Home: 2312 S. Chilton Street; Office: Federal Building, Tyler, Tex.

Ben H. Rice, Jr., judge; born Marlin, Tex.; bachelor of laws, University of Texas, 1913; master of laws, 1914; admitted to Texas Bar, 1913; assistant county attorney, Falls County, Tex., 3 years; city attorney, Marlin, 9 years; elected chief justice 10th Court of Civil Appeals, 1940; Federal judge western district of Texas since 1950. Address: Federal Court House, San Antonio.

Robert E. Thomason, judge; born Shelbyville, Tenn.; B. S., Southwestern University, Georgetown, Tex., 1898; bachelor of laws, University of Texas, 1900; began practice of law, Gainesville, Tex., 1900; district attorney, Gainesville, 1902–6; practiced at El Paso, Tex.; since 1912; member Texas House of Representatives, 1917–21; speaker of house, 1920–21; mayor of El Paso, 1927–31; member 72d to 80th Congress, 1931–47, 16th Texas district; United States district judge, western district, Texas. Address: 1918 North Stanton Street; Office: Federal Building, El Paso, Tex.

Joe McDonald Ingraham, judge; born Pawnee County, Okla. Admitted to Oklahoma bar, 1927, District of Columbia bar, 1927, Texas bar, 1928; practiced in Stroud, Okla., 1927–28, Fort Worth, 1928–35; Houston, 1935–54; served as member United States House of Representatives, 1934–48; associate justice, Texas Supreme Court, 1936, 1938, 1940; judge, United States District Court, Southern District, Texas, 1954. Secretary Tarrant Co., representative executive committee, 1930–35, chairman, Harris Co., 1946–53, member Texas State executive commission, 1952—; presidential elector, 1932, alternate delegate national convention, 1940, delegate, 1948, 1952. Served as lieutenant colonel, United States Army Air Force, 1942–46. Member American Houston Bar Association, Texas State bar, S. A. R. (president, Texas, 1937–38.) American Legion. Club: Army and Navy Association (president, 1950). Home: 2341 Sunset Boulevard, Houston 5; Office: Post Office Building, Houston 2.

VIRGINIA

John Paul, judge; born Harrisonburg, Va.; graduate, Virginia Military Institute, Lexington, 1903; bachelor of laws, University of Virginia, 1906; admitted to Virginia bar, 1906, and practiced at Harrisonburg; member, Virginia State Senate, 1912–16, 1919–22; member, 67th Congress (1921–23), 7th Virginia District; special assistant to United States Attorney General, 1924–25; United States district attorney, western Virginia district, 1929–31. United States district judge since January 1932. Served as captain, Field Artillery, United States Army, 1917–19 with American Expeditionary Forces, May 1918–19. Member, Raven Society (University of Virginia), Kappa Alpha, Phi Delta Phi, Phi Beta Kappa. Home: R. F. D., Dayton, Va. Address: Federal Building, Harrisonburg, Va.

Alfred Dickinson Barksdale, judge; born Halifax, Va., educated Cluster Springs Academy, 1907–08; Virginia Military Institute, 1908–11, bachelor of science; University of Virginia, 1912–15, bachelor of laws; admitted to Virginia bar, August 13, 1915, and began practice in Lynchburg; judge, Sixth Judicial Circuit of Virginia, 1938–40; judge, United States District Court, Western District of Virginia, since January 1940. Member, Virginia Senate, 1924, 1926, 1927. Served as captain, 116th Infantry, United States Army with American Expeditionary Forces, World War I. Decorated Distinguished Service Cross, Chevalier Legion of Honor, Croix de Guerre. Trustee, Hollins College. Member, board of visitors, University of Virginia; member Lynchburg (Va.), State and American bar associations; Kappa Alpha, Phi Delta Phi, Phi Beta Kappa. Home: 2001 Link Road; Office: Post Office Box 877, Lynchburg, Va.

Albert B. Bryan, judge; born Alexandria, Va., bachelor of laws, University of Virginia, 1921; admitted to Virginia bar, 1921; practiced in Alexandria, 1921–47; city attorney, Alexandria, 1926–28; commonwealth's attorney, 1928–47; United States district judge, eastern district of Virginia, 1947—. Member, State board of corrections, Virginia, 1943–45; member, board of law examiners, 1944–47; member American, Virginia bar associations; American Law Institute; Phi Kappa Sigma, Phi Delta Phi. Home: 2826 King Street, Alexandria, Va. Office: United States Courthouse, Alexandria; also Norfolk, Va.

SENATE

WEDNESDAY, JULY 10, 1957

(Legislative day of Monday, July 8, 1957)

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

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

Almighty and most merciful Father, whose power and whose love eternally work together for the protection and enrichment of Thy children, give us grace this day to live by faith in things unseen—the faith that Thou dost rule the world in truth and righteousness, the faith in the final coronation of Thy loving purposes for mankind, unfolding even in the social convulsions of these tense times, the faith that will make us calm and courageous in the face of risks and threats and dangers which will meet us in the faithful doing of our duty. Rid us, we beseech Thee, of all vain anxieties and paralyzing fears, and give us cheerful and buoyant spirits and abiding peace in seeking and following Thy will. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the proceedings of Tuesday, July 9, 1957, was approved, and its reading was dispensed with.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing the nomination of David W. Edeen, to be postmaster at American Lake, Wash., which nominating messages were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6814. An act to provide for the compulsory inspection by the United States Department of Agriculture of poultry and poultry products; and

H. R. 8594. An act to authorize the Honorable ALBERT P. MORANO, Member of Congress, to accept and wear the award of the Cross of Commander of the Royal Order of the Phoenix conferred upon him by His Majesty the King of the Hellenes.

THE CIVIL RIGHTS BILL

Mr. JOHNSON of Texas. Mr. President, I have been following as closely as any other Member of the Senate the debate which has been taking place on the motion made by the distinguished minority leader [Mr. KNOWLAND]. It seems to me that the discussion thus far has produced two things:

First, a climate of reason within which the Senate can reach a meaningful conclusion.

Second, the need for some technical studies which can be used as a framework of reference.

In this instance, the Senate is operating without the benefit of a committee report, our normal source for reference material. Therefore, I am having some intensive studies made by some of the members of my staff, on some of the issues which have been raised by the discussions in the Senate.

I think we need basic information on the cases which have been decided under section 1985 of title 42 of the United States Code. That has reference, Mr. President, to part III of the bill.

I think we need basic information on the extent to which court decisions have already made law in the field of civil rights.

I wish to commend the Members of the Senate for the very high level of discussion which has taken place up to now. I appeal to them to continue in a spirit of reason and persuasion. I have no doubt that when action on this subject is completed, every citizen will have a right to be proud of the conduct of this great body.

ANNOUNCEMENT OF VISIT TO THE SENATE ON JULY 11 BY THE PRIME MINISTER OF PAKISTAN

Mr. JOHNSON of Texas. Mr. President, I should like to make an announcement in connection with the visit to the United States of the Prime Minister of Pakistan. By agreement with the minority leader and the Presiding Officer, at 3 o'clock on tomorrow, July 11, the Prime Minister will visit the Senate, and will be requested to make an address to the Senate at that time.

In this connection, Mr. President, I wish to say that the visit of Pakistan's Prime Minister, Husseyn S. Suhrawardy, to this country is a welcome occasion.

Pakistan is a nation which has a record of remarkable achievement under great difficulties. Its struggles to main-

tain itself have earned the respect of the world.

I ask unanimous consent that a very fine editorial from the Washington Post and Times Herald on Mr. Suhrawardy's visit be printed in the RECORD.

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

PAKISTAN'S LEADER

In the 10 years since the partition of the Indo-Pakistan subcontinent, the role of Pakistan has been particularly difficult. This is a manufactured nation, divided into 2 sections 1,200 miles apart; the western portion has most of the area and the eastern has the great bulk of the population. Pakistan has experienced many of the economic woes of India and others besides, and the fact that it has been held together as an entity and emerged as a Western-oriented republic is no mean accomplishment.

Much of the credit for this accomplishment must be ascribed to the caliber of Pakistan's leadership—buttressed, one must mention, by considerable American aid. Perhaps the dominant figure in Pakistan has been that of Gen. Iskander Mirza, who first as Governor General and now as President has been a sort of symbol of the often elusive stability democratic forces have sought. Since last September Pakistan has found an additional kind of leadership in the skilled political performance of the Prime Minister, Husseyn S. Suhrawardy, who is an honored guest in Washington this week.

Mr. Suhrawardy is less a personal leader than an extremely accomplished politician. Schooled in what is now East Bengal, he brought to his national office the arts of persuasion and compromise. His Awami League Party holds only 11 of 80 seats in the National Assembly; yet he has consistently won support for his foreign and defense policies, and he has a sort of Rooseveltian flair for taking issues to the people. Mr. Suhrawardy has dedicated himself to the holding of general elections next March—Pakistan's first nationwide balloting, as contrasted with state elections and the indirect selection of constituent assemblies. In the April issue of Foreign Affairs Mr. Suhrawardy had some trenchant words about his goals:

"Warning voices sometimes tell me that Pakistan is not ready for the democratic process. I can only reply that then Pakistan is not ready at all; for there is no alternative way of bringing about rapport between authority and people, no other avenue to national fulfillment * * * Dictatorship would not combat corruption; it would erect corruption into principle * * * Politics is essential for the cohesion of the state and * * * the politicians are its servitors."

This is a useful and pragmatic political philosophy for an infant nation. Doubtless foreign affairs, rather than Pakistan domestic problems, will dominate the discussions between Mr. Suhrawardy and President Eisenhower and Secretary Dulles. Among the subjects, probably, will be the Middle East and the Baghdad and SEATO pacts, to which Pakistan lends strength; China, toward which Pakistan's leaders have exhibited more realism than the State Department; Arab-Asian influence in the United Nations; and Pakistan's relations with India. Mr. Suhrawardy has exercised real restraint over the festering Kashmir issue. The greatest contribution to stability in Pakistan, and India as well, would be some sort of compromise over Kashmir. Despite the past disappointments, there is still the hope that a formula can be evolved which will have a sympathetic response in New Delhi, and perhaps Mr. Suhrawardy's visit here can be fruitful to that end.

COMPARATIVE SUMMARY OF LEGISLATIVE ACTIVITIES OF THE SENATE IN THE 80TH THROUGH THE 85TH CONGRESSES

Mr. JOHNSON of Texas. Mr. President, I am submitting for the RECORD a comparative summary of the legislative activities of the Senate in the 80th through the 85th Congresses, through July 8 in the first session.

This summary includes a list of 26 more important bills—other than appropriations—upon which the Senate has acted during the first session of the 85th Congress. These measures were not selected in an effort to downgrade other legislation, but merely in an effort to set forth a representative compilation which would be available to those who may be interested.

I am well aware of the fact that reasonable men can differ in their judgment of a Senate. It is possible—by using various standards—to decide that a legislative body has both a very good and a very poor record.

It is my personal feeling that a Senate should be judged on the basis of what it has accomplished—rather than on the basis of what it has not done. By the standard of achievement, I think my colleagues—on both sides of the aisle—are entitled to congratulations.

The record of this Senate thus far can stand comparison with any other Senate in modern times.

I am aware of the fact that there is still much that the Senate must do. But I do not believe this session has reached the physical limits of achievement.

There is every reason to believe that this Senate will make responsible, constructive decisions on a number of legislative items before the end of the session.

Of course, we shall not satisfy everybody. No legislative body in the world could possibly act upon all the items which everyone considers most urgent and very pressing.

But even though we have disagreed on many items—and are disagreeing sharply upon one right now—a spirit of cooperation and reason has prevailed among all Members of the Senate. Every Member has played a significant role in shaping a legislative record of real accomplishment.

The Senate Appropriations Committee has acted with its usual efficiency and speed; and for its fine work a great deal of credit goes to the distinguished President pro tempore of the Senate, the chairman of the Appropriations Committee, the senior Senator from Arizona [Mr. HAYDEN]. I express to him my deep gratitude for the very fine leadership he has given that great committee.

There are only three major appropriation bills for the fiscal year 1958 which we have not received—Public Works, which on yesterday was marked up by the subcommittee; Mutual Security, which awaits action in the other body on the authorization act; and, of course, the first supplemental appropriation bill, which comes up after all the other appropriation bills have been passed. These are substantially on schedule in their progress through the committee.

Mr. President, in a Senate so evenly divided, progress is possible only when both parties are willing to cooperate in the transaction of business. I wish to express my gratitude to the distinguished minority leader, the senior Senator from California [Mr. KNOWLAND]; to the distinguished deputy minority leader, the Senator from Illinois [Mr. DIRKSEN]; and to all the ranking majority and minority members of the committees, for their complete cooperation in the achievements we have accomplished to date.

The summary which I am submitting is a real tribute to the cooperation which has taken place among all the Members.

Mr. President, I ask unanimous consent that the summary be printed at this point in the RECORD, as a part of my remarks.

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

Senate legislative activity through July 8

	80th Cong., 1st sess.	81st Cong., 1st sess.	82d Cong., 1st sess.	83d Cong., 1st sess.	84th Cong., 1st sess.	85th Cong., 1st sess.
Days in session	110	114	104	103	88	92
Hours	600:55	668:17	557:45	576:13	426:20	506:16
Total measures passed by Senate	454	599	485	475	711	602
Senate bills	166	233	186	231	348	339
House bills	158	232	161	129	244	93
Senate joint resolutions	32	17	9	15	15	15
House joint resolutions	22	20	12	10	10	25
Senate concurrent resolutions	7	25	16	15	16	18
House concurrent resolutions	9	10	10	10	9	17
Senate resolutions	60	62	91	80	69	95
Public laws	162	160	73	105	134	84
Confirmations	25,915	47,834	21,142	21,388	36,748	36,002

The statistical summary, above, provides a brief review of the legislative activity of the Senate through July 8 of each Congress beginning with the 80th through the 85th.

Through July 8 the Senate has passed 602 measures, among which the following represent 26 of the more important bills acted on:

1. Middle East resolution: Authorizes the President to undertake economic and military cooperation with any nation or group of nations in the general area of the Middle East to strengthen the defense of their national independence. Public Law 7, approved March 9, 1957.

2. Foreign aid: Authorizes $3.6 billion for military, economic, and technical assistance to friendly nations; establishes a Development Loan Fund to be operated as a special unit within the International Cooperation Administration to make loans to promote the economic development of less developed countries; authorizes military assistance and defense support for a 2-year period instead of 1; and authorizes, for the first time, a program of malaria eradication to be financed out of technical cooperation and special assistance funds.

3. Housing Act of 1957: Authorizes $1.7 billion housing program; lowers downpayments on FHA sales housing and urban-renewal housing programs; and increases by $650 million FNMA's total borrowing authority under its secondary market operations which will permit FNMA to buy more FHA and GI mortgages from private lenders to ease the tight money market.

4. International Atomic Energy Agency: Establishes an International Atomic Energy Agency to advance the peacetime uses of atomic energy and to develop methods for its application to industry, agriculture, and medicine. Ratified June 18, 1957.

5. Hells Canyon: Authorizes Federal construction of Hells Canyon high-dam project on the Snake River in Idaho for hydroelectric power development and flood control.

6. Fryingpan-Arkansas: Authorizes Federal construction of Fryingpan-Arkansas project in Colorado, for reclamation, power, flood control and recreation.

7. Financial Institutions Act: Revises and modernizes all Federal laws governing national banks, savings and loan associations, and credit unions.

8. Deferred grazing program: Requires the Secretary of Agriculture to establish a 5-year program in the drought areas under which farmers and ranchers will receive payments for deferred grazing in disaster counties at rates equal to the fair rental value of their land during periods of adequate rainfall. Public Law 25, approved April 25, 1957.

9. Agricultural Trade Development Act: Extends to June 30, 1958, the Agricultural Trade Development and Assistance Act; increases to $4 billion (from $3 billion) the amount of surplus commodities for sale, and to $800 million (from $500 million) the amount for famine relief; and permits barter transactions with the European satellite nations but prohibits barter transactions with the U. S. S. R., with Communist China, or with any of the areas dominated or controlled by the Communist regime in China.

10. Export-Import Bank Act: Extends for 5 years to June 30, 1963, the loan authority of the Export-Import Bank. Public Law 55, approved June 17, 1957.

11. Small-business loan authority: Increases by $80 million (bringing to a total of $445 million) the lending authority of Small Business Administration. Public Law 4, approved February 11, 1957.

12. FNMA: Increases the borrowing authority of FNMA by $500 million to $1.6 billion to relieve the shortage of funds for home loans. Public Law 10, approved March 27, 1957.

13. FNMA: Increases by $50 million the present special assistance authorization of $200 million available to FNMA to purchase military housing and selected home mortgages.

14. Reorganization Plan No. 1: Abolishes Reconstruction Finance Corporation and transfers its functions to HHFA, GSA, SBA, and Secretary of Treasury. Effective June 30, 1957.

15. Airways Modernization Board: Establishes Airways Modernization Board to develop, test and evaluate systems and devices to meet the need for efficient control of civilian and military planes.

16. Social-security grants: Changes formula for computing social-security grants to States for medical and public assistance recipients to provide for more equitable distribution.

17. Excise-corporate income taxes: Extends to July 1, 1958, the present 52 percent corporate income tax, and the existing rates of excise taxes on alcoholic beverages, cigarettes, automobiles and parts and accessories.

Public Law 12, approved March 29, 1957.

18. Atomic reactors: Authorizes agreements for construction of atomic reactors in West Berlin.

Public Law 14, approved April 12, 1957.

19. Former Presidents: Provides $25,000 yearly allowance, clerical assistance, franking privilege, and $10,000 annuity for widows of Presidents.

20. Budget estimates: Requires Federal budget estimates to be submitted on annual accrued expenditure basis, rather than for expenditures in future fiscal years as is done at present.

21. Universal Military Training and Service Act: Extends to July 1, 1959, the President's authority to induct doctors, dentists, and other allied specialists into the Armed Forces with reserve commissions.

Public Law 62, approved June 27, 1957.

22. Anglo-American agreement: Approves amendment to the Anglo-American financial agreement to permit postponement of payments on the United States loan to the United Kingdom.

Public Law 21, approved April 20, 1957.

23. Extra long staple cotton: Fixes price-support for 1957 crop of extra long staple cotton at the 1956 level of 75 percent of parity.

Public Law 28, approved April 25, 1957.

24. Poultry inspections: Provides for compulsory inspection of poultry and poultry products. This compulsory inspection has long been in effect for meat and meat products.

25. Veterans Benefits Act of 1957: Consolidates and makes uniform laws governing compensation, pensions, medical and burial benefits administered by VA.

26. Executive agreements: Requires the Secretary of State to transmit to the Senate, within 60 days after execution, all international agreements other than treaties.

TRANSACTION OF ROUTINE BUSINESS

Mr. JOHNSON of Texas. Mr. President, it is my understanding that, under the order entered on yesterday, there will be the usual morning hour for the transaction of routine business, with a 3-minute limitation on statements.

EXECUTIVE COMMUNICATIONS, ETC.

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

AMENDMENT OF LAW RELATING TO MINING LEASES ON CERTAIN INDIAN AND FEDERAL LANDS

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the law relating to mining leases on Indian lands and Federal lands within Indian reservations (with an accompanying paper); to the Committee on Interior and Insular Affairs.

GRANTING ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

GRANTING TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

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

By the PRESIDENT pro tempore:

Two letters in the nature of petitions from the American Meteorological Society, of Boston, Mass., signed by Kenneth C. Spengler, executive secretary, and the New York University, of New York, N. Y., signed by Serge A. Korff, professor of physics, praying for the enactment of legislation to establish a geophysical institute in the Hawaiian Islands; to the Committee on Appropriations.

A resolution adopted at the 171st annual conference of the Church of the Brethren, held at Richmond, Va., favoring the enactment of legislation to revise the immigration laws, in order to admit more refugees into the United States; to the Committee on the Judiciary.

RESOLUTION OF SERTOMA CLUB, KANSAS CITY, KANS.

Mr. CARLSON. Mr. President, at a recent meeting of the Sertoma Club in Kansas City, Kans., they unanimously adopted a resolution urging that every consideration be given to a reduction in individual and corporate income taxes.

I ask unanimous consent that the resolution submitted by their secretary, Charles O. Couts, be printed in the RECORD, and referred to the Committee on Finance.

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

RESOLUTION IN SUPPORT OF H. R. 6452

THE SERTOMA CLUB OF KANSAS CITY,
Kansas City, Kans.

Hon. FRANK CARLSON,
United States Senator,
Washington, D. C.:

Whereas the steeply progressive individual income tax rates which are clearly discriminatory, unfair, and unreasonable tend to destroy individual initiative to produce, accumulate, and invest; and

Whereas the corporate tax rates severely restrict the normal flow of funds into capital investment, so necessary for producing jobs for the citizens who are entering our labor force each year; and

Whereas a serious threat exists to our free enterprise system, our standard of living, and the stability of our employment, unless Federal spending is by the exercise of economies by Congress and the administration, and Federal revenues reduced through tax reduction: Now, therefore, be it

Resolved, That the Congress of the United States undertake immediate steps to guard against such an economic situation, by enacting into law a realistic program of forward scheduling of tax reductions for all income taxpayers as contained in the provisions of H. R. 6452 introduced by the Honorable ANTONI J. SADLAK, of Connecticut, a member of the Ways and Means Committee, on March 28, 1957;

It is believed that the steady growth of the economy and the population justify such reductions, and at the same time permit the balancing of the budget, with reduction in the national debt;

Furthermore, that this resolution, properly inscribed, be forwarded to the Congressional delegation.

Signed this 2d day of July 1957.

CHARLES O. COUTS,
Secretary.

THE GOVERNORS CONFERENCE OF 1957—RESOLUTIONS

Mr. CARLSON. Mr. President, the 49th annual governors conference was held recently in Williamsburg, Va. The distinguished Governor of Virginia, the Honorable Thomas B. Stanley, was not only chairman of the conference, but also the host governor.

The Council of State Governments has been fortunate in having as its executive director for many years Frank Bane, who has devoted his time and efforts in behalf of good government.

I have had an opportunity to visit with a number of people who were in attendance at the conference, and all spoke highly of the outstanding program arranged, and the true southern hospitality of the Old Dominion State of Virginia.

As there are 24 ex-governors serving in the United States Senate at the present time, I know that getting reports from a governors conference bring back many pleasant memories. The present Members of the Senate who have served as governors are:

GEORGE D. AIKEN, of Vermont; FRANK A. BARRETT, of Wyoming; JOHN W. BRICKER, of Ohio; STYLES BRIDGES, of New Hampshire; HARRY FLOOD BYRD, of Virginia; FRANK CARLSON, of Kansas; THEODORE FRANCIS GREEN, of Rhode Island; BOURKE B. HICKENLOOPER, of Iowa; SPESSARD L. HOLLAND, of Florida; OLIN JOHNSTON, of South Carolina; ROBERT S. KERR, of Oklahoma; WILLIAM LANGER, of North Dakota; FRANK J. LAUSCHE, of Ohio; EDWARD MARTIN, of Pennsylvania; MATTHEW M. NEELY, of West Virginia; JOHN O. PASTORE, of Rhode Island; FREDERICK G. PAYNE, of Maine; RICHARD RUSSELL, of Georgia; LEVERETT SALTONSTALL, of Massachusetts; ANDREW F. SCHOEPPEL, of Kansas; KERR W. SCOTT, of North Carolina; HERMAN E. TALMADGE, of Georgia; STROM THURMOND, of South Carolina, and EDWARD J. THYE, of Minnesota.

It was my privilege to serve as chairman of the governors conference in 1950, which was held at White Sulphur Springs, W. Va., and I can truly state it was one of the gratifying experiences of my public service. This year the conference elected the Honorable William G. Stratton, Governor of Illinois, as chairman for the ensuing year.

This session of the governors conference, as has every other session, adopted resolutions dealing with current problems affecting Federal-State relations. This year President Eisenhower personally appeared before the conference, and discussed and recommended that the conference join with the Federal administration in creating a joint committee to study and examine the possibility of clarifying functions which can be performed more effectively by particular levels of government, and the allocation of resources in relation to these functions. This committee is now being formed.

Those of us who have served in both the executive and legislative capacities of Federal and State Governments realize the need for a study of the problems of government which not only overlap, but which are becoming more complex as time goes on.

Resolutions were approved at the conference on highway safety, national security and many other subjects of vital interest.

I ask unanimous consent that the resolutions adopted at the governors conference be printed in the RECORD.

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

FEDERAL-STATE RELATIONS

Whereas the governors' conference has devoted extensive discussion over many years to the problems of achieving a sound relationship among Federal, State, and local governments; and

Whereas this conference has indicated on many occasions the need for clarifying functions which can be performed more effectively by particular levels of government and the allocation of resources in relation to these functions; and

Whereas the President of the United States, addressing the 49th annual governors' conference in Williamsburg, Va., recommended that this conference join with the Federal administration in creating a joint committee to examine this entire area and develop definite and specific programs for action: Now, therefore, be it

Resolved by the 49th annual meeting of the governors' conference, That the chairman of the executive committee be authorized to appoint a special committee to work with appropriate Federal officials appointed by the President from the executive branch to develop ways and means of attaining a sound relationship of functions and finances between the Federal Government and the States and to formulate definite proposals to these ends.

HIGHWAY SAFETY

Whereas during the first year of its operation, the governors' conference committee on highway safety has provided all of the States valuable information and assistance in the development of effective programs for the reduction of death and injury on public highways; and

Whereas as a direct result of this effort, many important forward strides already have been made in traffic safety legislation, administration, and enforcement; and

Whereas despite these encouraging gains, there still is a most urgent need to reduce the carnage on streets and highways which, unless checked, will claim half a million lives during the next decade: Now, therefore, be it

Resolved by the 49th annual meeting of the governors' conference, That the committee on highway safety be continued in existence, with the request that it also seek to develop recommendations for legislation requiring safety design features to be incorporated as standard equipment an all new automobiles; and be it further

Resolved, That this conference express appreciation to the committee for its fruitful work in this vital field, and pledge continued cooperation and support during the next year.

NATIONAL SECURITY

Whereas the Federal Bureau of Investigation has, over the years, earned a reputation for vigorous protection of the Nation's security; and

Whereas through its efforts the activities of many enemies of this country have been exposed and brought to a halt: Now, therefore, be it

Resolved, That the 49th annual meeting of the Governors' Conference bring to the attention of the various branches of our Government, our collective concern that the effectiveness of the Federal Bureau of Investigation will be continued and preserved and our hope that all possible avenues will be explored to protect the security of our Nation, while affording to its citizens all possible personal protection consistent with that security.

ARMED FORCES PAY

Whereas the Military Establishment is desperately in need of a means for attracting and retaining persons with scientific, professional, combat leadership, and management skills necessary to maintain a deterrent power; and

Whereas the Armed Forces do not presently have the means to compete for trained personnel urgently needed for the defense of this country, and a significant factor in their inability to do so is the inadequacy of the present compensation practices now in use; and

Whereas the proposed changes in the military pay structure are based on merit rather than longevity, will bring military pay more in line with the pay standards of industry and will offer greater reenlistment incentive for highly trained personnel: Now, therefore, be it

Resolved, That the 49th annual meeting of the Governors' Conference urge the Congress of the United States to take favorable action to revise the existing pay structure now in use in the Armed Forces, along the lines proposed by the Cordiner committee.

NATIONAL GUARD

The Department of the Army of the United States has instructed the National Guard commanders of the various States to carry on vigorous recruitment of young men for the new 6-month training program of the National Guard. This 6-month training program is an important modification of the draft law and procedure for building up the reserve strength of our Armed Forces.

The National Guard commanders have actively promoted the enlistment of young men into the guard for the 6-month program. Moreover, there exists a firm requirement for the construction of almost 1,000 additional Army National Guard armories to meet the demands of this needed training program.

On the other hand, the indicated amounts of money that are being made available for National Guard training and Army National Guard armories will fall considerably short of the minimum needs if we are to maintain the adequate strength of the Army National Guard and if we are to build sufficient armories for the training program.

Accordingly, the 49th annual meeting of the Governors' Conference strongly urges that adequate funds be appropriated by the Congress to meet the minimum Army National Guard training and armory requirements.

THEODORE ROOSEVELT

By a happy coincidence, 1958 will be the centennial year of the birth of an outstanding President of the United States and also the 50th anniversary of the convening by him of the first meeting of the Governors' Conference at the White House in 1908.

Accordingly, the 49th annual meeting of the Governors' Conference takes cognizance of the Theodore Roosevelt Centennial Commission, created pursuant to Public Law 183 of the 84th Congress, and to congratulate the Commission for its excellent work in commemorating the birth of a great American.

AIR POLLUTION

The Governor's Conference recognizes the great importance of air-pollution control,

particularly in metropolitan areas, and the need for a more intensive attack to be made on this problem.

Many air pollution problems affect large regions and they are often by their nature interstate in character. This does not mean that the Federal Government should assume jurisdiction, but rather that the States should by interstate action accomplish effective controls with the assistance of the Federal Government.

The 49th annual meeting of the Governors' Conference, therefore, requests that a committee be appointed to study the problem of air pollution, with the assistance of the staff of the Council of State Governments, and to report its conclusions to the States as to ways and means of developing an effective program on an interstate basis.

CIVIL DEFENSE—STATE GUARDS

The 49th annual meeting of the Governors' Conference reaffirms the recommendations in the 1956 report of its special committee on civil defense and again calls the attention of the Congress to this report in view of the inadequacy of the present Federal Civil Defense Act. The Governors' Conference also approves the 1957 report of said committee, which recommends that, in order to be prepared for a possible war emergency, all State governments should establish lines of succession for the executive branch of State governments and should develop plans for the assignment of State employees, facilities and equipment in case of attack.

In addition, as a parallel measure for improving the States' defense forces and for strengthening the Nation's ability to survive an enemy attack, the Governors' Conference urges that aid be available to State defense forces which the States have been authorized to organize and maintain, in addition to their National Guards, by Public Law 364 of the 84th Congress, approved August 11, 1955.

INTEREST RATES

As a result of expanded requirements, the State governments, the local governments and school districts are being pressed to make unprecedented capital expenditures. These accelerated needs for funds have resulted in the issuance of billions of dollars in bonds. These bonds have been floated at higher and higher interest rates, thus increasing amortization costs.

Therefore, the 49th annual meeting of the Governors' Conference suggests that the President of the United States and the Congress take cognizance of this additional burden on the taxpayers of America with a view to alleviating this burden.

GUESTS

The governors' conference is greatly indebted to the President of the United States and to the many members of his official family who have participated so fully and cooperatively in this 49th annual meeting.

APPRECIATION

The 49th annual meeting of the governors' conference is deeply appreciative of the gracious Virginia hospitality that has been extended to all the governors and their parties by the people of Virginia. Especially are we indebted to Governor and Mrs. Stanley and their aids and the members of the host committee for such unstinting devotion to our every need—this is truly a memorable meeting in the Old Dominion.

