. Y.	Wainwright
Fallon	Minshall	Whitten
Farbstein	Montoya	Wier
Fascell	Morano	Withrow
Fino	Morris	Wolverton
	Morrison	Zelenko

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FORAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H. R. 6127, and finding itself without a quorum, he had directed the roll to be called, when 335 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Illinois [Mr. MASON] is recognized.

Mr. MASON. Mr. Chairman, I was trying to say when I was interrupted by the quorum call that I propose to make a few general observations on this bill and discuss the constitutional problems involved. That is all I propose to do. I was asked why I was standing over on that side when I usually stand over here and I said that I thought the people on that side needed the gospel according to Noah rather than the people on this side.

I want to serve notice, Mr. Chairman, that I will not yield until I have finished my statement, then I hope to have 5 or 10 minutes of very interesting fun with the questions that will be asked.

Mr. Chairman, in discussing the explosive subject of civil rights, I want to approach it without bias, discussing it both impartially and impersonally—if that is possible—ignoring the controversial seg-

regation issue almost entirely, placing the emphasis upon God-given human rights and States rights and the tendency of our leaders to sacrifice those rights in order to establish by law the mirage of civil rights.

We have all heard the old saying, "The cure can be worse than the disease." In connection with the proposed civil-rights legislation that saying may well apply. We can exchange States rights and our God-given human rights for a civil-rights program and be much worse off after the exchange. Let us not exchange the real blessings we now enjoy for the fancied or fictitious blessings that may be a part of the mirage known as civil rights.

Habits, customs, obligations are much more effective than any civil-rights program implemented by Federal laws. Custom is much more effective than any law because it polices itself. Laws are not particularly efficient. A law has little chance of being enforced if it does not have the approval and support of the majority of the people affected.

Mr. Chairman, prohibition was once the law of the land; it was a part of our written Constitution. However, because it did not reflect the conscience of the majority of our people, it was not enforcible from a practical standpoint and it had to be repealed.

Edmund Burke once said, "I know of no way to bring an indictment against a whole people." That statement applies in a democracy such as ours. It does not apply under a despot; it does not apply in Russia.

Any attempt to enforce a civil-rights law upon 48 States that have different conditions, different customs, different social standards, and people with different personal consciences is simply an effort to indict, to arraign, to try a whole nation, a whole section, a whole state. It just cannot be done in a democracy; it can only be done under a dictator. Is not that exactly what this civil-rights bill proposes to do? Must we surrender our precious guaranteed States rights in order to establish a program of civil rights? These are questions that bother me. They worry me. Is not the cure much worse than the disease?

Laws reflect reform; they never induce reform. Laws that violate or go contrary to the mores of a community never bring about social peace and harmony. Our times call for patience, for moderation, for gradual evolution—not revolution by Federal law or by Supreme Court fiat.

Mr. Chairman, today the 85th Congress under President Eisenhower is facing the same civil-rights proposal that the 81st Congress faced under President Truman. In 1948 President Truman gave the following as his civil-rights objectives:

First. We believe that all men are created equal under law and that they have the right to equal justice under law.

Second. We believe that all men have the right to freedom of thought and of expression and the right to worship as they please.

Third. We believe that all men are entitled to equal opportunities for jobs, for homes, for good health, and for education.

Fourth. We believe that all men should have a voice in their government, and that government should protect, not usurp, the rights of the people.

I say, these are all worthy objectives. No decent, law-abiding citizen would question these objectives nor oppose them. But, President Truman's methods for bringing about these objectives were questioned. His methods were opposed.

Mr. Chairman, I want to call your attention and the attention of the Nation to the fact—and this is the crux of this whole matter—that each and every one of these objectives is a State function, a State responsibility, a State obligation. They come within the police powers of the various States, and were definitely left to the States by the Constitution. Why then should the Federal Government violate States rights by assuming functions that belong to the States?

When the Federal Constitution was before the States for ratification, four of the States demanded guaranties that freedom of the press, of speech, and of religion would be a part of the Constitution. Nine of the States insisted that States rights be guaranteed. Thus the 10th amendment was made a part of the Bill of Rights so that the Federal Government would be restrained from ever interfering with the rights of the States under the Constitution.

The first nine amendments in the Bill of Rights deal with the rights of the people, God-given rights; the 10th amendment deals with the powers of the Federal Government. It limits those powers. It says, in effect, to the President, to the Supreme Court, and to the Congress: "You may do what the Constitution specifically says you may do, but you may do no more. Those powers that are not given you are either reserved to the States or they belong to the people." That is what the 10th amendment spells out, and we must not forget it in our desire to establish civil rights.

Mr. Chairman, time and again, from Chief Justice Marshall to Chief Justice Hughes, the United States Supreme Court has said that the wisdom or desirability of either Federal or State legislation to do for the people what might be for their good was not for the Court to decide, but simply whether the power to legislate in any particular matter had been delegated to the Nation, or was reserved to the States or to the people.

Justice Hughes, in deciding the Schechter "sick chicken" case, by which NRA's "blue eagle" died, said:

> It is not the province of this Court to consider the economic advantages or disadvantages of such a centralized system. It is sufficient to say that the Federal Constitution does not provide for it (295 U. S. 495).

Paraphrasing the remarks of Justice Hughes, I say, "It is not the province of this Congress to consider the social advantages or disadvantages of such a Federal civil rights proposal. It is sufficient to say that the Federal Constitution does not provide for it."

Mr. Chairman, after Lincoln had been elected President he wrote:

> The maintenance inviolate of the rights of the States and especially of the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of powers on which the perfection of our political fabric depends.

The Republican platform upon which Lincoln had been nominated and elected contained the following plank:

> The maintenance of the principles promulgated in the Declaration of Independence, and embodied in the Federal Constitution are essential to the preservation of our republican institutions, and that the Federal Constitution, the rights of the States, and the Union of the States, must be preserved.

Mr. Chairman, in those days political platforms were sacred pledges to be carried out by the successful party and the candidates of that party. The Constitution in that day was the solid, unchangeable foundation upon which our Government rested, the rule book that must be scrupulously followed by each administration that was entrusted by the voters with the Nation's affairs and well-being.

Such were the views and the opinions of Chief Justice Marshall and Chief Justice Hughes, two of our most distinguished Justices. Such were the views of the first Republican President, Honest Abe. How times do change.

Mr. Chairman, in 1952 Candidate Eisenhower, before he became President, said:

> The Federal Government did not create the States of this Republic. The States created the Federal Government. The creation should not supersede the creator. For if the States lose their meaning our entire system of government loses its meaning and the next step is the rise of the centralized national state in which the seeds of autocracy can take root and grow.

Those words, of course, were uttered when General Eisenhower was a candidate for the Presidency. Since becoming President, Eisenhower's actions have not carried out his preelection utterances insofar as States rights are concerned. Preelection utterances are no longer sacred.

Mr. Chairman, I had the good fortune to serve on the Commission on Intergovernmental Relations under the chairmanship of Dean Manion, one of the greatest constitutional lawyers in America. The one great principle he emphasized was that the purpose of the American Government is to preserve and protect our God-given rights; that the American Government is a mechanism for the protection of human rights; that civil rights are rights provided by law that definitely come under the jurisdiction of the States, not under the jurisdiction of the Federal Government; that, whenever the Federal Government undertakes to establish or set up a program of civil rights, it must of necessity encroach upon States rights and upon God-given human rights.

Can we afford to do that? Dare we violate the Constitution by ignoring the following clear and concise language?—

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Mr. Chairman, in my humble opinion, any Member of this House who votes for

the proposed civil-rights bill will violate his oath of office to uphold and defend the Constitution of the United States. We should refuse to do that, no matter how desirable the objective seems to be.

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

Mr. MASON. I yield.

Mr. JOHANSEN. I should like to commend the gentleman on his very able presentation. I would like to raise the question as to the gentleman's feeling and impressions with respect to the responsibility of the Federal Government for guaranteeing and safeguarding the right of citizens to vote and the extent to which he feels it is a Federal or a State obligation.

Mr. MASON. The right to vote is a civil right. Under the best interpretation of the Constitution, civil rights are rights granted by law and reside in the States and not in the Federal Government. The States can make whatever reservations they want as long as they treat all their citizens alike. They can say you have to pay a poll tax in order to vote. They can say you have to be 18 years old or 21 years old, if you want to vote. It is the States' business to do that and not the Federal Government's business.

Mr. JOHANSEN. What actions on the part of the State or failure to act on the part of the State would the gentleman construe to be a violation of the 15th amendment which guarantees that the rights of citizens shall not be denied or abridged by the United States or by any State.

Mr. MASON. That, in my opinion, after studying the Constitution for years and teaching the Constitution, is a general statement made in the Constitution that that shall be the general rule regarding all citizens regardless of the States in which they live. But, it still leaves to the State the right to draft laws, confining that right, explaining that right, or even limiting that right.

Mr. JOHANSEN. What would the gentleman say with respect to section 2 of the 15th amendment to the effect that the Congress shall have the power to enforce this article by appropriate legislation?

Mr. MASON. And the Congress has never done that—and the Congress has never done that.

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

Mr. MASON. I yield.

Mr. DINGELL. Does that mean the Congress does not have the power?

Mr. MASON. It does not.

Mr. DINGELL. Does not the language of the 15th amendment say, "Congress shall have power to enforce this article by appropriate legislation"?

Mr. MASON. It does.

Mr. DINGELL. Does the gentleman deny Congress has that power?

Mr. MASON. He does not.

Mr. DINGELL. The gentleman says this Congress does not have the power in spite of the clear language of the Constitution to that effect?

Mr. MASON. I am saying that Congress has the right to implement that general statement, but that Congress has never acted under that.

Mr. DINGELL. Do you not think it is about time Congress did that?

Mr. MASON. No, I do not because you were all challenged here the other day to produce one instance in your Congressional District where anyone was refused the right to vote, that had the right under these State laws, and not one Member could cite one instance.

Mr. DINGELL. I would like to say this to the gentleman, if the gentleman alleges there is no reason for passing this legislation——

Mr. MASON. That is what I do allege.

Mr. DINGELL. Then this is perfectly harmless legislation because it walks on no one's toes; is that not a fact?

Mr. MASON. And in passing it, you are violating in my opinion, the Constitution of the United States and your oath of office because you are legislating in a field that does not belong to the Federal Government.

Mr. DINGELL. I am going to quote the Constitution to the gentleman. It says:

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

That refers to the 15th amendment, and the Constitution says and I quote:

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

Mr. MASON. I have read that document and I have taught that before the gentleman was born. So maybe I know what is in it.

Mr. DINGELL. I want to say I have great respect for the gentleman's old age, but I happen to know a little constitutional law too, and both the courts, and I say he is wrong.

Mr. ASHMORE. Mr. Chairman, I yield the gentleman 5 additional minutes.

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

Mr. MASON. I yield.

Mr. BOYLE. Referring to your original remarks as to the weight of custom, is it not true if you extend your argument regarding the weight of custom we would never have had democratic government?

Mr. MASON. Oh, no. Custom is something that has been established by being accepted generally by society as a whole, whether it is in this State or that State or the other State. When it is accepted by a majority of the people, regardless of the boundaries, then it becomes what might be called an unwritten law. And it is carried out generally by people without any laws on the statute books.

Mr. BOYLE. That seems to be in support of my proposition that if you are going to argue about the dignity and the permanence of custom, you rule out the possibility of ever having a democratic government or a democratic society.

Mr. MASON. Oh, I think the gentleman is absolutely wrong, because custom gradually changes in an evolutionary manner, and it is not practical to revolutionize custom by passing a law forcing everybody to do what the great majority do not believe in and do not want.

Mr. BOYLE. Will the gentleman yield further?

Mr. MASON. I am glad to yield to the gentleman.

Mr. BOYLE. The gentleman indicated in his opening remarks that the first 10 amendments to the Constitution are restrictive on Federal activity.

Mr. MASON. No. You did not understand plain English. I said that the first nine amendments dealt with human rights, God-given rights of persons.

Mr. BOYLE. That is right.

Mr. MASON. I said the 10th amendment limited the power of the Federal Government.

Mr. BOYLE. Therefore I renew my observation: Is it not true that you said that the first 10 amendments are restrictive on Federal activity?

Mr. MASON. No.

Mr. BOYLE. Just incidentally, appealing from "Noah's Treatise on Constitutional Law," let me enunciate a proposition that according to "Boyle's Treatise on Constitutional Law," the first 10 amendments to the Constitution are restrictive of Federal activity. I challenge anybody in the Congress to argue that that is not a true and correct representation of American jurisprudence.

Mr. MASON. We are not arguing that point with you. You are stating something that I did not state. You are stating that the first 10 amendments are restrictive on the Federal Government. I said the first 9 amendments dealt with persons, God-given human rights for those persons, and I said the 10th amendment limited Federal jurisdiction.

Mr. BOYLE. I was just agreeing with the gentleman, and sought to say that insofar as you adopt that position you are correct according to all of the ruling cases that enunciate that proposition.

Now will the gentleman answer this question: Does he agree that the subsequent amendments to the Federal Constitution are restrictive on State activities?

Mr. MASON. Some of them are; yes.

Mr. BOYLE. Are they not exclusively?

Mr. MASON. That has nothing to do with this problem that we are dealing with now.

Mr. BOYLE. It might help you to resolve the question of whether under the 15th amendment there is a limitation on State activity.

Mr. MASON. You are entitled to the gospel according to BOYLE and I am entitled to the gospel according to Noah.

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

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

Mr. YATES. The gentleman has stated that the right to vote is within the province of the States. I think I interpreted the gentleman's statement correctly. What would the gentleman do in the event that within any of the States there is an inability, there is an absolute restriction on the rights of cer-

tain American citizens within those States to vote for National or Federal offices?

Mr. MASON. I would say that that is not according to the Constitution; that should not be, according to the Constitution; and I defy anybody to prove that that is a fact.

We hear all this talk about poll taxes. The poll taxes apply to the white people as well as to the dark people; they treat all alike; and as long as it is a limitation on the right to vote in that State, treating all alike, I do not see anything wrong with it.

Mr. YATES. What about questions of violence?

Mr. MASON. We have questions of violence, but in the last 60 years that I have watched them and followed them they have been gradually disappearing until we have hardly any more. This is a gradual evolution, something you cannot bring about by law.

Mr. MOORE. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. Bow].

Mr. BOW. Mr. Chairman, I have asked for this time to discuss what I consider a very serious question of civil rights. I assume many of my colleagues know what I am going to talk about for they have heard me speak of this subject on numerous occasions. I should like to discuss civil rights.

We have heard discussions here on the proposition that the color of a man's skin has changed the right of some people. The rights I want to talk about today are the rights under the Constitution of the United States of the men wearing a particular type of suit who lose their constitutional rights and their civil rights—the man who wears the uniform of the United States, our Armed Forces, and leaves the shores of the United States to serve abroad, who then loses his civil rights.

I have been asked by some of my colleagues whether I intend to offer an amendment to this bill on the question of the status of forces. I want to take this time to say to my colleagues that I do not intend to offer an amendment on this bill. I do not think it is the orderly and proper way to approach the problem. I understand that we will have hearings shortly, however, before the Foreign Affairs Committee on the resolution as we had them last year. I am hopeful that the events and things that have happened will have pointed up the facts that the fears many of us have expressed in the past 3 years on the Status of Forces Treaty have now come about and that we will be able to have that resolution reported out to the floor of the House so that in an orderly and proper manner we may approach the question as to whether those treaties should be renegotiated or abrogated.

The resolution is House Joint Resolution 16. I feel that we can again present to the Foreign Affairs Committee evidence that will place us in a position where they will permit that resolution to come to the floor of the House for consideration.

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

Mr. BOW. I yield to the gentleman from South Carolina.

Mr. RIVERS. The gentleman has taken so much interest in the Girard case and the whole concept of the Status of Forces Agreement, and he has gone into the facts surrounding the Girard case so fully I wonder if the gentleman would venture the assertion that Girard is being sold down the river primarily because of international political expediency to satisfy and save face with the Empire of Japan?

Mr. BOW. Well, I have had some feelings about that, of course, as my colleague knows. May I say that as far as the Girard case is concerned, I believe that the Members would be interested, since we are talking about laws and civil liberties, to know something about this particular treaty with Japan.

Mr. RIVERS. Let me make one further statement. The reason I asked that question is this: The military authorities in the theater of Japan refused to turn over Girard to the Japanese authorities and they were overruled. He on the ground floor was overruled by somebody somewhere in Washington.

Mr. BOW. I would like to go into the Girard case and discuss with the committee here today something about this Japanese treaty. There have been many stories around about this proposition and I think perhaps the House might like to know something about it. I will say I have practically lived with these treaties for the last few years and I think I know something about them.

Under the security treaty entered into between the United States and Japan, Japan asked the United States to keep troops in Japan. We hear many times that we are in these countries to protect ourselves, that we are there at the sufferance of these other nations; but the treaty itself is a request of this country to maintain our Armed Forces in Japan.

Now, there is no Status of Forces Agreement in the treaty itself. There is a provision in the treaty that there will be an agreement on the disposition of troops, and that is all. Then our Ambassadors got together and they entered into the agreement whereby Japan would have the right to try our men for off-duty offenses and that we would retain the right to try our men for on-duty offenses.

A Commission was set up of 2, 1 being an American officer who now is Admiral Hubbard and the other is a representative of the Japanese Government. They are the ones who are to determine whether a man is on duty, and we certify that young Girard was on duty. The fact of the matter is he was guarding American property under orders from an American officer when this incident occurred. So he was on duty, and our Government has maintained, and still maintains, that Girard was on duty.

But prior to this, and back some months ago, these two men said:

"Well, now, what is going to happen if we cannot agree on whether or not a man is on duty?"

There were only two men on the Commission, and there might be a stalemate. This is where I think we were in error. They talked it over in this meeting, and then their minutes were made up, and the minutes became a part of the agreement. In that we said that if the two men cannot agree, then we will submit it to a court to determine whether or not the man was on duty.

Mr. Chairman, what court do you think we agreed to send it to? To a court in Japan. So you see what we were up against. If these two men could not agree, then it was to go to a court. If there was to be a determination it would go to the Japanese court to determine whether or not the man was on duty.

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

Mr. BOW. I yield to the gentleman from Georgia.

Mr. LANHAM. I want to commend the gentleman from Ohio for the splendid fight he has been making for several years to try to get some modification of these Status of Forces Agreements. The gentleman will remember that last year I introduced a similar resolution and that I, along with the gentleman from Ohio, appeared before the Committee on Foreign Affairs to testify in favor of that resolution.

Mr. BOW. That is correct.

Mr. LANHAM. I agree with the gentleman this happening in Japan is, in my opinion, going to make it possible to get some action or at least to bring a bill to the floor of the House and see if we cannot do something to protect the men who serve us in foreign nations.

I am happy to note that a United States district court has temporarily enjoined the Secretary of State, Mr. Dulles, and the Secretary of Defense, Mr. Wilson, from surrendering Girard to the Japanese courts for trial.

If he is surrendered to the Japanese courts and denied his constitutional rights it will be an act of appeasement on the part of our administration that will be hard to justify.

Mr. BOW. I appreciate the gentleman's remarks.

May I just say this. It shows, in all of this fight I have been making, the necessity for American servicemen to have the right of trial by jury. One of the fundamentals of American jurisprudence is that a man has a right to trial by jury whether it is in the civil law or whether it is in the case of these men who are now sent overseas.

Mrs. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentlewoman from Illinois.

Mrs. CHURCH. I could not more heartily agree with any words ever spoken on the floor of this House. I know of the fight that the gentleman from Ohio has made. I have been in the Yokosuka prison in Japan in which our men are held. I know their resentment at being denied a trial by jury. I also know that some of the sentences given were light; but the fact remains that the American soldier who is sent overseas, by action not his own, in my opinion has every right to the same protection under the Constitution, particularly if he is on duty, as would be his if he had remained in this country. I would like to remind the gentleman from

Ohio that there were—and it has been published—10 members of the House Committee on Foreign Affairs who voted to bring out the Bow resolution last year. I am very happy and proud to have been among that number; and I pledge my utmost support to the finish this year, to maintain justice for our men in uniform.

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

Mr. BOW. I yield to the gentleman from Michigan.

Mr. JOHANSEN. I would like to commend the gentleman for his statement.

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

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

Mr. SCHERER. An identified Communist who appears before a congressional investigating committee, even though he is an alien, has the right to invoke the fifth amendment. Now, does an American soldier who is tried by a Japanese court have that privilege?

Mr. BOW. No. Of course, he has lost that constitutional right.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. With respect to the Girard case as distinguished from the status of forces problems in general, did the gentleman say that in the Girard case this was after Admiral Hubbard and his opposite had discussed it before submitting it to a Japanese court?

Mr. BOW. If we had not agreed to turn Girard over, then the next step would have been to go to the Japanese court.

Mr. THOMPSON of New Jersey. With respect to the agreement to turn him over, one gentleman earlier said—I think it was the gentleman from South Carolina—that the decision was made here in Washington. Does the distinguished gentleman from Ohio know who made that decision in Washington?

Mr. BOW. No; I do not know who made it, but I am of the opinion it was made here in Washington and that Admiral Hubbard was under orders from the Department of Defense.

Mr. THOMPSON of New Jersey. Is it the understanding of the gentleman from Ohio that that decision was made by the Secretary of Defense, the Secretary of State, and by the President?

Mr. BOW. No; not the original decision to turn the boy over. It was not made on that level. Later it was made on that level.

Mr. THOMPSON of New Jersey. All right. But, ultimately a decision was made by the President of the United States and the Secretary of State and the Secretary of Defense, was it not?

Mr. BOW. To confirm the decision of Admiral Hubbard to turn him over.

Mr. THOMPSON of New Jersey. Now, could those officers, including the President, have reversed Admiral Hubbard's decision?

Mr. BOW. They could reverse the given word of the United States at that time; the position taken.

Mr. THOMPSON of New Jersey. They could. In other words, the ultimate responsibility, then, in the Girard case lies with the President, the Secretary of States, and the Secretary of Defense, does it not?

Mr. BOW. May I say to the gentleman, that I think it should be recognized that the United States Government under this agreement had given its word to turn the boy over. That was then reviewed, I think by Secretary Wilson or Secretary Dulles. To answer the gentleman, it would be on the basis that this country had given its word under an agreement which could not be revoked without breaking the word or the pledge of the United States. That is not my interpretation. I am saying now what they have said is the position that they have taken.

Mr. THOMPSON of New Jersey. I understand that, but there was a question, was there not, in the gentleman's mind but in the minds of other authorities, as to whether or not Girard was on duty?

Mr. BOW. No; I think I can say to the gentleman from New Jersey that I have never seen any question raised as far as American officials were concerned as to the on-duty status of this man. I think we have always maintained he was on duty. There was a question raised, however, by the Japanese as to whether he was on duty.

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

Mr. BOW. I yield to the gentleman from Iowa.

Mr. GROSS. Let me answer the question of the gentleman from New Jersey [Mr. THOMPSON] as to whether this man Girard was on duty or not. A press release by Secretary of State Dulles and Secretary of Defense Wilson as of the date of Tuesday, June 4, 1957, had this to say in one sentence. I quote verbatim from that release:

> The commanding general of Girard's division certified that Girard's action was done in the performance of official duty.

Mr. BOW. There is no question of that.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield further?

Mr. BOW. I yield.

Mr. THOMPSON of New Jersey. That being the case, and I concede that it is the case, then I fail to understand completely as I know the gentleman does, as well as the gentleman from Iowa [Mr. GROSS], how in the name of anything the soldier was turned over to the jurisdiction of a Japanese court by the President under these circumstances.

Mr. BOW. I might agree with the gentleman. I raised the question with Secretary Wilson originally and I have raised it with the President.

Mr. THOMPSON of New Jersey. I happen to be in basic disagreement with the position of the gentleman on the Status of Forces Agreement, but in this instance, I am in sympathy with his position.

Mr. BOW. In this case we have reached the millenium; the gentleman from New Jersey [Mr. THOMPSON] and I are finally in agreement on something for the first time I think since we have been in Congress.