To the many donors of interesting gifts we express our thanks. We salute the magnificent contribution by the Virginia State Police and General Motors Corp. in providing us with not only efficient, but most comfortable, transportation, and services. The college of William and Mary and Vice Adm. Alvin D. Chandler, its president, have been most helpful to us in providing meeting facilities and in putting the new Phi Beta Kappa Memorial Hall entirely at our disposal.

We have been greatly impressed with the quality of reporting afforded by members of the press, radio, and television; and the telephone and telegraph companies have done nobly in supplying all needed equipment and personnel. For their outstanding leadership during the past year, we wish to express our sincere thanks to Governor Stanley, chairman, and all the members of the executive committee.

COLONIAL WILLIAMSBURG

The 49th annual meeting of the governors' conference wishes to express its gratitude to Mr. Winthrop Rockefeller, chairman of the board of Colonial Williamsburg, and to each one of the staff members of Colonial Williamsburg for the unsparing efforts to make our stay in historic Williamsburg a pleasant one.

We are grateful to Mr. and Mrs. John D. Rockefeller, Jr., for providing us with such a wonderful Knights of the Golden Horseshoe dinner and festival.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 1908. A bill to amend the District of Columbia Hospital Center Act in order to extend the time and increase the authorization for appropriations for the purposes of such act, and to provide that grants under such act may be made to certain organizations organized to construct and operate hospital facilities in the District of Columbia (Rept. No. 601).

By Mr. GREEN, from the Committee on Foreign Relations, without amendment:

S. Con. Res. 36. Concurrent resolution authorizing the appointment of 4 Members each of the 2 Houses to attend the next general meeting of the Commonwealth Parliamentary Association to be held in India (Rept. No. 604).

By Mr. GREEN, from the Committee on Foreign Relations, with an amendment:

S. J. Res. 85. Joint resolution to amend the act of Congress approved August 7, 1935 (Public Law 253), concerning United States contributions to the International Council of Scientific Unions and certain associated unions (Rept. No. 602).

By Mr. O'MAHONEY, from the Committee on Interior and Insular Affairs, with amendments:

S. 2120. A bill to authorize the Secretary of the Interior to construct, rehabilitate, operate, and maintain the lower Rio Grande rehabilitation project, Texas, Mercedes division (Rept. No. 603).

PARTICIPATION IN INTERPARLIAMENTARY UNION

Mr. GREEN. Mr. President, from the Committee on Foreign Relations, I report an original bill to amend the act of June 28, 1935, entitled "An act to authorize participation by the United States in the Interparliamentary Union," and I submit a report (No. 600) thereon.

The PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar.

The bill (S. 2515) to amend the act of June 28, 1935, entitled "An act to authorize participation by the United States in the Interparliamentary Union," was read twice by its title and placed on the calendar.

APPOINTMENT OF MEMBERS TO ATTEND GENERAL MEETING OF THE COMMONWEALTH PARLIAMENTARY ASSOCIATION IN INDIA

Mr. GREEN, from the Committee on Foreign Relations, reported an original resolution (S. Res. 160) authorizing the appointment of four Members of the Senate to attend the next general meeting of the Commonwealth Parliamentary Association to be held in India, and submitted a report (No. 604) thereon; which resolution was placed on the calendar, as follows:

Resolved, That the Vice President is authorized to appoint four Members of the Senate to attend the next general meeting of the Commonwealth Parliamentary Association to be held in India on the invitation of the Indian branch of the association and to designate the chairman of the delegation. The expenses incurred by the members of the delegation and staff appointed for the purpose of carrying out this resolution shall not exceed $15,000 and shall be reimbursed to them from the contingent fund of the Senate upon submission of vouchers approved by the chairman of the delegation.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports were submitted:

By Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce:

Henry Kearns, of California, to be an Assistant Secretary of Commerce, vice H. C. McClellan, resigned; and

Charles Pierce, of Washington, to be Assistant Director of the Coast and Geodetic Survey, vice Robert W. Knox.

By Mr. GREEN, from the Committee on Foreign Relations:

Executive D, 85th Congress, 1st session, Treaty of Friendship, Commerce, and Navigation between the United States and the Republic of Korea; without reservation (Ex. Rept. No. 5).

Executive L, 85th Congress, 1st session, protocol amending the International Sugar Agreement of 1953; without reservation (Ex. Rept. No. 6).

BILLS INTRODUCED

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

By Mr. CHAVEZ:

S. 2511. A bill for the relief of Maria Garcia Aliaga; to the Committee on the Judiciary.

By Mr. MURRAY (for himself and Mr. MANSFIELD):

S. 2512. A bill to provide compensation to the Crow Tribe of Indians for certain ceded lands embraced within and otherwise required in connection with the Huntley reclamation project, Montana, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LANGER:

S. 2513. A bill for the relief of Sophie Gumuchdjian (also known as Sophie Calji); to the Committee on the Judiciary.

By Mr. THYE:

S. 2514. A bill to continue the election of two county committees for certain counties; to the Committee on Agriculture and Forestry.

By Mr. GREEN:

S. 2515. A bill to amend the act of June 28, 1935, entitled "An act to authorize participation by the United States in the Inter-

parliamentary Union"; placed on the calendar.

(See the remarks of Mr. GREEN when he reported the above bill, which appear under the heading "Reports of Committees.")

By Mr. BEALL:

S. 2516. A bill to increase the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia; to the Committee on the District of Columbia.

By Mr. WATKINS (for himself, Mr. GOLDWATER, and Mr. ALLOTT):

S. 2517. A bill to amend sections 2275 and 2276 of the Revised Statutes with respect to certain lands granted to States and Territories for public purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. JOHNSTON of South Carolina (by request):

S. 2518. A bill to promote the interests of national defense through the advancement of the scientific and professional research and development program of the Department of Defense, to improve the management and administration of the activities of such department, and for other purposes; to the Committee on Post Office and Civil Service.

RESOLUTION

Mr. GREEN, from the Committee on Foreign Relations, reported an original resolution (S. Res. 160) authorizing the appointment of four Members of the Senate to attend the next general meeting of the Commonwealth Parliamentary Association to be held in India, which was placed on the calendar.

(See resolution printed in full when reported by Mr. GREEN, which appears under the heading "Reports of Committees.")

TECHNICAL CHANGES IN FEDERAL EXCISE-TAX LAWS — AMENDMENTS

Mr. KERR. Mr. President, I submit amendments, intended to be proposed by me to the bill (H. R. 7125) to make technical changes in the Federal excise-tax laws, and for other purposes. I ask unanimous consent that a statement, prepared by me relating to the amendments, be printed in the RECORD.

The PRESIDENT pro tempore. The amendments will be received, printed, and referred to the Committee on Finance and, without objection, the statement will be printed in the RECORD.

The statement presented by Mr. KERR is as follows:

STATEMENT BY SENATOR KERR

The Federal-Aid Highway Act of 1956 launched a big new roadbuilding program, and also established a trust fund with which to finance the program.

Among the taxes earmarked for this trust fund was a new tax of $1.50 per thousand pounds on any motor vehicle having a taxable gross weight of more than 26,000 pounds.

As is frequently the case, the practical application of this measure has indicated the need for clarifying amendments which will assure the carrying out of Congressional intent and correct apparent inequities.

It would appear that these amendments properly should be considered in conjunction with a variety of other excise-tax amendments contained in H. R. 7125, a bill which has passed the House and referred to the Senate Committee on Finance. H. R. 7125, known as the Excise Tax Technical Changes Act of 1957, provides for comprehensive revision of the technical and administrative provisions of the Internal Revenue Code of 1954 relating to Federal excise taxes.

The amendments which I am submitting are intended as additions to H. R. 7125. Aside from the necessary clerical amendments, the proposed amendments are four in number.

The first amendment is designed to assure that the tax of $1.50 per thousand pounds on motor vehicles having a taxable gross weight of more than 26,000 pounds is not applied to motor vehicles having an actual gross weight of less than 26,000 pounds.

Under the terms of the statute, the Internal Revenue Service was given broad authority to use "formulas or other methods for determining the taxable gross weight of vehicles by classes, specifications, or otherwise."

In promulgating its regulations, Internal Revenue Service elected to classify motor vehicles according to their empty weight, with each empty weight category assigned a taxable gross weight. Generally speaking, the result has been satisfactory, but in a couple of cases the result is inequitable and, I believe, contrary to the intent of Congress.

The first case involves motor vehicles which never have an actual gross weight of 26,000 pounds or more but which, by virtue of their empty weight, fall within one of the stipulated taxable categories.

It certainly was my intention, and I believe the intention of virtually everyone who had anything to do with this tax, that we were drawing a line at 26,000 pounds, with vehicles above that weight to pay the tax, and with no such tax against vehicles below that weight.

Therefore, one of the proposed amendments would add a new subsection to section 4483 of the Internal Revenue Code of 1954 to make it clear that no tax shall be assessed against any motor vehicle which does not exceed an actual gross weight of 26,000 pounds.

A second amendment is designed to correct an oversight in the statute. The due date for the annual tax with respect to a motor vehicle already in service is July 31. The law provides for prorating the tax with regard to any vehicle put into service for the first time after that date, as follows:

"If in any year the first use of the highway motor vehicle is after July 31, the tax shall be reckoned proportionately from the first day of the month in which such use occurs and including the 30th day of June following."

However, the law makes no provision for a credit or refund with respect to a vehicle which is permanently removed from service after the tax. In other words, the tax is prorated on a vehicle coming in, but not on a vehicle going out.

Thus, 24 hours after the tax is paid, a vehicle could be destroyed by fire or other means, and the tax payment is completely lost, and a new tax must be paid on the vehicle which replaces it. The result is double taxation and this should be corrected by a refund provision in the law covering vehicles which are destroyed or otherwise permanently removed from service.

To correct this situation, I am proposing an amendment which would add a new section to the Internal Revenue Code of 1954 providing that when a vehicle on which the tax has been paid is destroyed or otherwise permanently removed from service, a refund shall be allowed. Such refund shall be reckoned proportionately from the first day of the month following destruction or permanent removal from service to and including the 30th day of June following.

The third proposed amendment is designed to give the taxpayer the option of paying the tax in quarterly installments.

On July 31 each year the tax must be paid on each and every taxable vehicle owned by an individual or company. It is a substantial sum in every case, and in the case of a good-sized fleet it can run into thousands of dollars.

The trucking industry has asked the Internal Revenue Service to permit the taxpayer the option of paying this annual bill in quarterly installments much in the same manner of the income tax. It is my understanding that the Internal Revenue Service does not feel that it has the power to authorize this under the law as it now stands.

Therefore, my third proposed amendment would add a new section to the Internal Revenue Code of 1954 to authorize the payment of this tax in four equal quarterly installments.

The fourth proposed amendment is designed to correct inequitable application of the tax in the case of two specific classes of trucks used in the transportation of household goods and automobiles.

I explained earlier that under the regulations now in effect the empty weight of a vehicle determines whether a vehicle is taxable and the degree to which it is taxed. Each empty weight category is assigned a gross weight figure upon which the tax of $1.50 per 1,000 pounds must be paid.

This method has proved satisfactory, generally speaking, but has resulted in serious injustice to motor carriers of new automobiles and household goods. These two types of motor carriers, representing distinct and substantial segments of the trucking industry are penalized under the schedule, since the maximum loads they can carry are significantly below the gross weight categories to which they are assigned by virtue of their empty weight.

The gross-weight assignments in the tax schedule are based upon general freight averages. Both household goods and automobiles are low density freight, taking up a lot of space relative to weight. Thus, a trailer load of either household goods or automobiles weighs much less than a trailer load of the general run of freight. Under the existing schedule, however, they are required to pay the tax on the same gross weight basis as the carrier of general freight.

The great bulk of automobiles transported over the highways are carried by motor carriers which transport no other type of freight. The same is true with respect to transportation of household goods. For this reason, plus the fact that both types of carriers use distinctive and easily recognized types of trailers, they properly could be and should be placed in a special category and assigned gross weights more nearly in line with their actual operations.

Therefore, the fourth proposed amendment would add the following language to section 4482 (b) of the Internal Revenue Code of 1954: "Such regulations shall prescribe separate classifications for highway motor vehicles used exclusively in combination with semitrailers equipped with furniture van or automobile transporter bodies."

The four amendments that are proposed have very little significance from the standpoint of revenue. If any revenue is lost, it will be very small. Moreover, it will be revenue that never was intended to be collected and which was therefore not included in the advance estimates of revenue when the legislation was enacted.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by uanimous consent, addresses, editorials, articles, etc., were

ordered to be printed in the RECORD, as follows:

By Mr. CAPEHART:

Address delivered by him on July 5, 1957, at the launching of the *Philip Sporn*.

Editorial entitled "It Is Not Ours To Keep," published in the Easley (S. C.) Progress of July 2, 1957, relating to proposal for the return of assets seized from aliens.

By Mr. RUSSELL:

Transcript of interview with him on CBS News and Public Affairs Hour, Monday, July 8, 1957.

GRACE GOODHUE COOLIDGE

Mr. CASE of South Dakota. Mr. President, I desire to speak a few words in tribute to the memory of Mrs. Grace Goodhue Coolidge. The people of South Dakota, and particularly the people of my home community, at Custer, in the Black Hills of South Dakota, remember Mrs. Coolidge as a very gracious, friendly person. It was just 30 years ago this summer that the Coolidges came to South Dakota planning to stay for perhaps 2 weeks, but they remained all summer.

The State game lodge at which they lived while they were in Custer State Park became known as the summer White House of 1927.

The personalities of the Coolidges impressed themselves deeply upon the people of my home town and county.

They attended church in the little community church at Hermosa.

The stream where Mr. Coolidge fished had been known as Squaw Creek, but after the visit of the Coolidges, the State legislature changed the name of it to Grace Coolidge Creek, and it is so known today.

The name of Sheep Mountain, one of the large mountains in Custer State Park, was changed to Mount Coolidge.

Mrs. Coolidge entered into the life of the community during the 3 months which the Coolidges spent in our area. She was the person of honor at the dedication of a great community building there, built by the Custer Women's Civic Club. The people of the community remember her for many kindnesses and courtesies.

It was also typical of the personality of this lady that she was quick to remember the friendships established during those years. Some weeks ago, when Mrs. Coolidge's sickness became known, my wife was talking with Mrs. Norbeck, the widow of the late Senator Peter Norbeck. Mrs. Norbeck said to Mrs. Case, "I always owe Mrs. Coolidge a letter, for whenever I write her, she writes her reply the same day the letter is received."

So the people of my own community and the people of South Dakota would, I am sure, want me to join in the tributes which have been paid to the memory of this gracious lady who, 30 years ago this summer, was our neighbor.

HERVE J. L'HEUREUX

Mr. COTTON. Mr. President, it is with sorrow and distress that I call the attention of the Senate to the death of Herve J. L'Heureux, which occurred yesterday afternoon.

Mr. L'Heureux is known to many Members of the Senate. He served for some years as Chief of the Visa Office of the Department of State, and in that capacity he gained the high regard, respect, and affection of many Members of this body.

Mr. L'Heureux's life has been peculiarly associated with the Senate. He came to Washington from Manchester, N. H., on the patronage of the late Senator George H. Moses. At that time I was here as a clerk of Senator Moses' committee. Together, Mr. L'Heureux and I attended George Washington University Law School, while serving as attachés of this body.

He entered the Foreign Service in 1927, and in the 30 years following he became one of the most useful, skillful, and highly regarded of our Foreign Service officers.

He was serving before his death as consul general at Montreal, with the personal rank of minister. He was also widely known as the originator of the Pray for Peace Movement, which he proposed first in 1948.

His nomination for the rank of career minister was submitted to the Senate by the President on July 3, 1957, and was reported to the Senate yesterday by the Committee on Foreign Relations. Had the parliamentary situation been different, or had Mr. L'Heureux lived a few days more, his nomination to that rank would have been confirmed. It was a rank he fully deserved because of his long years of outstanding service.

Mr. President, while I would not suggest precipitate action, I suggest that the Senate confirm Mr. L'Heureux's nomination posthumously for the position which the President and the Secretary of State desired to confer on him, although they knew he was at that time on his deathbed. Such a tribute would be well deserved. If it can be done without establishing an unfortunate precedent, I hope it will be.

I take this opportunity to express my own profound sorrow at the death of a classmate, associate, and friend for many years from my State. I know if my colleague the senior Senator from New Hampshire [Mr. BRIDGES] were here today, he would certainly join me in these expressions. Other Senators, too, will join me in expressing deep and sincere sympathy to the members of Mr. L'Heureux's family.

CHOICE BY PRESIDENT EISENHOWER OF NEWPORT, R. I., AS BASE FOR HIS 1957 VACATION

Mr. PASTORE. Mr. President, Rhode Island rejoices in the word that President Eisenhower has chosen historic Newport as the base for his 1957 vacation. Our State is happy to welcome the first citizen of the United States to what is probably the first summer resort of America. Since 1725 the charms of the Rhode Island shore have lured those who seek rest and recreation in these festive months of the year. More than 400 miles of coastline dotted with sparkling beaches, unexcelled fishing and yachting, and the fresh water favorite spots of fishermen have grown all the more enticing with the centuries.

At Coaster's Harbor Island, our President will be in the central point of pleasure and of history as well. In Newport is the Old State House. Nearby is America's oldest synagogue, and now a national shrine. It is symbolic of our charter of 1663—"To hold forth a lively experiment that a most flourishing State may stand and best be maintained with full liberty in religious concernments."

Great names of American history come alive in Rhode Island's climate: Roger Williams, Gilbert Stuart, Ezek Hopkins, Oliver Hazard Perry, Nathaniel Greene.

The citizen of Gettysburg will live anew the stories of the revolution, and he will be living in the very heart of the naval installations of Narragansett Bay which are the pride of our State as well as of our Nation.

Newport, which played host to our first President, George Washington, will have a hearty welcome for our present President. May his stay with us be happy and may his days of diversion add to his health and strength against the truly heavy burdens of the Presidency.

Rhode Island welcomes President Eisenhower.

FINANCIAL POLICIES OF ADMINISTRATION

Mr. BUSH. Mr. President, during the discussion on the Senate floor relating to the investigation by the Senate Finance Committee into the policies of the Federal Reserve Board, as supported by the Treasury, attempts have been made to convince the Senate that the Wall Street Journal has been sympathetic with those who attack the policies of the Federal Reserve Board and the Treasury. I have watched the editorials in the Wall Street Journal affecting this matter, and I fail to understand how anyone could conclude that the Wall Street Journal had been in any way sympathetic with the advocates of loose money, but, rather, I conclude, from what I have read in the Wall Street Journal, that the publication strongly backs the advocates of sound money.

In today's issue of the Wall Street Journal there is an editorial entitled "The New Inflation." The editorial deals with the thought expressed by the attackers of the present policy that there is some kind of new inflation, or a new kind of inflation abroad in this land. The purpose of the editorial is to show that there is nothing new so far as inflation is concerned. The editorial shows that what the money managers are dealing with is not basically a new form of inflationary potential; it is an ancient one. The editorial concludes by pointing out that if there is criticism of the money managers' policies, it is not that they are too harsh, as the political inflationists contend, but that they may be too lenient.

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

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

[From the Wall Street Journal of July 7, 1957]

THE NEW INFLATION

Is the United States facing a new kind of inflation?

This question is rapidly blossoming into both a political and economic controversy. It keeps cropping up in the Senate Finance Committee's study of monetary policy. It is discussed by economic commentators. It underlies yet another probe which Senator KEFAUVER is about to undertake.

The political answer given by Senators KEFAUVER, KERR and others is that we are indeed facing a new kind of inflation for which the administration's and the Federal Reserve's current fiscal and monetary policies are the wrong remendy. In this view, the threatened inflation is characterized by price rises even in the absence of maximum demand; consequently the attempts to hold down demand by restraining credit miss the point.

Economically this is not a very serious argument. Whatever the demand for some goods, the demand for credit continues intense and this is the cause of the so-called high interest rates. It is not at all difficult to imagine what the inflationary impact would be if the Federal Reserve, as these politicians apparently want, were to pump up the money supply to the point that cheap money would be available to all and sundry.

An economically more sophisticated aspect of the controversy turns on whether the Government or the constant succession of wage increases is the prime source of the inflationary pressures. The cost-push theorists pin the main responsibility on the latter. The money supply, they note, has expanded only slightly in recent years, whereas wage rates have gone up considerably, outrunning productivity gains.

Unquestionably the constant advance of wage rates, reflecting both what is for practical purposes a "full employment" economy and the monopoly power of organized labor to enforce its demands, constitute a continual upward pressure on prices. Unquestionably such a spiral can be an inflationary influence.

But rising wages and prices are not automatically or by definition inflation. Unless there is inflation in the money supply the spiral cannot continue indefinitely; it will reach the ceiling of the money available.

So we get back to the money supply. It is true it has been expanding only modestly compared to earlier periods, but it grew tremendously under the inflationary policies of the war and initial postwar years. Consequently it is now a much greater money supply and even a "modest" expansion of it—say, 2 percent a year—could be too much to keep the inflationary dangers adequately checked.

For our part, we do not know that the present inflationary dangers are as great as some people fear. But we do know that it is nonsense to talk of inflation as though it were something that could somehow be divorced from the money supply. What the money managers are dealing with is not basically a "new" form of inflationary potential; it is the ancient one.

And if there is criticism of the money managers' policies it is not that they are too harsh, as the political inflationists contend, but that they may be too lenient.

MISSOURI RIVER BASIN DEVELOPMENT PROGRAM

Mr. YOUNG. Mr. President, for the past 10 years the Missouri River Basin has been experiencing a long dreamed of development of its resources.

Construction has gone forward on most of its key multiple-purpose dams under the Pick-Sloan plan. Since the inception of this plan, there has seemed to be substantial agreement in the basin as to the use of these vast water resources. Now it would appear that at least some interests in the valley are seeking to destroy the whole concept which made possible the development of this basin.

A recent editorial in the Omaha World-Herald is in point. I have always contended, and so stated in Senate committee hearings, that Garrison Dam would be a net loss to North Dakota if we were not able to secure a sizable irrigation project to compensate us for the more than 550,000 acres of good land lost because of the Garrison Reservoir.

Mr. President, editorials have appeared recently in the Bismarck Tribune and the Minot Daily News, both North Dakota newspapers, which very ably express the deep concern of all the people of North Dakota as a result of the editorial in the Omaha World-Herald. I ask unanimous consent that these two fine editorials be printed in the body of the RECORD as a part of my remarks.

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

[From the Bismarck Tribune of July 6, 1957]

WATER DISPUTE IS IN THE OPEN

An editorial masquerading as a news story in the Omaha World-Herald may be the first salvo in a downriver fight to keep North Dakota and South Dakota from getting their fair share of the benefits from the Missouri River Basin development program.

It may signal the breakup of basin unity to bring this vast plan into being and may also help reinstigate the longstanding fight between river navigation interests on the one hand and reclamation interests on the other.

For North Dakota, South Dakota, Montana and any other States interested in irrigation and power for the many, as opposed to navigation subsidy for the few, it may also serve as a summons to stand together against predatory downriver interests.

Some weeks ago this newspaper warned editorially that a fight over Missouri River waters appeared to be in the making. It regretted the breakup of basin unity, and alerted upriver interests to the need to be prepared to defend themselves.

At that time the occasion for the alarm came from the Mississippi Valley Association, an organization which declares itself interested in all phases of river development but whose master is navigation.

Now the Omaha newspaper has launched the attack against irrigation and upriver States openly, questioning the feasibility of the Garrison diversion project in North Dakota with misleading statements calculated to arouse opposition where it is not understood.

It concludes its editorial-news story thusly:

"Other basin States are likely to raise objections to the project. Some are almost sure to question the practicability of such a costly diversion of water onto poor and mediocre soil in a latitude where the growing season is short."

This is the first serious indication that downriver States are considering repudiation of the agreement that was reached in 1944, when all States of the basin agreed to a sharing of water.

The terms of this agreement were simple. Below Sioux City, the needs of flood control and navigation were to be supplied. Above Sioux City, the needs of irrigation and municipal water were to be met. Hydroelectric power was to be generated at every dam where it was economical to do so.

Exhaustive studies of the river showed that there is enough water, if it is carefully stored and controlled, to provide for both navigation and irrigation. In order to get construction underway, both navigation and irrigation interests agreed to share the water supply.

Garrison Reservoir is built and filling. Oahe Reservoir will soon begin to fill. Main-stem storage of floodwater and main-stem control capable of giving the entire river flow to navigation is essentially complete.

And so, having gotten almost all they want out of the basin program, downriver navigation interests apparently are ready to repudiate their agreement and attempt to deprive the rest of the basin of its share of the benefits.

From the beginning, North Dakota has fought harder for river development than any of the other basin States.

It has given more to the program. Some 566,000 acres of productive, taxpaying North Dakota land have been given over to flooding by Garrison and Oahe Reservoirs.

South Dakota also has given heavily of its good land for the reservoirs above Oahe, Fort Randall, and Gavins Point Dams.

Are we now to learn that we have given half a million acres of good land just so that a few barges can be floated up and down the Missouri River for the personal profit of a few?

If, now that the Missouri River is harnessed so that it may serve fully the demands of navigation but nothing else, our one-time downriver friends desert us, we will have gained little here from Missouri River development.

But we will have a clearer understanding of the sort of people we joined in partnership back in 1944.

The Missouri Basin program was designed as a multipurpose program, intended to serve the entire basin and assist in the development of all the natural resources of this region.

The Congress of the United States did not spend billions of dollars in this basin to assist navigation only.

The Omaha newspaper has done a disservice in its distorted presentation of misinformation with respect to the upper basin portion of the program. It may have done a service, however, in bringing this opposition into the open, so the rest of the basin can know what confronts it.

If a few barge owners are more influential, and their right to water is more sacred than that of hundreds of thousands of people, now is the time to find it out.

With a multi-billion-dollar investment tied up in engineering works to control and conserve the Missouri River, it would be tragic indeed to see our longstanding interstate partnership break up merely because the navigation interests now have everything they want.

[From the Minot (N. Dak.) Daily News of July 6, 1957]

OMAHA WOULD WELSH

There has been something of a tradition of the West that anyone rating as a man, made his "word as good as his bond."

And that became a part of the heritage of communities and States.

Verbal or written, an agreement was something that was sacred to the extent that could never be broken.

The West regarded a man who broke an agreement as not fit company for man or beast.

Thirteen years ago the States in the Missouri River Basin entered into an agreement, blessed with the approval of Congress.

It was officially known as the Pick-Sloan plan for the Missouri Basin. Differences of the Corps of Engineers and the Bureau of Reclamation were adjusted. The two organizations were ordered to come forth with a unified plan, which was approved.

In that plan the South was to get flood control which had over the years cost Omaha, Kansas City and wide rural areas millions of dollars.

Navigation was also to benefit.

Flood control has been achieved 100 percent and navigation has been given the benefit of millions of acre-feet of water from Fort Peck and Garrison Reservoirs. There is every reason to believe navigation will benefit still further when reservoirs are completely filled.

For taking 566,000 acres of land from the tax rolls, much of which was rich river bottom, North Dakota was to have water for 1 million acres of farmland, plus municipal water for 41 communities.

South Dakota was in much the same category.

The power from all Missouri River dams would be utilized over a wide area. Garrison power is not for exclusive use in North Dakota. Far from it. As of today, there is a considerable flow of kilowatts across State lines.

In other words, the Garrison Dam would very easily be placed in the liability column by North Dakota except for irrigation and municipal water supply. Construction money went to out-of-State contractors and to a large extent the labor supply came from elsewhere.

Why recite facts well known in Minot, Sioux Falls, Omaha, and Kansas City?

Well, after having attained the objectives craved by Omaha and Kansas City, a movement has been started at Omaha, by the Omaha World-Herald to defeat North Dakota irrigation.

While Omaha is the headquarters of the Corps of Engineers for the Missouri Basin, it is unthinkable that this organization would become a party to violation of an agreement after one party has received its benefits in full and the other party has made great essential contributions and received no benefits.

The World-Herald contends the diversion will damage river navigation, divert water from power production, and cost a lot of money.

The World-Herald predicts "other Basin States are likely to raise objection to the project. Some are almost sure to question the practicability of such a costly diversion of water onto poor and mediocre soil in a latitude where the growing season is short."

Farmers of North Dakota, who raise hard, red spring wheat on the soil termed "poor and mediocre," to upgrade quality of winter wheat raised farther south in order that it can be made into a marketable product, will smile broadly at the slander that comes from ignorance.

It develops that Garrison diversion is a better project for flood control, navigation, and irrigation than were waters to be taken at Fort Peck.

The public has been advised time and again from the platform, through the press, and over radio that large-size benefits came with Garrison, including:

1. Cost $134 million less to build.
2. Cost $700,000 less each year to operate.
3. Save 500,000 acre-feet of water each year (17 percent) for additional power and navigation uses.
4. Use 100 million kilowatt-hours less electrical energy for pumping each year.
5. Generate 90 million kilowatt-hours per year more power when generating facilities are installed in power drops along the main diversion canal.

The News refuses to believe the Omaha paper speaks for any appreciable segment of downstream people. By and large we believe downstream folks are honorable and prize the fact their word is as good as their bond; that an agreement once made will never be broken—after one party has received everything and the other has sacrificed everything.

Members of Congress are well aware of the 1944 agreement which developed the Pick-Sloan pact.

It is well for friends of irrigation to realize that there is much to be done—in defending what has already been accomplished and securing congressional approval of the project report in the form of construction appropriations at the appropriate time.

It is no time to believe we can rest on laurels.

North Dakota has contributed more in educational and promotional work for the Missouri River development than any other single State.

And it is realized that the Missouri-Souris Projects Association has been the sparkplug in the promotional work. This organization is entitled to full support for the work that lies ahead.

FEDERAL ASSISTANCE TOWARD BILLBOARD CONTROL ALONG INTERSTATE HIGHWAY SYSTEM

Mr. NEUBERGER. Mr. President, on May 23, 1957, the Public Roads Subcommittee of the Committee on Public Works reported to the full committee an amended version of S. 963, the bill which I introduced to provide Federal assistance toward a measure of billboard control along the new 41,000-mile limited-access Interstate Highway System which the Congress authorized last year. In the coming months, highway departments all over the Nation will be going forward with acquisition of new rights-of-way, planning and engineering of the new roads, and actual construction of many projects. These new highways could and should provide millions of city-dwelling American travelers by car or by bus with a new view of America—mountains and prairies, farms and forests, the spectacular and the commonplace, but in any case, the land as it is today, before the roads are built. But if we fail to act in this 85th Congress, to offer some protection for the roadsides along this new interstate highway network, it will instead become a concrete spider web delivering a captive audience to the billboard industry.