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

Mr. BOW. I yield to the gentleman.

Mr. JOHANSEN. Is not the gentleman in agreement with the statement that the initial decision to surrender the man was made by someone higher than the admiral on the Commission and someone lower in the echelon than the Secretary of Defense?

Mr. BOW. I think the gentleman is correct.

Mr. JOHANSEN. And as far as the gentleman is concerned, the identity of that person or persons is unknown?

Mr. BOW. Unknown to me.

Mr. JOHANSEN. Does not the gentleman feel that it is a disturbing thing in the extreme that a yielding of the sovereignty of the Government of the United States and of the rights of a citizen can be made by a faceless member of the bureaucracy?

Mr. BOW. I think we should find out who it is and somebody should be removed.

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

Mr. BOW. I yield to the gentleman.

Mr. SCHERER. Is it not a fact that often when we turn a boy over to a foreign country to be tried, he cannot get a fair trial for the simple reason that there are prejudices and hatreds in the community in which he is to be tried by reason of the fact that such animosities are engendered when you have an army there protecting that foreign country? And as a result of these hatreds and prejudices, and evidenced by what happened on Formosa the other day, it is impossible to get normal safeguards thrown around such a boy so that he may obtain a fair trial in that foreign jurisdiction?

Mr. BOW. I think the gentleman is correct.

Mr. SCHERER. In this country, do we not provide for the right to apply for a change of venue when there is a feeling of animosity?

Mr. BOW. That is correct. If a man cannot get a fair trial in a certain area in this country, he may apply for a change of venue.

Mr. SCHERER. But there are no such provisions for a change of venue in 90 percent of the countries where these foreign cases might arise.

Mr. BOW. And let me say further that there are many other constitutional provisions that we have that are not recognized by the penal system of Japan.

Mr. SCHERER. There are at least 10 of them.

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

Mr. BOW. I yield to the gentleman from Iowa.

Mr. GROSS. Has the gentleman made it completely clear that there is no such thing as a jury trial in Japan?

Mr. BOW. Yes.

Mrs. BLITCH. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield.

Mrs. BLITCH. I wanted to be sure that it is clear that there is no jury trial in Japan.

Mr. BOW. That is correct.

Mr. JOHANSEN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. JOHANSEN. Mr. Chairman the current outcry against turning an American serviceman over to the Japanese courts for an alleged offense while on duty is a belated public awakening to a situation about which a minority of Members of Congress—of whom I am one—have been protesting for several years.

In fact, I testified on this very matter—in opposition to the status of forces agreements—before the House Committee on Foreign Affairs on July 14, 1955.

Moreover, the main point which I stressed in this testimony 2 years ago becomes particularly significant in view of the present pending effort in the United States Federal Court to secure a writ of habeas corpus in behalf of Army Specialist William Girard. My argument, before the committee, was that surrender of an American citizen to a foreign court, or his conviction by a foreign court, effectively deprived that citizen of his constitutional right of petition, in American courts, for a writ of habeas corpus.

As my colleagues well know the writ of habeas corpus, going back to ancient English law, is a court order to a jailor or other officer having a prisoner in charge to bring him before the bar for inquiry as to the legality of his restraint from liberty. Our own Constitution—article I, section 9—provides that—

> The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

In my testimony before the House committee in support of a resolution opposing trial of American servicemen in foreign courts, I cited the Federal Court decision that an American serviceman tried and imprisoned by a French court could not be the subject of a writ of habeas corpus sought in a United States court. This decision, as I pointed out, was based on the finding that the court was without jurisdiction in the case—since jurisdiction had been turned over to the foreign government—and that American Army officials no longer possessed custody of the person for whom the writ was sought, and therefore could not be ordered to "produce the body."

Possible significance of the timing of the petition for writ of habeas corpus in the present Girard case is that apparently he has not yet actually been turned over to the Japanese authorities and, of course, has not yet been tried or convicted in a foreign court. It will, of course, be a matter of immense concern to see the outcome of these judicial proceedings.

The important, and outrageous, fact, at last dramatized for the American public in the present case, is that once an American serviceman is turned over to foreign courts the basic constitutional safeguard of petition for writ of habeas corpus in an American court is forfeited. In my judgment, many other constitutional rights and protections are also actually or potentially abrogated.

One of the other shocking aspects of the Girard case is, of course, the fact that the decision and the order turning Girard over to the Japanese authorities was made by some anonymous—as yet, at least—subordinate in the executive branch. Yet this decision was regarded by top Defense and State Department officials as a binding and irrevocable commitment of our Government.

It is appalling to think that an unidentified, "faceless" bureaucrat—one, therefore, subject to no accountability—can make a binding decision involving the rights of an American citizen and the sovereignty of the United States Government.

To me, the entire situation is intolerable, and I hope the present case will bring Congressional action ending this state of affairs.

Mr. MILLER of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Nebraska.

Mr. MILLER of Nebraska. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. MILLER of Nebraska. Mr. Chairman, I agree with the gentleman from Ohio [Mr. Bow] on his views of the status-of-forces agreements, that this country maintains with many of the countries where our troops are now stationed. Several resolutions have been introduced in the House which request the President to make a revision of the present administrative agreements and treaties which permit foreign courts to have criminal jurisdiction over American servicemen in their country. Resolution No. 16, by Mr. Bow, seems to cover this important and sensitive subject.

I think it is agreed that Soldier Girard was on duty in Japan defending the property of the United States. It seems to me that with our troops now stationed in 72 places outside the United States that it is important that we extend to the American boy the protection of the flag and the Constitution when he is serving in these foreign countries.

In the case of Soldier Girard, apparently someone in the Defense Department made the decision that he should be tried in a Japanese court. It should be understood that Japan has no trial by jury. It seems also that with our troops and many civilian employees stationed in these foreign countries that their grows up a certain tension and prejudice against our troops and civilian personnel. This could not help but be reflected in any court procedure that might be followed. That was thoroughly demonstrated by what happened on Formosa in the recent riot that destroyed American property because there was a court martial decision that people of Formosa did not like. Formosa was supposed to be a friendly foreign nation.

Mr. Chairman, every Member of Congress is receiving letters and wires protesting this intolerable situation. A sample of such protest is a wire that I received from the American Legion which I read as follows. Grand Island Post 53, American Legion, at a special meeting on June 6, 1957, has gone on record as strongly opposing the action taken by the military in submitting Private Girard to trial by a Japanese court. This wire was signed by J. D. Morledge the commander.

Mr. Chairman, I will support the resolution by Mr. Bow and others that will not only give the American boy full protection but will cancel and modify the so-called, Status of Forces agreements.

Mr. CELLER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. THOMPSON]; but I may say that this is the last time I shall yield for the purpose of this discussion. We are way off base here and should return to a discussion of the civil rights bill.

Mr. THOMPSON of New Jersey. Mr. Chairman, I am constrained to agree with the distinguished gentleman that this is extraneous to civil rights except that in a court-martial proceeding there is no trial by jury. So, the connection might be there, even though fairly remote.

If the gentleman from Ohio [Mr. Bow] would answer a question I would be grateful. We are in agreement perhaps for the first time, and this is delightful. In the colloquy a minute or two ago it was stated that the decision to hand William Girard over to Japanese authorities was made by some faceless person in the bureaucracy. Is that not correct?

Mr. JOHANSEN. That is the remark I made; yes.

Mr. THOMPSON of New Jersey. I would submit to the gentleman from Ohio this question: Is he in agreement with me that the ultimate responsibility need not rest with some anonymous, faceless person, but can be quite aptly placed in the Girard case on the person with the ultimate responsibility; namely, the commander in chief of the Armed Forces?

Mr. BOW. Then I would say to the gentleman from New Jersey, you are faced with this, that in the first instance the only question there was whether or not this boy should have been turned over for trial to the Japanese. After that is done, then the second question arises: What is the pledged word of the United States by a duly authorized and constituted representative of the United States under an agreement entered into between the United States and the sovereign nation; and after the word has been given on that, whether it should be broken by someone in a different echelon. To me, what the gentleman's real objection should be is to the agreement. I can see what the gentleman is attempting to do, of course.

Mr. THOMPSON of New Jersey. The gentleman and I are in agreement. The gentleman from Iowa is also in agreement. I think the consensus is that the

man was on duty. The gentleman said that therefore, under the Status of Forces Treaty, whether or not you agree with it, jurisdiction should have been retained by the military courts of the United States, but it was evident that the man was turned over by the Chief Executive, the Commander in Chief, the President of the United States. General Eisenhower, and not some nameless bureaucrat, must bear the responsibility for placing Girard's civil liberties into the hands of a Japanese court.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. ABBITT].

Mr. ABBITT. Mr. Chairman, I am bitterly opposed to this legislation which is known as the civil rights bill. This clearly is a misnomer and should be called the anti-civil-rights legislation. Frankly, in my opinion, it is the most civil rights destroying legislation that has ever come to my attention as a legislator. It is destructive not only of the rights and privileges of the people of this great Nation but it strikes at the sovereignty of our States. It strikes down the constitutional concept of our Government. It is a most drastic and indefensible proposal.

I desire to call attention briefly to just what the legislation permits. I think this should be done for a number of reasons, among them being the great effort that has been made and is being made by a large segment of the press, newspaper editors, columnists, radio and television commentators as well as many of the active proponents of this legislation to deceive the American people into believing that the main purpose in enacting this bill is to protect the voting rights of certain minority groups in the South. These same people are constantly referring to this anti-civil-rights bill as the right-to-vote legislation. Particularly has the Washington Post done this both in its editorial column and in its news articles. This is done, of course, to lull the American people, outside of the South, into believing that this is an innocent little measure that will provide better voting opportunities in the South and to permit the Federal Government to protect voting rights in certain cases. Anyone with any intelligence who is familiar with the provisions of this legislation knows that this is far from the truth—that actually this is the most drastic and far-reaching proposal almost ever proposed in America.

I am sure it is the first time in the legislative history of this great country that legislation has been reported out of a Congressional committee which, if enacted into law, deprives the people of this great country of so many fundamental rights that our forefathers intended to guarantee to them by the ratification of our great Constitution. The provisions in this legislation dealing with voting rights are mild compared to the other fundamental issues and rights involved. For a few minutes let us review just what this bill proposes.

First. Part I sets up a Commission on civil rights. This Commission is given authority to make a full study of all civil rights. It is given subpena power. It is given the authority to drag witnesses from all corners of the country. It will be a commission that has the authority under this legislation to harass, to browbeat and intimidate the American people in an endeavor to force them to succumb to the whims and wishes of the NAACP and other like organizations. It will be a sounding board for socialistic groups. It will be in a position to carry out the conspiracy between the NAACP, this administration and Brownell to compel State officials and other loyal Americans to submit to the obnoxious judicial tyranny of the Federal judiciary as exemplified by the Supreme Court of America, Hoffman of Norfolk and other judicial tyrants in the judiciary.

The Commission is permitted to accept the services of volunteers but the Commission is given authority to pay their travel expenses and per diem out of the United States Treasury.

It might be well to note at this point that the Committee on the Judiciary refused to put any limitation upon the amount of money that this Commission of inquisitors could spend in any one fiscal year. Every effort to limit the amount of money that might be spent was beaten down and the floodgates thrown open so that this counterpart of the bloody assizes might spread venom of hate throughout our land without thought of how much of the taxpayers hard-earned money was being spent in such political maneuvering in the attempted intimidation of honest American citizens. That briefly is just some of the things that the Commission is authorized to do under this proposed legislation.

Second. Part II provides for an additional Assistant Attorney General in the Department of Justice. It does not limit the number of assistants to the assistant. It will mean the setting up of a small gestapo under an Assistant Attorney General. It will mean a roving band of hatchetmen going throughout our land to stir up litigation to break down law and order so far as States and localities are concerned. They will be able to drum up fictitious charges against loyal citizens and hale them into court at the expense of the taxpayers of America. They will be like a pack of wild dogs or wolves turned upon a flock of defenseless sheep who are ready for the slaughter.

Third. Part III of the bill, which is the most iniquitous part of all, confers upon the Attorney General of the United States powers unheard of heretofore in a free country. At one stroke of the legislative pen it brushes aside all State administrative remedies; wipes out State sovereignty; it authorizes the Attorney General in the name of or on behalf of the United States to institute civil action in civil-rights matters whether or not the aggrieved party requests such procedure by the Attorney General or whether or not the aggrieved party objects to such action. In other words, the Attorney General is clothed with all power to come into the Federal court and against the wishes of the aggrieved party institute a civil action in the aggrieved party's behalf in the name of the Government. He does this at the cost of the taxpayers of America. He thus deprives the States of their right to enforce their criminal laws. He thereby deprives the defendant of a right of trial by jury.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. ABBITT. I yield.

Mr. SMITH of Virginia. Would the gentleman agree with me that under this language, as it is drafted, which gives the Attorney General this power that that language would give no one any civil rights except the Attorney General.

Mr. ABBITT. It seems to me it deprives all segments of our society, all segments—minority and majority—except the Attorney General whoever he might be, the hatchetman of the administration that happened to be in power, and sets up a strong gestapo and a hatchetman to go around all over the country digging up strife and unrest in areas where they desire to do so.

It allows the Attorney General to make of the Federal local judge the administrator, the prosecutor and the executor of the functions of the States and localities.

The Federal judge would be allowed to operate the schools, the transportation system and many other functions of the local and State government. It will permit the Attorney General to harass, to browbeat, and to intimidate and humble the people of this great Nation into accepting sociological views of the particular Attorney General and the jurists trying the case. We will then have law by judicial fiat and injunction. We will then have enforcement of the criminal laws by contempt proceedings. Anyone who desires to stand up to the Attorney General, his roving henchmen and political hatchetmen, will be tried and cast into prison without any limitation as to the term of imprisonment or the intervention of a jury. Anyone with any intelligence who has studied this situation and who will be honest with himself must admit that our Founding Fathers who wrought out this great civilization for us never intended such to happen to the people and States of this great Nation. This legislation, if passed, strikes at the very heart and liberties of our people.

The real purpose of this part is to create jurisdiction in the Federal district courts to supervise, control, and dominate together with the Attorney General the internal management of local affairs, particularly in schools, transportation, and election issues. It is intended to compel certain segments of our society to change their habits, customs, mores, and social activities. It is an endeavor to foster upon the people of this country the sociological views and political philosophy of leftwing socialistic groups and permit them through the Federal judiciary to compel the acceptance of their views by placing this jurisdiction in the hands of the Federal judiciary and depriving the people of their time-honored right of trial by jury. It is felt that our people will be so intimidated that all resistance to the new order will be broken down. The right of a trial by jury before imprisonment is a sacred and constitutional right which must never be given

up if the people of this country are to retain their rights, privileges, and freedoms.

On occasions in the past, English-speaking people have been threatened with the loss of the right of a trial by jury. On every occasion the determination of the people to retain this right has withstood the pressure of tyranny and turned back the threat to their rights.

King George III of England did the very same thing to the American colonists that is attempted to be done by this legislation. He attempted to turn over to the admiralty courts all jurisdiction as to enforcing criminal laws in the American colonies, the effect of which was to deprive the colonists of a right of trial by jury. The Americans refused to submit to such tyranny. The Revolution followed and we have a great democracy in America today.

This legislation gives authority to Federal judges to enforce the criminal laws on the equity side of the Court, so the American people will be deprived of a jury trial. It is wrong, it is immoral, it is dishonest and a smear upon the good name of freedom-loving people all over our Nation. The test of all legislation is not what a good and wise man might do with it but what a bad man can do with it. Power is a dangerous thing. We could expect such legislation as this in a totalitarian government such as Germany under Hitler, Russia under Stalin, and Italy under Mussolini but it is unbelievable that in America, the land of the free and the home of the brave, such legislative proposals could be supported by people who profess to believe in democracy, who profess to cherish freedom and liberty and who pretend to love the heritage and ideals of our Nation.

Abraham Lincoln, who was the patron saint of the Republican Party, said on one occasion:

> You may burn my body to ashes, and scatter them to the winds of heaven; you may drag my soul down to the regions of darkness and despair to be tormented forever; but you will never get me to support a measure which I believe to be wrong, although by doing so I may accomplish that which I believe to be right.

Even without the civil-rights legislation, we have seen the evil that has been brought about by usurpation of power on the part of certain Federal judges. Without the right of trial by jury the people will be at the mercy and whims of the Federal judiciary. There is no hope for appeal to a political-minded sociological conscience of the Supreme Court of the United States.

The only hope of curbing some of the unbridled power of judicial tyranny permitted by this legislation is the preservation of the time-honored right of trial by jury.

Some of the Federal judiciary has already usurped power and authority never given them by the Constitution or the law of the land. They have already taken over certain functions of the States and localities and endeavored to browbeat whole communities into accepting their own philosophy as to sociological problems. Our people would have no way of combating this in the absence of a right of trial by jury.

The purpose of a jury trial is to protect all of our people from every section of the country from judicial tyranny at its worst. We must not lose sight of the fact, however, that even if the jury trial amendment is adopted, we will still have in the civil-rights legislation an iniquitous, wicked, liberty-destroying measure that will desecrate the Constitution, obliterate State sovereignty, and destroy the individual liberties of our people.

I call upon the Members of this body to consider well before they pass this legislation which by this part sets up the Federal judiciary as the law-enforcement agency of the police powers of our States and localities. It turns over to the Federal judges along with the Attorney General the authority and power to run our schools, our transportation system, election machinery, and many, many other functions in the so-called civil-rights areas. It wipes out the sovereignty of our States and the liberty of our people.

Fourth. Part IV permits preventative action in right-to-vote matters. It permits the Attorney General to institute in the name of the United States and on behalf of the United States civil actions dealing with election matters. All that was said about section III regarding jury trials, powers, and authorities of the Attorney General and the Federal courts applies equally to this part. It is abhorrent to our way of life and further infringes upon the rights and freedoms of our people.

Along with part III, it provides a device to bypass State laws, State remedies, State courts, and the right of trial by jury, thus depriving our people of their main protection from a tyrannical judicial oligarchy.

Mr. Chairman, I hope the people of America will realize before it is too late just what this bill does to our Constitution, to our way of life, to our freedoms and liberties, and to generations yet unborn. I trust that it will never be enacted into the law of the land.

Mr. POFF. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. POFF. Mr. Chairman, those who support this bill have criticized those of us who oppose it for the delay which has occurred. They have impugned our motives and challenged our sincerity of purpose. In so doing they have been guilty of the same intemperance and intolerance with which they charge us.

I will not say that the delay has not been purposeful. Moreover, I contend that the delay, measured by every fair yardstick, has been productive. The delay has afforded time for more exhaustive hearings and given the members of the House Judiciary Committee more opportunity for more mature deliberation, as a result of which the bill before us today is infinitely less oppressive, offensive, and objectionable than the one which passed this body last year. While it is still unacceptable—and doubtless will be even more so when the amendatory process is concluded—the committee has, by reason of the delay, been able to make several positive and substantial improvements, some of which I would like to mention briefly.

First, we inserted a new section requiring the Commission in its hearings to observe the same rules of procedure which govern Congressional committee hearings, with certain important modifications. The subpena power under which witnesses may be compelled involuntarily to attend Commission hearings has been confined to the United States judicial circuit in which the witness is found or resides or transacts business. Many of us felt that it should have been confined to the State of residence. Such witnesses are guaranteed 8 cents per mile for travel expense, $12 per day for subsistence and $4 per diem for attendance upon the Commission hearings. Another meritorious modification provides that public disclosure of evidence given in executive session which might tend to defame, degrade or incriminate a person shall be a criminal offense.

Second, the bill has been amended to require complaints filed before the Commission to be in writing, under oath and specific in content. This amendment, which brings the prejury laws into play, is designed to discourage the filing of groundless, frivolous, vexatious, and

Third, the committee removed the extortionary complaints.

clause which empowered the Commission to investigate complaints of "unwarranted economic pressure" and study economic and "social" developments. No member of the committee was able to define the phrase "unwarranted economic pressure" and many of the proponents of the legislation joined with the opponents in the conviction that a civil rights commission should have no power to investigate a matter which cannot be classified as a civil right within the meaning of the Constitution. Had this clause not been removed, any small-business man—druggist, grocer, barber, baker—who declined on account of race to employ a job applicant should be subject to the expense, inconvenience and embarassment of an investigation by the civil rights commission. That would be nothing but FEPC by the back door.

Fourth, we removed the language which would have authorized the Attorney General of the United States to bring a suit for damages on behalf of one private citizen against another private citizen. While there are on the statute books laws which authorize such civil suits when the damages are contractual in nature, there is no precedent in American jurisprudence for such a suit when the damages arise out of a tort or a personal grievance.

Fifth, the committee did not remove the power of the Attorney General to bring a suit on behalf of one private citizen against another private citizen for injunctive relief to prevent the commission of a civil wrong, but we did require that such a suit be brought only upon the written request of the aggrieved citizen. In the legislation which passed the House last year, the Attorney

General had the power to bring such a suit with or without the request or consent and even against the will of the aggrieved citizen.

Sixth, we amended the bill to make the United States as a party to a suit in which the defendant prevails liable for court costs and reasonable attorneys' fees. In last year's legislation, the defendant was liable for these costs, even though he won his case.

These amendments approved by the Committee on the Judiciary were only a few of the many proposed by the opponents of the bill. Those which were rejected will be offered again when the bill is read for amendment. At this point, time will not permit me to discuss all of them. However, I would like to address myself to three which I consider of paramount importance.

First, the bill as now written vests the Federal district courts with jurisdiction over the legal proceedings authorized by the legislation "without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law." That language, if left in the bill, will have the practical effect of depriving State administrative agencies and State courts of their traditional jurisdiction over matters in this field. Heretofore, every case decided squarely on the point has held that in this field no litigant has a standing in the Federal court until and unless he has first exhausted all remedies available to him in State tribunals. I have prepared and inserted at page 665 in the printed hearings a legal brief on this question. It is my hope that the amendment to correct this defect, which I understand will be offered by the gentleman from New York [Mr. RAY] will be adopted.

Second, the bill as originally introduced authorized the Commission to investigate complaints of discrimination on account of religion as well as "color, race, or national origin." In the subcommittee, the word "religion" was removed. In the full committee, it was restored. I hope it will again be removed by amendment on the floor. For the sake of the preservation of the purity of the principle of separation of church and State, neither this Congress nor any commission created by it should trespass upon this delicate domain.

Third, in a criminal contempt proceeding arising out of a case to which the United States is a party, a defendant does not, under this bill as presently written, have the right to demand a trial by jury. An amendment guaranteeing a jury trial was defeated in the full committee with the use of proxies by a vote of 17 to 15. This amendment will be offered again on the floor by the gentleman from New York [Mr. MILLER]. Suffice it now to say that of all the civil rights we enjoy under the Constitution, none is more sacred than the right of trial by jury.

In this brief analysis, it is impossible to digest all of the obvious objections to this legislation or to forecast all of its insidious potentialities. Neither is it possible to make even a remote estimate of its probable cost. Even if the legislation were needed, it could not be justified from a fiscal standpoint at a time when the Congress, at the behest of the people, is striving to reduce Government spending. But the point is that the legislation is not needed. There is no civil right under the Constitution for the violation of which the Constitution does not already guarantee a remedy. Not only is there no need for additional legislation, but there is a great positive need for no legislation. In Government, as well as in private life, sometimes the best action is no action at all. In this period of social and cultural upheaval occasioned by the Supreme Court school integration decision, legislative action by the Federal legislature can only nurture the ill will, cultivate the prejudice, and inflame the personal passion on which the problem feeds and grows. This problem does not require legislation, police investigation, legal prosecution, or penal correction on the part of the Federal Government; rather, it requires on the part of the Federal Government patience, forbearance, and self-restraint. Never before has the Congress of the United States had such an opportunity to accomplish so much simply by doing nothing.

Mr. CELLER. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. DOWDY].