Mr. President, I hope that the important debate in which the Senate is now engaged, and in which we shall be engaged for some time, will not prevent action during this session by the full Committee on Public Works, and by the Senate itself, on S. 963. We owe this protection to the traveling public on whom we have levied new taxes to pay for the Interstate Highway System. The Subcommittee on Public Roads, under the able and effective leadership of the junior Senator from Tennessee [Mr. GORE], held very extensive hearings and worked diligently to develop a formula for Federal assistance to roadside control by the States which would meet all objections except the complete, last-ditch opposition of the billboard industry itself.

Let me describe briefly how S. 963, as reported by the subcommittee, deals with the issues which have been raised by the drumbeaters of the opposition without any regard for the actual terms of the bill.

First. The phony States rights argument. This is the hoariest of all objections. It is invariably raised, by a sort of automatic reflex action, against any Federal proposal by those who want no regulation at all, Federal or State. Actually, under S. 963 the Federal Government could not act at all to control billboards. Only the individual States can act, which is exactly what the opponents say should be the case. All the Federal Government would do is to offer an additional three-quarter percent, above the 90 percent which it already contributes to the interstate highways, toward the cost of those highway projects with respect to which an individual State agrees to provide certain roadside protection, including billboard control.

Second. Advertising of off-highway facilities for travelers. The subcommittee has recognized that there is a legitimate interest, both on the part of highway travelers themselves and on the part of operators of motels, tourist resorts, garages, restaurants, and other facilities for travelers, in making information about these facilities available along the highway. In many instances, the new interstate highways will be relocated away from the roads along which these existing businesses have grown up. Their owners naturally want to be able to draw travelers from the new highways. From the point of view of the travelers, such information is in a different category from the familiar billboards advertising brand names of beer, automobiles, gasoline, tires, cigarettes, and other commercial products.

The subcommittee has made provision for permitting, on a proportion of the total highway mileage, informational signs concerning off-highway facilities of specific interest to highway travelers, subject to adequate standards of governing location, size, and other characteristics. Presumably such informational signs would be located within the last few miles before the exits from the limited-access highways.

Other objections are based on the destruction of valuable income and property interests of the billboard advertising industry itself and of farmers and other landowners. As to the latter, S. 963 does not affect their rights in any way. If a State wishes to exercise its power to prohibit the erection of signboards on land adjoining new highways, it can do so before the passage of S. 963 just as well as after its passage. If a State wishes to acquire advertising-control easements along with highway rights-of-way—which of course have little value before a road is built—it can do so now just as well as after passage of S. 963. S. 963 confers no authority on States that they do not have today.

BILLBOARD INDUSTRY WILL SURVIVE

As to the billboard industry itself, S. 963 does not restrict or limit it in any way as far as the hundreds and thou-

sands of miles of the present primary and secondary road systems are concerned. They are not within the terms of the bill. Professionals as they are in the arts of advertising and propaganda, the billboard lobbyists have pictured the destruction of their industry. What is actually at stake is whether or not they are to be handed, by the travelers and highway taxpayers themselves, a tremendous bonanza in the form of 41,000 miles of new roadside along what will be the greatest channels of traffic and travel in the Nation.

Mr. President, it would be unreasonable to expect the billboard industry to abandon the hope for such a bonanza voluntarily, without a fight. They have not done so. I shall place in the RECORD some recent press comments on their efforts. However, the Congress can recognize that in this fight, the billboard industry unquestionably opposes the desire of the vast majority of individual, unorganized Americans, who have no selfish interest in this legislation save the desire to see their own country from their own highways, uncluttered by the blatant aggressions of billboard salesmanship. Mr. President, even the Eisenhower administration, which constantly reiterates its devotion both to budgetary savings and to States' functions, favors the roadside protection provisions of S. 963. I ask unanimous consent that the section of the report of the Secretary of Commerce to the chairman of the Committee on Public Works which deals with these provisions of S. 963 be printed in the RECORD at this point.

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

JUNE 28, 1957.

Hon. DENNIS CHAVEZ,
Chairman, Committee on Public Works, United States Senate, Washington, D. C.

DEAR MR. CHAIRMAN: This is in reply to your letter of June 20, 1957 requesting the views of this Department with respect to S. 963 (committee print, May 24, 1957), a bill "To provide for the control of certain advertising on federally owned or controlled lands adjacent to the National System of Interstate and Defense Highways, and to encourage such control on other lands adjacent to such National System."

Title I of the bill entitled, "Control of Advertising," declares it to be in the public interest to encourage and assist the States in regulating the use and improvement of areas adjacent to the National System of Interstate and Defense Highways for safeguarding public travel, promoting interstate commerce, protecting the public investment, and preserving scenic beauty and points or shrines of historical significance, and directs the Secretary of Commerce to prepare and publish recommended standards for the regulation and control of signs within 660 feet of the paved surface of the main traveled roadway by limiting such signs to specified categories. The Secretary of Commerce would be authorized to enter into agreements with any State for the purpose of carrying out such policy with respect to any projects, or parts of projects when approved by him. The Federal share payable on account of any project, or parts of any project when approved by the Secretary exclusive of main bridges and tunnels, would be increased three-fourths of 1 percent of the total cost thereof if such an agreement between the Secretary and a State is entered into for a project prior to July 1, 1960, or prior to the end of the 2-year period following execution of the project agreement, whichever is later. Costs incurred in carrying out any such agreement would not be included in the Federal share payable on account of the project. The Secretary of Commerce would be required to provide for application of the standards established to federally owned or controlled lands on which the Interstate System is located.

This Department is in accord with the objectives of title I of the bill. As I stated in my testimony before your committee on March 18, 1957, we are convinced that Federal legislation for the control of advertising along the interstate system is necessary if the objective of the Federal Government to provide a system making for safe and relaxed driving and pleasing appearance is to be achieved. We are also convinced that the legislation which we submitted to the Congress on that date will accomplish this objective most effectively. In view of the fact, however, that such legislation has not been introduced in the Congress, this Department would not interpose any objection to the enactment of legislation containing provisions similar to those of title I of the bill.

In this connection, we call attention to the fact that title I provides for the application of controls on a project-by-project basis rather than on a statewide basis. This, of course, leaves the States free to choose the particular projects with respect to which they wish to apply the standards of the Secretary of Commerce and receive the additional three-fourths of 1 percent. They would be free, if they so chose, to restrict the application of the standards to a single project. We think that title I would be much more effective if it provided for the control of advertising on a statewide rather than project-by-project basis.

Mr. NEUBERGER. In conclusion, Mr. President, I also ask unanimous consent to have printed in the RECORD several short articles and editorials commenting on the opposition of the billboard lobby to S. 963, from the Christian Science Monitor of June 15, 1957, and the Washington Post and Times Herald of June 12 and June 23, 1957, followed by an excellent article from the Post of July 4, 1957, by Mr. Carroll Kilpatrick, called Sign Curb Bill Stalls in Congress. I hope and trust the Congress will disprove this ominous headline.

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

[From the Christian Science Monitor of June 15, 1957]

CURB ON HIGHWAY BILLBOARDS SHRINKS

The quiet work of the lobbyists is defeating the efforts to ban billboards on the new highway system to be built with close to $40 billion of the taxpayers' money.

A bill to ban billboards has been approved by the Congress committee, but it is a watered-down version, providing that the Federal Government shall pay 90.75 percent of the total cost of a highway instead of 90 percent if a State agrees to keep billboards off a Federal highway project.

It's the old story of small groups of organized people against big groups of unorganized people. The outdoor advertising industry has its effective lobby, the oil companies want to fight their sales wars with big signs along the highways, the building trades and sign painters want to cash in on this new bonanza. And they have been working on individual Senators.

On the other side are the automobile associations, the garden clubs, sportsmen, and Audubon societies—and the vast majority of Americans. But they are ridiculed as esthetes for wanting to keep the new highways clear of unsightly signs. And Congress shows every sign of kowtowing to the organized lobbyists.

[From the Washington Post and Times Herald of June 12, 1957]

HIGHWAY EYEWASH

A pat argument used by Members of Congress opposed to billboard controls is that only esthetes—or, as one Senator so nobly puts it, "ass-thetes"—are concerned about turning the new 41,000 miles of Federal highway into a garish jungle of billboards and neon-lit hotdog eateries. Yet among the chief opponents of unregulated billboards are highway engineers—hardly known as an arty-arty group—who rightly point to certain safety hazards posed by confusing signs on a speedway. We further suspect that many a motorist whose closest approach to the fine arts is watching a wrestling match will take loud offense if he sees more soapflake placards than sunsets on his first vacation tour on the new highways.

Yet the sensible billboard bill proposed by Senators NEUBERGER and GORE is presently buried in the Senate Public Works Committee. This bill would provide an additional three-fourths of 1 percent in Federal highway funds to States agreeing to meet certain roadside standards. Participation is optional, hence it is hard to see how any objections based on States rights can be raised. The most vigorous opposition to this moderate measure comes from the groups who stand to profit by plastering the new highways with their advertising.

[From the Washington Post and Times Herald of June 23, 1957]

PASTEPOT PARADISE

It is becoming painfully obvious that the billboard lobby may win its battle by default. A moderate bill to limit roadside eyesores on the new 41,000-mile Federal highway system is currently bottled up in the Senate Public Works Committee and may never emerge for a vote. The bill provides that States agreeing to place some controls on billboards would get an additional three-quarters of 1 percent in Federal highway funds; participation would be optional. Clearly the voters have a right to know which Senators approve this sensible bill, and which Senators are indifferent to opening the highways to an endless ribbon of honkey-tonk and hucksterism. If the committee fails to report out a billboard bill, it will be interpreted—rightly or wrongly—as a shameful surrender to a lobby with a vested interest in glutting the roadway with toothpaste and hair-oil signs.

[From the Washington Post and Times Herald of July 4, 1957]

SIGN CURB BILL STALLS IN CONGRESS

(By Carroll Kilpatrick)

Advocates of Federal action to keep the 41,000-mile Interstate Highway System free of unsightly billboards say they must win their fight this year or face almost insurmountable difficulties—but they acknowledge that at the moment the billboard lobby has the upper hand.

Senator RICHARD L. NEUBERGER, Democrat, Oregon, author of the pending control bill, says it is a matter of an organized and effective minority against an unorganized and ineffective majority.

He is convinced that the overwhelming majority of the American people want the new Interstate System, which will cost more than $25 billion, kept free of unnecessary advertising signs. Public opinion polls support his contention.

But lined up against the Neuberger bill are some powerful business and labor groups, who know how to bring pressure on Congress.

"It's a difficult lobby to cope with," NEUBERGER says, "because it works both sides of the street—labor on some Senators and business on others."

Senator ALBERT GORE, Democrat, Tennessee, chairman of the Senate Public Works Subcommittee on Roads, says it is necessary to take action on the billboard bill promptly or it may be too late.

"The expense of billboard control would be very much larger later and the political difficulties more severe than they now are—and they are already rather severe," GORE says.

His subcommittee approved the Neuberger bill in May—after attaching, without discussion, an amendment by Senator FRANCIS CASE, Republican, South Dakota, to add 7,000 miles to the Interstate System.

Some persons have charged that the Case move was designed to kill the Neuberger bill. GORE denies this. NEUBERGER says he is not opposed to the Case proposal but thinks it has no business in his bill. In this year of economy, Congress is hardly likely to approve an addition to the already mammoth-sized highway bill.

Since the subcommittee reported the combined bills, the full committee has sat on them. Chairman DENNIS CHAVEZ, Democrat, New Mexico, denies that he is trying to bottle up the billboard measure. He says he may call a committee meeting sometime soon.

But unless he acts promptly the billboard measure will stand no chance in Congress this year. The House has been waiting on the Senate.

When Congress passed last year the bill providing for the Interstate System it was unable to agree on a billboard control measure, and left the problem entirely to the States. Two or three States have reasonably effective control, but the majority do not.

Antibillboard enthusiasts contend that the States will never take proper action unless prodded by the Federal Government, which is putting up 90 percent of the money for construction of the Interstate System.

Under last year's bill, the Federal Government is authorized to set all kinds of regulations and standards for bridges, curvature of the road, tunnels, access rights, width, etc., but the billboard supporters say it would be an invasion of States' rights for Uncle Sam to say there should be no billboards.

The Neuberger bill provides only that States which agree to limit highway advertising will receive a Federal contribution of 90¾ percent of the cost instead of 90 percent. The bill does not automatically ban billboard advertising; it says that States which agree to the standards set by the Secretary of Commerce will receive a larger Federal contribution on that part of the Interstate System covered by the agreement.

A State could agree to control advertising signs on part of a highway but not on another part. NEUBERGER admits that his measure as approved by the subcommittee is a weak one, but he says it was the best possible under the circumstances.

Highway advertising interests have drummed up much of the Congressional mail against the Neuberger measure. It has come in two batches, the first during the subcommittee hearings on the bill and the second in the last few days.

The anticontrol mail, according to NEUBERGER, has been from motor court operators, labor unions, farmers, outdoor-advertising firms, roadside businesses, and States rights advocates.

Supporters of the legislation include garden clubs, the National Federation of Women's Clubs, the Audubon Society, roadside councils, and the general public.

A. J. Mulholland, Jr., of Kalamazoo, Mich., wrote NEUBERGER 3 critical letters on May 31: 1 on his personal stationery, 1 on his stationery as city commissioner, and 1 on the stationery of the Mulholland Advertising Co.

Among the witnesses who testified against the bill were representatives of the American Motor Hotel Association, the Pennsylvania Hotels Association, the Advertising Federation of America, the National Outdoor Advertising Bureau, Inc., the Central Outdoor Advertising Co., Inc., the Brotherhood of Painters, Decorators, Paperhangers of America, AFL–CIO, the International Union of Sign Painters, Kansas City local, and the Roadside Business Association.

Former Senator Scott Lucas, Democrat, of Illinois, representing the Roadside Business Association, has led the attack on the bill in Washington. "The legislation by the States which will inevitably be necessary in order for the States to indicate that they wish to adopt the Federal standards, and the litigation which is inevitably the result of that type of legislation will consume years," he told the Public Roads Subcommittee.

"You will be faced with the double specter of a slowly moving (highway) program and the concomitant increases in costs which flow from those delays."

Neither GORE nor NEUBERGER has any idea how much money has been spent by the billboard lobby. It is perhaps more effective because it works primarily from back home rather than in Washington.

CHAVEZ put the Congressional dilemma in these words: "There's no question but that people want to clear up the highways, but it's hard to tell a farmer he can't put a billboard on his farm."

NEUBERGER thinks that if a few roads are billboard free the public will react with so much enthusiasm that it will be much easier to enforce antibillboard bans on additional mileage.

"Once the public sees how much difference it makes it will back effective control legislation," he says.

"In the short time we've been on this continent we've botched up more scenery than anyone else ever did. Switzerland built an enormous tourist industry because it knew people came to look at the scenery, and so it protected the scenery. It has complete control of road signs.

"It's now or never in this country for the Interstate System. Once the signboard operators come in and acquire rights to land we are sunk. We've got to act this year."

THE CONTEMPT TRIAL OF JOHN KASPER AT CLINTON, TENN.

Mr. STENNIS. Mr. President, in the morning hour and not as a speech on the pending question, the motion of the Senator from California [Mr. KNOWLAND], regarding the so-called civil-rights bill, I wish very briefly to refer to the proceedings in the Federal court before Federal District Judge Robert L. Taylor, wherein, among others, a man by the name of John Kasper is being tried for contempt.

This man Kasper is quoted in the press as having made a very bitter attack on the judge of that court. I am not trying to pass judgment on that case, except that I wish to point out such action is a direct contempt of court, if the alleged facts are true. It is certainly not the kind of contempt we are arguing about in the debate on the civil-rights bill. It is not the kind of contempt for which I shall urge there should be a jury trial. So far as I know, no opponent of this so-called civil-rights bill would limit the power of the court to punish summarily for direct contempt.

If the facts be accurate, I have no patience with, and certainly disapprove of, such conduct as this man is now engaging in by denouncing the court.

If I correctly understand the facts, this man is not interested in a solution of the school problem; he is not connected with the local school; and, personally, I know we do not need him or those of his stripe to help us out in our school matters and our school problems. I believe that is pretty much the sentiment of others concerned about our schools.

I point these facts out not to denounce this man, since I do not know the exact facts, but to make a clear distinction between this kind of case and the kind of activity in this field of litigation and in the school question, on the one hand, and, on the other hand, the position of our local people in the various communities, who really build the schools and who carry them on, and the trustees of those schools, who are confronted with the problem of maintenance of the public schools.

It is not this kind of contempt that Kasper seems to be guilty of to which I refer or to which any of us refer, I think, in our discussions of the highly important matter which confronts the Senate, and it is most important that this difference be emphasized.

Mr. ERVIN. Mr. President, as a part of the morning hour and not as a part of the debate on the pending question, the motion of the Senator from California [Mr. KNOWLAND], I should like to make an additional observation about the so-called Clinton, Tenn., case now pending before Judge Taylor and a jury in the district court at Knoxville, Tenn.

I am rather surprised to read or to hear every day that it will be necessary for the jury to convict all the people involved in that case if the Senate is to be satisfied that southern juries will convict guilty persons in civil-rights cases.

In an effort to put some limitations upon prosecutions for contempt for alleged violations of injunctions, there have been rules established by the Government to prescribe procedure in contempt cases of that nature in the Federal courts. The rules provide, among other things, that a person who is not a party to the proceeding in which the injunction was issued cannot be convicted of contempt unless he knew that the injunction was in force and unless he acted in concert with the party who was named in the injunction.

The point involved in this case, so far as the 15 persons other than Kasper are concerned, is, among other things, whether they were acting in concert with Kasper. If they were not acting in concert with Kasper, they cannot be convicted under the Federal rule.

All I know about the merits of the case is what I read in the newspapers; and, if what I read in the newspapers is correct, many of the acts alleged to have been committed by the 15 people occurred after Kasper had left that section of the country and, in my judgment, if that be true, they cannot be convicted,

rightly, of acting in concert with Kasper.

It is a peculiar thing that anybody should advance the notion that, notwithstanding the fact that everybody charged with criminal contempt is presumed to be innocent and cannot be convicted unless the Government establishes guilt beyond a reasonable doubt by testimony, the acquittal of any southerners in any case of contempt demonstrates that southern juries will not convict guilty persons in civil-rights cases.

Mr. DOUGLAS. Mr. President, I wish to commend the Senator from Mississippi [Mr. STENNIS] for the characteristically fine statement which he has made. In the arguments which he has advanced, the Senator from Mississippi has always conducted himself on the very highest level, with not the slightest appeal to passion or prejudice, and with the complete bearing of a gentleman.

While many of us disagree at times with the points of view which the Senator from Mississippi advances, and disagree with him on the bill now being discussed, I wish to affirm publicly what I have frequently said privately; namely, that there is no more just or generous or finer gentleman in public life than the Senator from Mississippi.

Mr. STENNIS. I thank the Senator from Illinois.

Mr. WILEY. Mr. President, I like this attitude of mind. Long ago the prophet said, "Come, let us reason together." Perhaps, following that process, we can settle not only the question now before the Senate, but perhaps some other questions.

Mr. President——

The PRESIDENT pro tempore. The Senator from Wisconsin.

THE INFLATIONARY, DANGEROUS NATURAL GAS BILL

Mr. WILEY. Mr. President, I wish to take a few moments of the time of the Senate to discuss what I think is a very dangerous condition; namely the inflationary situation. There are many causes. The increase of $6 a ton by the steel companies will add impetus to the inflationary trend. But I wish to speak from another angle.

Mr. President, 30 million American consumers were dealt a severe blow yesterday. The House Committee on Interstate and Foreign Commerce, by a vote of 15 to 13, unfortunately approved the gas rate increase bill. This bill is designed to eliminate effective regulation over gas going into interstate pipelines.

The legislative battle now shifts to the House Rules Committee, and thereafter will go to the floor of the House of Representatives.

My purpose in speaking today is once more to sound the alert to the American people.

In connection with the gas bill, there may be diversionary tactics. We may be diverted by the civil rights bill, and by other matters, so that we lose sight of one of the great dangers to our economic health.

Once more I wish to caution the American people the gas rate bill is undoubtedly the most inflationary single piece of legislation coming up for active voting in this first session of the 85th Congress.

Unfortunately, the American people to date, because of their preoccupation with other problems, have failed to recognize this danger.

Of course, the lobbying and propaganda forces of the natural gas industry have been concentrating 365 days a year on passing this proposed legislation. But, by contrast, there is not a single force in the United States which has devoted concentrated and continued attention to opposing this inflationary bill. The organization of mayors of the various cities and few consumer organizations have been able to give to this problem only the spottiest attention. As a result, the evil gas bill may win by default, unless the consumers of this country rise up and demand that it be defeated.

Let me point out that the American dollar is already losing more and more of its purchasing power. On the first day of every month, when 30 million consumers receive their gas rate utility bills, the consumers are going to find, if this inflationary bill shall be enacted, that their dollar will have lost still more purchasing power. So the time to act is now. This gas rate increase bill should not win by default. It must be defeated. The bill must be defeated, because its impact upon the inflationary cycle would be most dangerous to our economic health.

FUNERAL SERVICES FOR SAMUEL P. GRIFFIN

Mr. JOHNSON of Texas. Mr. President, at 10 o'clock tomorrow morning there will be funeral services for the late Samuel P. Griffin, Assistant Doorkeeper of the Senate.

Mr. Griffin had been a Senate employee for more than 40 years. Many of the doorkeepers and employees of the Senate have asked me to make this announcement for the information of Senators.

DISARMAMENT AND COMMUNISM

Mr. CURTIS. Mr. President, I wish to speak on the subject of disarmament. It is true that recent press dispatches indicate that the current disarmament discussions may bog down. Nevertheless, the basic factors involved are of such importance to the long range welfare of our country that I feel duty bound to speak my convictions. I am disturbed over trends, and the actions taken by some of the representatives of our country who appear to be speaking for us in reference to disarmament. I am disturbed by the utterances of others who appear to support those actions.

The Communist threat of world domination is either true or it is nonexistent.

The long record of broken promises on the part of the Soviets is either true or it is false.

The accounts of Soviet outrages and butchery in Hungary are either true or they are false. Soviet threats in the Middle East are either genuine or they are not.

The accounts of slaughter of tens of thousands of Chinese by the Chinese Communists are either true or they are false.

Mr. President, we could go on at some length raising questions about the record of the Communists. I do not believe the answers to the questions that I have raised are debatable. The Communist conspiracy stands indicted before humanity as a cruel, aggressive, war making, murderous clique, seeking to dominate the world.

Mr. President, in support of the answers to questions I have raised I wish to have printed in the CONGRESSIONAL RECORD at this point an article dated July 3, 1957, by that great protector of our security J. Edgar Hoover, Director, Federal Bureau of Investigation, on the present day menace of communism. Also, I include some of the excerpts from the publication of the Committee To Investigate Un-American Activities of the House of Representatives dealing with the activities of the Communists in Hungary and China, and, lastly, excerpts from statements made by our distinguished minority leader, the Senator from California [Mr. KNOWLAND], in which the broken promises of Russia are tabulated up to the date of May 26, 1955.

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

"KO" RED MENACE—IT'S EVERYBODY'S JOB

(EDITOR'S NOTE.—Victor Riesel is enjoying the Independence Day holiday. His guest columnist today is FBI Chief Hoover)

(By John Edgar Hoover, Director, Federal Bureau of Investigation)

WASHINGTON, D. C., July 3.—Men risked their lives to secure the freedom which we enjoy in this Republic. They did so deliberately and with full understanding of exactly what they risked. A wise leader had warned them as they emphasized their revolt against tyranny by signing the Declaration: "We must all hang together, or assuredly we shall all hang separately."

With each stroke of the pen, every man present knowingly put his life in jeopardy. Those men took the chance which gained us our freedom, yet no one knew better than the Founding Fathers that the winning of freedom was only a first step. They knew that the problem of maintaining freedom is complex and demanding and they dedicated themselves to its maintenance.

No one recognized more clearly than those early Americans that only by personal accountability could freedom be retained uncorrupted. The concept of government which they projected was based upon individual responsibility. That concept proclaims today, as it did then, "Freedom depends on you. You are accountable."

Public apathy is the sure way to national suicide—to death of individual freedom. Public apathy enabled Hitler's fifth columns to prepare Europe for each Nazi coup. Public apathy allowed the Communists to penetrate and make satellites of once free countries, and it is at present enabling them to honeycomb and weaken the structure of freedom in the remaining countries.

There is today a terrifying apathy on the part of Americans toward the deadliest danger which this Nation has ever faced. Some of that apathy is deliberately induced by elements which desire you to believe that the Communist Party, U. S. A., no longer represents a threat to America. You hear that domestic communism is reduced in

numbers, that it is divided, split, shattered. You read the proclamation of well-meaning, uninformed individuals who, from their mountain of ignorance, maintain Americans are too worried over domestic communism. They charge that citizens who consider the misguided aberrations of a handful of persons to be a danger to our security are mistaken.

The facts indicate the contrary. The Communist Party in the United States is not out of business. It is not dead. It is not even dormant. It is, however, well on its way to achieving its current objectives—which is to make you believe that it is shattered, ineffective, and dying.

When it has fully achieved this objective, it will then proceed inflexibly toward its final goal. And let no one for a moment forget that the Communist Party, U. S. A., is part and parcel of an international conspiracy whose goal is conquest of the world.

The Communist conspiracy will not halt its forward march by itself. It must be halted. We have succeeded for a brief moment in throwing alien-inspired domestic Communists off balance. We must keep them off balance. We must expose them. We must not let them regain the desperately sought cloak of repectability behind which protection they wrought such infinite damage to American security.

Is the Communist Party, U. S. A., small in numbers? So, likewise, it was in Russia when freedom died in that unhappy land. The informed do not measure the strength of the Communist conspiracy in numbers, but by the areas where it finds its support and by its ability to influence, to pull strings, and to wield control.

The United States today is the major bulwark of freedom. We who are aware of the many insidious moves to destroy that bulwark cannot be apathetic. We know the character of the Communist Party. We know it to be an active, effective adjunct of the international Communist conspiracy, and that those who try to minimize its danger either are uninformed or have a deadly ax to grind.

But apathy toward the danger of communism is not the only threat to freedom today. We have been apathetic in other areas. We have not held ourselves accountable. We have allowed men to get by with small violations of the law, and those small violations have suddenly become large violations. The record reflects a high of 2,563,150 major crimes committed during the year 1956. This is 13.3 percent above 1955 and the first total above the 2,500,000 mark.

And what are we doing about it? No one knows better than readers of this column what can happen when public apathy allows the development of a climate where the criminal mob can flourish. The war with the mob must not be left to one man to fight, or even a few men.

A President of the United States summed up the individual's responsibility in a message to Congress:

"It is the duty of a citizen not only to observe the law but to let it be known that he is opposed to its violation."

SYNOPSIS

Two leaders of the Hungarian revolution who are now in the United States testified before the staff of the Committee on Un-American Activities on March 20, 1957.

The witnesses, Sandor Kiss and Janos Horvath, fled from Hungary to escape arrest after Red army reinforcements crushed the uprising last November. Mr. Kiss is secretary general, and Mr. Horvath a member, of the executive committee of the newly formed Hungarian Revolutionary Council, comprised mainly of Hungarian freedom fighters.

Mr. Kiss and Mr. Horvath, both officials of the last free Hungarian Government, declared that Hungary today is in the grip of a "reign of terror imposed by the Red army and reconstituted Hungarian security troops."

"The present situation in Hungary is one of terror, of people being taken to prison and torture chambers and being executed virtually without a hearing," Mr. Horvath declared.

In addition, he said, the number of unemployed has risen to around 350,000 and many of these are actually starving. Mr. Horvath estimated "conservatively" that between forty and fifty thousand Hungarians had been deported to the Soviet Union after the suppression of the revolution.

Mr. Kiss estimated that between fifteen and twenty thousand people were killed in the uprising, in contrast to the official report of only 1,800 deaths.

"Most of these," Mr. Kiss added, "were people who gave themselves up with the understanding that they might be pardoned and then were ruthlessly murdered by the Hungarian Government and the Soviets."

"In the town of Miskolc in the northwestern part of Hungary," he said, "56 people were summarily executed for participation in the revolution. In nearby Eger, 23 were executed." The toll in some other towns, he said, included 17 in Salgotarjan; 19 in Pesterzsebet; 20 in the Bakony Forest, one of the resistance centers; and 11 in the mining district of Komlo. Similar executions were carried out in almost every town and village throughout the country by the Red army, he declared.

Most of the casualties of the fighting, Mr. Horvath declared, were "peaceful bystanders." Between five and six hundred people, he said, were killed in a period of a half hour as they watched a battle before the Parliament building in Budapest. Among them were a number of children.

"Actually," Mr. Kiss stated, "it is an error to consider the uprising and subsequent Soviet intervention an internal affair. In reality it was a 'Soviet-Hungarian war.'" He continued:

"On the 23d of October in a matter of 3 hours Hungary won its freedom. Ninety-nine percent of the people agreed that communism and Soviet domination must be ended * * * The heroism of the youth worked a modern miracle. The Hungarian people took up the fight and in 5 days from October 24 to 29 they conquered the Soviet Army that was arrayed against them."

Mr. Kiss and Mr. Horvath stated that the Soviets were originally prepared to recognize the regime established by Imre Nagy and decided to invade Hungary only when the "vacillation and inactivity of the U. N." indicated that they could do so without risking reprisal from the rest of the world.

"If the U. N. had succeeded in sending an observer team into Hungary and had championed the cause of the Hungarians, this would have been of great benefit because it would have meant that the U. N. and the Western World recognized Hungary's right to self-government, freedom and independence," Mr. Kiss declared.

The Hungarians today feel that the free countries of the world betrayed them, Mr. Horvath declared. "This is the feeling of the Hungarian people. That I want to emphasize."

Mr. Kiss asserted that it would have been "an extremely valuable step" if the United States and western governments had severed diplomatic relations with the Soviet Union and satellite nations upon the invasion of Hungary by the Red army.

"It is ironic," Mr. Horvath continued, "that fear of the Soviet Union is much greater outside of Hungary than inside the country.

"The Hungarian people themselves are not afraid of the Soviet Union but as you reach the border this feeling becomes progressively more intense. In other words, the fear of the Soviets seems much greater here in the West than it does in the countries behind the Iron Curtain."

The witnesses reported that despite the repressive measures imposed upon the Hungarians by the Soviets and puppet Kadar regime, the people of Hungary have not lost their hope.

Mr. Kiss concluded: "The quest for freedom and liberty has become a religion in Hungary. The people say that it is better to die than to live under such conditions. They are ready to do so."

SYNOPSIS OF TESTIMONY FEBRUARY 1, 1957

Dr. Chiu-Yuan Hu is an adviser to the Chinese mission of the General Assembly of the United Nations. He is a professor of modern history at the National University in Formosa. His testimony is based on an extensive system of contacts which he has been able to maintain with sources of information inside of Red China. Highlights of Dr. Hu's testimony follow:

That the Chinese Communists have physically exterminated 20 million human beings since they took over the mainland of China in 1948; that some 25 million more Chinese are in prison, brainwashing schools, or in slave-labor camps; that Chinese youth from kindergarten to the university are being taught to hate America by what is known as the three-look movement—look to America with hatred; look to America with contempt; look to America with superiority.