Mr. BROOKS of Louisiana. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN (after counting). Ninety-two Members are present. Not a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 102]

Andresen, August H.	Fogarty	Multer
Anfuso	Friedel	O'Brien, Ill.
Arends	Garmatz	O'Konski
Ayres	Green, Pa.	Philbin
Bailey	Griffiths	Poage
Baker	Gubser	Porter
Barrett	Gwinn	Powell
Beamer	Harrison, Nebr.	Prouty
Belcher	Healey	Radwan
Blatnik	Holifield	Rains
Bosch	Holland	Reed
Bowler	Holtzman	Rhodes, Pa.
Brown, Mo.	James	Rogers, Colo.
Buckley	Kean	Rogers, Mass.
Byrne, Ill.	Keeney	St. George
Byrnes, Wis.	Kelly, N. Y.	Schwengel
Cederberg	Keogh	Scott, Pa.
Chamberlain	Kilburn	Shelley
Chudoff	Kluczynski	Simpson, Pa.
Clark	Krueger	Smith, Wis.
Cole	Laird	Spence
Coudert	Lane	Taber
Cretella	Lankford	Taylor
Curtis, Mo.	Latham	Teller
Dawson, Ill.	McConnell	Tewes
Delaney	McCulloch	Thompson, La.
Dollinger	McGovern	Utt
Donohue	McIntire	Vorys
Dooley	Machrowicz	Wainwright
Dorn, N. Y.	Mack, Ill.	Westland
Durham	Miller, Md.	Widnall
Eberharter	Miller, N. Y.	Wier
Engle	Minshall	Wigglesworth
Fallon	Montoya	Withrow
Farbstein	Morano	Wolverton
Fino	Morrison	Zelenko

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FORAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H. R. 6127, and finding itself without a quorum, he had directed the roll to be called, when 321 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Texas [Mr. DOWDY] is recognized for 20 minutes.

Mr. ROONEY. Mr. Chairman, will the distinguished gentleman yield?

Mr. DOWDY. I yield to the gentleman from New York such time as he may desire.

Mr. ROONEY. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. ROONEY. Mr. Chairman, I very much appreciate the courtesy and kindness of my distinguished friend, the gentleman from Texas [Mr. DOWDY], in yielding to me at this point.

I shall vote for the pending bill H. R. 6127 as written, and shall vote against all emasculating amendments including the so-called jury trial amendment. The bill in its present form would merely provide a minimum civil rights program and correct the most urgent needs of members of minority groups who have been treated as second-class citizens. It will provide protection against violence and give meaning to the right to vote in parts of the country where that right is now denied. I feel that the great majority of the American people support this legislation as written and without amendments and that it should be passed by the House after a fair time for full debate. What is guaranteed by the Constitution ought to be enforced.

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

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

Mr. MARTIN. I want to inform the House that the Republicans have a very important conference scheduled for the rest of this afternoon. While we do not want to interfere with the debate, because we believe it should continue as long as possible, we hope there will be no more points of no quorum made before the time for adjournment arrives.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield.

Mr. SMITH of Virginia. I wonder if the gentleman would like for the Committee to rise now and give us an extension of time on the debate next week on the bill.

Mr. CELLER. I cannot consent to that.

Mr. MARTIN. Would the gentleman consent to coming in at 11 o'clock, let us say, on Monday?

Mr. SMITH of Virginia. How about adding a couple of hours to the time for general debate?

Mr. CELLER. Mr. Chairman, I will yield more time to the gentleman from Texas, if he needs it, but would the gentleman yield to me now?

Mr. DOWDY. I yield.

Mr. CELLER. Would the gentleman from Virginia repeat his question?

Mr. SMITH of Virginia. I wonder if we might not agree on a couple of hours

general debate on Tuesday and wind the thing up.

Mr. CELLER. That is on condition that we adjourn now.

Mr. MARTIN. I would think it would be better to come in early on Monday and run a little later on Monday evening.

Mr. SMITH of Virginia. I would have to object to that.

Mr. CELLER. I would be willing to come in at 12 o'clock and have an additional 2 hours of debate on Tuesday, if we adjourn now, so as to accommodate the gentlemen on the Republican side.

Mr. MARTIN. I have no objection to that.

Mr. DOWDY. Mr. Chairman, I am sorry that I have lived to see the day that men representing the American people here in the Congress of the United States stand up and say that they would willingly deprive the American people of the right of trial by jury in any kind of case. Having listened to all of the debate that has gone on here and hearing things that have been said, I went back to my office last night and picked up a copy of the Declaration of Independence and read it once again. There I found a number of things which I will mention as we proceed that were indictments by the American colonists against King George—things that were proclaimed as reasons why we should have our independence. And we won our independence for those reasons.

Mr. Chairman, far abler and more eloquent men than I have addressed you. They have pointed out the inherent dangers in this bill. I will try not to be repetitious of the things that they have said as I proceed; but they have shown the effect that this bill could and would very likely have upon the American Nation in the way of prostitution of the American people to the whims of a politically appointed Attorney General.

Our words and our pleading may not produce a single convert to our way of thinking, but it certainly will not be possible in the future for any Member of Congress who is here to claim that he acted in ignorance if, after hearing what we have said, he persists in voting for this vicious and evil bill.

I am sorry that more of the Members are not here to listen, to be educated, and to understand actually what is happening to the American people, if this bill is adopted.

There was a housewife who attempted to install a can opener on the wall, but after several unsuccessful attempts she was not able to get it fixed up. So she went and got her glasses to read the directions how to put it on the wall. When she returned the can opener was already installed and the cook was using it. She asked her, "Now, how did you get this up? You have told me you cannot read." She said, "Well ma'am, when you cannot read you have just got to think." What we want to do is to try to think a little bit and see what is confronting us.

This is a fundamental issue, striking directly at whether we shall have government by men or government by law in this country. My philosophy of government calls for government by law. The proposed bill would set up a despot in the Attorney General's office, with a large corps of enforcers under him, and his will and his oppressive action would be brought to bear on American citizens, just as Hitler's minions coerced and subjected the German people. If we had a would-be dictator in this United States of America today, the first thing he would want would be the enactment of a bill such as this.

You have heard statements made continually upon the floor that this is a moderate bill. Let us see what this moderate bill does. This so-called moderate bill abolishes and sets aside State remedies and sets aside State courts to try cases, and it puts into law the preemption that we have been complaining about; namely, the Supreme Court trying to judicially legislate. Examples are the subversion case from Pennsylvania, and another was the teachers' case from New York, and others that have been called to your attention from time to time. It does that, and in addition it does away with the jury trial. It gives the Attorney General a secret police, or State police, and allows him to bring lawsuits against a private individual in the name of the United States, but for somebody else. He does not even have to get the consent of the person for whom he brings the lawsuit and even without the knowledge of that person. It is without the consent and without the knowledge of the person that the suit is brought in behalf of.

In addition to that, the State and local officials and ordinary citizens of this United States of America can be denied their fundamental constitutional rights, not only the right of trial by jury but their rights of free speech, free press, and free assembly, and they are deprived of their liberty or property, or both, without due process of law. That is a moderate bill?

Now, let us do some more thinking about it and see if some of the statements that have been made on the floor of the House by the proponents of the bill can be reconciled. The gentleman from New York [Mr. KEATING] before the Rules Committee, stated that 80 to 90 percent of the purpose of this bill is to do away with jury trials. That is the reason we have it here. He says if you take that out of it you have got but 10 or 20 percent of the bill left. Similar statements have been made by other proponents as they come here. Out of the other side of their mouths they say that this bill would deprive no one of a jury trial, and they try to rationalize it. And to the unthinking person their arguments might seem almost plausible. But you will remember one thing, in our Declaration of Independence one of the indictments against the English King was "For depriving us, in many cases, of the benefits of trial by jury."

Let us again examine statements various Members have made here on the floor and prior to the consideration of the bill, including the committee chairman and ranking minority member. They say this bill is not intended to, and will not, deprive any person of any right he now has. Now, in my book if a person now has a right to a trial by jury and this bill, if enacted, would destroy that right, then that person would be deprived of a right. There can be no question about it.

We have the means of testing the sincerity of their claim that this bill would not deprive a person of a right to trial by jury. We can find out whether they are sincere in that or not. The proponents insist it is not their intention to deprive anyone of a right now possessed. If they are honest and sincere about that, let them accept a slight amendment to the bill so that it will not take away the right of jury trial, and they will still have their legal aid society down there in the Attorney General's office without otherwise depriving any person of a right now enjoyed.

All they would have to do in two places in the bill, on pages 10 and 12, is to strike out the words: "the Attorney General may institute for the United States or in the name of the United States" and in place thereof insert "the Attorney General may institute, in the name of the aggrieved party or parties." Then they would not deprive anybody of a right they now have. There is the "gimmick" in the whole bill, as far as jury trial is concerned.

If they are not willing to make that change in the bill then it is their intention and their deliberate and willful intent to deprive people of a right they now have. That cannot be disputed.

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

Mr. DOWDY. I yield to the gentleman from Georgia.

Mr. FORRESTER. In other words, what the gentleman is saying is that if they do not wish to deprive of a jury trial all on earth they have got to do is to cut out the words "in the name of the United States."

Mr. DOWDY. And require the suit to be filed in the name of aggrieved party or parties.

Mr. FORRESTER. That being true, does not that prove completely to the point where there can be no argument to the contrary whatsoever that the purpose must be to eliminate the right of trial by jury?

Mr. DOWDY. That is what I have tried to say in my statement. This will test the sincerity of the people who say this does not deprive anyone of a right he now has—whether they agree to that amendment.

Last Sunday, as you will remember, Stalin's successor as Russia's chief, Nikita Khrushchev, made his first appearance before an American radio and television audience. As you all know, he is the Secretary of the Russian Communist Party and he actually runs the whole show in the Communist world. Undoubtedly the only reason the Communists agreed to the radio and television interview was that they felt it would be a good opportunity to put over some Communist propaganda to the American people.

Khrushchev was almost plausible; but all good liars are almost plausible. It was evident throughout the interview that it was pretty well rehearsed. The Red chieftain predicted that our grandchildren will live under a Marxian-Leninist social system, in other words, a Communist dictatorship.

It would seem from such a statement that Khrushchev was aware of the current effort being made to undermine among other things our right of trial by jury, which is a cherished heritage of all Americans. An all-out effort has been made to brainwash the American people to accept this abrogation of the right of trial by jury by calling this bill a civil rights bill. It is better named a civil wrongs bill. It does not protect any civil rights; it destroys.

The Communist front organization of lawyers calling themselves the National Lawyers' Guild, if I have the name right, claim to be the author of one of the bills in the last Congress, one of these so-called civil rights bills; and, of course, the bill here is supported by the Communist Party and its news organ, the Daily Worker. It is also supported by the National Association for the Agitation of Colored People, as well as other Communist front organizations and Red sympathizers in America. If we are unable to defeat this montrosity, a long backward step will have been taken toward the loss of a right which was first acquired by English people 700 years ago, and Khrushchev's claim that our grandchildren will live under a Communist dictatorship will be brought much closer to realization; it will be closer to realization than you and I like to contemplate.

The civil rights issue is merely a conflict between those who believe in forcing all citizens to conform to the dictates of a minority group in such matters as personal associates and employees, and those who believe in free choice by the individual in those matters. Basically, when reduced to its simplest terms, this issue, which is caused by the two opposing philosophies of government, is the outgrowth of the theory that the State should be all powerful and the master of the citizen. This theory, of course, reverts back to the old idea of government before the American patriots enunciated a new theory of government as expressed in our Declaration of Independence and in our Federal Constitution, in which all power inheres in the citizens and the State is their servant. Unless we understand this fact we are likely to be confused by the real issue in this so-called civil rights proposition.

It is easy to be misled by arguments put out in its favor which are usually clothed in pious and humanitarian sentiments. But one needs only to remember that when one citizen can tell another group with whom they may associate, who they may employ, who their neighbors may be, and where they may work, and what work they may do, and this dictation is enforced by the courts and the police power of the State, then the police state is here. It is around our necks, and what we may have said cannot happen will have already happened, as I see it.

The object of the pressures being exerted in favor of the civil-rights legislation by administration officials, by politicians and by many organizations selfishly interested in the extension of Federal power and control is not, in my opinion, primarily to benefit minority racial groups but, rather, it is to further abridge the rights of the 48 States and to weaken our constitutional form of government in preparation for the day when the United States can be made into a dictatorship. The battle for the blessings of liberty are not won yet, as witness the controversy here in our struggle to preserve the right of trial by jury, which was first so laboriously won by English-speaking peoples 700 years ago, and granted in the Magna Carta, and this present effort of the disciples of an alien philosophy to bring about in our own United States the shortcuts in legal procedures which are used in dictator nations. Such departure from the letter and spirit of the Constitution is chargeable to the suspicion, hatred, intolerance and irresponsibility of a part of our own body politic which has a lack of appreciation for, and fails to understand the age-old struggle of mankind to achieve our present-day blessings of liberty.

It is imperative that all Americans take time for a searching reflection. Notwithstanding the contributions of American patriots through the centuries, the far-sighted wisdom of the Founding Fathers of our Nation, and the written guaranties of the Constitution, liberty is not necessarily our permanent possession. Both external and internal pressures constantly assail it. It is axiomatic that every generation, to keep its freedom, must earn it through understanding of the past, vigilance in the present and determination for the future.

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

Mr. CELLER. I yield the gentleman 5 additional minutes.

Mr. DOWDY. It is easier to know how to combat a foreign enemy who challenges our right to those freedoms, and thus prevent a sudden collapse of the things we hold dear, than it is to subject ourselves to daily analysis and discipline for the purpose of preventing the internal erosion that can, with even greater effectiveness, destroy them. That internal erosion is today trying to get in its deadly licks.

I could talk some more about trial by jury, but I am going to do that under the 5-minute rule when that question comes up, because there are some other points I want to get to, as time allows.

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

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

Mr. FULTON. You see, some of us want the people of all religions and nationalities in this country to have the right to vote.

Mr. DOWDY. I thought the gentleman was going to ask a question and not make a speech. Will the gentleman please ask the question?

Mr. FULTON. I am. If that is the case and you do not think this is the correct method to obtain it, then what is the correct method to let these people vote?

Mr. DOWDY. Do you know of a single person denied the right to vote in the United States today? That challenge was made day before yesterday, and I reiterate it: There is no such situation existing in the United States. That is another reason why this bill is so silly.

Mr. FULTON. When I see Federal elections for various offices with only a few thousand votes, and a minor percentage, maybe 10 or 15 or 20 percent out of the total population voting, and then I am told that they cannot even vote, why, that is a situation which should not exist.

Mr. DOWDY. Just a moment. That is not unusual in a noncontested election.

Mr. FULTON. Or that Congressmen sit here elected by a very few votes, when I have to get elected by 180,000 to 200,000 votes very time.

Mr. DOWDY. Well, the population of my district is about 300,000 people, and all that are eligible vote if they want to.

Mr. FULTON. How many votes do you get out of that number?

Mr. DOWDY. There are usually 50,000 to 60,000 votes cast.

Mr. FULTON. Out of 300,000?

Mr. DOWDY. Yes.

Mr. FULTON. Well, do you think that is enough?

Mr. DOWDY. The children do not vote. They have to be 21 years of age to vote in Texas. I do not know how old they have to be in your State.

Mr. FULTON. Twenty-one. Is not somebody left out?

Mr. DOWDY. Anybody that wants to vote can vote in Texas. There is no question about that. We encourage them to vote. And if anybody here can stand up and say they know of a single person that is denied a vote, I will take time out to answer that. But, obviously, you cannot do it.

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

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

Mr. MASON. Illinois permits everybody to vote that wants to vote; so does Pennsylvania. Yet, Illinois never votes more than 50 percent of their registered voters, and I do not think Pennsylvania does much better.

Mr. DOWDY. I thank the gentleman.

Mr. FULTON. I can correct that for Pennsylvania. We do it, and I think better, in my State, than that.

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

Mr. DOWDY. I yield to the gentleman from Texas.

Mr. DIES. Is it not a fact that in Texas, in the primaries, sometimes as many as a million and a half or two million people vote, and then in the general election about 500,000 vote?

Mr. DOWDY. That is exactly right.

Mr. DIES. But that is not because they are being deprived of the right to vote.

Mr. DOWDY. It is because they do not go down to the polls and vote. There is nobody depriving them of the right to vote. Many of our general elections are without contest, and the voters do not turn out.

Mr. BASS of Tennessee. Mr. Chairman, will the gentleman yield?

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

Mr. BASS of Tennessee. Why all this talk about Federal elections? There is

no such thing in America as a Federal election. Every one of us is elected as a representative of a State. There is no such thing as a Federal election. You do not even vote for President or Vice President. We vote for electors in the States, and they can vote for anybody they want to, so there is no such thing as a Federal election.

Mr. DOWDY. That may be right.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. In view of the statements which have just been made, I would like to give this information about voting in my own district, of which Atlanta, Ga., is a part. We had a runover election there about the middle of May, and I would like for some of these bleeding hearts who plead for the colored race to listen to this. In that election, which has been analyzed by the Metropolitan Voters Council, 76 percent of the registered colored voters voted in that election as compared to 36.2 percent of the white registered voters. I should like to give the gentleman one other figure. Since 1956 the registration of colored voters in Atlanta, Ga., according to this analysis, has increased 9 percent whereas the registration of white voters in Atlanta, Ga., has increased only 6 percent.

Mr. DOWDY. That illustrates the point. Of course, in our general elections in Texas ordinarily there is no opposition on the ballot which accounts for the fact, as indicated by the gentleman from Texas [Mr. DIES] that in a general election in Texas there may not be more than half a million votes cast in the general election, though 3 or 4 times as many may be cast in the primaries.

The CHAIRMAN. The time of the gentleman from Texas [Mr. DOWDY] has again expired.

Mr. CELLER. Mr. Chairman, I yield the gentleman 2 additional minutes.

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

Mr. DOWDY. I am sorry, I cannot yield further at this time. I do want to proceed a little more with my statement, I think it is more important that I do so.

There is another provision in this bill that I think is just as dangerous and just as bad as the denial of the jury trial and that is the provision on page 10 and again on page 12, which says that these proceedings shall disregard entirely whether or not the aggrieved party shall have exhausted any administrative or other remedies that may have been provided by law.

Much of the debate and much of what I have said has concerned the jury trial but another point of at least equal importance has to do with the bypassing of the State courts and taking everything directly into the Federal court. That is contrary to the intent of the United States Constitution and reminds us of another of the indictments against the English King in our Declaration of Independence which stated:

He has combined with others to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our laws.

And this further:

For abolishing our most valuable laws and altering fundamentally the forms of our Government.

I would say that Miss Liberty sitting in the harbor in New York is shuddering on her pedestal over what might happen to the United States if this particular bill ever becomes law.

Mr. Chairman, I have talked too long already. I have gotten hoarse, although I have not taken as much time as I should have liked, because there are so many things that need to be said about this. But I trust and hope that if this monstrous bill is to be stuffed down the throats of the American people, we may at least have the amendments approved to preserve the right of trial by jury and wipe out that part of the bill that would destroy the States, the State courts, and the State remedies; and also that the Attorney General should be requested at least to have the consent of the person for whom he files suit before he files suit.

I will hope to discuss other dangers inherent in this bill under the 5-minute rule.

Mr. CELLER. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SANTANGELO].

Mr. SANTANGELO. Mr. Chairman, I am sorry the previous speaker refused to yield to answer a question.

Mr. DOWDY. Mr. Chairman, I will answer any question now, but I did not have the time before.

Mr. SANTANGELO. He challenged this body to produce evidence of any section of the country which denied people the right to vote. I am not a member of the committee which listened to the testimony, but I thumbed through it in the last few days and I came across some testimony before the committee to which I should like to call your attention. Let me say this: That when the testimony was presented to the committee, they had an examiner on that committee from Georgia who explored every facet of the charges or the statements that were made. There was no questioning as to this witness. I say the witness was Mr. Wilkins. Let me read the testimony. When they asked him whether there was any evidence of people being denied the right to vote, he testified as follows:

Prior to the 1954 election, we received firsthand reports on how prospective voters were intimidated. Perhaps the most impressive of these accounts came from a man who said that after he paid his poll tax he was called in by his employer. The employer ordered him to tear up the poll-tax receipt and stay away from the polls on election day if he wanted to keep his job. When the man complied, the employer added as he was leaving, "You had better not tell anyone I made you do this because I don't want the FBI after me."

This happened in the great State of Mississippi, where over 16,000 Negro citizens were there, and only 147 were registered voters. Is that an accident, or is it something which the Commission and the Attorney General should investigate? That is what we want.

This is on page 424 of the record of the hearings. The testimony was by Mr. Wilkins of the NAACP, an organization which some of the Southern States have sought to outlaw—yes, laugh if you will, but that is a sad and serious situation, when you can laugh at civil rights. Mr. FORRESTER is one of the great men on that committee, and he is here now. I read where he cross-examined many witnesses, and I read the testimony how he cross-examined, yet there was not a statement and nary a word from him contradicting such testimony.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield there?

Mr. SANTANGELO. Yes.

Mr. FORRESTER. I happen to remember very well what the gentleman was talking about. The gentleman is a lawyer, is he not?

Mr. SANTANGELO. It is presumed I am.

Mr. FORRESTER. We will certainly operate on that presumption.

Will not the gentleman be kind enough to admit that the charges made by the head of the NAACP were strictly hearsay and opinionated and as far-fetched charges as you have ever heard?

Mr. SANTANGELO. I do not so agree.

Mr. FORRESTER. Will the gentleman not agree as a lawyer that none of that testimony would have been admissible in any court of the United States?

Mr. SANTANGELO. If you took that position as a standard, 75 percent of this testimony would not have been admitted into evidence.

Mr. FORRESTER. I tried to urge that, and I could not get that fact over.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORRESTER. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

Now let me ask the gentleman this: Did the gentleman continue to read that record?

Mr. SANTANGELO. I read 400 pages of it.

Mr. FORRESTER. Is it not true that in the 84th Congress not one opponent was allowed to appear and testify?

Mr. SANTANGELO. I do not know. I was not on the committee, and I am not in a position to testify as to that.

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

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

Mr. CELLER. I do not think that is a very fair statement at all.

Mr. FORRESTER. It is a correct statement.

Mr. CELLER. We heard everybody that wanted to be heard before the committee, without question.

Mr. FORRESTER. I want to say here and now that our distinguished chairman erroneously thought I was talking about the 85th Congress.

I asked a question of the gentleman and I want him to answer it. Has he read the record?

Mr. SANTANGELO. I read 400 pages of it.

Mr. FORRESTER. Is it not true that not one opponent was allowed to testify before that committee in the 84th Congress.

Mr. SANTANGELO. I know that I read some of your testimony where you opposed the bill.

Mr. FORRESTER. No, you did not; in the 84th I did not testify.

Mr. SANTANGELO. Not in the 84th, but in one of the records you testified—in the 85th. I was not in the 84th Congress. I do not know.

Mr. FORRESTER. You read the record?

Mr. SANTANGELO. Four hundred pages of it.

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

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

Mr. FULTON. The gentleman from New York has brought out a very good point, that when people cannot register or vote and are not allowed on the rolls, there is then a small registration of voters according to the total population, who control everyone. Is that not the case in the areas about which the gentleman is talking?

Mr. SANTANGELO. It is, certainly, in the great State of Mississippi, as in the other poll-tax States, less than 5 percent of the citizens are permitted to register and vote.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield to me for a minute?

Mr. CELLER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia.

Mr. FORRESTER. I would like to ask the gentleman if this is not true. Is it not true that for the first time this year in the 85th Congress, the gentleman from New York [Mr. CELLER] did something no one else has ever done—he permitted the opposition to come in and testify; is that not true?

Mr. SANTANGELO. It may be so that he did that for the first time; I do not know.

Mr. FORRESTER. It is so.

Mr. SANTANGELO. I think it was quite proper for him to call upon both sides to testify before the committee.

Mr. FORRESTER. Let me ask the gentleman this: Did the gentleman read the testimony of the Governor of the State of Mississippi where he branded every one of those charges as absolutely untrue and challenged them to come in and prove their charges, and they did not prove them—they were as silent as the tomb? Did you read that?

Mr. SANTANGELO. Did I read his testimony?

Mr. FORRESTER. Yes, sir; did you read his testimony?