Dr. Hu also ridiculed the claim, often advanced by advocates of recognition of Red China, that the Communists had established "effective control" over the mainland. He said that the Chinese Reds themselves in their radio broadcasts, as well as printed material, quote statistics on hundreds of thousands of counterrevolutionary bandits" having been exterminated. Dr. Hu testified that this could only mean that there are military operations, guerrilla warfare, and widespread resistance in extensive areas throughout China.

Dr. Hu also testified that the annual export of narcotics from Red China is steadily increasing and is estimated at 1,500 tons for 1956. This tremendous amount of narcotics is sold all over the world, and the money realized is immediately converted within the same country into subversive channels, thus effectively removing from police detection the sources of funds used by local Communists.

Dr. Hu also ridiculed as wishful thinking the notion that the Chinese Red leadership might, at some time in the future, follow the example of Tito. He stated that all the leading Chinese Communists had been trained in Moscow and that the Chinese Communist Party is the only Communist Party which has never had a schism, split, or any serious deviation from the line as laid down by the Kremlin.

Dr. Hu estimated that there were some 50,000 Soviet advisers, technicians, and experts in Communist China today helping the Reds develop their industrialization and militarization programs. He also said that the Soviets had an iron grip on strategic resources, including oil and uranium in the provinces of Sinkiang, Mongolia, and Manchuria, and that Manchuria is being developed by Russia and Red China into a gigantic military buildup area for future use against South Korea and Japan.

Dr. Hu also testified that several billion dollars of American property invested in churches, hospitals, schools, and missions had all been seized by the Chinese Reds and converted to Communist use.

Dr. Hu concluded his testimony by warning Americans against the danger and fallacy of "coexistence with the Moscow gangsters." He also stated that admission of Red China to the United Nations, or United States recognition of Red China would mean the death knell of anti-Communist resist-

ance on the part of 500 million Chinese who historically and traditionally have been friendly to this country. Dr. Hu laid the blame for the loss of China to the Communists on "pseudo experts on the Far East" in this country.

RUSSIA'S RECORD: 52 AGREEMENTS, 50 BROKEN

"For the past quarter of a century the Soviet Union has violated 50 out of 52 international agreements," into which it has entered, warned Senator WILLIAM F. KNOWLAND, Republican, of California, in addresses made May 20 and May 16 in New York and Cleveland, Ohio.

"It would be the height of folly to let down our guard and allow the neutralization of our allies," he told the United States Conference of Mayors meeting in New York. He said that in view of the Russian record of violating international commitments, "one would have to be naive indeed to believe that the leopard has changed its spots."

In addressing the Cleveland Engineering Society, Senator KNOWLAND referred to a long list of treaties and agreements involving the United States and nearly every country in Europe and Asia, and dating back to the early 1930's.

MANY TREATIES BROKEN BY RUSSIA SINCE WORLD WAR II

"Among the treaties and agreements concluded with and broken by the Soviet Union since World War II are: Yalta Agreement; Potsdam Agreement, armistice agreement relating to the function of the Allied Control Commission in Hungary, Bulgaria, and Rumania; peace treaties with Hungary, Bulgaria, and Rumania; Cairo declaration, reaffirmed at Potsdam and subscribed to by the Soviet Union; the Soviet-Iranian Treaty of Friendship of 1921; Declaration of Teheran; Potsdam declaration defining terms for Japanese surrender; and the Sino-Soviet treaty and agreements of August 14, 1945."

The only two agreements kept by Russia involved its promise to enter the fighting against Japan in World War II—2 days after the United States dropped the first atom bomb on Japan, and the agreement to permit western allies aerial corridors to Berlin.

The magazine, U. S. News & World Report of May 20, 1955, observed that "if history is a guide, the chances are 25 to 1 that any agreement reached will be violated by the Soviet Union. Those odds favoring a violation go up to almost a sure thing if it appears to Russia that there is more to be gained than to be lost by violating the agreement." The magazine stated that an analysis of past treaties and agreement with Russia shows:

"Since 1933, on major issues, United States and Russia have come together in 3,400 meetings.

"In these meetings, negotiators have spoken 106.5 million words.

"All this talk has led to 52 major agreements.

"Of these: Russians have broken 50 agreements."

U. S. News & World Report showed that on issue by issue, talks with Russia had the following results:

"Control of atomic weapons: 8 years of talks, about 200 meetings. No results.

"Unifying Germany: 11 years of talks, about 1,200 meetings. No results.

"Lend-lease settlement: 7 years of talks, 85 meetings. No results.

"Disarmament: 7 years of talks, more than 100 meetings. No results.

"World peace: 8 years of talks, about 1,400 meetings. No results.

"Austrian Treaty: 9 years of talks, nearly 400 meetings. Agreement."

Senator KNOWLAND called attention to a House Foreign Affairs Committee report of August 25, 1950, entitled "Background Information on the Soviet Union in International Relations."

The House report lists seven agreements dealing with Austria made between 1945 and 1950 by the Soviet Union and the western allies. All of these agreements have been violated.

The same report, for example, also lists 14 agreements and treaties made between Russia and the western allies since 1944. Each agreement has been violated.

Mr. CURTIS. Just why then is the United States sitting down to discuss disarmament with such a group? Are we basing our actions on the belief that this time Communist Russia will keep her promises and abide by whatever treaty she may enter into? If it is our belief that Russia will live up to her agreements what then is a reasonable explanation of her past record?

What price do we pay for our mistakes if we rely on the Russian Communists to live up to their agreement and they fail to do so? Such an error could mean not only the defeat of the United States but disaster to civilization of peoples remaining free today.

Are we proceeding with the question of disarmament knowing that the Russian Communists are not truthful and that they do not live up to their commitments, but, nevertheless, believing that we can develop a rascal-proof system of inspection? I am not prepared to say that such a system of inspection can or cannot be perfected. I merely point out that if we should attempt it and fail, the results would be disastrous.

The question that arises, suppose the system of an inspection is effective and workable and that the Russian Communists do stop testing and building atomic and nuclear weapons and the United States, in turn, likewise stops the testing and building of atomic and nuclear weapons, what then?

It means then that communism and the free world are pitted against each other on the basis of hordes of manpower and conventional weapons. To be explicit, it means that the Russian Communists then have the advantage.

It is the predominance of the United States in these superior and advanced weapons that restrains the Russian Communists today. It is this superiority in weapons which gives to America, and to the fine men who must fight for her, a chance to win. Mr. President, if the course charted by those who would lead us into a disarmament commitment with Soviet Russia were to succeed, we would end up surrendering our advantage and being at a disadvantage in a contest with the most unholy, ungodly, cruel, and inhuman conspiracy that ever existed upon the earth.

Mr. President, I have much faith in the patriotism and inherent wisdom of the American people. In times of great danger they can sense what is right. I believe that they exercised such wisdom in reference to an issue put up to them in 1956.

An able and distinguished candidate for the Presidency of the United States advocated the ending of the testing of atomic and nuclear weapons. The rank and file of the American people are not scientifically trained. Yet they knew that this was striking a blow at the security of our country. The people knew that it would be foolish to manufacture rifles and never test them to see whether or not they would shoot, or that it would be foolish to manufacture airplanes and never test the engines. In other words, a ban on the testing of these superior weapons means the discarding of their manufacture and eliminating their readiness for the protection of our country. The American people knew that such a proposal would lead to the United States abandoning and surrendering its advantage in this contest for human liberty. The proposal advanced by this candidate was rejected by millions and millions of Americans. It was rejected by mothers and fathers whose sons would have to fight for this country if war comes. They did not want America's modern weapons to be discarded and our advantage given to those forces in the world which do not value human life and whose superior weapons constitute limitless hordes of manpower and conventional weapons.

By what right and upon what basis is the decision so recently made by the American people on this vital issue abandoned at this time?

By my foregoing remarks I do not mean to indicate that I believe the ultimate solution to the problems of mankind rests with brute force, weapons of destruction, and armaments. I reject that thesis. I believe the ultimate solution of the problems of mankind, both collectively and individually, will be reached only by a spiritual regeneration of the hearts and minds of all people and their leaders. In other words, our hope lies in the spreading of Christianity to all the earth. This is the ultimate goal that we must strive for if we would save ourselves from the burdens of armaments. Reliance upon an agreement with an evil conspirator with her record of barbarism and broken promises does not cause us to move any closer to the noble objective for which we strive. But, it can destroy the strength that we need to survive until that day comes.

Mr. President, I have grave doubts that the proposals for disarmament, including the cessation of testing weapons, has the support of America's leaders in the atomic field, the leaders among our military, or those who know communism best. I sincerely hope that this foolish course will be abandoned before we reach a point where we must go forward to fatal error.

FLOOD DISASTERS IN MINNESOTA

Mr. HUMPHREY. Mr. President, since the flood disasters in Minnesota began in the middle of June, the Governor of Minnesota and I have been doing everything possible to bring about coordinated, incisive action on the part of the Department of Agriculture to deal with the situation.

On Monday of this week, following a detailed tour of the flooded areas, I wrote to Secretary of Agriculture Benson requesting that his State USDA Disaster Committee meet for the first time to consider how best to deal with the very serious problems caused by the floods and heavy rains.

I was pleased to be informed last night that the State committee did meet yes-

terday, and that perhaps we are going to have some action at last.

At the same time, I have requested the Secretary of Agriculture to act on six specific programs for the relief of farm families badly hurt by the disaster. They are the following:

First. Immediate action in the northwestern flood area permitting farmers to ease emergency feed situation by grazing on soil-bank acres or taking hay from these acres, without penalizing the farmers who placed the acres in the soil bank by withdrawing their soil-bank payments. This would cost the Federal Government no money, and ought to be expedited this week while the hay crop is ripe for harvest.

Second. Urgent action to extend the emergency designation by the Secretary of Agriculture to all counties requested by the Governor of Minnesota, permitting FHA 3-percent emergency loans under Public Law 38. At week's end, only 4 counties had been designated, of the original 13 requested by Governor Freeman.

Third. Immediate action under title III, section 301, of Public Law 480, to make available Government-owned feed from Commodity Credit Corporation stocks. Also, immediate action under section 2 (D) of Public Law 38 to subsidize farmers in their hay needs for foundation herds of cattle to the extent of $7.50 per ton.

Fourth. A special ACP program to give payments to flooded-out farmers to restore the productivity of their land through conservation practices such as deep tillage, summer fallow, and green cover. Following the Missouri River floods, affected farmers received from $5 to $6 per acre under a similar program.

Fifth. Action to increase the intensity of the soil-conservation service programs in the counties which have suffered severe soil erosion and soil damage from the recent floods, particularly in the basin of the Redwood River.

Sixth. A liberal interpretation of the Public Law 38 regulations to permit the extension of 3-percent loans over a longer period than 12 to 18 months. The real credit needs of farmers in the area would be met by a 3-year repayment program. At the minimum, the regular 5-percent program should be liberalized to permit farmers already heavily in debt to survive this disastrous year, and to work their way back to a solvent position over the next 5 years.

Mr. President, this morning a telegram was delivered to me from the Governor of Minnesota indicating the request which he has made to the Secretary of Agriculture for immediate action along these lines. I ask unanimous consent to have printed at this point in the RECORD a telegram from the Honorable Orville L. Freeman, Governor of Minnesota.

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

ST. PAUL, MINN.,
July 9, 1957.

HON. HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D. C.:

Following night letter sent to Benson tonight. The following counties have been designated as disaster areas pursuant to the provisions of Public Law 38, 81st Congress, as amended: Lyon, Yellow Medicine, Brown, Redwood; additional counties have been recommended for certification as disaster areas: Blue Earth, Nicollet, Lesueur, Sibley, Carver, Renville, Chippewa, Kandiyohi, Pipestone, Swift, Clearwater, Polk, Pennington, Red Lake, Kittson, Roseau, Marshall, Lincoln, Lac Qui Parle. I request that the following additional counties in Minnesota: Scott, Wright, Anoka, Beltrami, Stearns, Dakota be also certified as disaster areas. The following kinds of assistance within your authority are imperative for the agricultural producers involved:

1. Provisions for economic disaster loans:

(a) Direct loans, which, I'm informed, under section 2b of Public Law 115, 83d Congress, be made by the Department for an extended period of time at not more than 3 percent interest.

(b) Special emergency loans under Public Law 38. I would call to your attention reports from the Minnesota commissioner of banks which indicate that Minnesota banks have curtailed the availability of local credit services because of FHA insistence on the obtaining of prime security. This serves to limit rather than increase the amount of credit available to farmers.

2. Acreage conservation payments should be made for inundated and eroded acreage in the affected areas in Minnesota. These payments should cover removal of debris, gravel, repairing of private drainage facilities, green cover, and summer fallowing.

3. Review of Federal legislation leads us to the opinion that direct grants can be made. I am informed that such grants were made in the State of Missouri in 1951 and I request that such grants be made now to farmers in Minnesota.

4. Under the provision of the Soil Bank Act, I hereby request that Minnesota farmers be permitted to graze soil bank acreage and furthermore, that soil bank payments not be reduced because of such action. If you so desire, the State of Minnesota will be happy to work out a coordinated program whereby public authorities supervise and collect the hay and forage on soil bank acres and distribute them where needed.

I've been concerned about the apparent lack of coordination among Federal agricultural agencies in Minnesota during this emergency situation. Many complaints have been made to my office relative to confusing statements as to what benefits are available and what help the farmers can expect. For this reason, I have asked the State director of the farm home administration, his assistant and his chief counsel, together with the State chairman of the agricultural conservation and stabilization administration to meet with me in my office at 9 on Friday morning, July 12. I understand that Mr. Kermit Hansen, Federal Director of the FHA, is in Minnesota and I would appreciate your asking him to attend this meeting. I would appreciate by return wire your response to these questions so that they can be discussed at this meeting.

ORVILLE L. FREEMAN,
Governor of Minnesota.

Mr. HUMPHREY. Mr. President, this morning I formally requested the Secretary of Agriculture to take immediate action to relieve an emergency feed situation in the northwestern counties of the State of Minnesota. I am hopeful that the Secretary will act on this request, for it will cost the taxpayers nothing and will speedily ease the feed situation in those counties. I ask unanimous consent to have printed at this point in the RECORD my letter to Secretary Benson, dated July 10, 1957.

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

JULY 10, 1957.

The Honorable EZRA TAFT BENSON,
Secretary of Agriculture, Department of Agriculture, Washington, D. C.

DEAR MR. SECRETARY: In a telephone conversation yesterday with the coordinator of your emergency feed program, Mr. James Browning, the emergency feed situation existing in the basin of the Clearwater and Lost Rivers and Ruffy Brook in northwestern Minnesota was brought to his attention. This area of five counties—Red Lake, Pennington, Polk, Clearwater, and Marshall—is suffering a severe feed shortage which can be at least partially met if there is action taken during the next 5 or 6 days to use the existing feed available on soil-bank acres fortunate enough to have been on higher and better-drained ground than most of the countryside.

Specifically, farm leaders in the area have requested, in a resolution unanimously passed by some 300 farm leaders of the area on Friday evening, July 5, 1957, that permission be granted to permit the taking of hay or the pasturing of livestock on soil-bank reserve acres—without the loss of $6 per acre to the farmer owning the acreage.

My suggestion is that some official agency, perhaps the local ASC committees, be permitted under Public Law 875 to oversee the harvesting of the hay on these soil-bank acres in the cited area, and its distribution to farmers who are suffering a critical shortage of feed and funds. If the hay standing on these acres is to be useful for animal consumption, it will have to be cut within the next several days, according to the estimates of farm leaders in the area.

I make this suggestion today, hoping that a decision might be made to proceed with the harvesting of those hay stocks this week, even before the State USDA Disaster Committee meets with farm leaders in the area on July 17.

Sincerely yours,

HUBERT H. HUMPHREY.

VISIT BY SENATOR HUMPHREY TO THE NEAR EAST AND AFRICA

Mr. HUMPHREY. Mr. President, since I returned from a visit to the Middle East in my capacity as chairman of the Senate Subcommittee on the Near East and Africa, I have prepared for publication several articles containing some of my impressions. One of these articles has just appeared in the new magazine Western World. The article is entitled "A Chance To Save the Middle East."

I ask unanimous consent that the text of this article be printed at this point in my remarks.

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

A CHANCE TO SAVE THE MIDDLE EAST

(By Senator HUBERT H. HUMPHREY) [1]

The outcome of the crisis in Jordan gives the United States an opportunity to embark

[1] Mr. HUMPHREY is a member of the powerful Senate Foreign Relations Committee, chairman of the Special Committee on Disarmament, chairman of the Foreign Relations Subcommittee on Far Eastern and African Affairs. He served as a delegate to the U. N. at the last meeting of the General Assembly. He has just returned from a fact-finding tour of the Middle East as an official representative of the Foreign Relations Committee.

upon a policy which, if wisely developed in cooperation with other North Atlantic Treaty Organization countries, has a chance of saving the Middle East—without further war, without further loss of essential oil supplies, and without any impairment of the State of Israel.

This policy will include the practical application of the vaguely worded Eisenhower doctrine offering United States military protection for anti-Communist purposes and economic aid to those Middle Eastern governments which ask for them. This doctrine—it should never be forgotten—is merely another local extension of the Truman doctrine of giving aid to countries menaced by Communist violence or subversion. The Jordan crisis enabled the United States administration to demonstrate that the United States still has both the will and strength to act to protect her vital interests. Sending the Sixth Fleet was no empty threat. I am convinced that this lesson has not been lost upon the Russians.

But military moves do not add to policy. In the Middle East, the United States is seeking to promote nothing but peace and the people's material development. In this task we do not have the handicap of historic domination over Arab peoples with which Britain and France, however justly or unjustly, are burdened.

Of course, one of the tragedies of recent months was the fact that the United States, in my judgment, shares responsibility for the unhappy Suez debacle. A properly functioning NATO might previously have evolved a common policy or at least have eliminated that element of surprise which was a chief cause of the sudden shattering of mutual confidence among NATO countries. That must never happen again.

In the development of a new Middle Eastern policy, the United States should nevertheless rely as much as possible upon other NATO countries, particularly upon Greece, Italy, and West Germany which have not lost credit with the Arab peoples. There should always be consultation and if possible coordination.

We should also utilize the resources of the United Nations wherever possible, and in giving economic aid, rely as much as possible upon private agencies.

CONDITIONS FOR STABILITY

Before the Suez seizure, CARE, that great, benevolent organization, was feeding every day no less than 3 million Egyptians. Now that number has dropped to a bare 100,000. Yet the U. N. continues to feed, at a daily cost per person of 27 American cents, almost a million Arab refugees. Of this sum the United States alone pays 75 to 80 percent.

An increased amount of outside aid, including food and medicaments, of private business investment and a regional development plan, plus a wise and prudent application of the Eisenhower doctrine—these together offer some promise of a stabilized Middle East.

I am not overlooking or minimizing the difficulties. I recognize that President Nasser of Egypt dislikes the West and distrusts America. He is apparently oblivious of the Soviet danger. He still nourishes his ambition of making Egypt the nucleus of a united Arab Empire extending from the Atlantic to the Indian Ocean. Peace demands that these dreams and ambitions either be renounced by Nasser or be thwarted. It appears that present policy is promoting the isolation of Nasser and the shrinkage of his influence. Both have already occurred in all Arab countries with the exception of Syria and Yemen. Hence the bitterness with which Nasser expressed to me personally his opposition to the Eisenhower doctrine and the Bagdad Pact, both of which he considers a limitation on his full freedom of action.

But his strong words did not alarm me overly. For Nasser is more vulnerable than his apparent victory in the Suez Canal affair led many to assume. His weakest spot is Egypt's undeveloped economy and incredible poverty.

EGYPTIANS RESTLESS

The Egyptians, even the Egyptian masses, are no longer quite so passive as they were. For they have heard Nasser's promises of a better life. They expect him to produce it. Unless he starts to deliver in the near future, he could expect internal troubles.

Moreover, I came away from a 3-hour interview with Nasser convinced that he would like to modernize Egypt, provided in the process he can both keep his personal position and further his dream of Pan-Arabism. But Nasser cannot expect a poverty-stricken Egypt to usurp Arab leadership from such comparatively rich countries as Iraq, Lebanon and Saudi Arabia after his defeat by Israel. To stage a comeback he desperately needs money—and progress at home.

Where can he get money? Possibly, of course, from Russia. But so far the Russians have given him little and I suspect they now consider him as a rather poor horse in any international race. Yet unless they speedily come to his assistance, Nasser must seek funds where he can get them. Already he is allowing British business interests to return quietly to some of their old positions. Responsible and reasonable operation of the Suez Canal is the price of any new aid from the West, as well as needed and satisfactory canal revenues. Therefore, I have the impression that Nasser will act reasonably provided he can do so without making public acknowledgment of his concession. Defeat by Israel—make no mistake—has cost him some of his previous high prestige with the other Arab governments. It has also facilitated the American policy of keeping him isolated so long as he, with his Syrian and Yemenite allies, persists in pursuing his anti-Western, pro-Soviet policy. And never forget that his (discovered) practice of using his military attachés in other Arab capitals as agents to overturn the local government has cost him official disfavor in Libya, Lebanon, and Jordan.

It therefore seems to me that Nasser can no longer successfully block a wise and generous policy of which American military protection and economic aid are the spearheads. These policies are encouraging Arab leaders to take a stand and resist not only communism but also Nasserism.

But what about Israel? Clearly, no Western or United States policy can hope to succeed anywhere in the area if the Arab-Israeli feud is permitted to explode into a third armed conflict. How in all fairness can such a new conflict be prevented?

Perhaps it cannot. But I have returned to Washington from my recent quick trip to four Middle Eastern countries more optimistic than when I left it. For I think I begin to see certain elements of what might be called not a real peace of course, but a truce of convenience. This, if it comes about, will be based upon certain new factors.

RESPECT FOR ISRAEL

The first new factor is the increased respect for Israel as the direct result of that country's blitz victory over Egyptian armies equipped with the best Russia could provide. If it dared to defy the other Arabs, Lebanon would long since have made peace with the Israelis, Iraq and Saudi Arabia will—perhaps must—maintain theoretical hostility to Israel, but even they seem for the first time ready to admit the political existence of that country. Syria and Egypt remain outwardly obdurate but both are weak—as is now apparent. Furthermore Nasser now gives indications of being less obstinate on certain issues relating to Israel's Egyptian relations, such as the Gulf of Aquaba and use of the Suez Canal.

And Israel is a strong, going state. This year it expects to welcome another hundred thousand Jewish immigrants, most of them not Oriental Jews of medieval outlook, but highly educated and efficient citizens from places like Poland. Premier Ben Gurion said to me:

"I suppose you think our greatest problem is Arab hostility. It is not. Our greatest problem is providing a living for all the new immigrants. But we shall do it."

To an American liberal, Israel is a marvelous country. A place without rich or poor, a free democracy. I spoke with a young Jew recently arrived from Yugoslavia:

"Here for the first time in my life," he said, "I feel like a whole person. Back in Yugoslavia, I disliked the monarchists because they were anti-Semitic. And I hated the subsequent Communist dictatorship. But here * * * wonderful."

Curiously enough, Israel has been kept in its present state of high efficiency precisely by those Arab pressures which were intended to destroy it as a nation. If, as Guy Wint wrote in the June number of Western World, Israel should become a "new sparta," (which I feel she will not) the Arabs alone will be responsible. Some of them are beginning to realize this. Here may lie the beginning of a truce of convenience that with time can become peace or even cooperation.

CONDITIONS FOR TRUCE

What are the conditions? In my opinion, something like these:

First, the United States, Britain, and France should renew the declaration of 1950 guaranteeing existing frontiers except so far as they may be modified by peaceful negotiation.

Second, they should support the UN Truce Supervision Commission in its efforts to prevent further embittering frontier incidents. I would also recommend the creation of a UN Good Offices Commission to seek any areas of cooperation.

The other NATO countries, along with other nations, should, with the United States, then create a Middle East Development Administration, perhaps tied in with the European common market and a new Mediterranean trade area. This development organization should not aid single countries but groups of countries, including both Arabs and Israelis. I have the impression that, despite past Arab objections, a beginning can soon be made on river control. Water is the life of the Middle East. If a beginning is made with Jordan water, other steps will follow.

The next concern should be the Arab refugees. Here Israel should take the initiative and announce that it will welcome back a certain number of the Arabs now rotting in camps along the borders, and compensate others, provided at the same time the Arab governments agree to resettle the remainder in Arab countries with American and UN help. Once Israel makes a reasonable offer, then it will be up to the Arabs. If they still insist on maintaining the camps as festering sores precisely because they are sores, then I as a United States Senator shall urge my Government privately and discreetly to let the Arab governments know that the United States will cease contributing to the refugees' upkeep and let the Arab governments look after them after a certain date. I certainly trust I shall never have to do this, but it might be necessary.

EGYPT RESIGNED TO ISRAEL TRAFFIC

But what of today's other "insoluble" differences? I refer particularly to the disputes over Israel's use of the Suez Canal and the Gulf of Aqaba. My impression is that the Arabs are resigned to seeing Israeli ships use the gulf and Israeli cargoes (if not ships) pass through the canal provided they are not

expected to make public acknowledgment of any change in their basic opposition. If the Israelis should send a test ship through the canal under their own flag, I dare hope that neither side will use violence and that the issue can be brought to the World Court for a decision. I did gain the impression from my visit with Nasser, that the Suez issue could and would be met peaceably.

If all this seems optimistic, please note that by the time I left Israel two or three tankers carrying Iranian oil had docked at Elath on the Gulf of Aqaba. The Iranians have said they would sell no oil to Israel (and perhaps they did not) and the Saudis had boasted that they would stop shipments. But there were the tankers. Others will follow—provided, as I said, that no Arab leader is asked publicly to swallow his previous boasts or to back down or explain.

All these little facts make me hopeful of a coming relaxation of Middle Eastern tensions. For I am convinced that a combination of firmness backed by military strength, generous economic aid and understandable face saving may accomplish what will look like a miracle.

To be sure, it may not. To most westerners, there is something baffling in the Arabs' passionate preference for nourishing a grudge rather than accepting a settlement from which they can only benefit. Why have the Syrians been perversely ready to forego the benefits of larger crops through irrigation rather than share the waters of Jordan with Israelis? Why are Arabs generally still indignant against westerners whose imperialism was only the reversal of former Arab and Asian conquests of parts of Europe? Why do they persist in the kind of anti-Israel policy which may end by driving the exasperated Israelis into exactly the type of territorial conquest which the Arabs claim most to fear—and lack the power to prevent?

Foreigners in Egypt offer an explanation in the form of an anecdote.

A scorpion, wishing to cross the Nile River and unable to swim, asked a passing frog for a ride.

"Certainly not," said the frog. "If I take you on my back you will sting me to death."

"No," said the scorpion, "for if I did you would drown and I should drown with you."

"True," agreed the frog. "Get on my back and here we go across."

But in the middle of the Nile the scorpion suddenly stung the frog.

"Why did you do that?" cried the unhappy frog. "Now I shall sink and you will go down with me. You are not logical."

"True," gulped the sinking scorpion, "but this is the Middle East."

That indeed is the way it has been. But things are changing. If we can avoid war and continue our restraining influence and tangible benefits, there is some hope of a more logical development.

Mr. HUMPHREY. Mr. President, I also prepared a series of four short articles concerning Israel. I ask unanimous consent that these, too, be printed at this point in the RECORD.

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

ISRAEL: MIRACULOUS LAND OF COURAGE AND CONVICTION

(Following is the first of a series of four articles by Senator HUBERT H. HUMPHREY, Democrat, Minnesota, describing his impressions and observations during a tour of Israel as part of a foreign relations study mission into the Middle East.)

(By HUBERT H. HUMPHREY, United States Senator)

In one of the oldest areas of the world in terms of history, it is quite an experience to find perhaps the most youthful spirit of the 20th century. That is the paradox of Israel today. Israel is a country rich in tradition. Every mile of its land is like a chapter of ancient history. Yet, it is today a nation filled with dreams of tomorrow, motivated, strengthened and sustained by a centuries-old culture and faith.

Israel is a political and economic oasis in the Middle Eastern desert of feudalism, economic imbalance, and grave social inequities. Indeed, there is a most remarkable spirit of national unity in the State of Israel. There is a sense of pride in national accomplishments and confidence in the national ability to meet whatever the future may hold.

Among my many vivid impressions of Israel, etched deepest in my memory perhaps is the evident spirit of youth. Every place you see children, and in every walk of life young people are taking a decisive and important role. Coupled with the enthusiasm of youth, one notices the strength and steadiness of those who have found early maturity by the shouldering of responsibility.

In Israel the attention is upon people and water, rather than upon privilege and oil.

The Israelis have proven themselves skilled conservationists and excellent farmers. They have turned rock into soil, barren hills into forests. Water is regarded as a precious resource. There is an overall comprehensive nationwide plan to obtain maximum utilization of water resources. Pipeline construction, small dams, and well-drilling operations are pressed forward, particularly in the southern part of the country. Irrigation makes possible as many as three crops a year in some agricultural areas. The land is fertile and productive, when the life-giving water is made available.

I was tremendously impressed with what I saw—the terracing, the tree planting, the orchards, and the fields of grain. Upper and lower Galilee are very productive areas, and particularly beautiful. The hills of Judea are again being made fertile and productive.

One gets the feeling in Israel that everything is possible.

When the long-established Hebrew university was cut off from Israel by the armistice agreement of 1949, thereby leaving the Hebrew university in Old Jerusalem on the Jordanian side of the border, the Israelis determined to build a new university. Yes, a new Hebrew university is now under construction in the suburbs of New Jerusalem. It has a beautiful location, and will be one of the great centers of learning and culture in the Middle East. To those Americans who are the friends of Hebrew university, may I say that to see it is to be proud and pleased with the good work.

And then there is the new Hadassah Hospital, under construction on a towering hill overlooking the valley into the city of New Jerusalem. It is like a sentinel guarding the health and well-being of the people. Hadassah Hospital will be one of the greatest medical centers in all of Europe and Asia. It is well under construction. Knowing how much work and energy the ladies of Hadassah in the United States have given to raising funds for construction of the hospital, it made me feel warm and happy to see this magnificent health facility becoming a reality. It will be staffed with well-trained doctors, nurses, and technicians, giving medical care not only to those who need hospitalization but out-patient service as well.

I visited the new port of Elath. I saw the construction of the 8-inch pipeline from Elath to Beersheba—the building of docks and improvements in the harbor—yes, and the oil tank field at the head of the pipeline. I saw a freighter in the port from Africa. The day before there had been another oil tanker from Iran.

Elath has grown from a community of around 200 to 2,000 in the last 2 years—and is expanding rapidly. Everywhere there is building—homes, new roads, water, and modern sanitary facilities.

Israel plans to build two more pipelines—a 16-inch and a 32-inch line. Her problem is capital. The French have indicated an interest. Surely in light of the uncertainty of the Suez Canal, alternative facilities for the shipment of oil to Mediterranean ports for western Europe should be assured.

I saw the copper refinery which is being constructed near the site of the copper mines of King Solomon. This processing plant when completed will produce copper that will find a ready market in Europe, greatly strengthening Israel's economy.

It has taken vision and courage to make the necessary investment, and it takes imagination and great faith, plus physical stamina, just to build this copper processing plant. One can hardly comprehend the magnitude of the problems involved—the transportation of the necessary building materials, the recruitment of skilled labor, the incredible engineering problems in the construction of this modern refining facility.

But the Israelis are doing it—just as they have accomplished everything else they have undertaken.

Israel will need more capital if she is to continue her program of progress and development. But above all, she needs faith from people outside of Israel.

The people of Israel are convinced they have a great future. They already have a memorable history. What Israel needs now is the dedication and faith of her friends.

ISRAEL AND UNITED STATES HAVE MUCH IN COMMON

(The second in a series of four articles)

The spirit and story of 20th century Israel is reminiscent in many ways of the old American West.

One finds the same easy informality, the same feeling of self-reliance, and the same kind of courage and daring by which a pioneer people lives. Yes, even the topography reminds an American of our own west.

I covered Israel from the Lebanon border on the north to the Gulf of Aqaba in the south, and from the Mediterranean to the Jordanian border in the east. Even the remote area around the port of Elath is much like our own southwestern desert.

An American can feel very much at home in Israel—that is, an American who loves adventure, and who realizes that our own great country was once a little nation wedged between the sea and wilderness.

America and Israel have much in common. Both countries had to fight for independence. Both had powerful forces for many years alined against them. The people of both countries had to conquer a wilderness. Each people learned to sacrifice, and to share. In both nations, there is a spirit of equality which lends dignity to labor and strengthens the drive toward achievement and progress.

Is it any wonder, therefore, that Americans are sympathetic to the State of Israel? We Americans like people who dedicate their energies to building, creating, and developing the physical and human resources. We like people who can face adversity without fear. To be frank about it, we like people who are willing to stand up and fight for their rights. And, indeed, we have a high regard and respect for people who have learned and practiced the art of self-government—who believe in democratic institutions and principles. This is why there is a strong friendship between the United States and Israel.

Much of the dedication and drive and spirit of confidence so evident everywhere in Israel is exemplified in Prime Minister Ben-Gurion. In my earlier article, I commented on the spirit of youth so evident in Israel. That youthful spirit is not the exclusive possession of the young, as I quick-

ly found when I met and talked with the Prime Minister.

It was my privilege to have a 2-hour-long visit with this great leader. He is a student of history—a scholar in his own right. He speaks nine different languages—he is a student of law—he is a talented orator—and skilled in the democratic processes of parliamentary government. Yet with it all he has humility befitting a great leader. Ben-Gurion typifies his country: He is rugged, courageous, imaginative. Ben-Gurion seems to combine some of the qualities and characteristics of Andrew Jackson and Franklin D. Roosevelt, with a noticeable dash of Harry Truman. Seasoned by maturity and experience, he too is young in heart.

In that engaging 2-hour visit with Ben-Gurion, not once did he turn his attention and mind to the past. He spoke only of the present and the future. He spent little time on Israel's foreign troubles. His mind seemed concentrated upon Israel's internal development. He spoke of the great responsibility which would be Israel's this coming year in providing homes and jobs for better than a hundred thousand new immigrants. In fact, I gathered from my visit with Ben-Gurion that the task of absorbing a new stream of immigrants, rather than relations with Arab neighbors, may turn out to be the most crucial problem facing Israel.

Ben-Gurion spoke imaginatively and vigorously about Israel's growing economy, and particularly about plans for development of the Negev. There is no doubt in his mind that that great southern desert can be made productive through irrigation. In fact, it must be, if Israel is to absorb the increased population and its stream of immigrants. Ben-Gurion effectively dramatized the need for a great increase in agricultural and industrial production. Israel, he said, needs two things badly—tillable land and capital.

Israel is applying modern methods, both in political and economic problems that it faces. She is in tune with the times. It has always amazed me that Israel has been able to preserve representative government in these pressing and trying times. Others of lesser faith and moral stamina might have yielded to the temptations of political dictatorship.

A people and a government that have demonstrated their capacity not only to preserve but to develop representative government, to make new opportunities for people from many lands—such people and government are worthy of our confidence, friendship, and assistance.

Israel Welcomes Immigrants From 70 Nations

(The third in a series of four articles)

The population problem in this miraculous little country of Israel is not only one of numbers. It is also one of variety.

Most of the increase in Israeli population has come from immigraton, and the immigrants come from 70 countries. Slightly less than one-half of the people of Israel are from oriental backgrounds, slightly more than one-half from Europe. Their sheer numbers have made the task of resettlement an impressive social and economic challenge. This challenge has been met with astonishing success attributable partly to the spirit of the people themselves—their determination to get it done—and partly to imaginative yet prudent economic planning and development.

The immigration rate decreased substantially during 1953, but began increasing again 2½ years ago, first from North Africa and more recently from Eastern Europe. It is now estimated Israel will have over 100,000 new immigrants in 1957.

The problem of providing housing, subsistence, and jobs for these people is one that might stump people of less faith, or leaders of less determination. Fortunately, the current immigrants have a high proportion of skilled workers and technicians. But there are a great many of them, and capital to provide new jobs is limited.

The social, political, and cultural problems of immigration are even more complicated than the economic. The immigrants have ranged all the way from highly educated professional people from Western Europe to impoverished illiterates from the Orient. Hebrew is the official language, but not all the immigrants speak it. The variety of languages in this country is enormous. It will be a long time before this problem is wholly resolved. Yet, in the light of its complexity, great progress has been made.

But what about the Israel economic system? It can be described as a mixture of private enterprise, institutional ownership supported by contributions and assistance from outside sources, and indeed, substantial holdings of the Israeli labor movement known as the Histadrut.

Israel has the highest per capita income of any country in the area. And while Israel is regarded as a high labor-cost country there is tremendous effort being made by both labor and management to increase productivity. Vocational training schools are being established, and education is emphasized in every aspect of the Government's program.

Israel's policy is to establish a healthy balance between industry and agriculture. The Government encourages industrial development, and welcomes foreign investment. There has been a remarkable expansion of industry and a spectacular increase and growth in agriculture.

The National Jewish Fund has done a great job in buying up the land, reclaiming it, and then, in cooperation with the Government, settling people on the improved land. Liberal agricultural credit is extended to the new settlers. The United States and the United Nations technical assistance programs, along with the Israeli Government itself, the Jewish Agency, and the National Jewish Fund are sponsoring programs to increase agricultural productivity. The results are spectacularly impressive.

From surrounding hilltops in northern Israel I had explained to me what was being done through the Hulah project—the draining of swampland, the reclaiming of fertile farmland, and the harnessing of available water for irrigation purposes. It is the vision to tackle such undertakings that is remaking this land, and molding it to the needs of the Israeli people.

Israel Dependable Ally for Forces of Freedom in World

(The fourth and final in a series of articles)

Israel is a friend of the United States. There can be no doubt about this. She is a natural ally.

Without any formal treaty of alliance, we have in the people and Government of Israel a loyal and brave ally. This unwritten alliance is based upon mutual understanding and respect.

Our interests are closely alined.

Israel is not only anti-Communist, but she is profreedom. She is anti-Communist because many of her people already know what it has meant to live under dictatorship in other lands. She is anti-Communist because of her religious faith and cultural tradition. She is profreedom because the people of Israel are individualistic; the prophets of old taught them the meaning of human dignity. The history of Israel is one of fighting against oppression, seeking liberation and emancipation. Besides that, the people of Israel know and have proven that freedom affords the best opportunity for a productive society and general happiness.

The Israelis are prepared to defend that freedom. They have developed the strength in both economic and military terms to defend themselves. I am convinced that Israel now has the respect of her neighbors. But the people and leadership of Israel do not want to spend their resources and time on military matters; they seek to release themselves from the burden of patrolling the borders and paying the heavy costs of military equipment.

While Israel's army is the best in the Middle East, it should not be forgotten that their regular and standing army is, indeed, a very small one. The secret of Israel's military strength is her reserves, and the quick and efficient mobilization of those trained reserves. The young men and women of Israel are all trained to defend their country. And defend it they have and will, because they believe in it. It is their country. It belongs to the people. It is their hope for today, and their promise for tomorrow.

I saw and felt this spirit during the Independence Day parade in Tel-Aviv. Units of the Israeli armed forces passed us in review. There was no doubt as to the high morale, the strength, the health, and the vigor of these men and women. Added was the display of the Russian-made equipment that the Israelis captured from the Egyptians in the recent Sinai campaign. There was thunderous applause from better than 500,000 people who lined the parade route in Tel-Aviv. The Israelis are proud of their army, navy, and air force—and their record of valor and heroism.

But the people of Israel are not militarists; they seek to live in peace with their neighbors. They seek to find the answers to Arab-Israeli difficulties. Those difficulties include the adjustment of boundaries and borders, the Arab refugees, the boycott by the Arab nations of the Israeli commerce, and the denial to Israel by Egypt of use of the Suez Canal. There are other problems, but these are the main ones.

I talked to Prime Minister Ben-Gurion quite frankly about all these problems, and I found him understanding and longing for their solution.

He was not intransigent or obstinate on the refugee question. He is perfectly willing that Israel shall take back into its borders some of the refugees—and, indeed, already has—but he made it quite clear that it would be impossible to take them all back. To do so would threaten the very security of the state. He further indicated the desire of Israel to compensate those who had lost their lands. But he made it quite clear that most of the Arab refugees left Israel not because they were driven out, but because their leaders asked them to leave with the promise that the Israelis would be driven into the sea—and then the Arabs could come back and not only have their old lands, but more that would be taken away from the Israelis.

Of course, those Arab plans did not work out. The Israelis won the war, and the refugees were out of the country. This is not to say that there were no attacks upon Arabs, because there were by some of the extremist groups. However, the government of Israel had asked the Arabs to remain. Those that did stay live in peace within Israel today.

The question now, of course, is not just who was right or wrong. The point is that a solution must be found. There are elements that could lead to a solution; if the United States and the United Nations keep pressing for an answer—and that we ought to do.

The settlement of the Arab refugee problem must be given priority on the world's agenda.

The fact is that the Arab States have for 10 years used the Palestinian refugees as political hostages, in their struggle with

Israel. As a matter of concerted policy, these people have been kept penned up in the camps in conditions of wretched hopelessness in order to embarrass Israel before the eyes of the world. While Arab delegates in the United Nations have condemned the plight of their brothers in the refugee camps, nothing has been done to assist them lest political leverage over Israel be lost.

Human lives cannot be left to remain as mere political pawns; world opinion must force dispersal and resettlement of these refugees one way or another.

But above all else, my tour has reaffirmed my own deep conviction that the only realistic basis for any effective American policy toward the Middle East must rest first of all on the firm assumption that Israel is an integral part of the region—and there to stay.

Mr. HUMPHREY. Finally, Mr. President, as I have stressed on other occasions, I was deeply impressed on my Middle Eastern tour with the role which food and fiber can play in the development of our foreign policy. I have prepared an article entitled "Food for Freedom," which summarizes my views on this matter. I ask unanimous consent that this article also be printed at this point in my remarks.

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

FOOD FOR FREEDOM

(By Senator HUBERT H. HUMPHREY)

Food and fiber is a great potential force for freedom in the world today, an influential instrument with which we are blessed in abundance if we are only wise enough to use it for building toward friendship and peace.

That conclusion is inescapable after my tour of Italy, Egypt, Lebanon, Israel, Greece, and Spain.

Food is the common denominator of international life.

Lack of adequate food is the underlying factor in many of the economic and political problems bringing trouble to this area of the world.

The answer is in our hands. It rests in our own abundance, and our potential to produce in even more abundance if we have the vision and imagination to use it constructively for human good.

From my own personal observations, I am convinced that Government policy has been far too shortsighted about how powerful a factor sharing of our abundance of food and fiber can be in our foreign relations. A disservice has been done the American people by creating the impression our abundance was just an unwanted headache, a problem instead of a blessing.

We need to do an about face. We need to look upon our great agricultural production and productive capacity as a source of strength in the world scene. Instead of telling farm families to quit producing—or forcing them to do so by deliberately depressing farm prices and income to seek scarcity as a cold economic answer to a human problem—we as a nation should say "Thank God" for the farmers who have kept us from the deprivation and hunger facing vast areas of the world. We should see that our farm people are properly rewarded for making available to our Nation not only the means of visibly expressing our humanitarian concern for fellow mankind everywhere—but also giving us a tremendous bargaining power in the growing economic warfare against Communist Russia.

American food and fiber is vital to the very existence of millions of undernourished people—and the brightest ray of hope for building stronger economies and greater political stability in most of the countries I visited.

I wish every Minnesota farmer who has been told he must drastically cut down his production could have walked with me through the Palestinian refugee camps in Lebanon, the orphanages in Greece, or among the masses of unemployed huddled in shanty towns in Spain. I wish they could have seen the young hands outstretched for food, and heard the appeals for milk from haggard and worried mothers.

I wish they could have seen the warmth of spontaneous welcome, when interpreters explained I was from the United States, and from the State of Minnesota which was sending them some of its surplus dry milk.

I wish our farmers could have been with me in Italy to hear our own Embassy officials flatly declare that our country's most effective weapon against communism in that area had been the distribution of American food directly to the people by our church and other voluntary agencies.

I wish, too, they could have been along to hear Spanish officials explain how they had been trying in vain to buy 500,000 tons of wheat from America and now faced bread rationing as a result of our inaction. I wish all of you could have heard that story repeated in Israel, Greece, and other lands.

But most of all I wish someone could have been along to give me a better answer than I could provide to this question I encountered at every turn:

How can a great Nation like the United States justify spending a billion dollars paying farmers not to produce, and yet quibble about paying them to produce for our friends and allies who so urgently need that food?

No one who has walked in the midst of mass want and deprivation as I did, could ever face the American farmers and talk about surplus.

Believe me, there is no surplus—unless it is a surplus of people who need the life-giving benefits of the blessings of food we have in our possession to bestow.

It isn't a question of just a gigantic giveaway.

Most of the food and fiber can be marketed for foreign currencies, if we expand and extend Public Law 480. Countries want to buy—but they lack American dollars.

We have uses for foreign currencies to finance economic development loans to other countries, to pay our own obligations abroad, for military procurement, and for many other purposes. We can do more for peace by using such funds obtained with American food to finance vocational education, for example, than we can by just shipping guns or handing over American dollars.

We can use our foods to form the foundation of an entire new foreign and economic trade policy for American business and industry—and achieve many of our foreign policy objectives at less cost.

We have had lots of lipservice to trade, not aid, but little concrete action. One of the objectives of our foreign policy has been to encourage American business and industry to invest abroad, to use its know-how to help build economies of other free countries—and to keep the Soviet orbit from making neutral countries dependent on them for industrial products.

Our business firms tell us they have problems borrowing foreign currencies for capital investments and operating expenses abroad. Why doesn't it make good sense to earmark a part of the funds received from sale of American farm products for loans to American business enterprises with branches or affiliates abroad?

Such a policy serves dual purposes: It broadens America's economic and trade influence in the world, and it throws the support of American business and industry behind a farm program based on abundance instead of scarcity.

I talked with American businessmen abroad, and with more since my return. They would welcome such a plan, and would vigorously support expansion of farm marketing for foreign currencies.

In effect, we would be turning our farm abundance, beyond our domestic needs and normal dollar exports, into a big revolving loan fund to finance most of our foreign-aid operations as well as American business expansion abroad. We would be loaning the money, and drawing interest on it, instead of giving outright dollar grants. The dollars we as a nation invested to create such a program would be going to American producers of farm products, but the benefits would be shared by everyone, at home and abroad.

On the humanitarian side, beyond food sales, we can and should do more to support the work of our great church and philanthropic agencies, such as CARE in their private people-to-people relief activities abroad through sharing part of our food abundance. It is a good investment in friendship, for it is people to people, instead of government to government. It can carry the message of America's real humanitarian spirit into areas where we might shun too much dealing with a government in power. But governments come and go, while the people remain.

Whether we give or sell our food abundance, let's not cheapen it by labeling it surplus, calling it a problem, and advertising to the world that we really do not care about hungry people; we just want to get rid of something we do not want.

Even Russia is smarter than that. After we had refused to sell Egypt any of our wheat, despite all our talk about surplus, they turned to Russia. At first, Moscow said they doubted they could do it; they needed all the wheat they had. Then they came back to the Egyptians saying, in effect, "Here, we haven't much, but we will share it with you." They sent a shipload or so of wheat, and ballyhooed it into a major propaganda victory.

We have allies overseas who we are depending upon, under NATO, to hold the line of freedom in event of another all-out war. Yet these are in food-deficit countries, where armies would collapse without continuing supplies of food from abroad. Our military commanders told us that weapons, not food, would have to take shipping priority in event of war, and both would risk submarine attacks.

It seems sensible to start thinking and planning about emergency food depots in which adequate reserves can be stored abroad, for ourselves and for our allies.

Everywhere you turn—among diplomats, among military leaders, among businessmen, among social and welfare workers—the answer comes back the same: food. Food can be a vital key to success or failure in our foreign relations.

Are we recognizing that fact at home?

CALL OF THE ROLL

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

The PRESIDENT pro tempore. If there be no further morning business——

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

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

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

Aiken	Carlson	Curtis
Allott	Carroll	Dirksen
Anderson	Case, N. J.	Douglas
Barrett	Chavez	Dworshak
Bricker	Church	Eastland
Bush	Clark	Ellender
Capehart	Cotton	Ervin

Flanders	Lausche	Schoeppel
Goldwater	Magnuson	Smathers
Green	Mansfield	Smith, Maine
Hayden	Martin, Iowa	Smith, N. J.
Hill	McClellan	Sparkman
Holland	McNamara	Stennis
Hruska	Morse	Symington
Ives	Morton	Talmadge
Jenner	Mundt	Thurmond
Johnson, Tex.	Murray	Thye
Johnston, S. C.	Neuberger	Watkins
Kefauver	Pastore	Wiley
Kerr	Potter	Williams
Kuchel	Revercomb	Yarborough
Langer	Robertson	Young

Mr. MANSFIELD. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Virginia [Mr. BYRD], the Senator from Delaware [Mr. FREAR], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Washington [Mr. JACKSON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senator from Oklahoma [Mr. MONRONEY], the Senator from West Virginia [Mr. NEELY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Georgia [Mr. RUSSELL], and the Senator from North Carolina [Mr. SCOTT] are absent on official business.

The Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Maine [Mr. PAYNE] are absent because of illness.

The Senator from Maryland [Mr. BUTLER], the Senator from New York [Mr. JAVITS], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from California [Mr. KNOWLAND] are absent on official business.

The Senator from Connecticut [Mr. PURTELL] is necessarily absent.

The Senator from Massachusetts [Mr. SALTONSTALL] is absent on official business attending the funeral of Mrs. Grace Coolidge as the personal representative of the President of the United States.

The Senator from Maryland [Mr. BEALL], the Senator from South Dakota [Mr. CASE], and the Senator from Kentucky [Mr. COOPER] are detained on official business.

The Senator from Utah [Mr. BENNETT], the Senator from Nevada [Mr. MALONE], and the Senator from Pennsylvania [Mr. MARTIN] are detained on official business attending hearings conducted by the Committee on Finance.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Sixty-six Senators having answered to their names, a quorum is present.

Is there further morning business?

Mr. JOHNSON of Texas. Mr. President, before the Senator from Alabama is recognized, I want all Senators to know that the morning hour is about to be concluded, in case they wish to make insertions in the RECORD.

CONSTRUCTION OF CERTAIN WORKS OF IMPROVEMENT IN THE NIAGARA RIVER FOR POWER AND OTHER PURPOSES

The PRESIDING OFFICER. Is there further morning business? If not, the Chair lays before the Senate the unfinished business, which the clerk will state by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 2406) to authorize the construction of certain works of improvement in the Niagara River for power and other purposes.

CIVIL RIGHTS

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California that the Senate proceed to the consideration of H. R. 6127, a bill to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Let the Senate be in order, so that the Senator from Alabama may be heard. Let everyone take his seat and refrain from audible conversation.

The Chair recognizes the Senator from Alabama.

Mr. SPARKMAN. Mr. President, while the question at present before the Senate is the motion to take up the bill, the debate revolves around proposed legislation which is extreme in form, harsh in purpose, and destructive in its ominous implications.

There is no device in American politics which so quickly divides friends and embitters debate. No other subject finds Senators so willing to damage one right to improve another, so willing to tamper with traditional rights in their emotional attacks on supposed wrongs.

I categorically oppose all provisions of the bill at issue. Yet if I were to choose any single feature of the bill which will do more damage than any other to the structure of government in this country, I would name at once the strange new provisions for injunction proceedings, with provision for criminal penalty under contempt proceedings without the benefit of a jury trial.

Of all the dangers in this bill, perhaps this is the least clearly understood. It has implications which go far beyond the purpose stated, and far beyond any intention of some of its supporters.

Some of those who have lent their aid to this bill apparently fail to understand how this legislation would cancel out a long history of bitter struggle to curb summary trial as a means of law enforcement in this country.

I shall list my objections to this injunction provision. As we all know, it would permit Federal agents to come into Federal courts, and obtain injunctions against county registrars, against school boards, or against any official standing in the way of the current administration policy.

It would permit a complete short-circuiting of longstanding and well-understood law.

This bill represents bad law: Bad, because it is rank subterfuge. Bad, because it uses doctrines developed for other purposes and perverts them to this cause in order to evade the American defendant's right to trial by jury.

The bill is bad because it will not do what its proponents claim it is intended to do. It is bad because it will have many dangerous effects that its authors have not foreseen.

The bill would not make for increased Negro voting. More Negroes will be at the polls as their general level of education rises under our present State-administered school systems. To try to force general registration will only disrupt the registration and voting process.

The bill would not solve any existing problems. Today we face no problem that has not been with us, in essence, since colonial days. No matter what extreme measures of law we pass here, these problems will not be solved in the immediate future. Their solution would be delayed, not facilitated, by this bill.

Instead, the more pressure is exerted to work radical political changes in the South, the more damage will be done to the political fabric of the South, or of any other section, and indeed of the whole Nation.

The law is a closely woven structure, and if we consciously vote to damage certain rights, we may later find that unconsciously we have voted away other rights of a quite different sort.

In debating this great issue, we would do well to remember the history of the jury as a legal concept and as an instrument of justice. Its growth parallels the rise of the law from a morass of medieval superstition and physical torture.

On the other hand, we must remember the history of the injunction, backed by the power of the court to make findings of fact and to convict without the benefit of a jury. This device, I shall demonstrate, made its appearance in modern form as a legal weapon of despotic English kings, frustrated in their attempts to secure unjust convictions of their political enemies in the regular courts.

The injunction was hammered out by the infamous Court of Star Chamber, and, about 1720, it began to creep into the usage of the common law courts.

It was part of the monumental struggle between the 18th century English kings and Parliament. The kings dreamed of the sway and prerogative enjoyed by their Stuart predecessors; Parliament fought to retain the rights won from the throne in the Glorious Revolution of 1688.

The jury, according to modern historians, stems from the medieval idea of trial by compurgators.

A defendant could be subjected to trial by mortal combat. Or he could be forced to undergo trial by ordeal.

Or he could take a third choice. He could recruit as many of his friends and neighbors as possible to come into court to swear to his virtue and character. The court's decision depended on who had the most character witnesses, the defendant or the plaintiff.

Because of this curious custom, in the early days there was confusion between what we now call the jury and what we now call the witnesses. In many cases, in medieval trials, these were the same people.

But gradually, as England began to develop the foundations of its mighty traditions of justice, the concept of an

independent accusing body, not a part of the court, began to take hold.

The accusing jury became the forerunner of the grand jury of our law. It was instituted by King Henry II in 1166.

Henry II required that in every county "12 men of every hundred, and 4 men of every township had to swear to make true answer to the question whether any man is reputed to have been guilty of murder, robbery, larceny, or of harboring criminals since the king's coronation. Those who were thus accused must go through the ordeal—that is, trial by the ordeal of fire or water—and even if successful there, that is to say, though the judgment of God is in their favor, they must abjure the realm."

This accusing jury preceded by nearly two centuries the petit jury, according to the historian, Walter Clark. Clark frowns upon the old tradition that jury trial comes from Magna Carta. Through an extensive reading of early records, he concludes that the grand jury is, as we have said, almost a century older than the rights given in Magna Carta, and the petit jury a century or so more recent.

Sir James Stevens, in his History of the Criminal Law, says this:

> The steps by which the jury ceased to be witnesses and became judges of the evidence given by others, cannot now be traced without an amount of labor out of proportion to the value of the result. * * * Trial by jury as we know it now was well established, at least so far as civil cases were concerned, in all its essential features, in the middle of the 15th century.

The institution had acquired its essential features, then, before the end of the Middle Ages.

Another legal historian, Macclachlan, uses these words:

> Introduced originally as a matter of favor and indulgence, the jury thus gained growth with advancing civilization, gradually supperseded the more ancient and barbarous customs of trial by battle, ordeal and wager of law, until it became both in civil and criminal cases, the ordinary mode of determining facts for judicial purposes.

Although it is difficult to give precise dates to the evolutionary stages of any concept so involved as this, it is nonetheless clear that the jury system in the modern sense was well established by the 17th century. The first colonists to America brought this institution with them, and made it the cornerstone of their legal systems.

In the following century, when German kings appeared on the English throne, bringing German ideas with them, a new phase in the ancient struggle between Crown and Parliament ensued.

The kings began to use, through their courts, a weapon developed with great effect by the star chamber of the Stuarts. Star chamber, hated and feared by the people of England, had been abolished in 1641, but the memory of its ruthlessness remained.

It is only after 1720 that we find examples of summary trial in which the judge himself convicted on grounds that his own order had been disobeyed or that his own dignity had been violated.

If this change in usage had a sharp effect in Britain, it was doubly sharp in the American colonies, which had been developing their own parallel institutions for generations.

Suddenly to be served with notice that the King's judges would and could avoid juries in cases of political necessity had an electric effect upon the colonies. The motive was all too clear. In cases touching political issues, let alone the ordinary run of court cases, the uncertainties of the juries' disposition was manifest. It represented an undependable element in the efficient and centralized system of rule that George I, George II, and George III envisioned.

There is no need to recite the history of the American Revolution in this chamber, but I shall note that the unrestrained use of injunctions and summary trials became one of the most powerful issues that impelled the colonists toward revolt.

We can summarize the matter in this way:

The jury was one of the fundamental institutions in the eight centuries during which our concept of justice evolved. The jury became a symbol of the emergence of law from medieval brutality and superstition.

On the other hand, the injunction began its modern career as the instrument of an ambitious and despotic throne, and in English history it has a fatal association with Star Chamber procedures. It was revived when later English kings began looking for the means to tighten their rules.

The injunction and summary trial, as much as any other course, led to the American Revolution. It is not by accident that the word "jury" appears through all the fundamental documents of our Nation.

The Declaration of Independence sets out reasons for the American revolt. Among these reasons, it charged:

The King "has combined with others to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws, giving his assent to their acts of pretended legislation."

The specific acts of false legislation are listed, and among them we see these:

> Depriving us, in many cases, of the benefits of trial by jury;
>
> Abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies;
>
> Taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments * * *.

This ringing accusation was the summation of a whole catalog of wrongs; one of the chief wrongs there represented was the use of the king's courts to solve the king's political problems through indiscriminate orders and summary trials.

When the Revolution was won at last, the men who drafted the Constitution remembered the jury issue.

Let me remind Senators of article III, section 2, of the Constitution, which reads in part:

> 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.

The Bill of Rights has something to say on this matter. The Bill of Rights seems to be largely neglected in this debate, so I shall take the liberty of reading selected passages:

> Article V: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger.
>
> Article VI: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense."
>
> Article VII: "In suits at common law, where the value in controversy shall exceed $20 dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law."

Here stands our basic definition of justice. These words have largely been lost in the efforts of some to construct a legal mechanism to enforce the administration's policy.

These words were born in a revolution. Let us never forget why they were put into the Constitution.

As American law has developed, the concept of jury trial has collided more than once with the arbitrary use of injunction proceedings. This is a history of great complexity that I shall go into later.

It suffices for now that I have outlined the sources of the jury and the sources of the injunction. As we talk about these things, let us remember what their ancestry has been, and what each has represented throughout the history of our legal tradition. One has stood for justice under the law; the other for tyrannical evasion of the common law. One has representative government by law; the other, government by men. Ours from the very beginning has been a government by law. Certainly we should avoid most carefully every effort tending to make it a government by men.

Mr. DOUGLAS. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I am glad to yield.

Mr. DOUGLAS. I am trying to understand the argument of my good friend, the Senator from Alabama. I should like to ask whether he is taking the position that there should be a jury trial in civil contempt cases, as well as in criminal contempt cases.

Mr. SPARKMAN. I intend to develop that point later on; but let me say that I fully recognize the established fact that there are certain contempt cases which are properly handled by the judge. I shall develop that point further in my argument.

Mr. DOUGLAS. Everyone has agreed that contempt cases in the presence of

the court or derogatory comments about the judge should not be subject to jury trial.

Mr. SPARKMAN. That is correct.

Mr. DOUGLAS. My question is somewhat broader than that. Suppose injunctions issued by a court are disobeyed by a citizen, the enjoined person can always purge himself by conforming to the injunction which has been granted. Is the Senator from Alabama saying that there should be prior jury trials in those cases?

Mr. SPARKMAN. The Senator asked a question to which it is difficult to respond with a general answer, but let me say what my opinion is. I certainly except them from any general answer I will try to give. The narrower range of cases that deal with interfering with the conduct of the court proceedings themselves, such as an offense committed in the presence of the court, or near enough to interfere with the carrying on of the court, or the disobedience on the part of an officer of the court or of a party or of a witness before the court in a case then pending, since those particular cases have to do with the conduct of the court's business. But, generally speaking, this is the rule that is laid down: Where facts are to be determined, a jury ought to determine them. The business of the court is to decide and interpret the law, and not try the facts, unless the defendant is willing to have the judge do that. Running all through our Constitution and all through our legal texture is the rule that facts ought to be determined by juries and not by judges, unless a defendant is willing to have a judge determine the facts.

Mr. DOUGLAS. Mr. President, will the Senator yield for another question?

Mr. SPARKMAN. Yes.

Mr. DOUGLAS. As the Senator from Alabama is aware, there are some 28 already existing Federal statutes whose enforcement powers are identical with those outlined in the pending measure. Would the Senator say that in all of those existing statutes there should be a provision for jury trial on all matters of fact?

Mr. SPARKMAN. I will say to the Senator from Illinois that those different statutes have been added to our laws from time to time. I shall discuss them a little later in my remarks; but simply because a bad departure has already been made is no justification for going further in that direction.