Mr. SANTANGELO. I did not read his testimony.

Mr. FORRESTER. I want to tell you that this is the record, and I just wanted to get that cleared up.

Mr. SANTANGELO. But the question is that there is no doubt about the fact that of 16,885 Negro citizens, 147 Negroes were registered, and of 10,000 white people, over 5,000 were registered. Why is that a fact?

Mr. FORRESTER. Would the gentleman want me to answer that? I will be very happy to do so.

Mr. SANTANGELO. Yes, I wish the gentleman would explain how less than 5 percent of Negroes in the great State of Mississippi are registered whereas in other States, where they do not have these situations of poll taxes and pressures, from 40 to 50 percent are registered citizens.

Mr. FORRESTER. I will be very happy to tell you, sir.

Mr. SANTANGELO. Do they not have the $1.75 poll tax?

Mr. FORRESTER. They register when they want to register. But, let me give you a little bit of history. In Mississippi and in Georgia, they did not want to vote for years because they called themselves Republicans and we do not have anything down there but the Democratic Party. It is a new thing with them, but they are coming on by leaps and bounds. In Atlanta, Ga., the other day 74 percent of the Negroes voted in the election and only 31 percent of the whites. What do you think of that?

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

Mr. FORRESTER. I yield.

Mr. FULTON. I was pleased to hear my friend say that in some counties and townships where 90 percent of the Negroes are not registered to vote, that actually 90 percent are Republicans according to your statement. Then only 10 percent are Democrats.

Mr. FORRESTER. No; I did not say that.

Mr. FULTON. Then 10 percent of Democrats are running the local area against 90 percent of Republican American citizens. Do you think that is right? Of course, it is not right.

Mr. FORRESTER. The gentleman is willfully misconstruing what I said. Eighty percent of them just cannot decide what side they are on.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NIMTZ. I yield 10 minutes to the gentleman from New York [Mr. RAY].

Mr. RAY. Mr. Chairman, before coming to the amendment I intended to discuss, I would like to have the attention of the chairman of the Judiciary Committee and the chairman of the Rules Committee pertaining to the subject that those gentlemen are to discuss on next Monday. It seemed to be agreed by all who debated the question as to whether we now have a jury trial in contempt proceedings, that there had been a jury trial provided under the Norris-La Guardia Act, which was in force from 1932 to 1947. There was also debate as to whether or not that continued in effect after 1947. My question is, When that Norris-La Guardia Act was adopted——

Mr. CELLER. It was adopted in 1932, and it is in effect today, but as to the Taft-Hartley Act, as I said before, the Taft-Hartley Act in its provisions waived all the provisions of the Norris-La Guardia Act.

Mr. RAY. I am talking about the period between 1932 and 1947. Trial by jury was a part of the procedure during those years?

Mr. CELLER. Yes; but not where the Government was a party.

I think you forgot to state that the National Labor Relations Act was passed in 1935, and the National Labor Relations Act also waived provisions of the Norris-La Guardia Act.

Mr. RAY. I did not recall that being mentioned in the debate. But, at any rate, there was a time when trial by jury became a part of the procedure?

Mr. CELLER. But it only referred to those cases that originated under the Norris-La Guardia Act. It was limited to those cases.

Mr. RAY. There was a time, call it experimental, if you like, but there was a time when there was a trial by jury.

Mr. CELLER. That is correct.

Mr. RAY. Now, conceding that that is no longer a part of the procedure, that trial by jury is not applicable to anything today under these laws, what is the reason why another experiment should not be made, even though there is nothing like it in any of the other laws in which injunctions may issue? I did not expect to raise that for discussion today, but I think it is of interest to a number of people here, and that it might be dealt with on Monday.

Mr. CELLER. If you care to have me answer it now, I will answer it briefly.

There is no need for that inclusion of the exception now. There was need for it in 1932 because of the history of what we then called "government by injunction." The courts undoubtedly abused their rights, and the country was in outcry against the many unjust injunctions that had been issued by district courts throughout the length and breadth of the land against labor. The Congress then took cognizance of that situation. Now, after passing that act, if we find that the courts abuse their powers in the granting of injunctions, I would be the first to come into the well of the House and proclaim with all my power that we should take away that power of injunction from the courts, just as I did in 1932 when there was that abuse. I spoke as strongly as I could about putting restrictions upon the courts.

Mr. RAY. As I understood it, that means that in 1932 it was your view that the circumstances required a trial by jury remedy?

Mr. CELLER. I think so.

Mr. RAY. Under present circumstances you think trial by jury is not required in this law?

Mr. CELLER. I do not think we have reached that point. The Russians have a saying: You should never roll up your pants until you get to the river. When we get to the river and we find that there are abuses, I would be the first, as I say, to demand a change and that restraints be placed upon the judiciary with reference to the issuance of injunctions.

Mr. RAY. I think that clears up one point for me. Instead of dealing with the queston of what is in the law, we are dealing with the question of what should be in the law, and in the gentleman's judgment this change is not needed at this time.

Mr. CELLER. Right.

Mr. RAY. Others may say a remedy is required, but that is the question at issue in the case.

Mr. CELLER. That is correct.

Mr. COLMER. I wonder if the gentleman would yield to me briefly?

Mr. RAY. I yield to the gentleman from Mississippi.

Mr. COLMER. If I understand the gentleman from New York [Mr. CELLER] he would prefer to wait until abuses occur before he seeks a remedy. Now I am asking my friend from New York if he does not think it advisable, particularly under the philosophy of the gentleman from New York [Mr. CELLER] in 1932, that we should provide that safeguard in the bill now rather than wait for the abuse to occur?

Mr. RAY. If the gentleman will let me act on advice I have had from the chairman of the Judiciary Committee, I will not roll up my trousers on that one until the debate on Monday.

The amendment in which I am interested touches somewhat the issue which has been discussed today; in part it is quite different. There seems to be general agreement that one of the principal purposes of this civil rights bill is the grant of authority to the Federal courts to issue injunctions without regard to administrative or other remedies.

The amendment I propose would strike out those words "or other" which would let the courts disregard administrative remedies. It seems to me they are not applicable to the kind of problem presented when you have a question of interference with the right to vote. My amendment would let the Attorney General waive those, but would not let him disregard judicial remedies.

For that purpose I would add a sentence at the end of section 121 and at the end of section 122 to this effect:

> The district courts shall not exercise jurisdiction in proceedings authorized by this section if a plain, speedy, and efficient remedy may be had in the courts of the State or Territory in which the party aggrieved resided at the time the cause of action arose.

I think the meaning of that must be apparent to all who hear it even for the first time. If there is a plain, speedy, and efficient remedy in the State courts there is no occasion in my judgment for any suit to be carried on in the Federal courts.

There is precedent for this sort of treatment of a constitutional question which has been on the books for more than 20 years. Back in the 1910's and the 1920's rate regulation became general for public-service companies, prices were rising, and companies were having difficulty in making the necessary earnings. Rate commissions were having difficulty in justifying orders increasing rates.

Mr. NIMTZ. Mr. Chairman, I yield the gentleman 4 additional minutes.

Mr. RAY. Mr. Chairman, the utilities went into Federal court claiming confiscation, deprivation of property without due process of law. That caused a lot of trouble. Finally Congress enacted section 1342 of title 28, United States Code, that in such cases the company might not maintain its suit in Federal court if a plain, speedy, and efficient remedy existed in the State courts. Thus the Federal court decided at the threshold whether there was such a remedy; and if there was such a remedy the case went to the State court. If not, it continued in Federal court.

That gave each State that wanted to exercise its sovereignty and retain jurisdiction over cases of that sort the opportunity to do so. Where the States did not take that action the remedy existed in the Federal court.

I think that example can be applied in this case. It would preserve the sovereignty of the States, it would assure that there was a backing up remedy in the Federal courts if the States did not so act.

The amendment has a broader implication. There is an established doctrine that when Congress preempts the field it excludes State action. Should this bill be enacted in its present form I do not know how far it would be held to preempt the field and render inoperative the State statutes that exist in many States and under which there are adequate remedies for any interference with the right to vote.

Mr. Chairman, I will say more about this when the bill reaches the amendment stage. I hope you will all be interested and will look into it.

Mrs. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. RAY. I yield to the gentlewoman from Illinois.

Mrs. CHURCH. I have been following the gentleman's statement with much interest. Some of us feel that time is of the essence in this matter. Has the gentleman given consideration to how much delay there might be if primary consideration had to be given to the question as to whether the State remedy is adequate or not?

Mr. RAY. It has not caused serious delay. It has worked well in the cases I have spoken about. All it takes is a paragraph in the pleading or in the bill of complaint. The Attorney General, starting a case in Federal court, would allege that no plain, efficient, or speedy remedy was available in the State court. The issue would be raised, and that question would be decided at the threshold. It would not take separate litigation.

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

Mr. RAY. I yield to the gentleman from Michigan.

Mr. JOHANSEN. Would the determination by the Federal court as to whether there was at the State level an adequate, speedy, and efficient recourse be based on existing statutes or laws or would it be based on the record of performance of the State courts or other agencies?

Mr. RAY. All of the things the gentleman mentioned can be taken into account by the Federal court.

Mr. JOHANSEN. I have in mind the allegation, I am not passing judgment on it, that justice cannot be secured by someone in certain State courts in the matter of the protection of the right to vote. I am wondering if that aspect of the matter would be weighed by the Federal court in making its determination?

Mr. RAY. I think the gentleman will find in the precedents appearing in the books that whether a remedy exists under State laws depends on the decisions, the course of decisions, as well as on the statutes.

Mr. JOHANSEN. That is, previous decisions?

Mr. RAY. Yes; and current decisions.

Mr. CELLER. Mr. Chairman, I yield 15 minutes to the gentleman from Georgia [Mr. BROWN].

Mr. BROWN of Georgia. Mr. Chairman, H. R. 6127 would create in the executive branch a so-called Civil Rights Commission composed of six members with power to investigate allegations that citizens are being deprived of their right to vote by reason of their color, race, religion, or national origin. This Commission would be empowered to study and collect information concerning legal developments constituting a denial of equal protection, and appraise the laws and policies of the Federal Government. In addition to this grant of investigative authority, which more appropriately falls within the jurisdiction of the Congress, the Commission would have subpena power which is given to few committees of the House of Representatives. The Commission would be empowered to employ an unlimited number of personnel, and up to 15 voluntary and uncompensated persons.

H. R. 6127 provides for an additional Attorney General in the Department of Justice, and would empower the Attorney General to institute in the name of the United States civil actions or other proceedings for preventive relief, including injunctions, restraining orders, and other orders. The United States would be liable for costs the same as a private person, and it would not be necessary for a complainant to exhaust his administrative remedies. Proceedings could be instituted by the Attorney General against any person who has engaged or is about to engage in any act of practice to deprive another of his voting rights.

This bill provides that a Commission is to be created to make a study and to obtain information regarding so-called civil rights. Although the purpose of the study is to obtain information, before there is any finding or recommendation by the Commission it is further proposed that the Attorney General be granted the unprecedented power to ignore the existing rights of the States by instituting such proceedings as he considers appropriate for preventive relief without the consent of the private party who is presumed to have been injured. Such proceedings would be instituted in the name of and at the cost of the United States and the party against whom the action is taken would be denied the right of a trial by jury. This unprecedented authority is being requested by the Attorney General in the name of making a living reality of the pledges of equality under law which are embodied in the Constitution, without reference to article III, section 2, of the Constitution, which provides that the trial of all crimes, except in cases of impeachment, shall be by jury.

We are proud that we have a government of law rather than a government of men, yet this bill would create a Commission which would apparently establish its own rules without statutory restriction, while using subpena powers

and employing uncompensated personnel. The testimony clearly indicates that the protection of the rights of the individuals who are to be brought before this Commission would be entirely dependent upon the caliber, judgment, and motives of the men to be appointed to the Commission. It is difficult to understand the reasoning of those who express their willingness to place their complete trust in a group of men serving on a Commission while at the same time they question the integrity of American juries and State judges. When questioned about the extremists who might be employed as uncompensated personnel by the Commission, the Attorney General indicated that this would enable the Commission to employ an outstanding expert who would not want to take pay from the Government because there might be a conflict of interest. This statement would indicate that this bill also carries with it a built-in exception on conflict of interest in the employment of uncompensated personnel by the Commission.

Eleven States were sufficiently concerned to send their representatives to testify before the House Judiciary Committee. Eight States were represented by an attorney general of the State and two States were represented by an assistant attorney general. Without exception, each State attorney general and assistant attorney general was opposed to this legislation. These proposals were viewed by them as an unwarranted centralization of power, and both unnecessary and undesirable. State officials took the position that the distrust of State governments, of State law, and of the State judicial processes implicit in the proposals were not deserved.

The Constitution of the United States and the statutes already existing provide every remedy and protection that any citizen of the United States could rightfully desire. As the minority report states, the existing statutes are broad enough to cover not only an action for damages, but include preventive relief in equity with the right of the court to grant an interlocutory or permanent injunction. I am glad that the existing law is not sufficiently broad to dispense with a trial by jury. I am also glad that existing law does not give to any Federal official authority to represent selected complainants at the taxpayers' expense while at the same time denying equal protection to defendants who are presumed under existing law to be innocent. The minority report points out that under the proposed legislation the Commission might subpena 10 or 15 witnesses for a complainant to appear at a remote location, with the Government paying travel and per diem allowances. At the same time, the defendant who is presumed under law to be innocent, would be required to appear at the same remote location at his own expense with the responsibility of getting his own witnesses and paying their expenses.

Not only would this proposed legislation establish a commission to investigate allegations that citizens are being deprived of their right to vote by reason of their color, race or national origin, but H. R. 6127 adds "religion." The minority report points out that the word "religion" was struck from the bill which appeared as a committee print on February 28, 1957, but reappeared in H. R. 6127. I am unaware of any testimony in the recent hearings of the Judiciary Committee which indicates that any citizen has been deprived of any right due to religious belief. In fact, the minority report states:

> In the hearings that have been conducted before the House Judiciary Committee over a period of many years, we have been unable to discover a single line of testimony from any individual appearing in person and on his own behalf contending that such person's civil rights had been abused.

Since America is universally recognized as a land of freedom, and recognized above all for religious freedom, I am unable to understand this effort to include religion in this proposed legislation. The inclusion of religion appears to be contrary to the first amendment of the Constitution, which states that Congress shall make no laws respecting an establishment of religon, or prohibiting the free exercise thereof. Inherent in the thinking of the individual American is the conviction that every citizen has a right to the enjoyment of religious freedom, and the inclusion of the word "religion" in this bill is inappropriate.

Also, inherent in the thinking of Americans is the belief that every accused person is entitled to justice in our courts, and the conviction that justice is safeguarded through trial by jury. The framers of the Constitution of the United States were intent upon preserving the right of trial by jury when they provided in article III, section 2, that—

> The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

It is inconceivable that the proponents of this legislation could conclude that the vast majority of Americans would be willing to accept less than a trial by jury for an accused person where human rights are concerned than they have been willing to accept for the adjudication of property rights. Yet, practically every State in the Union has provided for a trial by jury in eminent domain cases, while this effort is being made to abolish trials by jury in these cases involving human rights.

The proponents of this legislation seek to abolish trial by jury by bringing actions in the name of the United States rather than in the names of private parties. The purpose of section 3691 of title 18 of the United States Criminal Code is to provide that in contempt cases the accused, upon demand therefor, shall be entitled to trial by a jury, and to conform as near as may be to the practice in other criminal cases. Since this section does not apply to contempt committed in the presence of the court or suits brought or prosecuted in the name of the United States, an effort is being made to have the United States Government engage in the private practice of law for the specific purpose of avoiding jury trials. Section 3692 of title 18 of the Criminal Code, which follows the section I have mentioned, also clearly sets forth previous thinking covering judicial procedure in contempt cases. This section provides that, in all cases of contempt arising under the laws of the United States governing the issuance of injunctions or restraining orders in any case involving or growing out of a labor dispute, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed.

There was good reason to provide for trial by jury in contempt cases growing out of labor disputes when the Norris-La Guardia Act was passed, just as there is good reason for providing for a trial by jury in contempt cases growing out of this proposed legislation. I was for trial by jury in contempt cases growing out of labor disputes when the Norris-La Guardia Act was passed, just as I am in favor of a guaranty of trial by jury in contempt cases growing out of so-called civil-rights cases. Trial by jury is a minimum and necessary guaranty for the individual in both cases. We cannot vary the right to trial by jury on the basis of the subject matter of a dispute. The question is one of guaranteeing justice to the individual, and justice is determined through guilt or innocence and not by the nature of the dispute. The accused are entitled to their day in court for contempt cases growing out of labor disputes and for contempt cases growing out of so-called civil-rights cases. To the American people, this day in court in both cases means a trial by jury.

To dispense with jury trials in the proposed legislation is contrary to the Constitution of the United States, existing statutory authority, and the inherent conception of American justice.

Mr. NIMTZ. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. ALGER].

Mr. ALGER. Mr. Chairman, I realize the lateness of the hour and the small number of Members here. In the short time I have been here my colleagues have told me of the adage that little influence is exerted in the speeches we make. So I say to you that maybe I am speaking only because I do not want silence to be misunderstood to mean that the people of the city that we affectionately call Big D and the folks of Dallas County are voiceless on an issue like this. I do hope in passing maybe 1 or 2 things I say will have some merit to you.

In the first place, I am not a lawyer. Still, I have great respect for the things I have heard. I feel that what I lose in technicalities I might replace by grassroots impressions of this bill.

I am not going to belabor you with a lot of detail. I am taking the bill, and that is all I have here, and run quickly through it and pick out some of the things the man on the street may have to say; and I feel that maybe some of you will feel there is merit in this position. First of all, I would say in observing this bill, as much as the bill last year, this is not a racial bill at all. This is a political bill. I do not think anybody here on either side of the aisle can truthfully say, no matter how concerned they

may be about civil rights, that there is not a lot of politics involved. Insofar as to the degree that we use politics to solve this problem, I believe we will all agree that that will not be as good a solution as we could have worked out. So far as civil rights goes, everybody is for civil rights just as we are all against sin. There is no question about that. Last year, I might say to you, when I speak of the political implications in this, I did not sign the southern manifesto which was put out—again in the independence of my position; because some of my colleagues who signed that and appealed to the people of the Nation, saying here was a great States rights violation, very frankly, as I understood the voting records, they have not stood up so firmly for States rights on other issues other than the civil-rights issue. So I probably am a misfit on both sides of the aisle to some degree. Maybe what I lose in a lack of camaraderie I may gain in compensation by some independence. Now, as I look at the bill, it looks more like a violation of civil rights than it does a solution of the civil-rights problem. First of all, let us speak about the Commission. I understood that a Commission is to be set up to study possible violations of civil rights so that out of that august body's findings legislation can be suggested. What do we have? We find the two together. We have legislation which was to follow the wisdom of the Commission's findings in the same bill with the Commission. Obviously, the Commission is to have God-like wisdom.

Passing on to page 4, I refer now both to this bill and the bill of last year. I have listened to as much of this as possible and the same was true last year. We made some changes from last year's bill which the gentlemen from New York, both the majority and the minority leaders of the committee have very excellently explained to us. I think I understand them. First of all, many of us are concerned about the subpena privilege of this Commission because anybody at the drop of a hat could go anywhere at his own expense, on his own time, for any distance and meet the wishes of the commission. What did we do? We cut back the distance traveled. Does that make any difference? How about the civil rights of the fellow who has to travel on his own time, which makes it all the worse, to meet the wishes of the commission. In any event, who is going to repay him. How about his civil liberty too?

Allegations are now to be made in writing. Do you recall the debate last year when the proponents of the bill did not feel there was anything wrong in not having a bill of particulars and the gentleman from Texas pointed out to us that having the allegations in writing this year, they have seen the light and put it in the bill. Also, they have taken out the matter of unwarranted economic pressure. I mention those two things for this point. They have left in religion. Could it be that if they had given any further thought to the bill an amendment might cause them to think that just as they amended it from last year in these other instances, they might agree to strike out religion too. There are only two subjects in our lives today that are not broadly touched by Federal law. I think one is the church and the other is our children's education.

Let us look here at page 6. Let us look at the top of the page. I am just going through the bill. Anyone of you who has the bill can follow me. On page 6, paragraph No. 2 it says: "study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution."

I stood here, which is one of the few times I have taken the floor, to unfold to you the evidence before our committee last year which frankly shocked me, when I saw the evidences of brutality—the pictures of men being beaten almost to death with the police standing nearby in labor dispute and the police not taking a hand. I simply ask you—is that civil rights? Why have not my colleagues and friends from the North had something to say about civil rights in this matter of labor violence? I am certainly not afraid to mention it. I will do what I can to see civil rights protected.

Let us pass down on to the bottom of the page, where the bill provides that the Commission may accept and utilize services of voluntary and uncompensated personnel.

Think of that a minute. I am no attorney—but what contractual obligation is there between a person working for the Commission in this case and the Commission itself? Would you hire anyone in your office without pay? Where would be the loyalty? Would there be any contractual agreement between you? Even the people we hired at a dollar a day get that dollar a day. I will not labor that point further, but I just want to ask you these rhetorical questions. Now the number of people are limited to 15. I wonder why the number is limited to 15? If more than 15 were wrong, is it not equally wrong that we have 15? Why have any voluntary and uncompensated personnel? On the next page there is a penalty where there is a refusal to obey a subpena, and a man can be taken to jail without a jury trial. When a man is in jail and has not had a jury trial, how about his civil liberties?

On the top of the next page, I see we are going to appropriate money, so much as may be necessary.

In the next part we are going to add people, as many as are required to administer the Attorney General's business, an unlimited number.

At the bottom of the page I want to quote this and see how it sounds to you, as it will to constituents.

> Whenever any persons have engaged or there are reasonable grounds to believe that any persons are about to engage in any acts or practices which would give rise to a cause of action pursuant to paragraphs first, second, or third—

And then go back and read the paragraphs. I simply wonder if there is anything in our lives that cannot be fully covered by this particular clause. Where, then, are our civil rights, if the Commission or the Attorney General wants to file suit for any reason under the sun?

Then, at the bottom of page 10, the bill speaks of civil rights, including the right to vote. I want at this point to ask where anyone has outlined civil rights, if you take out the right to vote? How much has been said to us about other civil rights? What civil rights?

Then we go to part IV, and that bothers me particularly. This matter of States rights. I will be glad to put up my voting record against anyone in the matter of States rights. I want to preserve those rights. As I say, there is only one reason the Communists could not by subversion take over our country. The reason is the balance of power between State and Federal. There is no centralized voting, there is no central landownership, there is no central police power in Washington, but it is decentralized through the 48 States. But we will have none of these things if we transfer our power to the Federal Government, through tampering with our States voting law because then we will lose our State balance against Federal Government.

Then, on the last page, is spelled out how any taxpayer, through the use of his own money, can be sued by Uncle Sam. I ask you how is the fellow who is innocent going to be protected? Who is going to pick up the tab for him? Suppose he is declared innocent, after he has engaged an attorney and paid for all the costs; if he is not guilty, what does he get out of this? Who repays him?

I can understand why some attorneys may not be too concerned about this bill, because either way I think they will have more business. Those of us who do not enjoy a legal practice cannot appreciate the situation. To us it is a bad bill. We cannot appreciate the attorneys who say it is a bad bill, in not speaking out on the floor.

It seems to me we can kill more civil rights than we protect. Talk about a jury trial. It will be difficult to explain to anybody back home why you are against jury trials if that is passed.

Mr. COLMER. Mr. Chairman, I make a point of order.

Mr. ALGER. Would the gentleman withdraw that? I am almost finished.

Mr. COLMER. Yes; I will withhold it for the time being.

Mr. ALGER. Finally recognizing what the Supreme Court has done to us, I wonder what will be the construction of congressional intent when we on this floor have this great difference of opinion as to what we are actually trying to do, what the law actually means—I simply wonder what the Supreme Court will do to us now when they construe this bill later on, as to congressional intent.

Mr. COLMER. Mr. Chairman, I did not want to interrupt the gentleman from Texas, but I do think we should have a quorum present, and I make the point of order that a quorum is not present.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The question was taken, and the Chair being in doubt, the Committee divided and there were—ayes 28, noes 38.

So the Committee refused to rise.

The CHAIRMAN. The Chair will now count for a quorum. [After counting.] Eighty-two Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 103]

Andresen, August H.	Fogarty	Morris
Anfuso	Frelinghuysen	Multer
Arends	Friedel	O'Brien, Ill.
Ashley	Garmatz	O'Hara, Minn.
Ayres	Gray	O'Konski
Bailey	Green, Pa.	Osmers
Baker	Gregory	Philbin
Barden	Griffin	Pillion
Barrett	Griffiths	Poage
Beamer	Gubser	Porter
Belcher	Gwinn	Powell
Blatnik	Harden	Prouty
Bolton	Hays, Ohio	Rabaut
Bosch	Healey	Radwan
Bow	Hoffman	Rains
Bowler	Holifield	Reed
Breeding	Holland	Rhodes, Ariz.
Brown, Mo.	Holtzman	Rhodes, Pa.
Buckley	Horan	Riehlman
Byrne, Ill.	Jackson	Rogers, Colo.
Byrne, Pa.	James	Rogers, Mass.
Byrnes, Wis.	Jenkins	St. George
Cederberg	Jensen	Schwengel
Chamberlain	Jones, Ala.	Scott, Pa.
Chiperfield	Judd	Scrivner
Christopher	Kean	Shelley
Chudoff	Keeney	Simpson, Pa.
Clark	Kelly, N. Y.	Smith, Wis.
Clevenger	Keogh	Spence
Corbett	Kilburn	Stauffer
Coudert	Kirwan	Taber
Cramer	Knutson	Taylor
Cretella	Krueger	Teague, Tex.
Cunningham, Nebr.	Laird	Teller
	Lane	Tewes
Curtis, Mass.	Lankford	Thompson, La.
Curtis, Mo.	Latham	Utt
Dague	LeCompte	Vinson
Dawson, Ill.	McConnell	Vorys
Delaney	McCulloch	Vursell
Dellay	McGovern	Wainwright
Dempsey	McIntire	Westland
Dixon	McIntosh	Wharton
Dollinger	Machrowicz	Widnall
Donohue	Martin	Wier
Dooley	May	Wigglesworth
Dorn, N. Y.	Miller, Md.	Williams, N. Y.
Eberharter	Miller, Nebr.	Wilson, Ind.
Fallon	Miller, N. Y.	Withrow
Farbstein	Minshall	Wolverton
Fino	Montoya	Zelenko
	Morano	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FORAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H. R. 6127, and finding itself without a quorum, he had directed the roll to be called, when 275 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

PROGRAM FOR NEXT WEEK

Mr. KEATING. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Chairman, I should like to inquire at this time of the majority leader as to the program for next week.

Mr. McCORMACK. Mr. Chairman, beginning on Monday the consideration of the pending bill will be continued until that bill is disposed of. Of course, on Wednesday next there will be no session, in accordance with the unanimous-consent request heretofore granted.

If the civil rights bill is disposed of in time next week—you notice my words of qualification, limitation, and guardedness—there will be other bills brought up. They are:

The conference report on the third supplemental appropriation bill, H. R. 7221.

H. R. 6974, to extend the Agricultural Trade Development and Assistance Act.

S. 469, relating to the termination of Federal supervision of the Klamath Indians.

H. R. 7168, the Federal Construction Contract Procedures Act.

I make the usual reservation as to conference reports and that any further program will be announced later.

Mr. HALLECK. May I ask if the conference report on the third supplemental appropriation bill is in agreement?

Mr. McCORMACK. No; there are two matters in disagreement. There is one on the disaster insurance and the other on the tungsten.

Mr. HALLECK. Would it be expected that in all probability there will be a separate vote had on those matters that are in disagreement?

Mr. McCORMACK. I would expect that there would be a separate vote. We may take 2½ or 3 hours to dispose of that.

Mr. HALLECK. And as I understand it that conference report would not come up until the consideration of the pending measure is concluded?

Mr. McCORMACK. Nothing will come up until the consideration of the pending bill is completed.

Mr. CANFIELD. The gentleman referred to disaster insurance. Does the gentleman mean flood insurance?

Mr. McCORMACK. Yes; that is what I have in mind.

Mr. ASHMORE. Mr. Chairman, I yield 15 minutes to the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. Mr. Chairman, I want to join those gentlemen who on yesterday spoke in favor of a jury trial. I do not think any words of mine could add to the wisdom of their argument, but I do think it might be well to make one observation. While the judiciary was set up under the Constitution as a branch of the Government, the Congress has the power to set up the district courts. The Congress has the inherent power to prescribe for these district courts the rule by which these courts shall operate. If the Congress of the United States has the power to legislate, and if the Congress of the United States has the power to prescribe the rules for the courts of this land, as it does, then the Congress has the right to write into any legislation the right to a jury trial. So, it is a question of whether you believe in a jury trial and whether or not this fair way of deciding issues shall be put into this legislation.

But, I want to address myself to one other point which I think should be brought to the attention of the House. This legislation, insofar as I can determine, is the most dangerous piece of legislation offered in the last 10 years. Under this legislation, it is possible, if not designed, to do away with the system of free elections in this great country. I speak not only of those elections for seats in the House of Representatives or in the other body, but I speak of elections in any branch or subdivision of our national, State, or municipal governments. My reason for saying so is on page 11 of the bill. There is a reference to section 1971, title 42 of the United States Code. If you have not read that section, I beg you to read it before you vote on this legislation. I am going to read it to you because it has not been read before. It is not mentioned in the bill and it is not mentioned in the report in such a way to give the Members an idea of what this particular statute provides. This statute provides:

> All citizens of the United States who are otherwise qualified by law to vote in any election by the people of any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision shall be entitled and allowed to vote at all such elections without distinction of race, color, or previous condition of servitude. Any custom, law, usage, or regulation of any State or Territory by or under its authority to the contrary notwithstanding.

Then, my friends, we read into this legislation the implications which have arisen from certain decisions of the Supreme Court of the United States. I have in mind particularly the case of the Commonwealth of Pennsylvania versus Steve Nelson, wherein the Supreme Court of the United States said to the State of Pennsylvania, to your State and to mine, that insofar as sedition is concerned the laws of the Federal Government and the Smith Act of 1940 preempts or supersedes any other sedition act of a State legislature which prior to that time and since 1940 had been able to pass legislation against sedition, and it was not questioned that the States had that right until the Steve Nelson case was decided on April 2, 1957.

I want to call attention to certain things in this Steve Nelson case, because if they can do it on the question of sedition they can do it on the question of civil rights. If they can have a doctrine of preemption written into the Smith Act, which was not intended by the author, nor intended by the Congress which passed the act—and the author of the bill wrote to the Court and told them that it was not intended—despite that fact the Supreme Court said that the United States statute did preempt.

Now, we are confronted with the problem of voting. We are putting into the hands of the Attorney General of the United States the power to direct various district attorneys, on the eve of some Federal election if you please, or in those States where an election might be called either for Congress or for governor or some other office which some political party might deem necessary to hold, or some balance of voting in which some political party might think the Attorney General should take some action upon for the purpose of either hindering the election, starting unnecessary propaganda, or making sure that a certain candidate received or did not receive a certain block of votes. That is the danger of this legislation, because we are putting into the hands of the United States district attorney, and people under him, the power to meddle in State elections.

If you will remember the 10th amendment to the Constitution, and its provisions and its interpretations, the States are supposed to be supreme in the laws on elections.

I have here for the purpose of illustration the laws of my own State, which I think are inferior to none, having been tested and approved once by the Federal courts and approved often by the district courts.

Now listen just a minute to something that came from the Steve Nelson case, and you will see why I am scared of the preemption doctrine being put into the election laws.

In that case the Supreme Court said:

> It should be said at the outset that the decision in this case does not effect the right of the States to enforce their sedition laws at times when the Federal Government has not occupied the field and is not protecting the entire country from seditious conduct. * * * Nor does it limit the jurisdiction of the States where the Constitution in Congress has specifically given them concurrent jurisdiction as was done under the 18th amendment and the Volstead Act.

On its face that would not seem to cause any concern here, until we read the provisions of this bill. On page 10 of the bill, line 8, we start:

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

So we do not require under this legislation that the State laws, which have been recognized by the Constitution, shall be exhausted before we resort to Federal district court action. This bill gives the Federal authorities the right to bypass the State laws. It gives the district attorney in your district the right to meddle in your election, or defeat you if he is so minded, or his party is so determined. It has happened. Only this week another decision came down and I want to touch on it just briefly, the famous Jencks case. Jencks had asked that the Court look at certain records, and the former Attorney General of the United States dissented, pointing out that this Supreme Court across the way not only said that the Court should look into the files of the Federal Bureau of Investigation but that the defendant himself might look into those confidential files, when the defendant, by his original motion, never asked that authority.

Now you are faced with this proposition, you are faced with the proposition of either rejecting this legislation or bowing down again to the white-marble palace across the way, telling them that we are going to have legislation by decree just as they have in the Steve Nelson case, where they wrote into the Smith Act the doctrine of preemption that was never intended. And if you pass this bill you are going to have written into the legislation the doctrine of preemption which says that the Federal Government under this legislation has the right to go into your State and into your county and your city and say that your State laws do not apply.

We have all been in elections here. We know that on the eve of a primary or a general election after a long and hard campaign, people are tense, rumors are on the wings of the wind; propaganda has been spread, the candidates and their friends are nervous and worried about the outcome. Then what happens? One of the provisions of this bill states that when any person or persons are "about to engage" in anything which they say might keep some people from voting that the Attorney General or the district attorney or whoever else might be interested for political purposes shall come in and obtain an injunction and have other remedies attendant.

Suppose you win an election or are about to win; the other side knowing it is going to lose, but having in office a friend who is a district attorney who wants him to win because he was district attorney; he has affidavits made by his friends to say that certain things will happen or are about to happen, so he will keep certain people from voting, or we will say to the manager of ward 3 or precinct 4, or to the managers or supervisors or election commissioners: "You cannot act tomorrow in this election." What is the result? A whole box in that municipality is out of the picture because they know that particular part is going against them.

If you want that sort of thing and if you believe freedom-loving American people deserve that sort of treatment at the polls, then vote for this legislation. But if you want freedom of elections I ask you to consider what we are saying here.

Let me digress just a minute and tell you something about elections. In South Carolina—I can speak for no other State—every man regardless of his race, creed, or color, is allowed to vote, and we have had no difficulty at all. We have made great progress. This sort of legislation would be used only as a vehicle for those who would seek to undermine the very freedom of election that this bill pretends to seek.

You have seen the endorsements of this sort of legislation by organizations which are either pink or red. You have heard of the Communist Party endorsing this sort of legislation and certain ideologies and certain groups which have been sponsoring it.

I ask you to think about those things. I ask you to think, Mr. Chairman, because I believe that under the 14th and 15th amendments, and under the present statutes you have sufficient remedies. I ask the Members over the weekend to read title 42 of the United States Code—and those are laws which were passed in 1866 and 1870 which have been the civil rights of this land since 1870. Now, until 1957 those laws which have been sufficient, and under them this great land has enjoyed freedom and the prosperity we now enjoy, its civilization is the best in the world; the laws suddenly become inadequate, yet our industry and our country have flourished under the legislation enacted in, and which has been the law since, 1870. Then why in 1957 is it necessary to pass in this Congress the controversial legislation that you are considering here today? Why should you incite man against man at the polls? Why should you add fire or fuel to the flames which some have started? I might tell you that we in the South hold malice toward none. We do not want difficulty or trouble. We have neither fanned the fires nor fed the flames because we want and have made progress.

You have served with us in the Congress, you know what type of people we are. Then can you look us in the face and say: "I recognize the fact that you sat on the committee with me today, that you worked in the Congress with me day before yesterday, that you spoke in the well of the House, that I welcome your smile, yet you are the people whom this legislation is directed against."

I beg of you not to consider this legislation in that light. I would not stoop to consider legislation against any other section of the country. I would think it was beneath my dignity as an American and against all principles of freedom. Of course, while this is a federal government, do you realize what the United States means? It means a confederation of States united. I think the man from New Jersey or New York, the man from California or the man from Pennsylvania is just as good an American as I am. I think it is just as important to him to preserve America. I think it is important to him to look at this legislation and see the evils of it.

Mr. Chairman, I ask that this legislation be defeated.

It is true that this legislation does not specifically state that the Federal statutes shall preempt the election statutes already in existence in the various States, but we are in a period of serious governmental difficulty already arising out of the unfortunately successful effort by the Supreme Court to have the judiciary usurp the powers of the Congress. Some have correctly termed this "legislation by decree." If this has taken place before, and I am going to point out where it has, it could and would take place again.

I have reference specifically to the Steve Nelson case in which the Court read into the Smith Act of 1940, as amended in 1948, a docket of preemption, not originally intended by either the author of the act or the Congress which passed the legislation, and since the passage of the act, never before invoked to take from the State its right to prosecute for sedition.

No one seems concerned that the checks and balances so sacred to our forefathers, are now sacred only to the Congress. Neither the executive nor judicial branches of this Government longer recognize, or subscribe to original conception that each branch of the Government, supreme in its own sphere, would be checked by the other branches.

It concerns me here that some of those who propose this legislation, or support it, are so blind as to its effects. Either for political expediency, or for a cause they believe just, but which promises as its impact injustice to all America, they blindly follow Attorney General Brownell on his civil-rights bill.

The dissenting opinion by Mr. Justice Reid, Mr. Justice Burton, and Mr. Justice

Minton, recognized the necessity for adherence to constitutional principles, and quoted from Chief Justice John Marshall and others, whose real thinking on the Court was to preserve the Nation. They repeated, for the Nation, from title 18, section 3231 of the United States Code:

> Nothing in this title shall be held to take away or impair the jurisdiction of courts of the several States under the laws thereof (18 U. S. C. 3231).

These dissenting Justices knew, and perhaps other know, that it is necessary that a State have adequate penal law.

> To interfere with the penal laws of a State, where they * * * have for their sole object internal government of the country, is a very serious measure, which Congress cannot be supposed to adopt lightly, or inconsiderately. * * * It would be taken deliberately, and the intention would be clearly and unequivocally expressed (*Cohens* v. *Virginia* (6 Wheat. 264, 443)).

Finally we find this in the opinion:

> The law stands against any advocacy of violence to change established governments. Freedom of speech allows full play to the processes of reason. The State and national legislative bodies have legislated within constitutional limits so as to allow the widest participation by the law enforcement officers of the respective governments. The individual States were not told that they are powerless to punish local acts of sedition, nominally directed against the United States. Courts should not interfere. We would reverse the judgment of the Supreme Court of Pennsylvania.

Now you must remember, considering this Nelson case, that the Department of Justice, through the Solicitor General of that day, now a distinguished jurist, filed a brief, as a friend of the Court, and our United States Government took the position, before the Court, that the Smith Act did not supersede or preempt the Pennsylvania Sedition Act. I quote from page 5 of the argument of the Solicitor General:

> The Smith Act itself and its legislative history are barren of any suggestion that supersedure of similar State laws was intended. On the contrary, there is clear evidence that Congress was well aware of the existence of the State legislation and there is no evidence that it intended the Smith Act to affect such legislation. Moreover, the Smith Act is included in the Federal Criminal Code as reenacted in 1948, which includes a general saving clause to the effect that nothing in the code "shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof" (18 U. S. C. 3231).

Then the Solicitor General knew the inherent dangers in decisions such as was issued, and on page 7 of that brief I find the following language:

> Moreover the field is that of criminal justice, which, in our Federal system, is primarily committed to the care of the States. This Court has stressed that it will not lightly infer that Congress, by the mere passage of a Federal act, has impaired the traditional sovereignty of the States. *Allen-Bradley* v. *Board* (315 U. S. 740, 749). It is settled that there is no constitutional obstacle to the punishment by both the States and the United States of the same acts.

Further on page 16 of that brief I find the bold statement in bold print:

> Congress has not preempted the field of punishing seditious activities.

Let us recollect also, that there was no showing, in the Nelson case, that the State statutes as administered by the State, in fact was an obstacle to the accomplishment of the full purposes and objectives of the Smith Act. If such appeared, Congress would be free to eliminate such conflict.

The concluding statement in the brief spells out the dangers involved. The usurpation of the powers of Congress by the Court was predicted, and has happened. We have done nothing about it. The Communists do not want us to do anything about amending the Smith Act so that the States can prosecute also. They are happy and satisfied. They know that the Congress is close to the people, and that once the inherent powers of any branch of this Government is undermined, the Government as a whole is weakened. I quote from the brief again:

> We have spelled out in this brief our reasons for concluding that Congress has not sought to displace State legislation prescribing advocacy of the violent overthrow of Government. Doubts as to the wisdom of such legislation or the possibility that it might be abused in practice should not be permitted to obscure the fact that within an area such as this, were Congress and not the courts to determine, within the constitutional framework, the extent, if any, to which the traditional sovereignty of the States must yield to the paramount Federal power. We have found no indication, express, or by implication, that Congress has at any time considered it in the public interest to displace State sedition laws. Of course, should it at any time appear to Congress to be in the public interest to limit the operation of such State laws, Congress is free to legislate to that end. The problem, if there be one, is a legislative problem to be dealt with by Congress.

For years the election laws have been the exclusive sovereignty of the States. Whenever any difficulty over election arose, it was handled in the State court, under proper authority and proper decree. There is no necessity of changing form and practice of Government in this regard.

But, some would say, the States have the right to handle elections, and this bill is designed at civil rights, instead of elections. I tell you that the States do have the right to hold elections, and to legislate concerning them, and I also tell you that this bill is designed to break down those rights, along with the purported civil rights theory of the bill.

Some may say, Well, Mr. Brownell would never do anything like that. I do not pass on that here, but who can say who will be Attorney General next, and what his motives may be, or whether the Communists will "slip one in on us," as they have done in other instances, namely, Alger Hiss.

We have been talking about the Smith Act, and the doctrine of preemption. While it may not be the intent of the legislation, and the distinguished chairman of the committee might well write the court that it was never the intention of this legislation to preempt the rights of the States over elections, the men across the way might do like they did in the Steve Nelson case, disregard what the lawyers call stare decisis, which means the guiding opinions of former years, and usurp the powers of Congress again to preempt the Federal Government into the election field. Then, what happens?

We know of the lust of power, we men who serve in the Congress. We have seen it through the years, some of you have had far more experience along this line than I ever hope to have. Suddenly there is thrust in the hands of the Attorney General of the United States—and he controls most of the District Attorneys, the Federal Bureau of Investigation, and a bureaucracy waiting to do his will—the duty or opportunity to stop a series of elections which will determine the control of the Congress, the naming of the President, or else, and he finds himself in a position of great power—he decides to capitalize upon it. The probabilities and possibilities are fantastic, but they are there.

But you are going to say to me that our Supreme Court, in past years has said that the States have the right to determine the manner and means of voting, except where there is discrimination. But I tell you that the decisions have implication, from which decisions, or preemption, such as the Steve Nelson case, could easily be drawn.

The power of Congress to legislate on the subject of voting at purely State elections is entirely dependent upon the 15th constitutional amendment, and is limited by such an amendment to the enactment of appropriate legislation to prevent the right of a citizen of the United States to vote, from being denied or bridged by a State on account of race, color or condition; since the amendment is, in terms, address to the action by the United States or a State, appropriate legislation for its enforcement must also be addressed to State action, not to the action of individuals—*Carem* v. *U. S.* (121 Federal 250, 57, C. C. A. 486, 61 L. R. A. 437).

In a case from my own State, South Carolina in 1871, the Supreme Court declared that Congress has the power to interfere for the protection of voters at Federal elections, and that power existed before the adoption of the 14th and 15th amendments to the Constitution—*U. S.* v. *Crosby* (Federal Case 14, 893, 1 Hughes 448).

The power of Congress to legislate upon the right of voting at State election rests upon the 15th amendment, and is limited to prohibitions of such discrimination by the United States, the States, and the officers, or others claiming to act under color of laws within the prohibition of the amendment—*U. S.* v. *Amstein* (6 Federal 819 (Indiana 1881)).

In case of *U. S.* v. *Lackey*, Kentucky decision originally (99 Federal 952, 107 Federal 114, 46 Circuit of Appeals, 189, 53 L. R. A. 660, 21 Supreme Court 925, 181 U. S. 621, 45 Law Edition 1032), our Court has held that the 15th amendment was meant to guarantee and secure to the Negro as such the same right to vote that the white man, as such, has; and under the power conferred upon Congress to enforce the same by appropriate legislation, any legislation having in view the sole object of protecting that right, if

adapted to that end, not otherwise unconstitutional, is valid.

These then are the implications.

Just suppose for one instance, that a State was marginal in some Federal election. A person of design, upon affidavits, could be informed that the election commissioners of the State, and of the various subdivisions of the State, were about to engage in some activities which would prevent some alleged segment of the population from voting. Immediately, in order that the State be out of the picture insofar as the election was concerned, injunctions, or writs, could issue, under the guise of civil rights and under this legislation, against those in charge of the election. After the election was over it would not make any difference, but confusion would come rampant, and the worst in American conception become possible.

It would do us no good to claim the State court had jurisdiction.

I know of no State which does not have adequate election laws. There is no complaint, openly in the bill, to this end.

But if we have been preempted in the field of sedition, is it not possible we will be preempted in the field of election?

It may appear to you that I have made here a lawyer's argument. I admit that I have, but this bill has come from the Judiciary Committee, whose members are acknowledged leaders of the legal profession, but I have endeavored to put it in language the other businessman can understand.

In order to accomplish preemption, in the Steve Nelson case, the Supreme Court of the United States overlooked similar questions which had been before the Court from other States.

In *Gitlow* v. *New York* (268 U. S. 652), the Court said:

> And the State may penalize utterances which openly advocate the overthrow of the representative constitutional form of government of the United States by violence or other unlawful means. (*People* v. *Lloyd* (304 Illinois 2324)). See also, *State* v. *Tachin* (92 New Jersey Law 269, 274); and *People* v. Steelik (187 California 361, 375). In short this freedom does not deprive a State of the primary in an essential right of self-preservation; which, so long as human governments endure, they cannot be denied.

Whitney v. *California* (274 U. S. 357 (1927)) was a case in which the United States Supreme Court sustained the constitutionality of the California statute which made it a felony for anyone knowingly to become a member of any organization advocating unlawful acts of force and violence as a means of accomplishing change in industrial ownership or any political change.

In *Gilbert* v. *Minnesota* (254 U. S. 325 (1920)), the Supreme Court upheld a Minnesota statute making it a misdemeanor to advocate the citizens of the State should not aid or assist the United States in prosecuting or carrying on a war.

As Pennsylvania was denied and deprived the right of prosecution, so may your State, and mine, be deprived of the right of having its own election law, and the doctrine of preemption takes us further down the road toward statism, and, eventually, socialism and destruction.

In *Rochin* v. *California* (342 U. S. 165) Mr. Justice Frankfurter said:

> In our Federal system the administration of criminal or justice is predominately committed to the care of the States.

In *Jerome* v. *The United States* (318 U. S. 101 (1943)), Mr. Justice Douglas said:

> Since there is no common-law offense against the United States, the administration of criminal justice under our Federal system has rested with the States, except that criminal offenses have been explicitly prescribed by Congress. In that connection, it should be noted that the double-jeopardy provision of the fifth amendment does not stand as a bar to Federal prosecution though a State conviction based on the same acts has already been obtained.

In his argument in the Steve Nelson case, the distinguished attorney general of Pennsylvania contended that the States have always had and still have the power of self-preservation, and this includes the power to prohibit advocating the overthrow of the Government by force and violence. He went on to say that for Congress to occupy the field and supersede the State's sedition law would completely reverse the well-established principle just discussed and deprive the State of the right to protect this very existence, its right of self-preservation.

Can you not see what may happen? Perhaps it is designed. This legislation bows the head of Uncle Sam to an organization known as the NAACP. I believe that it is a known fact that the Communist support, help in every way they can, and promote the NAACP.