Mr. DOUGLAS. No.

Mr. SPARKMAN. As a matter of fact, I think we have gone entirely too far. I believe we would have been better off if we had adhered to the good old rule our forefathers accepted—that is, to confine to a very narrow field cases in which contempt proceedings should lie, along the lines I suggested a few moments ago.

Mr. DOUGLAS. If the Senator from Alabama is saying there should be jury trials in virtually all cases of contempt which might arise under this bill, if it is enacted into law, must he not logically also say there should be similar jury trials under all other statutes where the remedy is identical? Why jury trials in this case, when in 28 other cases there is no such provision?

Mr. SPARKMAN. Had I been present when any of those statutes were proposed and the question had been presented as to whether or not a man should be denied the right of trial by jury, I certainly would have voted to preserve the right of trial by jury, regardless of what offense was involved.

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

Mr. SPARKMAN. Yes.

M. DOUGLAS. If an amendment is offered to provide for jury trials in such cases, should it not, by logic, be broad enough to provide jury trials in all contempt cases?

Mr. SPARKMAN. We are not legislating on the whole Code of the United States at the present time. I should like to see each statute examined on its own merits. I do not have any one of them in mind. I do know when the Clayton Act was originally considered this question was strongly debated in the Senate. I do know when, later on, the Norris-La G ardia Act was enacted it specifically contained a provision for jury trials in labor disputes. The question has been before the Congress many, many different times. If the Congress has in the past erroneously extended injunction procedures beyond the narrow field where I stated a few moments ago they ought to be applied, that certainly does not justify our going further in the wrong direction at this time.

Mr. DOUGLAS. Would the Senator suggest offering an amendment, which he apparently is advocating, which would provide jury trials in the case of the other 28 statutes?

Mr. SPARKMAN. Personally, I am not offering the amendment. As the Senator knows, the very able, fine constitutional lawyer, the distinguished Senator from Wyoming [Mr. O'MAHONEY], will offer the amendment. It seems to me the question of the Senator from Illinois might be addressed to the Senator from Wyoming; but the Senator from Illinois knows that we are dealing here with one specific type of legislation. Certainly, I should think it would be no place to offer a coverall amendment, trying to cover the entire Code of the United States. I personally would be glad if the Judiciary Committee would make a study of the matter to see if we have gone so far that we ought to retrace our steps.

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

Mr. SPARKMAN. I yield.

Mr. ERVIN. I will ask the able and distinguished Senator from Alabama if the patron saint of the party to which he and our beloved friend from Illinois and I belong, namely, Thomas Jefferson, did not always advocate that cases of all kinds should be tried by juries, regardless of whether they originated at the common law or in equity.

Mr. SPARKMAN. I think the Senator is correct. I have just read three provisions of the Bill of Rights. First, the guaranty of the right of trial by jury is contained in the Constitution itself. Then I read three different instances in the Bill of Rights where the guaranty of the right of trial by jury in all cases involving $20 and more is repeated over and over and over again. I suppose it was felt there would be a lot of small cases that would involve less than $20, and those cases were exempted from the right of trial by jury; but the Constitution, not once, not twice, not 3 times, but 4 times, states that every person shall have the right of trial by jury, and the only exceptions are military offenses and cases where the amount involved is less than $20.

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

Mr. SPARKMAN. I should like to say one word more before I get away from that subject? Let us always remember, too, that the Constitution of the United States would never have been adopted if it had not contained the provisions of the first 10 amendments. That was a foregone conclusion. It was agreed to. We know that Jefferson, Madison, and many of the other great statesmen of that day waged a vigorous campaign in order to convince the people of the several States that the Bill of Rights would be agreed to and would perfect the Constitution. The Constitution was imperfect because it did not contain such guaranties.

Another noticeable thing, which I do not believe is true about any other provision in the Bill of Rights, is that the right of trial by jury is stressed 3 different times in 3 different articles. I do not think that is true of any other single provision in the Bill of Rights.

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

Mr. SPARKMAN. I yield.

Mr. ROBERTSON. Did the junior Senator from Virginia understand his colleague from Illinois to say there are 28 Federal statutes that abolish jury trials in criminal cases?

Mr. SPARKMAN. There are 28 instances in the code which provide for contempt proceedings.

Mr. DOUGLAS. There are 28 statutes in which the legal remedy is provided through the injunctive process, and when the injunction is violated the judge sitting in equity can decide what enforcement procedures shall be adopted. Those statutes have been put into the RECORD time and time again.

Mr. ERVIN. Mr. President, I ask unanimous consent that the able and distinguished Senator from Alabama [Mr. SPARKMAN] be permitted to yield to me for the purpose of making a statement, without the Senator from Alabama losing the floor.

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

Mr. ERVIN. I should like to make this observation with respect to the 28 statutes mentioned: When Attorney General Brownell testified before the Subcommittee on Constitutional Rights and said there were 28 such statutes, I made the statement, in substance, to Attorney General Brownell, "I challenge you and every lawyer in the Department of Justice to point out a single one of those statutes which bears any substantial similarity to the civil-rights bill

which you are advocating that Congress should adopt."

I will state that that challenge was never met by the Attorney General or any of the lawyers in the Department of Justice, and that as a result I had to sit down and read those 28 statutes. Not wishing to rest solely on my perusal of them, I called upon the Library of Congress for an analysis of them.

I will say that not a single one of those statutes bears any substantial resemblance to the civil-rights bill. With the exception of 2 or 3 of them, they are statutes which authorize the United States, or some Federal officer or agency, to sue in equity for the vindication or enforcement of some right belonging to the Federal Government in its capacity as a sovereign nation. The ones which are exceptions to that rule merely substitute the injunctive process under such acts as the Workmen's Compensation Act and the Longshoremen's Act, for what we lawyers would call a common law execution.

In other words, in the 2 or 3 exceptional cases it is provided that after the appropriate board had made a money award, instead of issuing an execution to sell the property——

Mr. SPARKMAN. May I suggest to the Senator that the award is made after a hearing?

Mr. ERVIN. Yes. Instead of selling the property under a common law execution to enforce the judgment, there is merely an order that the judgment be paid.

The only one of these statutes in respect to which the Attorney General himself undertook to accept my challenge was the antitrust law. The antitrust law is undoubtedly a statute enacted by Congress for the benefit of the general public, and is not a statute, like the civil-rights bill would be, which would allow the Federal Government, for the first time in our history, to enter into the wholesale bringing of suits for the vindication of the personal and political rights of individuals.

There is one further thing I should like to say with reference to this subject. I agree with the Senator from Alabama in the observation he stresses, that this bill ought never to be passed because there is no reason in the world why Congress should give loaded legal dice to Government lawyers and allow them to prosecute cases against citizens on a preferential procedural basis. If there ought to be any distinction in matters of procedure, the distinction ought to be made in behalf of the weak citizens and not in behalf of the powerful government, which has all the Nation's legal and financial might on its side.

I also say to the Senator from Alabama that I will never vote to give the Government the right to make out cases by loaded legal dice against any individual. I would support a measure which would provide in these cases and all other equitable cases what has been done by the Constitution and the codes of many States, including my own State of North Carolina; that is, guarantee every person the right to a trial by jury of all issues of fact in all civil cases, regardless of whether they are suits arising at common law or suits in equity.

I thank the Senator.

Mr. SPARKMAN. Giving the defendant, of course, the right to waive that procedure.

Mr. ERVIN. That is correct. The defendant should be given the privilege to waive it, but he should have the right to demand it.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that I may be permitted to make a brief statement in reply to the Senator from North Carolina, without the Senator from Alabama's losing his right to the floor.

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

Mr. DOUGLAS. Mr. President, our good friend, the Senator from North Carolina, has said that the remedy provided in the bill being discussed is different from the other remedies, because the other 28 statutes address themselves to different subjects. Of course they address themselves to different subjects, but the method of enforcement which they provide is identical with the method provided in this bill, namely, that the legal representatives of the Government may go to the Federal courts, sitting in equity, and, if the courts approve, obtain injunctions restraining individuals and groups from committing acts in violation of the law. And if such injunctions are violated, and if the violation is persisted in, and is not removed by compliance, then whatever penalties are inflicted are inflicted by the judge without a trial by jury.

My only reason for bringing this point forward, since I had not intended to enter into this discussion at any length, is simply to indicate that this procedure is not something new which is being introduced into American jurisprudence. It is the time-honored method of proceeding in equity, and also the method which has been adopted over and over and over again by the Congress of the United States.

That is why I wanted to ask my good friend, the Senator from Alabama, whom I love as I do a brother, though he may not welcome that display of affection, whether he is proposing that there should be provided a trial by jury merely in these civil-rights cases, or whether he is going to be consistent and say the right to trial by jury should be accorded in all cases of contempt. I submit that, upon examination, the only logical thing for him to say is that we should abolish the present procedures and substitute a trial by jury in all cases of contempt.

If we were to do that, we would throw the legal system of the United States into a complete tailspin.

Mr. ROBERTSON. Mr. President, will the Senator from Alabama yield to me, with the understanding that he will not lose the floor?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Virginia, with the understanding that he will not lose the floor?

Mr. SPARKMAN. Mr. President, I shall be glad to yield to the Senator from Virginia, but as I understand, the Senator wishes to do more than ask a question. Therefore, I ask unanimous consent that I may yield to the Senator from Virginia without losing the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama? The Chair hears none, and, without objection, the Senator from Alabama yields to the Senator from Virginia for a statement.

Mr. ROBERTSON. Mr. President, I wish to say first, for the benefit of our distinguished colleague, the Senator from Illinois, that he has gotten outside of his special field, which is economics. He is now in the legal field, where, unfortunately, he has gone overboard. He is trying to present to us the theory that acts of the Congress, all of which relate to property, are no different from a bill which relates to criminal penalties. That is the issue.

It is true that in the antitrust laws there could be a penalty for violation. Seldom, in recent years, has it been enforced. But such laws deal primarily with property. Congress, in the antitrust laws as applied to labor unions, in the Norris-La Guardia Act, specifically provided that there should be a jury trial.

Everyone who is familiar with this bill knows that section 3 deals with so-called civil rights, aside from the right to vote, as they are specified either by statute or court decisions. Such provisions carry criminal penalties with them. Everyone knows that. Most of them are enacted by State laws which carry criminal penalties.

As pointed out by the distinguished Senator from North Carolina, a man might be subjected to double jeopardy. Under the terms of this bill he could be taken into a court of equity, a fine could be imposed upon him, and he would still be subject to the criminal penalty in the State court, or in a court under Federal jurisdiction, after indictment.

The Senator from North Carolina said something about setting up a strawman. Our distinguished colleague from Illinois has set up a strawman. He says, "If you are going to raise any question about the denial of jury trial under this bill in criminal cases, why do you not prohibit punishment in a court of equity for contempt which occurs in the presence of the court?"

I ask my distinguished friend from Alabama if it is not true that from time immemorial, under the common law of Great Britain, which became the common law of the Colonies, and still is our common law, except where changed by statute, there was a distinction between courts of law and courts of equity. Is it not a fact that one could not get into a court of equity if he had an adequate remedy at law?

Mr. SPARKMAN. Not only was that true, but it is true today. I suppose it is true in every State today.

Mr. ROBERTSON. Were not courts of equity set up primarily for the protection of property rights?

Mr. SPARKMAN. The Senator is correct.

Mr. ROBERTSON. And to enjoin irreparable damages to property rights, and things of that kind.

Mr. SPARKMAN. I would make the description a little broader than that.

Mr. ROBERTSON. Title to property is also involved.

Mr. SPARKMAN. The purpose was to provide a remedy where no remedy was provided in courts of law.

Mr. ROBERTSON. Exactly.

Mr. SPARKMAN. As was brought out yesterday, it was described as the operation of the King's conscience in the adjustment or wrongs between persons, with respect to which no remedy could be found in a court of law.

Mr. ROBERTSON. Is it not a fact that in Magna Carta, the first copy of which was wrested from King John at Runneymede in 1215, and in all subsequent magna cartas—and there were 3 of them—as well as in the statutes before the first settlement at Jamestown in 1607, there had been provisions for jury trials?

Mr. SPARKMAN. I may say to the Senator from Virginia that prior to his coming into the Chamber I had discussed the beginning of the jury system. As a matter of fact, the grand jury system preceded even the Magna Carta, in another way.

Mr. ROBERTSON. Because the nobles could not be indicted except by a jury of their peers—that is, other nobles. King John ignored that principle. The nobles wanted to have continued the system under which they could not be indicted except by their peers. Now every man is a king, as our late colleague from Louisiana, Senator Huey Long, used to say. So a peer is anyone who has the right of citizenship.

From the time before the days of King John, in 1215, down to the present time, all English-speaking people have cherished the right of trial by jury. We have held to the principle that if a contempt in a court of equity occurs in the presence of the judge, in order that justice may proceed, the judge may inflict summary punishment. Is that not a fact?

Mr. SPARKMAN. Yes. That principle is not limited to a court of equity.

Mr. ROBERTSON. But that is where it started. It is true of any court. That was recognized by the Constitutional Convention. It is recognized in all our State constitutions. And yet our distinguished colleague from Illinois says, "If you want to be consistent, do not stop at gagging over extending the right to trial by jury to criminal cases, but wipe out all procedures under which a judge can inflict a penalty."

I say that that is arguing against established jurisprudence, dating back to the time before we had a country. Is that not correct?

Mr. SPARKMAN. I think the Senator is correct. I was about to check my friend from Illinois with respect to one expression which he used a while ago. He referred to the practice in question as a well-established and time-honored practice. As a matter of fact, it is not.

There has been a struggle, as I brought out a while ago, and as I intend to develop further as I go along, ever since the tyrannical kings of Britain, to try to get this principle established. That was a great factor in our revolution. The practice complained of had been imposed on the Colonies to such an extent that our people insisted that before they would agree to the Constitution of the United States they must be assured that there would be written into it a bill of rights, in which there occurs not once, but in three different places, the guaranty of the right of trial by jury.

Mr. DOUGLAS rose.

Mr. SPARKMAN. Before I yield to my friend from Illinois again, I wish to say that I appreciate the compliment he paid me.

Mr. DOUGLAS. I hope it will not prove embarrassing.

Mr. SPARKMAN. It is not embarrassing. I welcome the friendship of the Senator from Illinois.

I remind the distinguished Senator from Illinois that he holds a commission today as a colonel in the Confederate Air Force; and I had the honor of presenting that commission to him. [Laughter.]

Mr. DOUGLAS. Mr. President, will the Senator yield to me with the understanding that he will not lose his right to the floor?

Mr. SPARKMAN. I yield.

Mr. DOUGLAS. Since the competence of the testimony of the Senator from Illinois as regards the 28 statutes referred to has been questioned, I think I should read into the RECORD at this point a list of the 28 statutes which authorize injunctive relief by the United States Government to prevent crime.

Antitrust laws, restraining violation (by United States attorney, under direction Attorney, General) (15 U. S. C. 4).

Associations engaged in catching and marketing aquatic products restrained from violating order to cease and desist monopolizing trade (by Department of Justice) (15 U. S. C. 522).

Association of producers of agricultural products from restraining trade (by Department of Justice) (7 U. S. C. 292).

Atomic Energy Act, enjoining violation of act or regulation (by Atomic Energy Commission) (by Attorney General) (42 U. S. C. 1816).

That is an extremely important act.

Bridges over navigable waters, injunction to enforce removal of bridge violating act as to alteration of bridges (by Attorney General) (33 U. S. C. 519).

Clayton Act, violation of enjoined (United States attorney, under direction of Attorney General) (15 U. S. C. 25).

That is an extremely important provision.

Electric utility companies, compliance with law enforced by injunctions (by Federal Power Commission) (16 U. S. C. 825m).

False advertisements, dissemination enjoined (by Federal Trade Commission) (15 U. S. C. 53).

Freight forwarders, enforcement of laws, orders, rules, etc., by injunctions (by Interstate Commerce Commission or Attorney General) (49 U. S. C. 1017).

Fur Products Labeling Act, to enjoin violation (by Federal Trade Commission) (15 U. S. C. 69g).

Enclosure of public lands, enjoining violation (by United States attorney) (43 U. S. C. 1062).

Investment advisers, violations of statute, rules, and regulations governing, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80b-9).

Gross misconduct or gross abuse of trust by investment companies, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80a-35).

Use of misleading name or title by investment company, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80a-34).

Violation of statute governing, or rules, regulations, or orders of SEC by investment companies, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80a-41).

Another which is extremely important is—

Fair Labor Standards Act, enjoining of violations (by Administrator, Wage and Hour Division, Department of Labor, under direction of Attorney General, see 29 U. S. C. (204b)) (29 U. S. C. 216 (c), 217).

Longshoremen's and Harbor Workers' Compensation Act, enforcement of order by injunction (by United States attorney, see 29 U. S. C. 921a) (33 U. S. C. 921).

Import trade, prevention of restraint by injunction (by United States attorney, under direction of Attorney General) (15 U. S. C. 9).

Wool products, enjoining violation of Labeling Act (by Federal Trade Commission) (15 U. S. C. 68e).

Securities Act, actions to restrain violations (by Securities and Exchange Commission) (15 U. S. C. 77t).

Securities Exchange Act, restraint of violations (by Securities and Exchange Commission) (15 U. S. C. 78u).

Stockyards, injunction to enforce order of Secretary of Agriculture (by Attorney General) (7 U. S. C. 216).

Submarine cables, to enjoin landing or operation (by the United States) (47 U. S. C. 36).

Sugar quota, to restrain violations (by United States attorney under direction of Attorney General, see 7 U. S. C. 608 (7)) (7 U. S. C. 608a-6).

That act is extremely important to Louisiana, Colorado, Nebraska, Wyoming, and other States, as well as to consumers.

Water carriers in interstate and foreign commerce, injunctions for violations of orders of ICC (by ICC or Attorney General) (49 U. S. C. 916).

Flammable Fabrics Act, to enjoin violations (by Federal Trade Commission) (15 U. S. C. 1195).

National Housing Act, injunction against violation (by Attorney General) (12 U. S. C. 1731b).

Mr. President, I ask unanimous consent that the list, which I have taken from the testimony of Attorney General Brownell, be printed in the RECORD at this point in my remarks.

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

Mr. BROWNELL. So do I.

Senator ERVIN. And my objection to part 3 and part 4 of these amendments is that they take and pervert the use of equity from its accustomed filed in order to deprive American citizens of their constitutional rights of indictment by grand juries, of trial by jury, and of the right to confront and cross-examine their accusers.

Mr. BROWNELL. You may be interested to know, Senator, that if you take that position, you will be in favor of repealing 28 different laws that are already on the books, statutes which authorize injunctive relief by the United States Government in these cases to prevent crimes.

Now let me read them off, there are 28 of them:

"Antitrust laws, restraining violation (by United States attorney, under direction of Attorney General) (15 U. S. C. 4).

"Associations engaged in catching and marketing aquatic products restained from violating order to cease and desist monopolizing trade (by Department of Justice) (15 U. S. C. 522).

"Association of producers of agricultural products from restraining trade (by Department of Justice) (7 U. S. C. 292).

"Atomic Energy Act, enjoining violation of act or regulation (by Atomic Energy Commission) (by Attorney General) (42 U. S. C. 1816).

"Bridges over navigable waters, injunction to enforce removal of bridge violating act as to alteration of bridges (by Attorney General) (33 U. S. C. 519).

"Clayton Act, violation of enjoined (United States attorney, under direction of Attorney General) (15 U. S. C. 25).

"Electric utility companies, compliance with law enforced by injunctions (by Federal Power Commission) (16 U. S. C. 825m).

"False advertisements, dissemination enjoined (by Federal Trade Commission) (15 U. S. C. 53).

"Freight forwarders, enforcement of laws, orders, rules, etc., by injunctions (by Interstate Commerce Commission or Attorney General) (49 U. S. C. 1017).

"Fur Products Labeling Act, to enjoin violation (by Federal Trade Commission) (15 U. S. C. 69g).

"Enclosure of public lands, enjoining violation (by U. S. attorney) (43 U. S. C. 1062).

"Investment advisers, violations of statute, rules and regulations governing, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80b–9).

"Gross misconduct or gross abuse of trust by investment companies, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80a–35).

"Use of misleading name or title by investment company, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80a–34).

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"Flammable Fabrics Act, to enjoin violations (by Federal Trade Commission) (15 U. S. C. 1195).

"National Housing Act, injunction against violation (by Attorney General) (12 U. S. C. 1731b)."

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

Mr. SPARKMAN. I yield.

Mr. ROBERTSON. All those statutes deal primarily with property rights.

Mr. DOUGLAS. The Fair Labor Standards Act deals with individuals.

Mr. ROBERTSON. If a man is accused of violating it in a criminal way, he gets a trial by jury. If an employer pays an improper wage and he is brought before the court on a criminal warrant, he may have a trial by jury.

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

Mr. SPARKMAN. I yield.

Mr. ERVIN. Mr. President, I ask the Senator from Alabama to yield without his losing the floor so that I may make a reply to the distinguished Senator from Illinois.

The PRESIDING OFFICER. Without objection the Senator from North Carolina may proceed.

Mr. ERVIN. Under the Fair Labor Standards Act the rights given to individuals are enforceable in trials by jury in the Federal courts. A person charged with a willful violation of the Fair Labor Standards Act has the right to trial by jury in the Federal court. That statute is unlike the bill in two respects.

In the first place, there is a provision in the Fair Labor Standards Act which expressly prohibits the Administrator from suing in equity to get an injunction to restrain violations of the act for the benefit of an individual.

In the second place, the Fair Labor Standards Act does have one provision which allows the Administrator to sue for wages due an individual if no issue of law is involved. However, the provision states that such a suit cannot be brought except at the written request of the individual. Under the civil-rights bill, the Attorney General may sue without the consent of the individual, and even against the will of the individual.

It seems to me that if there is any civil right which everyone ought to respect and honor under all circumstances, it is the civil right of an adult individual, in the full possession of his mental faculties, not to be involved in a lawsuit in the capacity of a supposed beneficiary without his consent or against his will.

Mr. SPARKMAN. Not only without his consent, but even without his knowledge.

Mr. ERVIN. Yes. Every one of the statutes mentioned by the Senator from Illinois, with the exception of those that substitute the injunctive process for common law execution, are statutes applying to rights belonging to the United States in its capacity as a sovereign Nation, not to the rights of an individual. I will say to the Senator, too, that I will support a statute which will give everyone the right to a trial by jury in all of those cases, and in every other equity case, because I think individuals are entitled to it.

Mr. SPARKMAN. When facts are involved.

Mr. ERVIN. Yes.

Mr. LAUSCHE. Mr. President, will the Senator yield so that I may ask a question of the Senator from North Carolina?

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Senator from Ohio may ask a question of the Senator from North Carolina, and that the Senator from North Carolina may reply, without my losing the floor.

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

Mr. LAUSCHE. Mr. President, I should like to know whether the Senator from North Carolina, or anyone else, has made an analysis of the 28 statutes, to ascertain whether basically there was a time when courts of equity did exercise jurisdiction because of the nature of the wrong. I look at the enumeration in the House report, and find that in a number of instances there are aspects of nuisances being in existence.

Mr. ERVIN. That is particularly true of the statute, for example, involving the construction of bridges over navigable streams. The United States has jurisdiction over navigable streams, and that statute, therefore, prevents the erection of bridges over navigable streams without the consent of the United States.

Mr. LAUSCHE. It would be extremely helpful and interesting to learn how many of the 28 statutes deal with actions which originally and genuinely were in law and never in equity in England.

Mr. ERVIN. I would say that most of the statutes deal with newly created rights belonging to the United States in its capacity as a sovereign Nation. None of the 28 statutes antedate 1887, when, as I recall, the Interstate Commerce Commission Act was passed. That was the first of such acts. Since then other acts have been passed, pursuant to the request of Government attorneys that they be given special procedural advantages over private citizens.

Mr. LAUSCHE. I also observe, from a rather cursory examination of the list, that in a number of instances the Federal Government, in attempting to give protection to the citizen in his working rights and to business organizations in their efforts to operate, had them voluntarily come within the provisions of the law and then exercise the power of injunction to enforce compliance. I have not analyzed them, but it would be very interesting to have such an analysis made.

Mr. ERVIN. Mr. President, I will say to the distinguished Senator from Ohio that I have had an analysis prepared by the American Law Division of the Library of Congress, which I shall put into the RECORD later. However, I will say, from studying these statutes myself, that not one of them bears any more resemblance to the civil-rights bills than any homely face bears to the beauteous countenance of Miss America.

Mr. LAUSCHE. Frankly, my approach to the problem is that when the Constitution declares we shall have courts of law and courts of equity, the Founding Fathers contemplated that to those respective courts shall be assigned various actions which historically in England were assigned, respectively, to courts of equity and courts of law.

If that be true, we have had possibly 28 departures from that practice. It may be, upon examination, that we would find in the list of 28 statutes some which could justifiably have gone into a court of equity, and some not.

Mr. ERVIN. That is true. For example, the one which refers to public lands, could fall into the first category because the protection of property rights historically belongs to a court of equity. The Senator from Ohio is eminently correct when he says that the Founding Fathers, when drafting the Constitution, in making reference to equity, contemplated that equity jurisdiction should be exercised in the same general area in which it then operated.

Mr. LAUSCHE. I thank the Senator.

Mr. SPARKMAN. The list to which the Senator from Ohio has referred, and which was placed in the RECORD by the Senator from Illinois [Mr. DOUGLAS], is to be found at pages 62 and 63 of the Senate hearings.

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

Mr. SPARKMAN. I shall be happy to yield in a moment.

I may say to the Senator from Ohio that one thing to remember about the 28 statutes is that some of them do not come into effect unless or until the defendant has already had an opportunity to have his case heard. Some of them parallel the right to jury actions.

The Senator from North Carolina pointed out a few moments ago 2 or 3 different situations in which the defendant has a right to go into Federal court and have a trial by jury on the facts involved.

So I think it would be necessary to make a rather careful study of all 28 statutes to determine which are analogous. But, regardless of that, my argument is that we have departed too far already from proper procedure, and that this bill represents bad practice; it is a bad precedent to set. Because a mistake has already been made, we should not get farther off the track.

The Founding Fathers, who wrote the fundamental instrument of government under which we live today, took pains to point out that they were rebelling against the King because he had sought to change the system of the courts. He had sought to impose his will upon the people through insisting on the rights of the King, through the changing of the judges, through the changing of the established courts, and by denying the right of trial by jury. The latter was one of the great causes which justified the colonists in resorting to war. They said so in the Declaration of Independence.

When the Constitution was drafted there was written into it article III, section 2, guaranteeing the right of trial by jury in the case of all crimes except in cases of impeachment. But the people were not satisfied. They said the right was not stressed strongly enough. So an agreement was made to submit 10 amendments to the first session of Congress. Those 10 amendments were adopted before the people accepted the present charter of our Government, the Constitution.

Of the 10 amendments, 3 guarantee the right of trial by jury in all cases of crime, and in civil actions except where the amount of money involved is less than $20. That is the extent to which the writers of the Constitution went to make certain that the right of trial by jury would be preserved in our Government.

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

Mr. SPARKMAN. I yield.

Mr. CARROLL. I should like to propound a few questions to either the distinguished Senator from Alabama or the distinguished Senator from North Carolina.

Mr. SPARKMAN. In order to protect my position, the Senator's questions will have to be addressed to me, unless he obtains unanimous consent to address them to the Senator from North Carolina.

Mr. CARROLL. Mr. President, I ask unanimous consent that, without losing his right to the floor, the distinguished Senator from Alabama may yield to me so that I may propound questions to the distinguished Senator from North Carolina.

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

Mr. CARROLL. I ask these questions in all good faith, because as the debate has progressed, the questions have occurred to me.

Is it not true that the Federal Government has the power of injunction irrespective of statutes? For example, there is no Federal statute with reference to segregation. There is a Supreme Court decision. Cannot that decision, which is now effective and is the law of the land, be enforced by a private individual in any State simply by his going into a Federal district court and asking the court to enjoin those who interfere with that right?

Mr. ERVIN. I do not understand the Senator's question in the light of the premise concerning the Federal Government. The Senator started with a statement concerning the Federal Government and ended with a question about a private individual.

Mr. CARROLL. I have reference to a private individual going into a Federal court, seeking injunctive relief.

Mr. ERVIN. Under the existing civil-rights statutes, a private individual has the right to go into a Federal court to seek injunctive relief, but when he does so the defendant has the right, in the event he is charged with contempt of court, to two important benefits under sections 402 and 3691 of title 42 of the United States Code.

First, he has the right to trial by jury before he can be punished for contempt, because every violation or deprivation of civil rights is a crime under some Federal law.

Second, he has the benefit of the limited punishment provision under those statutes. He cannot be imprisoned for more than 6 months or compelled to pay a fine to the Federal Government of more than $1,000. If this civil-rights bill were passed, he would be deprived of the benefit of both of those rights.

Instead of being subject to imprisonment for only 6 months, he could be sent to prison for years. The Federal courts have upheld sentences for as much as 4 years in cases not covered by these two statutes. How many more years he could be imprisoned, no one knows, because the Federal courts have said that the only limitation on punishment in a case not coming under those two sections is the nebulous and vague prohibition of the eighth amendment prohibiting excessive fines and cruel and unusual punishment.

Mr. CARROLL. I desire to bring my questions down to specific cases. I will ask a specific question relating to a current example, namely, the case in Clinton, Tenn., which arose, as I understand, under the Supreme Court school integration decision. There is no statute on integration, but the Supreme Court of the United States, interpreting the Constitution, rendered such a decision. Arising therefrom is the Clinton case in Tennessee.

Let us see how this case arose. A private person went into a Federal court and asked the court to enter an injunction, and the court did so. Was not that injunction order based primarily on the Supreme Court decision?

Mr. ERVIN. There are civil-rights statutes which give a private individual the right to bring a suit for injunctive relief whenever he is denied the equal protection of the laws.

Until May 1954, the Supreme Court of the United States, State courts, the President, Congress, and the State legislatures said that the States had a right to segregate their children in the public schools on the basis of race. Therefore, for the 86 years next preceding May 1954, the Constitution permitted segregation in the public schools on the basis of race, according to the interpretation placed on it by the Supreme Court. In May 1954, the Supreme Court repudiated, on the basis of sociology and psychology, the holdings which had been made under the 14th amendment throughout the preceding 86 years, a period, incidentally, which was longer than that which elapsed between the ratification of the original Constitution and the adoption of the 14th amendment.

After the decision of 1954 became effective, the statutes giving an individual the right to go into a Federal court to prevent, by injunctive relief, any denial of the equal protection of the laws clause became applicable to the school cases.

Mr. SPARKMAN. As a matter of fact, I think the Senator from Colorado is in error in his understanding. In Clinton, Tenn., the board of trustees voted to integrate the schools, and it was in the effort of integration that the defendants in the present cases created disturbances.