I do not intend any implication to the authors of the bill that they are other than sincere American Congressmen. But the legislation is unnecessary; it is dangerous, and may well be the means toward the end of our system of free election.

Mr. ASHMORE. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Chairman, one knows little about a particular problem unless he has lived with it. Since the Negro seems to be the subject of this legislation, I, having lived in his midst all of my life, believe I know something about him. Sponsors of this bill actually know little about our colored people. Their espousal of the bill is simply an expedient in the realm of make-believe—an attempt to make the Negro believe that he is acceptable to them in all respects, socially and otherwise. The object is to curry political favor. A casual glance at the ghettos of northern cities belies their statements. There the colored man is shunted further away from the white society than he is in the most segregated southern community; and when he does settle in a northern white community the whites flee the neighborhood in frenzied horror.

There are some who espouse the idea of enforced association between the races. Social contact between people of different races, or even within a single race, must be by mutual consent, of mutual desire, and of mutual will if it is to succeed. The mere passage of a law will not make people happy with one another. Unfortunately, however, there is a segment of our society which always shouts, "There ought to be a law," when they observe something they profess to be wrong. And if their position is one which can be pressed via political channels, as is the pending bill, the machinery is promptly set in motion. By political coercion and the enactment of laws they are trying to make us all alike—socially, economically, culturally, spiritually, and in every manner known to man. That is the objective.

Enforced integration, enforced social mingling, enforced association of any kind or character can never be a success. It makes no difference whether the effort is made between the races or within any particular race. The human being just happens to have individual and discriminating tastes. And these he will have throughout the ages. Laws will not change man's individuality. Laws will not change his color or his characteristics.

People of different races, different colors, and even of different faiths, segregate themselves. Every large American city has its racial segregated areas, although they are not referred to as such. It is not uncommon to find sections of our cities which are completely Jewish, or Protestant, or Catholic, or Chinese, or Negro, and so forth. It all comes from the desire of men of different races, colors, creeds, and characteristics to live among their kind. Personally, I think that was the plan of our Creator. Had He intended us to all be alike—an amalgamated, mulattoed mixture of man—surely he would have so created us.

Stripped of all of its lace and trimmings, this bill is purely political. While there are those here who forcefully espouse integration and mixology, they will, after this debate is concluded, withdraw to their own circle and continue their normal segregated way of living.

Although I have personally discussed the bill with many Members of the House, I do not find many who are really serious about it. There is widespread admission throughout the House membership that the measure is political. Everyone knows that without mention being made of it; and everyone also knows that if the vote were secret the bill would receive at most only about 50 votes.

Now, Mr. Chairman, if it be that there are those here who are serious and with whom civil rights is not a political issue, if they are serious about the desire to completely desegregate the country, if they are serious about accepting the Negro socially and in every other manner, then they should be willing to assume their fair share of the problem. There can be no dispute about the fact that a Negro problem does exist in our country; that it exists in each and every section where Negroes have collected in numbers; and that the problem is in proportion to the number in each area or city.

Nine men of the Supreme Court, influenced by various forces, some well intended and some sinister, have told us that we must abolish segregation, thus changing our way of life. For nearly 200 years we have lived in peace with our black brethren in the South. True, many of our Negroes have poor living standards, but so do many of our white people. I have observed comparable poor living conditions in Harlem, on Chicago's South Side and similar sections of our northern, eastern, and western cities.

The 1950 census will show that 70 percent of our country's Negroes prefer to live in the South. If the situation is so bad down there, if they are receiving treatment which is so unbearable, so intolerable, so inhumane, why is it that most of them continue to remain in the South? The fact that they do should be proof sufficient that their segregated life there is neither harsh nor undesirable. There is no restriction on migration to the North.

It is noteworthy that practically all of the agitation for integration, for civil rights, comes from Congressmen of States which have no Negro problem or from States which have a limited Negro population due to residential segregation, but have a powerful Negro bloc vote.

It would be a fine thing if those States who share their solution with the South would offer to share the problem. Let the State governments of those States whose representatives and press advocate integration and civil-rights legislation, make available accommodations for the number of Negro citizens necessary to bring their Negro population up to the national average of 10 percent. This includes housing and employment, as well as school and church facilities.

We will give their message wide publicity throughout the South so that our unfortunate segregated Negroes may migrate to their States. No fairminded American could object to this plan. Even the NAACP, the ADA, and both political parties could throw their tremendous weight toward this solution of this national problem. The plan is logical, practical, humane, democratic, and sound. Our northern friends will be given an opportunity to practice the civil rights, the equality, and the integration which they preach.

Industrialized agriculture is leaving many Negroes in the South without work. Thousands of them are moving northward each month in search of employment. I am told that Chicago alone is receiving as many as 3,000 per month, with comparable numbers to Detroit, St. Louis, Baltimore, Washington, and other upcountry metropolitan areas. A great number are moving west, to Los Angeles, San Francisco, Oakland, Seattle, and so forth. As the black hordes move in, our northern friends are having to dip deeper for more and more tax money to provide public services, housing, schools, and public welfare. Unfortunately, in the integrated North, East, and West, the Negro bears no larger share of the tax burden and cost of government than he does in the South. So, the problem is shifting but not as rapidly as it should in order to effect equitable sharing among all cities and States of the country.

An examination of this debate might give would-be Negro migrants an excellent clue as to what cities, congressional districts and States are extending the heartiest welcome. Of course, they cannot be too sure because we all know this is political. On the other hand, a degree of profound concern for the unfortunate southern Negro might be gleaned from some of the Members' statements. If so, it would be in the districts of those Members that the migratory inclined Negro might well establish a new residence.

Mr. Chairman, the thing which concerns me tremendously about this bill is the apparent willingness of so many in this House to take another step—a serious step, if you please—toward a strong centralized Federal Government. We are rapidly getting away from the principles which our forefathers wrote into the Constitution and particularly the principle that the States have reserved unto themselves all rights not specifically delegated to the Federal Government.

The snooping Federal Commission authorized by this bill, the personnel to be assigned to it, the additional personnel to be assigned to the office of the Attorney General, the voluntary employees of the Commission and all of the others that go along with this all-powerful investigatory establishment—all posing as the protectors of civil rights—will be nothing short of an assemblage of powerful Federal meddlers and spies created for the purpose of tormenting, abusing, and embarrassing southern white people.

It is clear that a governmental system containing investigators, spies, and Federal agents and Federal injunctions issued by Federal judges, without charge, jury trial or hearing, against persons who are miles away and have never been in the presence of the court, is a far cry from the United States Government we knew only a few years ago. If this bill is passed by Congress and the machinery contained therein is put into effect, we will have a government that even Russia will envy. It will be simpler and far more honest just to pull the veil of pretense and hypocrisy aside and say we are adopting the Russian method of dealing with the people. Such methods as are proposed in the pending bill will leave the people at the mercy of Federal spies, to be robbed of their liberties and freedom of choice, for all time to come.

I have noted with profound concern that it will be within the authority of the Commission to investigate allegations that citizens are being deprived of the right to vote by reason of religion. I am told that since no evidence was submitted to the committee that any citizen was, because of religion, being denied such a right, the committee struck this authority from the bill but later reinserted same by a very close vote.

Who are the people and of what religious faith do they belong that caused the committee to authorize such an investigation? The record is completely silent as to whom they are. We know that the bill is an appeal to curry favor with bloc voters but we do not know just what religious group it is with which some are undoubtedly attempting to placate and curry favor.

We are going far afield when we establish a Commission of the Federal Government armed with attorneys, agents, and spies and the power of subpena, and send it on a fishing expedition into the field of religion. And the followers of that faith which insists on the use of such power, when everyone knows that religious freedom in the United States remains inviolate, are asking for trouble.

I regret, Mr. Chairman, that the time has come in this Congress when we play one race against another, religion against religion, section against section, and even man against fellowman. These are grave times through which our Nation is passing. The very supporting principles on which our Government was founded and on which it developed are being attacked, in a persistent and subtle manner, from all sides by organized and sinister forces.

We are surrounded and engulfed in an atmosphere of so-called social science and one-worldisms. The masses of the people have been misled. They are not informed about what is taking place and for that reason they are not much concerned about the situation. They do not generally know that the provisions of our Constitution which guarantee their liberties are being whittled away by court decrees or are being abandoned, sidestepped, and by-passed.

In recent years large sums of money have been provided by the foundations that have sprung up tax-free all over the country to bring foreign Socialists, leftwing advocates and ideologists, and even Communists into our own country, together to labor for years to develop their un-American stuff and write a 1,500-page book, The American Dilemma, a term for a necessary choice between equally undesirable alternatives; a perplexing problem. This was done by the schemers for the purpose of selling the people on the idea, that our basic Government is wrong; that our Constitution is unfair and oppressive to the masses and ought to be changed as outmoded.

The same social philosophers have induced the Supreme Court to minimize the provisions which retain to the States and to the people powers not delegated to the United States, and they have caused the Supreme Court and other Federal courts to overrule sound and well-considered decisions that have been the law of the land for generations. They have caused the Supreme Court to hand down decisions which were shocking to those learned in the law—the law under which our Nation in 170 years has grown to become the greatest nation the world has ever known. These recent decisions by our present Supreme Court were based not on law and precedent, but solely on propaganda, sociological considerations and modern scientific authority as developed and propounded by the social scientists, the one-world advocates, the Communists and leftwing freethinkers. Such are the authorities cited by the Supreme Court for the new philosophy it adopted in its strange course on which it has launched our people.

It may be good and opportune that this civil rights question has come on for discussion at the present time. It may be that the publicity given the issues and the nationwide interest that has developed through the attempt of certain minority and political influences to push through Congress such monstrous proposals brought forward by its advocates, will arouse the people from coast to coast, and from the North to the South, to the dangers with which they are confronted and cause them to rise up in their might while there is yet time and defend their dearest possession, the Constitution of the United States of America.

This civil-rights business is all according to a studied and well-defined plan. It may be news to some of you, but the course of the advocates of this legislation was carefully planned and outlined more than 45 years ago. Israel Cohen, a leading Communist in England, in his A Racial Program for the 20th Century, wrote, in 1912, the following:

> We must realize that our party's most powerful weapon is racial tension. By propounding into the consciousness of the dark races that for centuries they have been oppressed by the whites, we can mould them to the program of the Communist Party. In America we will aim for subtle victory. While inflaming the Negro minority against the whites, we will endeavor to instill in the whites a guilt complex for their exploitation of the Negroes. We will aid the Negroes to rise in prominence in every walk of life, in the professions and in the world of sports and entertainment. With this prestige, the Negro will be able to intermarry with the whites and begin a process which will deliver America to our cause.

What truer prophecy could there have been 40 years ago of what we now see taking place in America, than that made by Israel Cohen? The plan was outlined to perfection and is being carried out by politicians who have fallen into the trap. Many thousands in America today who are in no sense Communists are helping to carry out the Communist plan laid down by their faithful thinker, Israel Cohen. Truly, vigilance is the price of liberty.

The grievances heaped upon the Colonies by George III and his Parliament sound almost like conditions in the United States Government today. They certainly would be very typical if this civil-rights legislation should become law. What were some of the grievances pointed out in the Declaration of Independence? Quoting therefrom we find the following:

> He has erected a multitude of new offices, and has sent hither swarms of officers to harass our people.
>
> He has combined with others to subject us to a jurisdiction foreign to our Constitution.
>
> Giving assent to their acts of pretended legislation (he is) depriving us in many cases, of the benefits of trial by jury.

How striking the similarity.

These are but a few of the complaints contained in the Declaration of Independence which brought on Revolutionary War. It is now proposed to reactivate, by so-called civil-rights legislation, many of the evils mentioned, and to surrender the wholesome provisions of the law put into the Constitution by the Founding Fathers to protect the liberties of the people.

I would seriously direct your attention to the right of trial by jury. No people can remain free and happy without it. This legislation plans to bypass and, by indirection, to rob the people of this right through scheme and trickery. It would substitute Federal district judges—some 200 of them—to take the place of juries. These, with all the faults, frailties, prejudices, and weaknesses common to human nature, armed with the power of injunction to enforce their decrees, with the legal force of the Attorney General to prosecute in the name of the United States, would proceed against the helpless citizen as he is selected by the Attorney General to be placed upon the sacrificial altar to satify some disgruntled person who might claim that he had been deprived of a civil right. Then by injunction such selected person would be summarily hurried off to prison without his constitutional right to trial by jury being exercised. He would not, as is the law in all criminal cases, be "presumed innocent until proven guilty beyond every reasonable doubt." He would be subjected by his Government, on being selected by the Attorney General, to this cruel and oppressive procedure. This is not America. Such legislation, if enacted and attempted to be enforced, I fear, would create a long period of unusual turmoil and oppression.

There was a period in England about 1685 known as the "Bloody Assizes" when a Judge Jeffries, and others, who, because of their cruelties, arrogance, and oppressive procedures against the people, are looked upon with ignominy to this day. We are told by history that upward of 300 persons were executed after short trials; that very many were whipped and imprisoned and fined; nearly 1,000 were sent to America to the plantations as slaves. History tells us that through the ages where justice is attempted to be administered in criminal or quasi-criminal matters without the right of trial by jury that oppression is the ultimate result. From what we have already seen, and this thing is not yet started, we could expect nothing better in America over the years.

The right of trial by jury is of ancient origin. It developed in England during the Saxon period before the coming of the Normans. Most authorities say it was first used extensively about 886 during the time of Alfred the Great. In the Magna Carta—1215—juries were insisted upon as the great bulwark of the people's liberties. The historian Redpath tells us: "In general terms Magna Carta was intended by its authors to prevent the exercise of arbitrary authority over the subjects by the English king. The royal prerogatives were limited in several particulars so that it became impossible, save in violation of charter rights, to practice despotism. Of the positive rights conceded and guaranteed in the charter, the two greatest were habeas corpus and the right of trial by jury. The first was the salutary provision of the English common law by which every free subject of the kingdom was exempted from arbitrary arrest and detention; and the second was that every person accused of crime or misdemeanor should be entitled to a trial by his peers in accordance with the law of the land."

This was the first firm foothold the people obtained against the autocratic power of the kings. The right of trial by jury has gone through many struggles with despots and those who are unwilling to risk juries doing the things the ruling political class wants done. The right of trial by jury is a shield, and the only safeguard and guaranty of the people against oppression. Should this right be removed from the people, for whatever excuse offered, the keystone to the arch of their liberties is taken away and the superstructure of their freedom would surely crumble. Federal courts, with injunctive power to enforce their decrees was never the plan of the framers of the Constitution for the Government of America.

I submit that this bill should be defeated; and, to say the least, it should not pass without fully safeguarding the rights of our citizens by assuring them of a trial by jury.

Mr. ASHMORE. Mr. Chairman, I yield 15 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, at the proper time, I intend to offer an amendment to this bill to strike out section 121 of part III. This is a matter of great concern not only to the people of my district, but to our citizens all over the country.

I am opposed to all of the provisions of H. R. 6127. I am opposed to the entire bill for the reasons which have been so ably stated by its opponents in the course of this debate. Of particular concern to me, however, is section 121 of part III of this bill. This section purports to empower the Attorney General to institute civil actions for redress or injunctive relief in cases in which it is alleged that persons have engaged or there are reasonable grounds to believe that persons are about to engage in actions or practices in violation of the civil rights of other individuals.

As many of you know, I represent the Ninth Congressional District of Alabama. This district comprises Jefferson County and the city of Birmingham. Birmingham is recognized throughout the country as the industrial center of the Southeastern States. With a population of over 600,000, we play a vital role in the industrial economy of this country. In fact, we produce 9 percent of the total iron and steel production of the country and, believe it or not, 80 percent of the cast-iron pipe. My district is one of the few economically complete districts in the Nation. I have 70,000 members of organized labor numbered among my constituents and I also have the management for that labor located in my district.

Because of the tremendous industrial and manufacturing activity in the Ninth District of Alabama, I, as as its Representative, have a great deal in common with many of the northern Congressmen on my side of the aisle who represent labor districts in northern cities and also

many of the Members on the other side of the aisle who count among their constituents sizable segments of the industrial management of this country.

It is my contention that section 121 of part III of H. R. 6127 applies to labor-management relations just as it applies to race relations and, if you will bear with me for a few moments, I would like to explain to you why I have this view.

Section 121 reads as follows:

SEC. 121. Section 1980 of the Revised Statutes (42 U. S. C. 1985) is amended by adding thereto two paragraphs to be designated "fourth" and "fifth," and to read as follows:

"Fourth. Whenever any persons have engaged or there are reasonable grounds to believe that any persons are about to engage in any acts or practices which would give rise to a cause of action pursuant to paragraphs first, second, or third, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

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

You will note that this section refers to paragraphs first, second, and third of title 42, United States Code, section 1985, and adds paragraphs fourth and fifth. In order to better understand what I am talking about, let me read paragraph three of the existing law, title 42, United States Code, section 1985. It says, among other things:

If two or more persons conspire for the purpose of depriving any person of the equal protection of the laws or of equal privileges and immunities under the laws, the party so injured or deprived may have an action for the recovery of damages.

As you will see, paragraph 3 makes no mention of race, creed, color, or national origin. It is not intended that the benefits of this section should be extended only to those who have been deprived of the equal protection of the laws because of race, creed, color, or national origin. In fact, beginning in 1877, the Supreme Court—in what have been called the Granger cases—applied the 14th amendment and statutes enacted pursuant thereto to all "persons," including corporations. In the case of *Yick Wo* v. *Hopkins* (118 U. S. 356 (1886)), the Court, acting through Chief Justice Waite, settled once and for all the question of the extent of the 14th amendment and of the existing civil-rights laws, using these words in the opinion:

These provisions, i. e., equal protection of laws, are universal in their application, to all persons within the territorial jurisdiction without regard to any differences of race, of color, or of nationality.

It is a common misconception among our people that the 14th amendment and the present civil-rights laws apply only to those who have been deprived of the equal protection of the laws because of race, color, or national origin. But this is not so. They apply to all persons, and all persons are protected by them. This even includes corporations which have been defined, for the purposes of the 14th amendment and civil-rights statutes, as "persons."

Mr. Chairman, you will note that in paragraph 3 of the present title 42, United States Code, section 1985, the term "equal protection of the laws" is used. Just what does this phrase mean? The Supreme Court long ago, in the case of *Barbier* v. *Connolly* (113 U. S. 27 (1885)), defined it as the protection of equal laws. It requires—and I quote:

That equal protection and security should be given to all under like circumstances in the enjoyment of their personal and civil rights.

Based on what I have said before, I am sure that you will agree that the term "equal protection of laws" is not limited to race relations only. It embraces all other personal and civil rights which have been extended to the people in this country by the Constitution and also by the laws of the United States.

Now I get down to one of the major reasons why I oppose section 121 of part III of H. R. 6127. As I have said, the term "equal protection of laws" applies to all laws of the country which extend rights and privileges to citizens and other persons. The rights which I have particular reference to are those which were initially spelled out in the Wagner Labor Relations Act and later in the Labor-Management Relations Act of 1947, otherwise known as the Taft-Hartley Act. These rights appear in title 29, United States Code, section 157. With your indulgence, I would like to read this section.

RIGHT OF EMPLOYEES AS TO ORGANIZATION, COLLECTIVE BARGAINING, ETC.

Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities.

The first set of rights were extended by the Wagner Act, and the right to refrain from activities first mentioned was extended by the Labor-Management Relations Act of 1947.

It is my contention that these rights conferred by the Wagner Act and the Labor-Management Relations Act of 1947 are included within the meaning of the term "equal protection of the laws." These are laws of this country.

Section 121 of part III of H. R. 6127 extends to the Attorney General the authority to intervene in case of acts or practices which would give rise to a cause of action pursuant to the existing civil-rights laws. In other words, if two or more persons conspire to deprive another of equal protection of the laws, the Attorney General may institute a civil suit. He can do this without the consent of the alleged aggrieved party and even over his strenuous objection.

The Attorney General is given by this section 121 the authority to intervene in matters involving violations of the rights extended and conferred by the Wagner Act and the Labor-Management Relations Act of 1947. As I have quoted from these acts above, the right to join a labor organization is one of these rights. Also is the right to refrain from joining a labor organization. These are only two of the rights which are conferred on employees and employers by these acts; and if persons are deprived of these rights by others, they are denied the equal protection of the laws.

You can see what the result would be. All cases of complaints on behalf of a company against a union or a union against a company would be subject to intervention by the Attorney General. By giving the Attorney General this power, the bill, in effect, circumvents the National Labor Relations Board, which has a statutory jurisdiction over labor-management relations, and gives the Attorney General concurrent jurisdiction with the Board.

Section 121 of H. R. 6127 puts labor-management relations into the middle of politics. Instead of the Government being the umpire, as it presently is, the bill would actually make it a party litigant. A politically minded Attorney General could use section 121 of this bill to destroy either union or management, depending upon what would best serve the interests of the administration of which he is a part.

Let me give you an example. If an employee is fired for allegedly joining a labor union, he has a right guaranteed by the Wagner Act and as such, is deprived of his equal protection of the laws. The Attorney General could sue the company for this deprivation and have the unlimited resources of the country at his disposal.

On the other hand, if a union allegedly violated the rights of employees to refrain from joining labor organizations, as granted in the Labor-Management Relations Act of 1947, they will have been deprived of their equal protection of the laws. The Attorney General could file suits against the union, even without the consent of the alleged aggrieved employees, under the provisions of section 121 of this bill.

These rights, which I have mentioned, are protected by the National Labor Relations Board as are all other rights and privileges guaranteed by the Wagner Act and the Labor-Management Relations Act of 1947.

By plaguing either company or union with suits, the Attorney General could destroy or bankrupt either or both. This double-edged sword which is created by section 121 of H. R. 6127 could be used to persecute and hamstring labor or management, depending on what best suited the administration in power at that time. H. R. 6127 is a dangerous bill in many respects and I feel that one of the most important of these is the effect which section 121 will have in putting labor-management relations into politics.

In my humble opinion, the members of the committee from the North and West would do well to give careful consideration to the arguments I have presented. I believe that these arguments have force and substance and that H. R. 6127 will have a serious effect on our traditional concept of labor-management relations. Who knows, but that, if this bill is approved by the House and

the Senate, and is signed into law by the President, a year or so from now those who are presently supporting this legislation may come back into Congress crying for its repeal. I wouldn't be at all surprised.

It is for the reasons I have outlined that I intend to offer an amendment, at the proper time, to strike section 121 of part III from this bill, H. R. 6127.

Mr. ASHMORE. Mr. Chairman, I yield 15 minutes to the gentleman from North Carolina [Mr. WHITENER].

Mr. WHITENER. Mr. Chairman, we are told that the bill now under consideration, H. R. 6127, is a bill designed to protect the civil rights of persons within the jurisdiction of the United States. President Eisenhower and Attorney General Brownell have vigorously proclaimed that this legislation is necessary if the citizenship of this Nation is to enjoy full civil rights.

At the outset, I would like to make one thing abundantly clear: the people of the southern part of the United States are not depriving any persons of their constitutional and civil rights as has been so recklessly asserted by the President, the Attorney General, and the proponents of this legislation.

I believe that I can speak with some authority on this subject because of the experiences I have had in my private and professional life.

It has been my privilege to serve as a member of the North Carolina General Assembly where the problems of our entire citizenship were dealt with on the legislative front. It was my further privilege to serve for 11 years prior to entering the Congress in January of this year as district solicitor—which position is referred to in other States as district attorney—where an intimate association with the problems of all the people in the criminal courts was had.

In neither the legislative nor the judicial field did I find that there was any expression or any intimation on the part of any of our people to deprive their fellow citizens of the full rights of citizenship.

Needless to say, through my interest in the political life of the State, I had the further opportunity to observe the attitude of the people of the South toward the voting privileges of members of our society. In that field there has been no limitation imposed by law, custom, or practice upon the people in any social, religious, or racial group in the State of North Carolina.