Mr. CARROLL. The Senator from Colorado is not in error, because that is the point he wanted to make. It was a private person that went into the Federal court to seek relief.

Mr. SPARKMAN. The school board voted for it; and in the effort to carry out

the integration, there was a disturbance; and in that connection the defendants were arrested.

Mr. ERVIN. Let me state my understanding of what happened in the Clinton, Tenn., case. First, I should like to say that the Federal Government has no legal right in a school-integration case, under exisitng law.

In the Clinton, Tenn., case, the parents of certain colored children brought a suit against the school board of Clinton, to compel the admission of their children to the Clinton school. The court issued an injunction, ordering the school board to admit those children to the school; and they were admitted to the school by the school board pursuant to that injunction.

Mr. SPARKMAN. That is correct.

Mr. CARROLL. What was the basis of the injunction?

Mr. ERVIN. The basis of the injunction was that the children——

Mr. CARROLL. I ask what was the basis in law, not in fact. Was not the basis of the injunction the Supreme Court decision?

Mr. ERVIN. The basis of the injunction was the Supreme Court decision of May 1954, repudiating the rule which had prevailed during the preceding 86 years and holding to the contrary that the equal protection of the laws clause of the 14th amendment forbids segregation in public schools on the basis of race.

Mr. CARROLL. That is the point I was trying to make. The basis of the injunction was a judicial decision—which, as we lawyers know, is one of the ways of making laws, whether we agree with that or not. The courts by their decisions make laws; and the Congress makes laws by statute. This court practice has come down through the common law, following what we call the doctrine of stare decisis.

Mr. ERVIN. No; the Supreme Court decision is a repudiation of the doctrine of stare decisis.

Mr. SPARKMAN. Yes; a complete repudiation.

Mr. CARROLL. I understand that is the Senator's position. Of course, the Supreme Court desegregation decision overruled the decision in the case of Plessy against Ferguson, which had been the rule since 1856.

But my point is that the Supreme Court interpretation—whether or not you agree with it—gave rise to a right on the part of an individual or group of individuals to go into a Federal Court and obtain injunctive relief. They did so, and they got it—recently in Tennessee.

Mr. ERVIN. I will say to the distinguished Senator that the individuals were able to go into the Federal court and obtain relief on the theory that they had been denied the equal protection of the laws, under the 14th amendment. There were several statutes which gave them that power and conferred upon the Federal court jurisdiction to try cases of that nature.

Let me say that I disagree with the Senator in one respect. It is not the function of the courts to make laws. The lawmaking power of the Nation is vested in the Congress; and whenever the Supreme Court undertakes to make law, it is usurping the power of the Congress, and is exercising a power denied to it by the very Constitution which it professes to interpret.

Mr. CARROLL. Let me say to my friend, the Senator from North Carolina, that I do not want to debate that point now. I wish to follow through on the question of injunctive relief.

The situation in Clinton, Tenn., as I understand it, is that one man, who has violated the Federal court's injunction, has been sentenced, and I think he is out on appeal.

Mr. ERVIN. And the sentence imposed on him has been affirmed by the circuit court, and now he has appealed to the Supreme Court.

Mr. CARROLL. Therefore, we have the injunctive power, under the equity power of a Federal court, stemming from the civil-rights statutes, which in turn stem from a Supreme Court decision. The power has been exercised in this new field, if we wish to put it in that category.

But there is another category; a sweeping injunction was issued against perhaps the whole county, and some say against the whole State. That trial is underway now—a jury trial. Why? Because it involves some facts. Am I correct in my premise there? Is that a jury trial, based on the injunction?

Mr. ERVIN. Regardless of the origin of the matter, I agree with the Senator that under existing law, private individuals can go into Federal court and sue to obtain the admission of their children to a public school, when such children are allegedly barred from the school because of race.

I agree with the Senator that contempt charges arising in the Clinton, Tenn., case as now being heard in the United States District Court at Knoxville, and that a jury has been impaneled to try the case.

Mr. CARROLL. A jury has been impaneled to try what? To try a question of fact as to whether those persons knowingly violated the court's injunction.

Mr. ERVIN. That is correct.

Mr. CARROLL. Is that not the basic issue?

Mr. ERVIN. The jury has been impaneled to try two issues of fact. As the distinguished Senator from Colorado knows, some years ago there was a great deal of abuse of the contempt processes, particularly against newspapers which criticized court decisions. Under the Federal rules which have been developed in recent years, a person cannot be punished for contempt of court unless he was a party to the action in which the injunction was originally issued, or unless, as the distinguished Senator says, he has knowledge of the existence of the injunction. Furthermore, the Federal rule provides that he must not only have knowledge of the injunction, but he must act in concert with the party against whom the injunction was directed. So we have those two questions of fact.

As I understand it, the reason why there is a right of trial by jury in the Clinton case is the fact that under sections 402 and 3691 of title 42 of the United States Code, the contemptuous acts alleged against the defendants are acts which are also crimes.

Mr. CARROLL. And also in violation of State criminal statutes.

Mr. ERVIN. Yes.

Mr. CARROLL. Mr. President, I wish to thank both Senators for their answers to my questions. Their answers help me to clear my own thinking about this matter.

If the Senator from Alabama will permit me to do so, I wish to leave the matter of segregation for a moment, and to consider the right to vote.

Mr. ERVIN. Let me say that the only reason why the action at Clinton, Tenn., was brought originally by private persons against the school board—and, of course, Kasper was later brought into it—and the only reason why the Federal Government is involved at all is that traditionally, when one is prosecuted for criminal contempt of an order of a Federal court, it has been customary in times past for the prosecution to be conducted in the name of the Federal Government. That is the only reason why the Federal Government is in the Clinton, Tenn., case. Until this civil-rights bill is passed—if it is passed—the Federal Government will have no legal right of itself to go into these school cases.

Mr. CARROLL. I shall discuss that in a moment, because I think now we are getting down to the nub of these matters.

Actually, then, we have a situation where, by the exercise of a constitutional right, an individual sought an injunction; and that injunction—whether rightly or wrongly issued—was violated; and it was issued by a Federal court, in connection with a civil right.

As a result of the violation of that injunction—I do not know what the specific facts are, but they must be very clear to the court—the Federal court, in the exercise of its jurisdiction, imposed punishment of 1 year in jail, as I recall. Let me say that my information is gathered from the newspapers; and, therefore, I presume my information is reasonably reliable, but I cannot vouch for its entire accuracy.

But now we have a different situation. We have the same defendant, but with a larger group of persons, in a proceeding where facts must be determined. In this case, I think, under the Constitution they have a right to a trial by jury.

Now we come to what is really the crux of the whole discussion today. We have talked about a private individual in a segregation case having the right to go into Federal court.

What we now see, as I read the Judiciary Committee hearings—and I want the distinguished Senator from North Carolina to correct me if I am in error, because I read very carefully his very skillful—and I use that word in a very fine sense—and penetrating cross-examination of Attorney General Brownell: As I understand the whole matter, stated briefly it is that the Federal Government is now attempting to add to its powers the power to intervene and to institute

suit on behalf of the individual under the injunctive process, rather than to leave it to the private individual to institute suit on his own behalf.

Mr. ERVIN. And in order that the Federal Government may evade the two benefits which the defendants otherwise would have under sections 402 and 3691 of title 42 of the United States Code.

Mr. SPARKMAN. In other words, the right of trial by a jury and the limitation on the punishment.

Mr. CARROLL. I must say that whatever may be the right of trial by jury—regardless of what rights the Congress would give the Attorney General—the individual is still protected by the same constitutional safeguards that are being applied in Tennessee today—namely, that in certain cases where there is a question of fact there must be a right of trial by jury.

Under certain factual situations, they must have a right to trial by jury. A June 24, 1957 Supreme Court dissenting decision by Justice Brennan in the Times Book Shop case, which had to do with the obscenity statute of New York, argued in behalf of jury trials in certain equity causes. The majority opinion in this case is very important but I shall not discuss it at this time.

I should like to mention one more thing. Returning now to the right to vote, that is a right that has been recognized by Supreme Court decisions as a basic constitutional right also; is it not?

Mr. ERVIN. No; at least, I would not go that far. The Constitution of the United States has two provisions with reference to the right to vote. The first is contained in article I, in its relation to the qualifications of persons who are permitted to vote for Members of Congress. The other is contained in the 17th amendment and has reference to persons who can vote for Members of the Senate. These two constitutional provisions provide, in virtually identical language, that in order to have the right to vote for a Member of the House of Representatives or a Senator, a person must possess the qualifications prescribed for electors of the most numerous branch of the State legislature in the State in which he resides. This being true, the Constitution of the United States gives to the States the rights to prescribe qualifications of voters for candidates for the House of Representatives and the Senate, subject to two limitations. The first is the limitation of the 15th amendment, that the States cannot deny or abridge the right of any man to vote because of race, color, or previous condition of servitude. The other is the amendment on women's suffrage, the 19th amendment, which provides that the States shall not deny or abridge the right of any citizen to vote on account of sex.

Mr. CARROLL. May I put the question more simply? In the South or anywhere else in the Nation can any citizen go into a Federal court and ask for injunctive relief to protect him in his right to vote?

Mr. ERVIN. He can, after he has applied to the State authorities and has gone through his administrative remedies in that regard. When he has exhausted those remedies, he can go into a Federal court and sue individually for injunctive relief.

Mr. CARROLL. To protect his constitutional right?

Mr. ERVIN. Yes. In that case the statutory right of a trial by jury and the statutory limitation of punishment would apply in contempt cases.

Mr. CARROLL. The decision of Exparte Yarborough, which goes back to 1883, discusses article I of the Constitution. Just as the distinguished Senator from North Carolina has indicated, the case says that it is a fundamental and basic constitutional right. Therefore, from the remarks of the distinguished Senator from North Carolina, I assume he is saying that a citizen would have the right to injunctive relief if he exhausted his remedies in the State court.

Mr. ERVIN. I think the Senator from Colorado and I are in complete agreement thus far on what the law is at the present time.

Mr. CARROLL. Another question then arises. By virtue of numbers of Supreme Court decisions, interpreting the Constitution and the rights arising under the Constitution that is basic and fundamental—the right to vote—having exhausted his remedy in the State court, a private individual would have a right to go into a Federal court. Having the right to go into a Federal court, is it not true that the Federal court could exercise its equity power and enjoin, restrain, or give mandatory injunction?

Mr. ERVIN. The Federal court could exercise its power to restrain the State officials from denying the right of a person to vote on account of race or sex.

Mr. CARROLL. That would be so if there was issued an injunctive order, either restraining or mandatory. If that question resolved itself upon a question of fact, of course the individual going into court would have to make a showing, as the distinguished Senator from North Carolina so ably pointed out in committee. Most of such cases are ex parte hearings, but the party would have to make an affidavit, and the judge might say, "We will have a hearing on the merits right away." If the person enjoined violated the injunction, he would be subject to the penalty of the court and could be put in jail.

Mr. ERVIN. But he would have the benefit of the two statutory rights.

Mr. CARROLL. Where there is a violation of an injunction order which conflicts with or includes a State criminal statute, I think, under the Constitution, individuals are entitled to jury trials. Would the Senator not agree with that statement?

Mr. ERVIN. I would say that is my personal interpretation of the Constitution. But others interpret it differently. Those backing the bill think they can get around the constitutional right of trial by jury by resorting to equity proceedings. If the constitutional right of trial by jury can be bypassed by resorting to equity proceedings in civil-rights cases, then the constitutional right of trial by jury can be bypassed in all other cases by equity proceedings and the solemn constitutional guaranties of the right of trial by jury converted into empty phrases expressed in idle and ironic words.

Mr. CARROLL. I appreciate the patience of the distinguished Senator from Alabama, but I should like to ask just one or two more questions on this point. It seems to me this concerns again the right to vote. I put this question again, just as I put the question on segregation. What the Attorney General seeks to do is enlarge the power of the Federal Government to intervene in behalf of an individual or a State official or a group of individuals to guarantee the right to vote. The Federal Government seeks to enlarge and broaden its powers to move into this field.

Mr. ERVIN. The Attorney General seeks to obtain for himself complete authority over this proposed law, which he can use for the benefit of some people and refuse to use for the benefit of other people in like circumstances, and which he can use against some supposed offenders and refuse to use against other supposed offenders in like circumstances. The Attorney General has stated he wants the proposed law so he can avoid the right of trial by jury. That is what he frankly admits. He puts it in more polite language. He says juries may be reluctant to convict.

Mr. CARROLL. I think the Senator from North Carolina agrees with me that the purpose of the legislation is to provide the United States Government, through the Attorney General, injunctive powers which it does not now possess on the right-to-vote issue. Is that not true?

Mr. ERVIN. The purpose is to give that right, not to the United States but to the Attorney General.

Mr. CARROLL. He is an official of the United States. Is it not true the power of the Federal Government is sought to be enlarged?

Mr. ERVIN. I would say the Attorney General is seeking to enlarge his own power to the point where he will have private possession of a public law. If the civil-rights bill is passed, nobody in the United States can have anything to do with putting it into effect except the Attorney General. The bill seeks to give him complete authority over the proposed law. The Attorney General says, in effect, that the reason he wants the civil-rights law is that if he is required to establish allegations in civil-rights cases by the oral testimony of cross-examined witnesses to the satisfaction of a jury he might lose some of the cases he would like to win.

Mr. CARROLL. I will say to the Senator from Alabama that I do not wish to argue this question. I am not going to argue the Attorney General's case. I merely wanted to clarify the RECORD.

I shall conclude with a statement and an observation. It seems to me that in the two cases we have been discussing, as in all civil-rights cases, where the power exists, the individual himself, with certain limitations, may go into Federal court and gain the protection of the Federal court. An injunction can be issued, and if there is a violation a penalty can be imposed. Where the issue

is clear, and the penalty is clear, a sentence or a fine can be imposed immediately. Where there is a question of fact which involves the statute, a jury trial must constitutionally be given.

If that is true, there is nothing this Congress can do to broaden the power of the Attorney General, except to give him the right to intervene, which he does not now have. We can legislate, but we cannot change the basic constitutional concepts. That is something I leave for the Senator to think about.

This debate has been stimulating my thinking. I am deeply grateful to the distinguished Senator from Alabama and the distinguished Senator from North Carolina for permitting me to participate.

Mr. SPARKMAN. I thank the Senator.

Mr. ERVIN. Mr. President, will the Senator permit me to make one other observation?

Mr. SPARKMAN. Yes.

Mr. ERVIN. I will say to the distinguished Senator from Colorado that I think he and I are in accord on the law. We probably express it differently, but in substance we agree.

I agree with the Senator. I do not think we can circumvent the Constitution by any such process. But there are a lot of people who do, though. The Attorney General thinks he can, and that is why he wants this bill.

I will say two other things. As the distinguished Senator from Colorado knows, part III is far broader than simply the right to vote. It would cover every field in which a State is authorized either to act or to legislate under the clause of subsection 3 relating to the equal protection of the laws.

Another thing of importance is that this bill would empower the Attorney General, in any suit brought by him under it, automatically to nullify State laws prescribing remedies. I think that is as drastic as anything could be.

Mr. CARROLL. I will say to the Senator that I want the RECORD to be clear. While I have not defended the Attorney General in this matter, I have merely attempted to bring into focus two important points.

I do not deny the validity of the position of the Attorney General. But I may not go all the way with him. In either event I do not want to find myself in a position where I would be foreclosed; where somebody would have an opportunity to say, "You did not say that the other day; you are changing your position." In my own mind I am not so much alarmed about extending the injunctive process to the Attorney General concerning the right-to-vote issue, because I think there are constitutional safeguards which can protect citizens of Colorado or the South or the North, East or the West. There are certain additional powers we can give to the Attorney General, without depriving or taking away any constitutional rights.

I thank the Senator from Alabama.

Mr. SPARKMAN. I thank the Senator from Colorado and the Senator from North Carolina for the very fine and helpful discussion they have had.

Let me say that my own individual thinking is that since the right of trial by jury is safeguarded by the Constitution, why should we enact a piece of legislation which seeks to take away that right? There is one danger involved, and that is that the construction might be put upon the bill that it is an exercise of equity, and trial by jury would not be empowered.

Certainly, in my opinion, to give to the Attorney General of the United States a dictatorial power, without the right of intervention of a jury trial, would be preposterous.

I hope the Senator from Colorado will keep in mind something the Senator from North Carolina kept saying over and over, namely, that the passage of the bill would not mean giving this power merely to the United States Government, but would mean giving it to the Attorney General in person. It is a power to be given to a person. The Attorney General would have the right to act or not to act. He would become the sole controller of what is done.

Mr. CARROLL. May I say something further, if the Senator will yield?

Mr. SPARKMAN. Yes; I yield to the Senator from Colorado.

Mr. CARROLL. We must always remember that we should be chary and wary of placing too much power in the hands of any individual or in the hands of the Government itself. But there is always a balancing power. We have the Federal judges, who come from Southern States. I read the biography of the judge now sitting on the case in Tennessee. He comes from a southern family with a long and distinguished history. That judge understands the people of his area. That is one check.

There is another check. Whenever any Federal judge abuses his discretion and does not accord the people of the area their constitutional rights, a check is provided—the right of appeal.

We have a further check on the Attorney General. If he goes too far we can always impeach him. I realize that this is difficult to accomplish, but these checks and balances, I believe, can be brought into focus, and I think the point is well illustrated by what is going on in Tennessee today.

Mr. SPARKMAN. I hope the Senator from Colorado will never arrive at such a point that, regardless of what he thinks of the judges, he is willing to place in their hands the trial of facts in any case. Our forebears were not willing to do that.

I know Federal judges who are my close personal friends. I would risk anything with them, but, at the same time, the time-honored tradition of our system of justice is that a man who is accused of some criminal act is entitled to have a jury of his peers pass upon it. It is not referred to one man, but there must be a composite of the whole jury. There is a tremendous difference there.

By the way, because so much of my time has been taken, I am not going to read today, but I hope sometime in the course of this debate perhaps to speak again and to read at that time, an article which quotes a great many of our very finest people, the leaders back in the early days of our Government, great judges themselves, who expressed their implicit confidence in the jury system as being a superior system to any other system ever evolved.

Mr. CARROLL. If the Senator will yield further, I should like to say to him that I fully subscribe to that viewpoint. I have full confidence in the jury system. We in Colorado have such confidence in the jury system that there is a constant effort to improve it. In recent years women jurors are playing an important part in our jury system. We do not even permit the judges in the State courts to comment on the evidence in jury trials.

Mr. SPARKMAN. I hope the Senator will keep in mind that I have been trying to point out the grave danger of the tendency to get away from jury trials. It is not important only in regard to this case.

As a matter of fact, the president of the American Bar Association, who spoke in Texas a few days ago, felt called upon to make some comment on the matter. I am sorry I do not have the clipping here, but perhaps the Senator observed the article in the newspaper. The distinguished Senator from North Carolina, I believe, made reference to it on Monday. It can be found in the CONGRESSIONAL RECORD.

The president of the American Bar Association, who comes from a northern State—Pennsylvania, I believe—called attention to an apparent concerted drive in this country to lessen the utilization of the jury system, and he condemned it strongly. He gave good reasons why the jury system should be sustained.

I remember that old saying we were taught in the law school, dating back, I guess, to the days of Coke:

> It were better that 99 guilty should go free than that 1 innocent should be punished.

The jury system sometimes will make mistakes, undoubtedly, we believe, but it is the best system that has been found yet.

By the way, I should like to say also that while people talk about civil rights, the No. 1 civil right in this country today is the right of trial by jury. When one loses that right one has lost the keystone of his civil rights.

I, for one, am not going to participate in an assault on any part of that right. I believe in it. I believe we ought to maintain it. I do not believe we ought to be flirting with any such provision as is carried in this bill.

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

Mr. SPARKMAN. Yes; I yield.

Mr. CARROLL. It seems to me we have a conflict of constitutional rights. I fully subscribe to what the distinguished Senator from Alabama said about the jury system and its application to criminal acts. Of course, under the Constitution we must have jury trials in certain cases. The question of the right to trial by jury is a basic, fundamental, constitutional right, which comes down to us, as the distinguished Senator has said, through hundreds of years.

We also have many other constitutional rights. One of those fundamental rights is the right to vote. Almost every

Member of the Senate, and almost any American citizen anywhere, says, "Of course, the right to vote is fundamental." Why? Because under the Constitution the power is vested, not in the Supreme Court, or the Congress, not in the President, but in the American people. And in order to assert and exercise that power, the people everywhere in every State must have not only the right to vote but the opportunity of exercising their right.

Mr. SPARKMAN. But the Constitution did not give to the Federal Government the determination as to who should have the right to vote. It gave it to the States, in the very first article of the Constitution.

Mr. CARROLL. But there are many Supreme Court decisions——

Mr. SPARKMAN. I am talking about the Constitution of the United States.

Mr. CARROLL. So am I.

Mr. SPARKMAN. The Constitution gave that power to the States. The 15th amendment contains a provision—and most of the decisions the Senator speaks about have been based on the 15th amendment——

Mr. CARROLL. But the distinguished Senator from Alabama has heard the discussion with the Senator from North Carolina, has he not?

Mr. SPARKMAN. I heard it.

Mr. CARROLL. Supreme Court decisions under article I, section II, of the Constitution, discuss the inherent right, the basic right of the citizen to vote; and the Supreme Court says it must be protected.

Mr. SPARKMAN. But the Supreme Court has never taken away from the States, in any of its decisions, the right of the individual State to set the requirements for registration.

Mr. CARROLL. Of course not. I agree with the Senator. But the Supreme Court has said to certain States, "You may not set up standards which violate the constitutional right to vote."

Mr. SPARKMAN. Yes.

Mr. CARROLL. It has said, "You are interfering with the right to vote." That is why I asked the question of the distinguished Senator from North Carolina, as to whether the individual had a right to go into a Federal court to protect the constitutional right which exists. I think we are in agreement on that point.

Mr. SPARKMAN. I think we are, too.

I want the Senator from Colorado to remember that every question he put to the distinguished Senator from North Carolina about the expansion of these powers tied into the right of trial by jury.

In every one of these proceedings to date, under statutes relating to the right to vote, or relating to any criminal violation, the right of trial by jury is preserved. But the Attorney General is asking Congress to say that the right of trial by jury shall be taken away.

Mr. CARROLL. I think perhaps I oversimplified the situation. The Attorney General is asking for that power which exists now only in the hands of the private individual.

Mr. SPARKMAN. No. He is asking for more than that. That is what I am asking the Senator from Colorado to keep in mind. He is asking for the power which now vests in the hands of the individual citizen. He is asking to have the right to say whether that power shall be exercised. He is asking for the right to take it away from the individual citizen and exercise it in his own name, on behalf of the Government of the United States.

But he goes beyond that, and asks that he have that right to proceed, without the intervention of the jury. That is the point I want the Senator from Colorado to keep in mind.

Mr. CARROLL. Is it not true——

Mr. SPARKMAN. That if the individual started the action, there would not have to be a trial by jury?

Mr. CARROLL. Yes.

Mr. SPARKMAN. I cannot understand that at all.

Mr. CARROLL. That is my impression.

Mr. SPARKMAN. No. The defendant is assured of the right of trial by jury, and of a limitation on the amount of punishment. The Senator from North Carolina brought that out time after time. But this bill seeks to do away with all that.

Mr. CARROLL. If that is what the Senator from North Carolina has said, I am afraid that I did not understand that to be the situation.

Mr. SPARKMAN. Every time the Senator asked him the question, he would say, "Yes, that is true; but the defendant would have two rights assured to him, namely, the right of trial by jury and the right of limitation of punishment"—for example, not more than 6 months' imprisonment and not more than $1,000 fine.

Mr. CARROLL. If that is the situation, I disagree with that concept. Assuming that the individual had that right—and I think it is admitted he had—I thought I put the question to the Senator from North Carolina——

Mr. SPARKMAN. I cautioned the Senator from Colorado several times to keep in mind two things which the Senator from North Carolina was so careful to say—that the defendant in such a case as the Senator from Colorado described would have the right of trial by jury and the right of limitation of the penalty to be imposed.

Mr. CARROLL. Is the Senator from Alabama now saying that the private individual, proceeding under the particular civil-rights statutes, cannot go into Federal court and obtain an injunction?

Mr. SPARKMAN. No; I did not say that. However, I did say that if he did, the defendant against whom the proceeding developed would have the right of trial by jury.

Mr. CARROLL. In other words, as I understand, it is the contention that in in the protection of that right, if there were a violation of the injunction of the Federal judge, the judge could not punish without giving the defendant a jury trial.

Mr. SPARKMAN. Yes. That is what is going on down in Tennessee today.

Mr. CARROLL. That is the situation today, because statutes are involved. That was not what the Federal judge did to Kasper in connection with the first violation of the court's injunction order.

Mr. SPARKMAN. Because the case came within the narrow confines which I discussed in the early part of my remarks. Perhaps the Senator was not present at the time. This is historic. The judge can punish for contempt committed in the judge's presence, or so near as to interfere with the proceedings of the court.

Mr. CARROLL. I understand that. That is basic law.

Mr. SPARKMAN. It has been the law for a long time.

Mr. CARROLL. That is correct. It is my impression that in the Kasper case, in connection with the first injunction, there was a violation of an injunction order of the court, occurring not in its presence. Out of deference to the distinguished Senator from Alabama——

Mr. SPARKMAN. I shall refresh my recollection as to the facts in that case, and I invite the Senator from Colorado to do likewise.

Mr. CARROLL. I shall be happy to do so.

Mr. SPARKMAN. I think I am correct in what I have said.

Mr. CARROLL. I thank the Senator for the time he has given me.

Mr. SPARKMAN. The Senator from Colorado has made a very fine contribution to the argument.

Mr. President, I wish to move along.

The time has come for documented answer to an argument used by the men who have authored and supported the President's civil-rights bill.

The argument tells us that courts have an inherent right to inflict punishment through summary trials, wherever disobedience to an injunction may be involved.

The argument explains to us that Congress cannot limit the court's power to issue injunctions or to enforce them without benefit of juries.

This argument sets before us the constitutional doctrine of separation of powers. Congress, it declares, cannot invade the powers of the courts. It cannot limit in any way the powers of the courts.

This argument goes so far as to say that Congress cannot limit the courts' powers to legislate through injunctions.

The President's civil-rights bill would expand beyond all historical bounds the authority of courts to issue injunctions and to enforce them. Yet, ironically, its supporters tell us that any opposition to this intention would be a violation of the Constitution. Here the argument reaches absurdity indeed. It is time, according to this theory, that Congress, under the Constitution, cannot in any way amend or abridge the summary powers of the courts to enforce their own orders—in effect, to enforce their own legislation.

A very scholarly and forceful answer to this question was given 33 years ago. This answer was so sound and definitive that it has itself become a recognized part of American law.

This answer, written by two Harvard scholars who then were relatively unknown, was published in the Harvard

Law Review in 1924. Since that time both of these men have attained great eminence in the public life of this Nation. One of them, Felix Frankfurter, has since found his way to the Supreme Court. The other was James M. Landis, who, if I recall correctly, served as dean of the Harvard Law School, and occupied several governmental positions.

This is a northern answer, published by a northern law school, and at least one of the authors must be accepted by the civil-rights proponents as authoritative. I did not compose this answer. It is a northern answer, and one of its authors also collaborated in the Supreme Court's decision of May 17, 1954.

These authors wrote their answer during the controversy over the constitutionality of the Clayton Act of 1914. This great act gave the right of jury trial to defendants in labor-injunction cases. There were those who bitterly opposed the rising labor unions, and who charged that Congress, in the Clayton Act, had violated the separation of powers and the inherent powers of the courts and the immemorial usage of the common law.

Frankfurter and Landis, in a heavily documented article, showed how little substance this argument contained.

Now that another minority is defending its right to jury trials against a widely expanded injunctive power, we again hear the argument that Congress cannot constitutionally guarantee jury trial in contempt cases.

The argument was succinctly stated recently in a national magazine. The magazine wrote:

> SAM ERVIN'S trial-by-jury slogan was taken up by southern newspapers. Indeed, the issue worried many who were otherwise friendly to civil rights. Yet the contempt citation is the judiciary's historic enforcement tool. Jury trials in contempt cases have absolutely no basis in equity or constitutional law and precious little legislative sanction. * * *
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> As early as 1894, the Supreme Court wrote: "Surely it cannot be supposed that the question of contempt of the authority of a court of the United States, committed by a disobedience of its orders, is triable, of right, by a jury."

That is the argument that is being made by some.

The answer, as written by Mr. Frankfurter and Mr. Landis, is found in the Harvard Law Review.

I shall not take the time to read the entire article at this time. I hope that in a later speech I may have the opportunity of reading the entire treatise, because it is one of the clearest I have seen which deals with this subject.

I wish to read an excerpt from it, which comments on the matter of contempt and contempt proceedings, and the abuse of the power of a judge to impose punishment for contempt. I wish to read the section which I think is of historic importance, and one which has a direct bearing on the subject before us. I read from page 1024 of the Harvard Law Review of June 1924:

> There was abuse. A succession of grievances against the exercise of arbitrary judicial power culminated in the proceedings of impeachment against James H. Peck, a judge of the Federal District Court for the District of Missouri. The dramatic outlines of the story are well known. But the significance of the case to the subsequent Federal law of contempt lies in the details of its history—the circumstances of the impeachment proceedings, the consideration given to the law of contempt in the course of the arguments at the trial, its repercussion upon the legislation of the country. Judge Peck imprisoned and disbarred a lawyer for publishing a detailed criticism of an opinion while an appeal from him was pending. After the fullest consideration, articles of impeachment were presented by the House of Representatives, and Judge Peck was put to trial before the Senate. Peck's conduct was defended chiefly upon his good faith in following what purported to be the stanch precedents of the common law. These were decisions which Lord Coleridge 15 years later thus characterized: "There are many cases in the older digests and abridgments on this subject, undoubtedly of a severe and stringent nature, and such as would ill bear to be applied in the present day." This defense, doubtless considerably reinforced by humane considerations, accentuated in this instance by the judge's age and blindness, saved the day for the judge. He was acquitted, but 21 out of 43 Senators pronounced him guilty.
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> In his closing argument Peck's chief counsel, the great William Wirt, told the Senate that "if the law [of contempt] as it stands be disapproved, it is in the power of Congress to change it." Peck was acquitted on January 31, 1831. The very next day, February 1, 1831, Congress set in motion the process to change it. On that day the House, without a division, directed its Committee on the Judiciary "to inquire into the expediency of defining, by statute, all offenses which may be punishable as contempts of the courts of the United States, and also to limit the punishment of the same." In compliance with this resolution the Committee on the Judiciary, through James Buchanan—

Who later became President of the United States—

> who had had charge of the prosecution against Peck, promptly, on February 10, brought in a bill, "declaratory of the law concerning contempts of court." On February 28 the bill passed the House. On March 2 it was reported by Webster from the Senate Committee on the Judiciary. On the same day the measure received its final form in both Houses, was approved by the President, and became law. The powerful legislative influence generated by Peck's trial did not exhaust itself in Congress. So deeply did the Peck case stir the country that State after State copied the new Federal law.