The State of North Carolina has been a leader in the Nation in the field of education. It would be of interest to the members of this body to know that the public schoolteachers of North Carolina are paid salaries on a schedule which results in the average Negro schoolteacher in North Carolina earning higher compensation for their services than is earned by the average schoolteacher who is a member of the white race. Also, you will find that for many years members of the Negro race have served as members of the State board of education—the governing body for the educational program provided by the State of North Carolina.

I would further point out to my friends of the House that practically every major city in the State of North Carolina has a member of the Negro race upon the city council or governing body. In my own city one of our outstanding Negro citizens is now serving his fourth term on the city council and has in the past served as treasurer of the city. He was elected by his white colleagues to this post.

How many of you members from sections outside of the South can say that your people have been as considerate toward the members of the Negro race as has been true in North Carolina?

Much has been said in my private conversation with members of this body from other sections of the country about Negroes serving on the juries in the South. These questions by intelligent and information-seeking men lead me to the inescapable conclusion that there is an aura of complete misunderstanding hovering over the Members of the House who have not had firsthand opportunity to observe the true picture.

During my 11 years as prosecuting attorney in the 14th judicial district of North Carolina, I can say to you that there was never any discrimination in the selection of jurors by reason of race, sex, creed, or color. We had male jurors of both races. We had female jurors of both races. Seldom, if ever, was there a grand jury panel that did not have members of the Negro race.

Perhaps you would be interested in the experience of several years ago which we had in the courts of my district. A Negro man was indicted for the capital felony of murder in the first degree arising out of the death of one of the fine white citizens of Mecklenburg County, N. C. The defendant was financially unable to provide his own counsel. The distinguished presiding judge appointed two attorneys to represent him. One of those attorneys was a leading criminal lawyer of the white race. The other attorney was a Negro attorney of great learning and ability. The jury panel was composed of 8 white and 4 Negro jurors. In addition, the 13th, or alternate juror, was a member of the Negro race. When the jury of 12 commenced its deliberations it immediately elected as foreman and spokesman for the jury an outstanding Negro educator who had received his master of arts degree from the University of Cincinnati. This jury returned the verdict which carried with it the death penalty, and the defendant was later executed.

I point this out merely to show the attitude of fair play which exists between the races in my native Southland. This was not any unusual experience, except that it involved the death penalty. Similar experience in lesser cases, as well as in other capital cases, is the rule, and not the exception.

In 1954 while seeking reelection to the position of district solicitor, I was called upon to speak to an alliance of Negro clergymen in one of the cities of my district. After completing my presentation the chairman of the meeting asked if I would be willing to answer questions which some of the ministers would like to propound to me.

It was surprising to me to find that the questions most on the minds of those Negro ministers was their belief that undue leniency was being shown to members of their race by the judges in the criminal courts of North Carolina. There was not one word of complaint that the members of the Negro race had been unfairly treated. The complaint which they expressed was that the courts were not dealing as firmly with their race as was being done with members of the white race. They felt that their race should be held accountable to the same extent as members of the white race, and in that view I concur.

My friends, I could continue for many hours with examples and facts of the harmonious race relations which are now enjoyed in that section of this Nation toward which this vicious legislation is directed—the South.

Do you believe in good race relations? Do you believe in fair play? If so, it is my firm conviction that you will not participate in foisting upon the Nation this legislation proposed by President Eisenhower and Attorney General Brownell in the language of H. R. 6127.

No decent citizen of the South engages in the sort of conduct which this bill seeks to prevent. Its very language is an affront to the God-fearing, law-abiding, Christian people of our section of the country.

What does this bill purport to do? First, it would establish the Commission on Civil Rights. Second, it would provide an additional Assistant Attorney General with no duties to perform other than deal with the enforcement of the proposed legislation. Third, it would revise and amend the present civil-rights statutes that have been on the books for many years. And, fourth, it would seek to put the Federal Government in charge of every local election in this Nation.

The appointment of such a Commission would constitute an additional expense to the taxpayers of the country and would confer no new authority upon the Federal Government in any respect. It would merely create a new group to make those investigations which can now be made by the Department of Justice.

This Commission could become the greatest witch-hunting organization since the Salem massacre. It could become a gestapo organization which would breathe down the backs of the people of every area of this Nation.

It is my considered opinion that this Commission would be a stacked Commission which would close its eyes to the real problems confronting the people of this Nation and direct its attention merely to the forcing of the sociological opinions of the membership of the Commission upon the people of the United States.

To the same effect is the provision for an additional Assistant Attorney General. This is an unwarranted public office which the bill seeks to create and would constitute an unnecessary expense to the people of this Nation.

The present Attorney General has full authority to recommend the creation of

additional positions of Assistant Attorneys General. Such Assistant Attorneys General would be subject to the direction and supervision of the head of the Department of Justice. Certainly it is not proper that there should be one person set up to engage solely in stirring up strife between the people of the various races in this Nation.

The third part of the proposed act is the one which gives even greater concern to those of us who believe in constitutional government. It is noted that this provision of the bill would authorize the Attorney General of the United States "in the name of the United States" to bring a civil action and seek a permanent or temporary injunction against any citizen of the Nation whether the alleged injured citizen requested such proceedings or not. This portion of the bill further seeks to vest in the District Courts of the United States jurisdiction of such proceedings, and, in effect, wrests the historic jurisdiction of State courts away from them and ignores the time-honored jurisdictional requirements which have normally applied to Federal court jurisdiction.

Have we reached the stage in our American life at which thinking people would destroy the constitutional right of trial by jury?

Are the proponents of this legislation unwilling to recognize that the American system of having a cause adjudicated by a jury of 12 persons is worthy of perpetuation?

Are the proponents of this legislation saying to the Nation that while we recognize the labor unions have the right of trial by jury when injunctions are sought, that all other classes of our citizenship are not so entitled?

Mr. Chairman, in trying thousands of cases in my capacity as an attorney and as District Solicitor I have on several occasions been shocked by the decision made by a particular jury. Many times I have felt that the State had made out a case which pointed unerringly to a verdict of guilty. But on many occasions, to my great astonishment ,the jury, in the exercise of its authority, determined that the defendant was not guilty. To be sure, I experienced temporarily a sense of deep disappointment and felt that the jury had made a very bad mistake. Then, upon mature reflection, I invariably came to the conclusion that the jury system has its frailties but that as a democratic institution it should be preserved.

Human experience has divulged no better method of fairly, judiciously, and properly adjudicating claims between individuals and between governments and individuals than the system of jury trial which we have so long cherished in this land of ours.

Of course, we can point out cases which have shocked the public conscience when the verdict was returned. Is this sufficient ground for condemning and jury system?

A few days ago my attention was attracted to a news story with reference to a criminal trial in the State of California. The defendants were charged with kidnapping a lady. The case was tried in an atmosphere of great public interest. The jury determined that the defendants were not guilty. Thereupon, according to newspaper reports, the presiding judge of that court in California expressed his shock and disapproval of the decision made by the jury. But, my friends, I would unhesitatingly predict that an inquiry of that trial judge would bring the answer that in spite of this decision which failed to conform with his ideas of justice that he would still advocate the American system of trial by jury.

You and I as co-architects of the future course of this democratic government of ours have grave responsibilities which transcend political expediency as we arrive at a decision on this pending legislation.

I am astounded that part 4 of this proposed act would seek to put the Federal Government into control of the voting and ballot boxes of this Nation. It would do this through providing for injunctions by the Federal courts and Federal supervision of elections.

Are we to surrender to the Federal Government the right to regulate every phase of human life? Is there any tangible evidence which would show that the States of North Carolina, California, New York, Oregon, or any of the other 48 States have reached the point at which they are incapable of managing their own elections?

The present Federal law is completely adequate to take care of any misconduct in the elections where there is an election involving a position in the Federal Government. No further legislation in this field is needed.

I observe that the proponents of this legislation casually point out some particular instance in some community in the South where they contend that a member of some minority group has been deprived of the right to vote in an unlawful manner. But, even in their great zeal they are unable to support their argument with valid proof that it is the custom, law, or practice.

I can take you into any county in North Carolina at any election and show you three white people to each Negro person who feel that the election officials have not dealt fairly with them at election time in connection with their right to vote. This question frequently arises because of the lack of understanding of a particular person as to whether they are properly registered and also as to whether they are registered in the proper voting place. These questions are brought up at every election, but, unfortunately, no attention is paid to them unless it involves some member of a minority group. Then there is a great hue and cry by professional agitators who would try to make it appear that some misconduct was being engaged in by the local election board or officials.

Let us be fairminded. Let us recognize that all of the propaganda that is dispensed is not the gospel truth. And let us not indict the American people by the enactment of this proposed legislation which will cause our neighbors in other lands to interpret it as a recognition of the truth of false accusations which have been hurled about so freely.

In conclusion, Mr. Chairman, let me urge all of our colleagues to approach the decision on this critical legislation in the light of the preservation of the way of life which has made this Nation great. Let me urge upon you that you not trade American principles for trumped-up arguments of political expediency in this time of great concern in this land of ours.

America has prospered under constitutional government. There are many who wonder how much longer constitutional principles can stand up against the onslaughts of our present Supreme Court and those in our legislative branch who would recklessly whack away time-honored principles.

Mr. Chairman, in opposing this legislation I am compelled to point out to its proponents that their entire thinking is based upon misinformation and false charges.

There is no satisfactory evidence to support the position that this harsh and rash legislative act is needed.

Its enactment will not merely penalize the Southland, as many seem to think. It will penalize people of good will in every section of the Nation.

It will rise up to haunt those who today propose it because it is national in scope in spite of the apparent feeling of the proponents that it applies merely to one section of this Nation.

I am opposed to H. R. 6127 and every part of it and urge that the Members of this body aid those of us who believe in constitutional principles and strike it down at the conclusion of debate.

Mr. Chairman, as I conclude my remarks I would express the hope that in this atmosphere of great concern politically and otherwise we here today have the same courage as we approach our duty to our country and to its Constitution as we have had in other pursuits as we have gone through life to meet those attacks upon our Nation and those things for which it stands.

Mr. SANTANGELO. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. SANTANGELO. Mr. Chairman, I am in favor of this bill, H. R. 6127. I am in favor of providing the means of securing and protecting the right to vote of any American citizen, whether he comes from Virginia or Ohio, whether he comes from New York or Mississippi. This bill is a far-reaching and explosive bill. This bill will determine whether we legislators have a pure heart to comprehend our American people and the rectified will to choose our high course of action.

I was impressed yesterday by the speakers of Mississippi and Virginia. I admired their forensic ability and was moved by their emotional appeal. I was impressed by the gentleman from Mississippi who declared that he was a Thomas Jefferson Democrat, and that we should not be the followers of Alexander Hamilton, but should follow Thomas Jefferson.

Well, let us analyze what he said. On July 4, 1776, the colonies declared their independence. The Declaration of Independence was written by the founder of the Democratic Party, Thomas Jefferson, who among other things, declared "all men are created equal and endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness."

Do the Negroes in Mississippi have liberty and the untrammeled right to vote? Do the Negroes have in the southern States of Texas, Mississippi, Virginia, Arkansas, and Alabama, those States which have poll taxes, the equal opportunity to vote? Let us look at the record.

The hearings in connection with the civil rights bill disclose very interesting and alarming situations—page 24. In Mississippi, a poll-tax State, in one county alone of 16,885 Negro voters, only 147 were registered voters, and out of a population of 10,344 whites, over 3,000 were registered voters. In Washington County, Miss., where 48,831 colored persons lived, only 126 were registered, while out of a total of 18,568 whites in the county, over 5,000 were registered.

One fact is crystal clear. Through changes in election laws, through trick questions, through economic pressures, the number of colored persons who are permitted to vote are restricted. It was estimated in the spring of 1955 that Negro registration had been reduced from 20,000 to about 8,000. In one county, Humphreys County, the number had dropped from about 400 to 91.

What does this bill do? It simply protects the Negroes' right to vote in Mississippi, in Texas, in Virginia, in Alabama, in Arkansas, and throughout these United States. It permits our Government through our Attorney General to obtain an order to stop any man or group of men, or any local body, from interfering with the Negroes' right to register and to vote.

When you gentlemen talk about the sacred right of trial by jury, you raise a bogus issue, you raise a phony issue. You oppose this bill on the basis of distrust and fear of our Federal judges, who are appointed by our President for life. I have confidence in our system of law. I have confidence in our Federal judges. I have faith in their integrity and in their honesty and in their wisdom.

For 70 long years Congress has stood still and has not enacted any civil-rights law. Our progress in the field of civil rights has come from the Supreme Court of the United States and through our Executive orders. The legislature has failed to act. Time has marched on and changes have occurred, but the Congress has not recognized the needs of an expanding America, the needs of a rising people. Let us show this Nation that we in Congress seek by legislative means the realization of our American dream—equality of opportunity for all. Pass this bill.

Mr. ASHMORE. Mr. Speaker, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FORAND, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States, had come to no resolution thereon.

REDUCTION OF BENEFITS RECEIVED BY CERTAIN INDIVIDUALS PARTICIPATING IN THE OLD-AGE AND SURVIVORS INSURANCE FUND

Mr. COAD. 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 Iowa?

There was no objection.

Mr. COAD. Mr. Speaker, sections 402 and 403 of title 42 of the United States Code deal with the reductions of benefits received by those individuals participating in the old-age and survivors insurance who earn more than $1,200 in any one taxable year.

The procedures for calculating and deducting extra earnings are very complicated and archaic, and in my opinion involve unnecessary administrative attention and expense. These costs are borne by the trust funds of social-security payments made by the participants in this program.

It is my contention that this is an insurance program as presently set up and operated and should not be continued as a forced retirement system. Once a person fulfills his obligations to the program through payments and other qualifying provisions of age he should receive full benefit without reductions because of what he may earn, regardless of the amount. These are the twilight years of these persons, and the present restrictions are unnecessary and serve only as penalties to our aged who have borne the burden of labor during the preceding generation.

Therefore, Mr. Speaker, I am today introducing a bill which will amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. WALTER and include an article he wrote in a recent publication.

Mr. SMITH of Wisconsin and to include related matter.

Mr. ROOSEVELT and to include extraneous matter.

Mr. NEAL (at the request of Mr. HALLECK) 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. 1141. An act to authorize and direct the Administrator of General Services to donate to the Philippine Republic certain records captured from insurrectos during 1899–1903; to the Committee on Government Operations.

S. 1408. An act to provide allowances for transportation of house trailers to civilian employees of the United States who are transferred from one official station to another; to the Committee on Government Operations.

S. 1535. An act to amend the Federal Property and Administrative Services Act of 1949 to authorize the Administrator of General Services to make contracts for cleaning and custodial services for periods not exceeding 5 years; to the Committee on Government Operations.

S. 1799. An act to facilitate the payment of Government checks, and for other purposes; to the Committee on Government Operations.

ADJOURNMENT

Mr. BOYLE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock p. m.), under its previous order, the House adjourned until Monday, June 10, 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:

930. A letter from the Administrator, Housing and Home Finance Agency, transmitting a draft of proposed legislation entitled "a bill to transfer certain property and functions of the Housing and Home Finance Administrator to the Secretary of the Interior, and for other purposes"; to the Committee on Banking and Currency.

931. A letter from the Chairman, Federal Communications Commission, transmitting a report on backlog of pending applications and hearing cases in the Federal Communications Commission as of April 30, 1957, pursuant to Public Law 554, 82d Congress; to the Committee on Interstate and Foreign Commerce.

932. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation entitled "a bill to amend the act of August 5, 1955, authorizing the construction of two surveying ships for the Coast and Geodetic Survey, Department of Commerce, and for other purposes"; to the Committee on Merchant Marine and Fisheries.

933. A letter from Ross, McCord, Ice & Miller, of Indianapolis, transmitting the annual report of the Board for Fundamental Education for the year 1956, which was prepared by George S. Olive & Co., independent certified public accountants, pursuant to Public Law 507, 83d Congress; to the Committee on the Judiciary.

934. A letter from the Deputy Postmaster General, transmitting a report on three occurrences of overobligation of allotments by operational units within the Post Office Department for the two postal quarters ended January 11, and April 5, 1957, pursuant to section 3679 of the Revised Statutes (31 U. S. C. 665); to the Committee on Appropriations.

935. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation entitled "a bill to further amend the Federal Property and Administrative Services Act of 1949, as amended, and for other purposes"; to the Committee on Government Operations.

936. A letter from the Comptroller General of the United States, transmitting the first report on the audit of the Forest Service, Department of Agriculture, 1955–56; to the Committee on Government Operations.

937. A letter from the Assistant Secretary of the Navy, transmitting a draft of proposed legislation entitled "A bill to provide improved opportunity for promotion for certain officers in the naval service, and for other purposes"; to the Committee on Armed Services.

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. 7954. A bill relating to the exemption of furlough travel by service personnel from the tax on the transportation of persons; without amendment (Rept. No. 543). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HILLINGS: Committee on the Judiciary. House Joint Resolution 339. Joint resolution to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens; with amendment (Rept. No. 541). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. House Joint Resolution 340. Joint resolution to facilitate the admission into the United States of certain aliens; with amendment (Rept. No. 542). 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 Mrs. BOLTON:

H. R. 7988. A bill to amend the Veterans' Readjustment Assistance Act of 1952 to make the educational benefits provided for therein available to all veterans whether or not they serve during a period of war or of armed hostilities; to the Committee on Veterans' Affairs.

By Mr. DAWSON of Utah:

H. R. 7989. A bill to provide for the survey and establishment of the Glen Canyon recreation area in Arizona, Utah, and New Mexico, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DELLAY:

H. R. 7990. A bill to change the method of computing basic pay for members of the uniformed services, to provide term retention contracts for Reserve officers, and for other purposes; to the Committee on Armed Services.

H. R. 7991. A bill to amend titles I, II, and III of the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. DURHAM:

H. R. 7992. A bill to amend the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. HARRIS:

H. R. 7993. A bill to provide for Government guaranty of private loans to certain air carriers for purchase of aircraft and equipment, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H. R. 7994. A bill to amend section 902 of the Civil Aeronautics Act of 1938, as amended, so as to prohibit certain practices regarding passenger ticket sales and reservations; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLMES:

H. R. 7995. A bill to authorize the Secretary of the Army to sell certain lands at the McNary lock and dam project, Oregon and Washington, to the port of Walla Walla, Wash.; to the Committee on Public Works.

By Mr. McCARTHY:

H. R. 7996. A bill to amend section 2 (b) of the Bank Holding Company Act of 1956 to exclude from coverage under such act certain corporations the entire income of which, less expenses, is turned over to an exempt organization; to the Committee on Banking and Currency.

By Mr. MAHON:

H. R. 7997. A bill to amend section 31 of the Trademark Act approved July 5, 1946; to the Committee on the Judiciary.

By Mr. MONTOYA:

H. R. 7998. A bill providing for a national advisory committee of county officials to facilitate coordination of county highways in the Federal-aid highway system; to the Committee on Public Works.

By Mr. O'BRIEN of New York:

H. R. 7999. A bill to provide for the admission of the State of Alaska into the Union; to the Committee on Interior and Insular Affairs.

By Mr. PERKINS:

H. R. 8000. A bill to provide disability retirement benefits for civilian employees of the Government in certain additional cases; to the Committee on Post Office and Civil Service.

By Mr. REUSS:

H. R. 8001. A bill to alleviate conditions of excessive unemployment and underemployment in depressed industrial and rural areas; to the Committee on Banking and Currency.

By Mr. ROGERS of Florida:

H. R. 8002. A bill to provide for improved methods of stating budget estimates and estimates for deficiency and supplemental appropriations; to the Committee on Government Operations.

By Mr. DURHAM:

H. R. 8003. A bill to amend the Atomic Energy Act of 1954, as amended, to increase the salaries of certain executives of the Atomic Energy Commission, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. McGOVERN:

H. R. 8004. A bill to provide for registration, reporting, and disclosure of employee welfare and pension benefit plans; to the Committee on Education and Labor.

By Mr. O'BRIEN of Illinois:

H. R. 8005. A bill to provide for the conveyance of an interest of the United States in and to fissionable materials in a tract of land in the county of Cook and State of Illinois; to the Committee on Government Operations.

By Mr. BECKWORTH:

H. R. 8006. A bill to amend title I of the Social Security Act to provide increased Federal matching of State old-age assistance expenditures thereunder; to the Committee on Ways and Means.

By Mr. COAD:

H. R. 8007. A bill prohibiting lithographing, engraving, or printing on envelopes sold or furnished by the Post Office Department; to the Committee on Post Office and Civil Service.

H. R. 8008. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. BROOMFIELD:

H. J. Res. 353. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. McCORMACK:

H. J. Res. 354. Joint resolution to authorize the designation of October 19, 1957, as National Olympic Day; to the Committee on the Judiciary.

By Mr. HALEY:

H. Res. 276. Resolution expressing the sense of the House of Representatives with respect to the trial of Army Sp3c. William S. Girard by a Japanese court; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Florida, memorializing the President and the Congress of the United States to improve the channel from Panacea, Wakulla County, Fla., through King Bay and Apalachee Bay to the Gulf of Mexico; to the Committee on Public Works.

Also, memorial of the Legislature of the State of Florida, memorializing the President and the Congress of the United States calling for the relinquishment by the Federal Government of certain of its tax sources so that States will be revested with inherent taxing power to carry out their own traditional functions; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUCKLEY:

H. R. 8009. A bill for the relief of Josef (Szaja-Szmul) Inowlocki; to the Committee on the Judiciary.

H. R. 8010. A bill for the relief of Giovanni Di Nardo; to the Committee on the Judiciary.

H. R. 8011. A bill for the relief of Jacques Isaac Bukszpan; to the Committee on the Judiciary.

By Mr. FERNÓS-ISERN:

H. R. 8012. A bill for the relief of Aida Amnely Solis de Benitez; to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania:

H. R. 8013. A bill for the relief of Zoi Volonaki Cicalo; to the Committee on the Judiciary.

By Mr. HIESTAND:

H. R. 8014. A bill for the relief of Miss Edith Dorn; to the Committee on the Judiciary.

By Mr. McINTOSH:

H. R. 8015. A bill for the relief of the Harmo Tire & Rubber Corp.; to the Committee on the Judiciary.

By Mr. OSMERS:

H. R. 8016. A bill for the relief of John Constantine Fafalios; to the Committee on the Judiciary.

By Mr. PERKINS:

H. R. 8017. A bill for the relief of Wiley J. Adams; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Technical Assistance Is No Crash Program

EXTENSION OF REMARKS
OF
HON. LAWRENCE H. SMITH
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Friday, June 7, 1957

Mr. SMITH of Wisconsin. Mr. Speaker, we will soon have for consideration another so-called foreign aid bill. There is one phase of that program which, in my opinion, has considerable merit and I refer to technical assistance. This program was designed originally to serve much as our agricultural extension program has served the American farmer, only this principle would be applied to nations who desired assistance in the field of agriculture, health, and sanitation.

Mr. Speaker, as the program has developed over the years, technical assistance, as originally planned, has been losing its character and has become involved as part of a huge giveaway and is now mostly economic assistance.

The administrators of this program have too often considered technical assistance as a crash program, one designed to bring quick and everlasting results, something akin to the spectacular.

In 1953 it was my privilege to have been a member of a subcommittee of the House Foreign Affairs Committee which was authorized to visit the Middle East and check on the Arab refugee problem and also other programs that had been set up in that part of the world.

During our visit to Egypt and specifically Cairo the chief of the ICA mission at that time was anxious to show what had been done under his direction and he arranged a trip outside of Cairo for our inspection. In the automobile in which I was riding was the chief of the mission and an Egyptian who had several degrees from American universities and who had returned to his homeland to serve his people. On the way out the Egyptian and the American were discussing phases of the work and the progress being made at that time. I listened attentively while these two gentlemen talked and finally the chief of the mission turned to me and he said, "Congressman, you have been very quiet. We have been doing all the talking." My reply was that I had come to look and to listen but then I said, "However, I do have a question. Your conversation has been most interesting. My question is: 'How long do you think it will take to achieve its objectives?'"

Before the American could answer, the Egyptian replied quite promptly and vigorously, "Oh, it'll take about 200 years."

My American friend and the chief of mission was flabbergasted. He turned to the Egyptian and said, "Oh, Doctor, you don't mean that." The doctor replied, "Well, it'll take at least 100 years."

We are not fooling our foreign friends—they are realists. It is time that we quit trying to fool the American taxpayers.

Mr. Speaker, I relate this experience solely for the purpose of pointing out that a technical assistance program, if organized as originally conceived, is a long, long time project. It can never be related to the so-called crash programs.

The Story of the Month

EXTENSION OF REMARKS
OF
HON. JAMES ROOSEVELT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Friday, June 7, 1957

Mr. ROOSEVELT. Mr. Speaker, our colleague from Pennsylvania, the Honorable ELMER J. HOLLAND, recently wrote a newsletter which, in part, covers a subject which is all too little understood by many people. I am sure that it will be of great interest to many Members. Therefore, with the permission of Congressman HOLLAND, I am inserting it in the RECORD.

The newsletter follows:

THE STORY OF THE MONTH—WAGES, PROFITS, PRICES

Everyone who buys food and clothes—and a few of the luxuries—knows that it costs more to live today.

Why? There are several reasons, but the one we always hear about, the one that gets the greatest blame, is that wages are too high. It is because of them that prices are so high. This is not true.

The main reason for higher prices is that most of the big companies after granting a wage hike, increase the price of their goods many times more than the amount of the wage increase.

Look at United States Steel. In 1956 steelworkers gained wage and fringe benefits of approximately 20 cents an hour plus a later cost-of-living adjustment of 3 cents an hour. These gains cost the steel corporation about $94 million—even if there had been no increase in output per man-hour (which reduces cost of production).

What happened? Steel prices were raised $8.50 a ton last year, and another $4 a ton this year. This totals to an increase of $12.50 a ton in cost of steel and brought in $340 million a year more for United States Steel. That new income amounts to 3½ times the $94 million allowed in wage and fringe benefits.

The steel price increase was passed on to all of us as purchasers of steel. They were felt in higher prices for food, which was canned; for automobiles; for transportation, for just about everything we buy as steel is used in every business and industry.

The industry could have absorbed those wage and fringe benefit costs and still have reported enormous profits. But prices were raised and the unions were blamed because they secured better wages for steelworkers.

As a result of the price hike, United States Steel will get $246 million more in gross profits, and they will get an extra $118 million in net profits after taxes, even after paying higher wages and better fringe benefits.

Net profits after taxes for first 3 months in 1955, 1956, and 1957

1955	$72,652,000
1956	104,160,945
1957	115,478,109

The more wages paid and better fringe benefits provided means higher profits because the steel companies increase steel prices far more than enough to cover the cost of the higher wages and benefits.

Look at Ford and General Motors, the giants of the auto industry. They said in 1955 and 1956 prices would be higher on cars because they were forced to pay more wages. The gains in wages and benefits came to 20 cents an hour. However, in 1955—before prices were raised, but after the wage increase—General Motors' profit, after taxes, was $1.41 for each man-hour for 400,000 employees. Ford's profit after taxes was $1.47 per man-hour.

You can see then, it is not the wages and fringe benefits that the big corporations pay that cause prices to go up. The true cause is the fact that the companies jump their prices far more than enough to meet the cost of wage and fringe benefits.

Immigration Controls Spell National Security

EXTENSION OF REMARKS
OF
HON. FRANCIS E. WALTER
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Friday, June 7, 1957

Mr. WALTER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following article from the National Republic, June 1957, issue:

IMMIGRATION CONTROLS SPELL NATIONAL SECURITY

(By Hon. FRANCIS E. WALTER, of Pennsylvania, chairman, Committee on Un-American Activities, Subcommittee on Immigration, U. S. House of Representatives)

Another richly financed and highly organized campaign against the basic principles of our American immigration policy is now in full force. This campaign strikes not alone at our immigration policy, but endangers both the national security and sound cultural development of our country.

The number and type of immigrants coming into the United States has been a matter of Federal concern for more than a century. Throughout all our history immigration laws have been based on the premise that one of the first functions of sovereignty is control of both quality and quantity of prospective new citizens. The only yardstick in arriving at this determination has been the interest and welfare of the American people. Under international law, the right of every nation to control rigidly its immigration flow is recognized universally.

Immigrants coming into the United States are entering into the bloodstream of the Nation. It is like an injection into the bloodstream of an individual. It can be

beneficial to him, increasing his strength and vitality. But, if the injection is one of improper quality or improper quantity—it could be fatal.

A comprehensive picture of our current problems cannot be presented without an outline of the historical background of American immigration.

From the first settlement of the North American colonies to the end of the Revolutionary War in 1783, immigration to the New World was regulated, not by the colonists but by the governments of Europe. The interest of the European ruler was enhanced by the size of the population of his domain. The more abundant the labor force, the greater his power, and the more gold accumlated in the royal coffers. Consequently, all European rulers tried to prevent the exodus of their subjects, the peons, who were already attracted by the magnificence of the wide open land and the opportunities beckoning from across the seas.

The new settlers on this side of the Atlantic deliberately encouraged immigration. Here, more people meant more producers, more consumers, and more wealth to be extracted from the newly acquired soil and—last but not least—more people on the Indian frontiers meant increased safety of life and property.

It is estimated that in 1640, the population of the North American colonies numbered 25,000 and by 1700, had risen to 200,000. It took another 50 years to bring the population figure to the first million.

When the Articles of Confederation were adopted in 1777, the population of the 13 colonies was well over 3 million, and the first census taken in 1790 put it at 4 million. About two-thirds of the white population were of English, Scotch, and Welsh origin; about one-third were Dutch, French, German, Scandinavian, Spanish, and Portuguese.

Except for a short-lived restrictive period created by the alien and sedition law of 1798, immigration flowed into the United States unfettered by any legislation. The vast growth of the new American economy, its progression to the limitless frontiers of the West, and the ready acceptance of the newcomer by the thriving communities—already established—exerted an increasing attraction on poverty-stricken Europeans in the countries devastated by the Napoleonic wars. Recurring famines and the great industrial revolution resulted in increased population pressures and caused a gradual relaxation of the restrictive attitude of the European rulers, who suddenly reversed themselves and began to encourage emigration.

As a consequence, the first official record of arriving immigrants, established in 1820, indicated that the population of the United States had jumped to almost 10 million persons.

By that time public opinion in both Europe and America became aroused by reports of appalling conditions on vessels carrying immigrants on the transatlantic journey. Thousands were crowded in steerage space, where many died of hunger, thirst, and disease. In 1819, a law was enacted in the United States limiting the number of passengers a ship could carry, and prescribing the minimum amount of water and food to be aboard. The master of every ship reaching our shores was called upon to report the number of passengers and their personal data, such as age, sex, occupation, and country of origin. Thus originated our first immigration statistics.

The first legislative enactment which may be considered as relating to the quality of immigrants was passed in 1863. It prohibited Americans from carrying on the trade in Chinese coolies. Later laws, still qualitative in nature, established rules for the exclusion of immoral persons, paupers, and criminals.

A tremendous influx of Chinese immigrants after the discovery of gold in California prompted the enactment of the first Chinese exclusion law, in 1882. That trend of legislation continued, as witnessed by the enactment, in 1885, of a restrictive immigration measure aimed at prohibiting the importation of cheap labor from abroad.

A few years later, in 1891, Congress excluded insane persons, persons likely to become public charges, felons, feebleminded persons, polygamists, and persons convicted of crimes involving moral turpitude.

The ethnic pattern of our immigration began to change in the last two decades of the 19th century. About 1890, there appeared for the first time an appreciable number of immigrants from eastern and southern Europe. They came from the Balkans, Italy, and from Russia, where the czarist persecution of Jews began to drive out refugees in ever-increasing numbers.

These changes in the immigration pattern continued until after World War I. In the decade of 1871–80, almost 74 percent of our immigrants came from northern and western Europe, and only 7 percent from southern and eastern Europe. But, in the decade of 1900–10, only 22 percent came from northern and western Europe, while immigrants originating in southern and eastern Europe contributed about 71 percent.

It was about that time that the Congress turned its attention from qualitative restrictions to quantitative restrictions. The first law establishing a ceiling on the number of immigrants—a quota—was enacted in 1921. The second quota law was passed in 1924 and remained in effect with very little change until the enactment of the present law in 1952.

The 1924 act established the much discussed national-origins system, allocating to every national group a fixed proportion of immigrants based on that national group's proportion to the total population of the United States as of 1920. The purpose was to expand the population in orderly fashion from year to year, with roughly the same proportion of each immigrant strain as prevailed in 1920.

The 1952 law was not a step lightly taken. In final form the Walter-McCarran Act represented a comprehensive codification and modernization of some 148 immigration and naturalization statutes then on our books. The Congressional study group which produced this codification had been at work on the problem since 1947. Scores of hardship inequities were ironed out of the old hodgepodge of piecemeal legislation, as enacted during the preceding century.

All countries of the globe were granted immigration quotas without discrimination, under a formula equally applicable to all areas, regardless of the color of the skin or the shape of the eyes of their inhabitants.

At the same time, the new law made it infinitely easier to rid this country of foreign-born subversives, criminals, racketeers, narcotic peddlers, professional gamblers, and aliens who had originally entered illegally.

These, in brief, are the major features of the law so many fellow-traveler groups have been trying for 5 years to uproot and destroy. Few measures in all our national history have afforded the United States so much protection against criminal and subversive elements at so little cost.

Nor may it be said that the law was passed by parliamentary sleight of hand. The bill passed the House on April 25, 1952, by a vote of 206 to 68. The Senate passed it by a voice vote on May 22. President Truman vetoed the measure on June 25. But on June 26 the House repassed it 278–113, and on June 27 the Senate overrode the veto 57–26. The act became effective December 24, 1952. Any measure enacted over a Presidential veto must command overwhelming national support.

The House Committee on Un-American Activities disclosed in its 1956 annual report that the Communist Party has created or sponsored no less than 180 different fellow-traveler organizations in the United States, having as their principle purpose the repeal or destruction of the Walter-McCarran Act.

One of these organizations, styled the American Committee for Protection of Foreign Born, has been formally branded as completely dominated by the Communist Party. It is also described as the oldest creation of the Communist Party still active in the United States. The committee report added: "The American Committee for Protection of Foreign Born, while dealt with here as a single organization, is in fact a complex of organizations at times numbering more than 300."

Three central policies of the law are under attack from this and other leftist groups. The international campaign for repeal seeks first to destroy the national-origins principle. Second, the repeal movement seeks to admit an estimated 1 million new immigrants a year instead of the average of 225,000 annually under the prevailing system. Third, the Communist-front section of the repeal movement seeks to strike out of the law every provision for screening immigrants for subversive activities or advocacy of revolutionary tactics in their native lands.

History demonstrates clearly that there have been but few native Americans in the top ranks of the United States Communist Party. World-wrecking communism in America is purely an import. Without effective immigration controls, communism easily might gain a free hand in America.

No country in the world has received desirable immigrants more hospitably than the United States. Since World War II we have extended the hand of welcome to some 1 million permanent immigrants, including recently many Hungarian refugees from Communist terror.

In addition, we have welcomed in temporary residence some 200,000 students from 127 countries, many of these under direct grants from the United States Treasury.

No American ever should allow himself to be chagrined that our immigration policies are in any way wanting in considerations of humanity and Christian decency.

The sole purpose of our immigration controls has been to exclude undesirable criminal, revolutionary, and anarchistic elements from the national bloodstream.

Since the war, this country has taken one-third of all the displaced persons resettled throughout the world. We have but 6 percent of the world's land area, but we have taken more than 33 percent of Europe's refugees.

The world's population is growing infinitely faster than jobs and food supply. Human fertility is heading for what the census experts call a "population explosion." Japan today has 88 million people crowded into an area the size of Montana. Try to imagine, if you will, half of the United States population living in Montana.

Communist China has more people than she can count—somewhere in the neighborhood of 600 million.

Here in the United States, our own population growth currently adds a new city of Chicago to our total every year. New jobs are needed to keep pace.

It is not difficult to demonstrate statistically that our current population increase is entirely out of proportion to our rate of new capital accumulation. We have not yet begun to expand our production facilities,

housing, schools, and highways to accommodate our own foreseeable population increase. Unless we do expand new capital plant steadily in step with population growth, every American citizen faces the prospect of a lower standard of living somewhere in the not too distant future. Sound public policy would appear to dictate, therefore, that population increase should be held rigidly in line with our traditional American conceptions of living standards, education, and opportunity. In this equation our first consideration should be for the welfare of the American people.

Larger immigration quotas by the United States could never hope to solve the world's population problem. But careless handling of this explosive situation easily might undermine American prosperity and security for many generations.

No land in the world shows higher regard than the United States for the rights and privileges of immigrant minorities. But this noble tradition does not mean that the American people are ready to turn the country over completely to alien domination.

American citizenship for immigrants never has been a right granted by our Constitution. It always has been a high privilege, to be earned and retained by earnest support of our inspiring American traditions of freedom under law.

Only thus may we hope to grow in national strength and moral stature.

"The importance of foreigners into a country that has as many inhabitants as the present employments and provisions for subsistance will bear, will be in the end no increase of people, unless the newcomers have more industry and frugality than the natives, and then they will provide more subsistance, and increase in the country; but they will gradually eat the natives out. Nor is it necessary to bring in foreigners to fill up any vacancy which will soon be filled by natural generation." (Benjamin Franklin.)

Allies' Policy Toward Red China

EXTENSION OF REMARKS

OF

HON. WILL E. NEAL

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 7, 1957

Mr. NEAL. Mr. Speaker, within the past week the citizens of the United States were dumfounded, if I may make it even stronger, shocked, when some of our stanchest allies deserted us on our fundamental position that Red China should be commercially quarantined from the Free World. I do not need to remind you that we adopted this policy in regard to the Peiping regime because of China's inhuman and barbaric treatment of Americans in China at the time the Communist masters assumed control.

It was a policy of some 10 years' duration and our desertion by the British, French, Norwegians, and others of the Free World community serves to underline the changing picture of America's position today and what it amounted to a decade ago.

At the time we adopted our no-trade policy, America's position was secure as the financial and industrial giant on this planet. True, by loans, grants, and assorted forms of aid, we were able to maintain adherence to the China boycott policy. Now, it is of some concern to me when I consider the fact that perhaps we, unwittingly, have weakened ourselves to a point where our erstwhile stanch friends see fit to disregard and turn away from a basic American foreign policy.

During the 10 years in which we clung to commercial and diplomatic ostracism of the Communist masters of Russian and Chinese millions, we sacrificed a considerable portion of our own industrial capacity through liberalized tariff rates and trade agreements, in order to bolster and maintain the dollar balances of foreign countries. They, our allies, in turn used such dollar balances to come into our market for the purchase of machine tools and heavy durable equipment which enabled them thus to manufacture goods for the world market and with their cheap labor undersell American manufacturers.

It is my considered opinion that it will never be known just how much of American manufacturing costs of producing this export material for foreign aid have been absorbed by the United States Treasury. It seems to me, however, that throughout the years there has been a steady stream of America's wealth that has flowed outward in the form of gifts, grants-in-aid, and highly questionable loans. This growing stream is a highly important factor in high taxes which the American people are made to pay. Meanwhile, recipients of these gifts have attained the point of real, and, in some cases, crushing competition for the American businessman in world markets.

As a result of these strengthened economies, given sinew by successive administrations pledged and devoted to continue foreign aid, we are turning now to mass production of war materials for export purposes, hoping that such war materials will eventually give us firm recruits in our fierce determination to prevent extension outward of Russia's Iron Curtain. This is, of course, a highly debatable policy and only time can show its worth.

A second result that has come to pass from our prosperous friends is that they have assumed various postures of diplomatic independence which led to last week's instant case of their desertion of the United States on the China question.

I do not know what the will of this Congress will be on GATT and OTC but I do know that Members of this House will be under increasingly heavy pressure from producers of durable goods, international bankers and the prophets of "one world" in future weeks to lower tariff barriers and generally to launch this Nation upon something approaching free trade. When that day comes we will see a vast importation of foreign goods which will undersell products made at home. Thus our foreign friends will accumulate dollars to their credit in our own country with which to pay for the export materials which we supply them.

It might be timely to point out that while it was a great blow to have our friends repudiate our Chinese policy, there occurred another event almost parallel with it, which showed even better how anti-American blow the international winds. It was on Formosa that anti-American sentiment flared up into astonishing proportions, leaving even some of our most determined supporters of Nationalist China here on the Hill considerably shaken and taken aback. This riot occurred in one place where it had been almost automatically assumed that one of our best friends resided. If such violent anti-American feeling could flame up on Formosa, what of the situation in other countries which have been shored up and sustained by American dollars and aid?

It seems to me that much of what we have sought to accomplish in the way of a stable and peaceful world at such a staggering cost during the past postwar period may have come to naught. It is true that we have saved many a country from being gobbled up by the Russian bear but it is even truer that gratitude among nations, as among men, is a fragile thing.

I do not believe that America can stand totally alone in a hostile world. To exist as a Nation we must have alliances, but to have enduring and profitable alliances we, as a senior partner, must be strong internally. Even now while we enjoy unprecedented prosperity there are disquieting but abundant signs that the time of reaping of the economic whirlwind may not be too far in the future.

You may recall that during the week of May 12 the United States Treasury's offer of several million dollars' worth of bonds was a failure. While officially it was said that the low-interest yield was largely responsible for the lack of investors, it may be an ominous sign that private capital is increasingly afraid of Federal securities because of the staggering size of our $270-billion national debt. If that be true, then it means that public confidence in the fiscal policies of the United States Government has been severely shaken, and a shaken confidence in Government means a diminution of confidence in our economy and the political machinery of the Republic.

I think it is time for some stocktaking upon the part of those entrusted with making national policy. I, for one, believe that the entire question of foreign aid should be gravely and thoroughly reexamined and a new assessment of its true worth as an instrument of foreign policy be arrived at. I believe, further, that some consistency should be restored to the operation of the Federal establishment. By this I would strike a blow for the taxpayers by ruthlessly eliminating waste and extravagance to the double purpose that we might effect tax reductions and apply some of our savings to a reduction of our overwhelming national debt which hangs like the sword of Damocles over the heads of us all.

With a strengthened economy and our domestic economic household put in order, America need have no fears for the future; our labor and industry, possessing confidence in our way of life, can easily produce for the world market so

efficiently and cheaply that we can hold our own in any competitive situation. However, labor and industry, debilitated by the knowledge their taxes are being used to subsidize their competitors to the point where American goods can be undersold and shut out, have lost half the battle before it starts.

There is still time for us to redeem much of our past folly. It is not too late to restore the United States to its dominant position of world leadership which it had enjoyed immediately following World War II. But to redeem our past errors we in this 85th Congress must show the way. We have been amply warned by international events since the first of this year that perhaps, after all, we have been living in a fool's paradise and continually deluding ourselves that all is right with the world. I hope the time has come when we can see the handwriting on the wall. The letters are large enough for all to see.

SENATE

MONDAY, JUNE 10, 1957

Rev. S. Baxton Bryant, pastor, Whaley Memorial Methodist Church, Gainesville, Tex., offered the following prayer:

Our Father God, we thank Thee for the hunger for peace Thou hast placed in every human heart. In these trying days help us to keep faith that this hunger will make it possible for peace to come to all mankind. Never let us forget that Jesus prayed, "Thy kingdom on earth." Forgive us for sometimes growing "weary in well doing." Give us the patience, direction, and dedication that will lead the world to become a friendly neighborhood of nations.

We are thankful for our country and this able body that meets today. Bless each one of the Members as individuals. Be with them in their lonely hours of decision. Keep fresh in their hearts the high ideals and faith which burned so brightly when the oath of office was first taken. Make them daily conscious of the millions of prayers of their fellow countrymen. Be so present with them that after a hard day's work with trying and difficult problems they will feel that their labor has not been in vain.

Save us as citizens from being selfish and unreasonable in making demands upon our public servants. Give us the grace to pray more and criticize less. We make our prayer in the name of Him who loved us and gave himself for us. Amen.

THE JOURNAL

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

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of May 13, 1957, the following reports of a committee were submitted on June 7, 1957:

By Mr. MAGNUSON, from the Committee on Appropriations:

H. R. 6070. A bill making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1958, and for other purposes; with amendments (Rept. No. 414).

By Mr. RUSSELL, from the Committee on Appropriations:

H. R. 7441. A bill making appropriations for the Department of Agriculture and Farm Credit Administration for the fiscal year ending June 30, 1958, and for other purposes; with amendments (Rept. No. 415).

Mr. HILL, from the Committee on Appropriations:

H. R. 6287. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1958, and for other purposes; with amendments (Rept. No. 416).

Under authority of the order of the Senate of June 6, 1957, the following report of a committee was submitted on June 7, 1957:

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

S. 2130. A bill to amend further the Mutual Security Act of 1954, as amended, and for other purposes; with an amendment (Rept. No. 417); ordered to be printed with an illustration.

MESSAGES FROM THE PRESIDENT

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

LEAVE OF ABSENCE

On his own request, and by unanimous consent, Mr. MCCLELLAN was excused from attendance on the sessions of the Senate until next Thursday, because of official business.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Committee on the District of Columbia and the Subcommittee on Public Roads of the Committee on Public Works were authorized to meet during the session of the Senate today.

ORDER FOR SENATE TO CONVENE AT 9:30 A. M. THE REMAINDER OF THIS WEEK

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate convene at 9:30 a. m., for the remainder of this week.

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

VISIT TO THE SENATE BY HIGH SCHOOL STUDENTS FROM GAINESVILLE, TEX.

Mr. JOHNSON of Texas. Mr. President, the Christian gentleman who opened our session with prayer this morning, the Reverend S. Braxton Bryant, pastor of the Whaley Memorial Methodist Church at Gainesville, Tex., has with him in Washington a fine group of high school students.

These young people are seated in the gallery, and it is with pride in being their fellow Texan that I welcome them to the Senate. Nobody can look into their faces and talk with them without feeling a renewed confidence that the future of our country is in good hands.

To these young Texans and to their parents I extend my most cordial good wishes.

I ask unanimous consent that a list of those present from Gainesville be printed in the RECORD.

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

WHALEY MEMORIAL METHODIST CHURCH, R. BAXTON BRYANT, MINISTER, GAINESVILLE, TEX.

Sponsors: Reverend and Mrs. Bryant, Rev. Charles Ray Peters, and Mrs. R. L. Bandy, Jr.

Young people: Miss Jo Haynes, Miss Sylvia Allbritton, Miss Judi Miller, Miss Lacrisha Bryant, Miss Jan Bandy, Miss Sue Swick, Miss Ann Sullivant, Miss Kay Sullivant, Miss Judy Sproles, Miss Emma Lou Beavers, Miss Patsy Schneider, Miss Rosalie Davis, Miss Jane Carroll, Ralph Bullard, Charles Huneycutt, Watt LeRue, Johnny Simpson, Ronny Meeks, Ernest Perkins, Bobby West.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, I should like to inform all Senators again that this week the Senate will meet early and run late. We shall have a Saturday session, if it is necessary, in order to take care of four appropriation bills which were reported by the Appropriations Committee last week, and the mutual aid bill, which I hope it will be possible to have the Senate consider by the middle of the week. We will try not to have rollcalls early in the morning or, any more than necessary, late in the evening, but we do expect to have long sessions.

There have been reported to the Senate appropriation bills for the District of Columbia; Independent Offices; Agriculture; and Labor, Health, Education, and Welfare. We shall expect to proceed to their consideration tomorrow morning, at 9:30, following the morning hour.

The 1958 budget estimates for these 4 bills totaled $13,081,043,998. The recommendations of the Senate Appropriations Committee total $12,128,830,459, representing a reduction of $952,213,539, almost $1 billion, or 7¼ percent below the budget estimates.

It is my information that the appropriation bills which have previously been sent to the President reflect a reduction of some 8 percent below the budget estimates.

In the case of the four bills referred to, the Senate committee recommendations are $11,377,121 above the amounts appropriated by the House. The principal reason for the Senate figures exceeding the House figures is that the committee