I shall not read the entire statute, but I wish to read the pertinent part at this time. It reads:

> That the power of the several courts of the United States to issue attachments and inflict summary punishments for contempts of court, shall not be construed to extend to any cases except the misbehavior of any person or persons in the presence of the said courts, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of the said courts in their official transactions, and the disobedience or resistance of any officer of the said courts, party, juror, witness, or any other person or persons, to any lawful writ, process, order, rule, decree, or command of the said courts.

In other words, what Congress was doing by formal action was to confine the exercise of punishment by the Federal courts of the United States for contempt to that small group of cases where the offenses were committed in the presence of the court or so near to it as to obstruct the administration of justice, and to misbehavior of an officer of the court, or disobedience on the part of an officer, party, juror or witness in an action pending before the court.

I submit that that is a good rule. If we have departed from it, it is bad, and certainly we ought not to depart further.

The article from which I have read is, in my opinion, the answer to the argument that Congress has no power to regulate the contempt powers of the courts. This argument was demolished when the Clayton Act of 1914 was held to be constitutional.

As we discuss the legal implications of this proposal, let us remember five clear truths.

First. The bill is an attempt to evade trial by jury. The bill is intended to avoid juries so that the results of prosecutions will conform with the political interests of the administration now in power.

The injunction has a long and honorable history as a means of enforcement, and we have written injunctive powers into many kinds of law.

But this is the first time in recent history, if not, indeed, in the history of the Nation, that the use of the injunction for the specific purpose of circumventing trial by jury has been seriously considered.

The injunction is a useful tool in certain closely defined circumstances. But it has never before been used to ensure convictions—to ensure that Americans will go to prison—because juries seemed undependable.

If we are to say by the bill that juries are not going to enforce the law, must we not conclude that juries will refuse to do their duty in any case? Is this not, in essence, a fundamental attack on the jury system?

If we have reached a point at which juries will not observe their oaths, then the whole concept of trial by jury is under question.

The Attorney General appears to be convinced, and some of the Senators here seem to be persuaded, that juries cannot always be relied upon to provide justice to our citizens in voting cases. I ask then: Whose justice?

In this country, our definition of justice itself is firmly founded upon the concept of a sworn jury with full discretion to convict or acquit, to hold liable or not liable for damages. If we are to say that justice does not reside in the jury, where then does it reside? In the Attorney General? In the President himself? This would seem an uncertain foundation indeed, and a dangerous reversion to very old and evil ideas that one person can tell the rest of his countrymen what is best for them, and what is right for them.

Whose justice shall we enforce? The justice that may be manufactured in haste upon the Senate floor, with one eye upon the next presidential election? Are we going to encourage one section of our country to produce justice for export—to develop law suitable to its own

conditions, and then to force the application of that law elsewhere?

If we wander from the jury trial, upon which all our system of prosecution is based, then we shall have done basic damage to our common inheritance of civil justice.

Let me ask Senators to consider another point. If juries will not enforce the law in voting cases, what reason is there to think that juries will support the law in any case? To be consistent, should we not introduce the fiction of civil proceedings and injunctions into the law of assault and murder?

In my State, and I am sure the same is true in other States, it sometimes happens that a crime is committed. In my State, some of the citizens are white and some of the citizens are colored. Consequently, sometimes there are crimes which involve both races. These crimes are then prosecuted before a jury.

Has our enforcement of the law been so weak, have our juries been so biased, in these cases, that Senators have concluded that we in Alabama do not keep the law? We know that this cannot be said.

The logical extension of the bill is to extend this fiction of civil action, with its injunctions based on the suspected intentions of the person enjoined, to all manner of crimes, so that no case need be brought before a jury.

If we begin to deprive the citizen of responsibility and duty in one area of criminal enforcement, we will hardly improve his ability to uphold his responsibility and duty in other areas. The law is all of a piece, and it cannot be damaged here without unwittingly damaging it there.

It took us and our English forebears many centuries to wring the right of jury trial out of a succession of despots. Now we are actually considering the enactment of a law to demolish a part of this right, merely because history is not moving in a manner which suits certain voters in certain wards of certain large Northern cities, expected to be important in future political elections.

My second point has to do with the long and bitter history of the injunction in our American law.

I intend to go into this history at some length, for it is sowed with incidents and with legal cases which seem to have been forgotten here. Before I begin this review, I wish to point out some of the lessons contained within it.

There has always been an area of overlap between acts punishable summarily as contempts, and acts indictable as crimes.

No one doubts that an American court has a right to punish contempts committed in the face of the court, where they interrupt the work of the court, as I have repeatedly said. Nor do I doubt that the court has a right to punish contempts committed outside the immediate vicinity of the court, where they constitute a threat—a clear and urgent threat, the courts have held—to the administration of justice.

But Congress, the courts, even the Supreme Court itself, has repeatedly condemned the practice of using injunctions to punish acts otherwise punishable through the regular processes of the criminal law.

When Congress first began writing laws, the danger of the "overlap" was not foreseen. Over the years, however, we have grown wiser. This wisdom, which sees injustice in any attempt to replace normal prosecutions with summary trials, has brought into being the contempt laws now in effect. It has caused the writing of many decisions in which the courts themselves have narrowly restricted the right of a judge to inflict summary punishment.

Here again, for the first time in the history of Congress, we are actually proposing to expand the area of "overlap." We are actually proposing to require the courts to punish summarily acts which, traditionally, have been criminal offenses in which the defendant has full access to his rights.

If a foreigner were to listen to all the oratory which has been produced in support of this bill, he would think that the United States had no laws to prevent tampering with voting lists.

Yet anyone who hears or reads what I say, knows that there is already great power at the disposal of the Attorney General to enforce justice at the polls. There are criminal statutes providing severe penalties for tampering with voting records, miscounting votes, and for unlawfully depriving citizens of their right to vote. These statutes are firmly founded upon the Constitution itself.

If our law already provides such powerful remedies for the alleged wrongs, why then is it necessary to introduce this peculiar injunction procedure?

Part of the reason, it seems, is that some who favor the bill appear to be more interested in effecting great change prior to the next election, rather than in the long-term prospect for mollification of our great nationwide race problem. This greedy impatience will do only damage to the legal limitations carefully built up around injunction proceedings, for here Congress will be running counter to its historic position. Congress, in the past, as I pointed out a few minutes ago, has always opposed the use of summary proceedings where the law provides jury trials. To break this tradition now might throw into great question the applications of these limitations against other misuses of the courts' summary powers.

In the past, Congress and the courts together have increasingly narrowed the area within which a judge may punish for contempt. They have steadily reduced the types of indictable crime which may be punished as contempt with none of the safeguards imposed in normal prosecutions.

The bill before us, if passed, would reverse this progress and would confuse principles which now are clear to court and defendant alike.

My third point also reflects a historic trend in the law of contempt in the United States.

The best scholars in this very complicated field have increasingly urged jury trials in some types of contempt, especially in those types loosely known as criminal contempts. The law upon this point is still unclear, but we can see this idea growing if we go back through the cases and the law review articles of the last several decades.

Throughout the history of American law, it has been the liberals in Congress who have led the way in restricting narrowly the court's powers to punish for contempt through summary trial. More recently, these liberals have led the battle toward requiring jury trials in certain kinds of contempt cases.

Now, at last, the scholars and indeed the courts themselves are beginning to question the wisdom of trying any criminal contempt cases without a jury.

I should have thought the libertarians among us would greet this new trend with great gratification.

But a rule of jury trials in contempt cases would threaten the legal steamroller which would be constructed under the bill to enforce a system of injunctions directed from Washington.

It is tragic to see our liberal friends in the position of supporting a bill which would contradict the traditional liberal position on summary handling of injunction cases. It is tragic that these local doctrines, supported by the great liberals of our history, now are imperiled by the bill which is proposed.

Do Senators not see the perilous confusion into which the bill would lead them?

In order to force one region of the Nation into conformity with their ideas of justice, and in order to enforce this conformity before the next presidential election, they are attacking principles of Federal law which were developed only with great difficulty over a period of many years.

Increasingly, we find judges and legal scholars referring to a need for a stated right of jury trial in criminal-contempt cases. Yet here, in this one careless bill, we would clearly express a Congressional intention that this right never be achieved.

We would demonstrate the will of Congress that the law of contempt be carried into fields where it was never designed to go, and that summary trial become the established weapon through which to punish those who do not agree with the racial views of whatever administration might be in power.

This leads me to a fourth point. Much of the law of contempt as it now stands, and most of the meaningful limitations on summary trial, come directly from two areas: labor strife and the publication of writings held to be in contempt of court.

Much contempt law also comes from fields like domestic relations, where alimony payments are involved, and much of it comes from liquor cases. I do not think that I need persuade very hard to show the Senate that this kind of case is very far afield from the bill now under debate.

It should be equally clear that the injunction in an antitrust case is not a precedent for an injunction in a civil-rights case. There has been a certain amount of argument that, because injunctions have proved useful in certain kinds of commercial regulation, they will solve all our most profound and emotional political issues.

Surely every Senator understands that it is specious reasoning to compare an antitrust case with the kind of action now being proposed.

To find a historical analogy for the kind of action contemplated here, we must go back to the labor cases of the late 19th and early 20th centuries. Only by remembering the bitterness and violence of labor strife in those years, and the fierce public resentment of the Federal courts and their injunctions and their summary trials, can we truly foresee the results of this bill.

It is strange to think that many Senators who stand up stoutly for the rights of labor, and who take great pride in the accomplishments of the labor movement, should take the other side in this situation which is legally so close a parallel.

It is strange to think that many Senators who stand up stoutly for the rights of free speech and a free press have had so little to say here. Surely those who are lawyers know how many cases of contempt by publication are on the books.

The contempt power of the judge in publication cases has been sharply reduced in the last two decades. Now he must find a clear and present danger to the administration of justice before he hales the offending editor or speaker into his courtroom. Yet there continue to be such cases; and in such a deep social question as the race issue, it will be easier for a judge to see such danger, perhaps, than in the ordinary run of equity suits.

When court injunctions get involved in the local registration of voters, the judge himself is going to get involved in local politics. The injunction will become an issue in our political campaign, and so will the purpose to which the injunction is put.

Yet, if a candidate criticizes that injunction, or the manner in which its author uses it, does not that candidate stand in contempt of court? If the criticism seems calculated to interfere with fulfillment of the injunction, could not the critic be committed to prison?

Politics is public policy, and there is no issue of public policy more important than that which some now propose to solve with Federal injunctions. Should this area of politics then be above criticism, because the dignity of a Federal judge lies behind the injunction?

The shadow of these injunctions will spread over all the processes of our local and State political systems.

If the injunction and the man who wields it become issues in a campaign, apparently we cannot criticize them without running the danger of finding ourselves haled before the bar of the court, on grounds that our writings and speeches constitute resistance to a lawful writ of the court.

Mr. HILL. Mr. President, at this point will my colleague yield to me?

The PRESIDING OFFICER (Mr. CARROLL in the chair). Does the Senator from Alabama yield to his colleague?

Mr. SPARKMAN. I am very glad to yield.

Mr. HILL. Under the bill, could not there be a situation in which the judge himself would make the law, so to speak, and then he would prosecute, and then he would construe and interpret the law, and then he would render the decision as to the guilt or innocence of the person involved, and then the judge would proceed to fix the punishment of the person whom he had found guilty?

Mr. SPARKMAN. The Senator is absolutely correct. No matter how able a judge may be, after all, he is human. My argument is that it is better to rely on our system of trial by jury.

Mr. HILL. Under the system of trial by jury, the judge has the benefit of the wisdom, experience, and sense of justice and fair play of the 12 members of the jury; is not that correct?

Mr. SPARKMAN. The Senator is absolutely correct; and I think he will agree with me, from his long experience and his long observation of court procedures, that the average judge would prefer to have a jury determine the facts. The judge discharges his responsibility by interpreting and applying the law; but the normal judge would want a jury in every case in which a question of fact was involved.

Mr. HILL. A jury which would determine the facts, and then would take the law as the judge would give it to them. Then the jury would make the application of the law to the facts, as the jury had found the facts to be.

Mr. SPARKMAN. Of course the Senator is correct.

Mr. ERVIN. Mr. President, will the Senator from Alabama yield to me?

Mr. SPARKMAN. I yield.

Mr. ERVIN. I wish to ask a question along the same line. In our law there is a fundamental rule that no man shall be the judge in his own case. I should like to point out that a procedure such as the one proposed by the bill would make the judge in a sense—as the senior Senator from Alabama has pointed out—the writer of the injunction, the interpreter of the injunction, the prosecutor, the jury, and the punisher of the person charged with disobeying the order issued by him. So I ask the Senator whether the bill does not, in spirit at least, violate the fundamental rule that no man shall be the judge in his own case?

Mr. SPARKMAN. The Senator from North Carolina is absolutely correct.

The bill, with all its implications, violates the very fundamentals of our system of justice, which has as its keystone—as I stated a little while ago—the right of trial by jury; and that is bolstered by two other rights, namely, the presumption of innocence until found guilty, beyond a reasonable doubt, by a jury of one's peers; and the right to be confronted by the witnesses who testify against the accused. I judge them to be the foundation stones of our judicial system. But this bill would do grave injury to all of them.

Mr. HILL. Mr. President, will my colleague yield further to me?

Mr. SPARKMAN. I yield.

Mr. HILL. Of course in the ordinary criminal case, under our judicial system, as we have known it, and as that system has been bought and paid for by the blood, struggles, and sacrifices of free men through the centuries, there is also the right first to be indicted by a grand jury and to have a grand jury consider the case.

Mr. SPARKMAN. Yes. As a matter of fact, I have made the point that the use of the grand jury predated the use of the petit jury by about a century before Runnymede.

Mr. HILL. The Senator has brought out that point very effectively in his remarks today. The grand jury came first.

Mr. SPARKMAN. Yes.

Mr. HILL. It was followed by the petit jury. First a person is charged by a grand jury, and then he is tried by a petit jury.

Mr. SPARKMAN. That is correct.

The proponents of the bill are trying to base it upon equity proceedings. However, equity did not develop until long afterward; and it developed to apply only to cases where no relief was to be found in law. But in the present case, every single one of the supposed offenses can find relief in law. There is a writ that goes to every one of them.

Mr. HILL. Is it not also true that the resort to equity was for the protection of property, and did not deal with the question of human rights?

Mr. SPARKMAN. Yes. It was, as has so often been said, an application of the king's conscience in adjusting wrongs which otherwise could not be adjusted in a court of law.

The threats to free speech, and to the right of a free press are so obvious that I am filled with wonder that my northern friends, ordinarily such jealous guardians of these rights, have not had anything to say on this matter.

Suppose the editor of any newspaper, however small or large, wishes to comment upon the way an injunction is being used in his city and county. I do not have to confine my comment to the editor of a newspaper; suppose a columnist or a newspaper reporter comments in his news item on the manner in which some matter has been handled by a judge, and suppose the comment is one which the judge does not like. Can the editor or columnist or reporter comment freely, as, according to our political ideals, he has the right and even duty to comment? Or must he walk warily, so as not to disturb the temper of the Federal judge of the district? I expect that the judge would not be in a very good temper to begin with, upon finding that Congress had passed a law promoting him to the high rank of precinct captain general for every precinct in his district.

If public debate is to become a matter of walking softly around a legal device, then a great change will necessarily take place in our political system; and that change will not be for the better.

There will also be a great change in the nature of Federal justice and the place occupied by our Federal judges.

My fifth point deals with this. It has been our custom in the United States, and a very good custom indeed, to let the law be the crystallization of the American consensus. Law is the formal expression, traditionally, of the social beliefs of our people.

Politics differs from law in that politics is the arena within which we hammer out the issues. Where we have reached consensus, we can enact laws

that will stand. Where we enact laws that are not the result of consensus, then inevitably we draw the judges into politics.

This has happened occasionally in the history of the country, and in every case it has damaged the effectiveness and dignity of the courts. Is there anyone who does not think that will happen should the present bill be enacted?

This bill does not represent the American consensus. It represents the efforts of one part of the Nation to enforce upon another a superficial view of justice, despite earnest warnings that it will work disastrous damage to the progress currently being made.

If the Federal judges are to be made the agents of this disruptive policy, the first result will be grievous damage to the judges' prestige as objective and disinterested arbiters. If Senators think I exaggerate, look again at the history of the great labor unions. Look at the effects of their struggles with Federal courts too deeply concerned with property rights and insufficiently concerned with any other kind of rights.

A judge cannot become the advance agent for a political party in one field of law, and hope to retain his stature as politically disinterested in other fields of law.

In this bill, the administration has chosen, for very good reason, to work through the only Federal officials who cannot be reached through the elective process.

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

Mr. SPARKMAN. I yield.

Mr. HILL. Is it not also true that in acting through Federal officials who cannot be reached by the elective process, the Government would go beyond the State, county, municipal, and other local officials in one fell swoop, and would brush all of them out of government, so to speak, in order to use the services of one lifetime Federal judge?

Mr. SPARKMAN. The Senator is correct. I hope sometime in the course of the debate someone will deal with that particular subject, because it is a big subject within itself. The Senator from North Carolina, in the debate this morning, as I recall, brought out the point that every single one of the provisions embodied in the bill is already covered both by Federal law and by State law. The bill would sweep away the procedure of the present Federal statute. That is, it would expand them and make it unnecessary to carry out the two safeguards the Senator from North Carolina repeatedly stated—the right of trial by jury and the limitation on the penalty which can be imposed. It would sweep away completely the handling of these matters by the State and local governments.

Mr. HILL. Not only would the Federal courts handle matters which should be handled by the State and local governments, but the bill would also do away with what we know as the administrative processes. In the past the courts, and Congress, too, have wisely provided that administrative processes should be gone through before persons may resort to the courts.

Mr. SPARKMAN. That is correct.

Mr. HILL. There are many, many matters, as we know, which can be settled or adjudicated or worked out through administrative processes, without ever resorting to the courts.

Mr. SPARKMAN. The Senator is correct. That is the reason there has been maintained through the years the wise rule requiring a person who wants to resort to a higher court first to exhaust his remedies at a lower level.

Mr. HILL. That rule has been laid down not only by the courts themselves but by the Congress itself.

Mr. SPARKMAN. That is correct, by statute enacted and reenacted.

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

Mr. SPARKMAN. I yield to the Senator from North Carolina.

Mr. ERVIN. I wanted to ask a question on the point the senior Senator from Alabama has raised. The truth is that, under the procedures provided by the bill, which operate only through the Attorney General and one-man Federal district courts, the Federal district courts would be converted to all intents and purposes into branches of the executive department of the Federal Government for the purpose of acting as school boards and election boards and discharging other functions which are essentially local. Is that not correct?

Mr. SPARKMAN. Yes. I stated a few moments ago that the judge would become, in effect—I used a rather facetious title, but, nevertheless, I think it is apropos—the precinct captain general for the whole area of the district. He would get wrapped up into everything.

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

Mr. SPARKMAN. I yield.

Mr. HILL. What would become of the indestructible union of indestructible States?

Mr. SPARKMAN. That is one of the great troubles people forget. We have in this country a dual system of government, two sovereignties, each one supreme within its own sphere.

Mr. HILL. It is just as much the province and function of the Federal Constitution to protect and safeguard and insure the States in their sovereignty as it is to protect and safeguard the Federal Government in its sovereignty. Is that correct?

Mr. SPARKMAN. The Senator is certainly correct.

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

Mr. SPARKMAN. I yield.

Mr. EASTLAND. Is it not true that in reality what it is sought to do by the bill is nullify the laws of the States?

Mr. SPARKMAN. Yes.

Mr. EASTLAND. The enactment of the bill would be a nullification of State statutes. Is that correct?

Mr. SPARKMAN. Yes, and some of the procedures under Federal law.

Mr. EASTLAND. Surely. This whole bill is based on equal protection of the laws, is it not?

Mr. SPARKMAN. Supposedly.

Mr. EASTLAND. Supposedly. Under the bill we would give the Attorney General discretion to bring suit and nullify State laws for citizen A, but deny the protection of the law to citizen B and make him exhaust his administrative remedies. Is that correct?

Mr. SPARKMAN. Yes. Under the bill, we would vest that power in the Attorney General, not in the Government of the United States as such, but in the person of the Attorney General of the United States, to exercise his discretion as to whether citizen A would have his rights enforced and whether citizen B would not have those rights enforced.

Mr. EASTLAND. Where is the equal protection of the laws which is so loudly proclaimed as being the basis of the bill?

Mr. SPARKMAN. The question answers itself. It is not to be found.

Now, Mr. President, I am about to bring my statement to an end, but before I do so, I desire to comment on something the distinguished Senator from Arkansas [Mr. FULBRIGHT] discussed yesterday, when he placed in the CONGRESSIONAL RECORD, as a part of his remarks, two editorials from the Washington Post showing some change in its thinking.

I ask unanimous consent to have printed in the RECORD at this point in my remarks an editorial from the Washington Post of this morning.

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

O'MAHONEY COMPROMISE

Senator O'MAHONEY offered his proposal for jury trials in some contempt cases arising under the civil-rights bill before the Senate had even agreed to take up the bill so that the proposal could be carefully studied. That action was wise, for the subject is extremely complex and the need to find the right answers is great. We hope that it will be scrutinized apart from the passions that are coloring the Senate's debate.

The O'Mahoney amendment would instruct judges sitting in civil-rights cases arising under the bill to order a jury trial for any person accused of violating an injunction or restraining order of the court "if it appears that there are one or more facts to be determined." The idea behind the amendment came from a recent article by Telford Taylor in the New York Times magazine. Some question arises, however, as to whether the amendment reflects what Mr. Taylor had in mind. He suggested jury trials in cases of this kind "where guilt or innocence of contempt involves substantial factual questions." Certainly this reference to substantial factual questions is a different criterion than one or more facts.

What Senator O'MAHONEY is trying to do, however, is to separate those cases in which the facts are clear—such as the refusal of a registrar to register a qualified voter—from those cases in which there may be a substantial dispute as to the facts. These latter may include charges that members of a masked mob had intimidated voters. There the question would be whether the persons restrained by the injunction or those taken before the court were actually the ones guilty of the offense. In our opinion, this is a valid and sensible distinction to make. There is a question as to whether a dividing line can be clearly drawn between the two types of cases. But no harm would be done by requiring juries in those contempt cases in which substantial issues of fact must be determined—with the judge deciding what is substantial.

Along with a study of this amendment should go scrutiny of the proposal made recently by Prof. Carl A. Auerbach of the University of Wisconsin. He thinks the bill should authorize the Government to bring civil contempt actions against alleged violators of civil-rights injunctions. Under civil contempt proceedings, a court could put any defiant registrar in jail until he complied with the court's order—but the defendant himself would hold the key. In other words, the contempt power would be used for a purely remedial purpose instead of a punitive purpose, as under criminal contempt proceedings. Civil contempt cases are always handled by the judge without a jury.

Here is another area in which it may be possible to soften the present bill without sacrificing its vital objectives. In our view, the Senate should weigh every compromise of this sort in the interest of devising a bill that will give minimum offense to the South even if southern legislators cannot bring themselves to vote for it.

Mr. SPARKMAN. Mr. President, I think it is most interesting to see what has happened in the three editorials from the Washington Post. The first one, as the Senator from Arkansas pointed out yesterday, said, in effect, we ought to take this bill and pass it as it is, without losing any time. I do not mean the editorial said that exactly, but that was it substantially. Now, after further consideration, the Washington Post, within the past few days, came out with a second editorial, which discussed the question of the right of trial by jury, and admitted that perhaps there was something to the argument on this point and that the bill ought to receive careful consideration.

In this morning's editorial, entitled "O'Mahoney Compromise," the editorial states the same thing. It pays a very high compliment to the Senator and his amendment, and says, in effect, if I interpret it rightly, that probably it ought to be adopted.

The editorial goes further and says:

Along with a study of this amendment should go scrutiny of the proposal made recently by Prof. Carl A. Auerbach of the University of Wisconsin. * * *

Here is another area in which it may be possible to soften the present bill without sacrificing its vital objectives. In our view, the Senate should weigh every compromise of this sort in the interest of devising a bill that will give minimum offense to the South even if southern legislators cannot bring themselves to vote for it.

I understand the editorial viewpoint of the Washington Post and Times Herald. Of course it favors this kind of legislation. But at least I think the editors are talking sense when they say that the Senate ought to study every angle of this bill, because perhaps it needs amending in other respects.

Frankly, I do not believe the bill could be amended so as to make a good bill. I think it is bad in its premise. However, I realize that there are a great many others who think differently. Certainly this editorial indicates that somebody writing editorials for the Washington Post has been doing a good bit of thinking about this matter and has made progress. I am delighted to see it.

Mr. President, along that line I should also like to have printed in the RECORD at this point an editorial from one of the great newspapers not only of this country but of the world, the Christian Science Monitor, of July 8, 1957. This editorial is entitled "Persuasion Versus Filibuster."

I think the editorial calls for careful reading. I take it that the editorial policy of this newspaper, likewise, would be favorable to civil-rights legislation, but at the same time it takes the view that such legislation ought to be carefully discussed, carefully studied, and thoroughly worked out, not in the hurried, haphazard manner such as the bill before us represents.

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

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

PERSUASION VERSUS FILIBUSTER

Highly encouraging is Senator RUSSELL'S word that in the Senate debate on civil rights opening today the first purpose of southern opponents is to insure that proposed legislation is clearly understood. This purpose everyone believing in democratic discussion will endorse. It relies on persuasion rather than the sheer force of minority rule which is expressed in extreme examples of the filibuster.

No thoughtful person would condemn indiscriminatingly all measures to delay a vote. Where an issue has come up suddenly, debate—however protracted—which provides information and more time for public consideration still serves the purposes of debate. But when the essentials of an issue are widely grasped, the meaningless droning of irrelevant material becomes such an abuse of free discussion as to defeat the true purpose of discussion in a legislative body—clarification of thought to permit wise action.

So long as Senate debate of the civil-rights program provides such clarification it should be welcomed. Certainly clearer understanding is needed when such honest and intelligent men as the President and Senator RUSSELL can take such contradictory views of its meaning. Mr. Eisenhower sees it as a moderate instrument for protecting Negro voting rights. Mr. RUSSELL sees it as a tyrannical attempt to force the mixing of races which will produce disorder and bloodshed.

We are inclined to feel that the President is more nearly right than the Senator. But it is only candid to recognize that the more Negroes gain the vote the harder it will be for States and localities to enforce legal segregation. Yet that does not mean that individuals will not still be free to choose their associates in the vast majority of business and social contacts. Section 3 should be amended to remove any ground for Mr. RUSSELL'S fear that Federal troops may be used to force integration.

Senate debate should clarify the jury-trial issue raised in connection with the proposal for injunctions to halt the purging of Negroes from voting lists. It should be possible to fashion a reasonable compromise on this question.

In most contempt proceedings for violation of an injunction the circumstances might well be so clear that no reason would exist for a jury trial. But there could be cases where responsibility for intentional defiance of a court order was not clearly fixed and a determination of the facts by a jury would serve the ends of justice. Could not provisions be made for exceptions without defeating the whole purpose of the legislation?

We believe Congress and the American people are fairminded enough to listen to reason if sound arguments can be presented for modification of this program. But where debate goes beyond persuasion and becomes either unreasoning emotionalism or calculated obstruction, ears will begin to close and hearts to harden. Senator RUSSELL is wisely seeking to avoid adding public annoyance with the extremer forms of filibustering to existing public impatience with denial of rights.

Mr. President, I have 1 or 2 other matters and then I shall close.

When the civil-rights bill was under debate in the House of Representatives a very distinguished Member of that body, who comes from the State of Illinois, a Republican and one who has had long service there, who entered the House of Representatives at the same time I did, back in 1936, had some remarks to say on the civil-rights bill. I refer to Representative NOAH MASON, of Illinois. I desire to quote his words. Representative MASON said:

Habits, customs, and 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 of the majority of the people affected.

I may say, Mr. President, that we know from bitter experience during the days of prohibition the truth of the statement made there. We know it is true with reference to any law. Any law has to have the respect of the people if it is to be effective as a law.

But Representative MASON went on to say, referring to the civil-rights measure which it is proposed to bring before the Senate:

This bill denies certain fundamental rights guaranteed by the Constitution to both majority and minority groups—the right to own, manage, and enjoy property; the right of trial by jury; the right to be presumed innocent until proven guilty; the right of appeal; and the rights of the States or the people thereof under the 9th and 10th amendments.

Heretofore in America a defendant came to the bar of justice as an innocent man accused of a crime. Under this bill he will come to the bar presumed guilty under a prima facie finding, and he will remain guilty unless and until he can prove himself innocent.

In substance, the provisions of this bill constitute nothing more nor less than government by Federal injunction.

Mr. President, that statement is included in an editorial published in the Florence, Ala., Herald of July 4, entitled "Government by Injunction." I ask unanimous consent that the entire editorial be printed in the RECORD at this point.

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

GOVERNMENT BY INJUNCTION

As the country, and particularly the South, awaits the expected move next week of backers of the civil-rights bill to force that legislation through the United States Senate, and thus make it the law of the land, more and more people are coming to recognize the dangers it holds.

One of the most critical of its opponents, and of the Supreme Court, which has of late rendered some amazing decisions, is Representative N. M. MASON, of the State of Illinois.

Pointing out that present members of the High Court are men socially, economically, and politically minded, rather than legally experienced and judicially inclined, Representative MASON says it is natural that their decisions are based upon their social, economic, and political convictions. Legal precedents are ignored by the Supreme Court, he declares.

"Nothing is sacred nor permanent under the present uncontrolled Supreme Court," Representative MASON says. "Century-old customs and previous Court rulings may now be overturned by a capricious Supreme Court, a majority of whose justices have sociological predilections that influence or dominate their opinions."

Of civil rights itself, the House Member from Illinois states: "Habits, customs, and 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 of the majority of the people affected.

"This bill (the civil-rights measure) denies certain fundamental rights guaranteed by the Constitution to both majority and minority groups—the right to own, manage, and enjoy property; the right of trial by jury; the right to be presumed innocent until proven guilty; the right of appeal; and the rights of the States or the people thereof under the 9th and 10th amendments.

"Heretofore in America a defendant came to the bar of justice as an innocent man accused of a crime. Under (this bill) he will come to the bar presumed guilty under a prima facie finding, and he will remain guilty unless and until he can prove himself innocent.

"In substance, the provisions of (this bill) constitute nothing more nor less than government by Federal injunction."

Mr. SPARKMAN. Mr. President, I shall not take the time to read, but I ask unanimous consent that there be printed in the RECORD at this point, a very fine editorial published in the Nashville Banner, of Nashville, Tenn. Incidentally, Mr. President, I will say that the Nashville Banner has long supported the Republican Party. It is not a Southern Democratic newspaper, but it is a longtime Republican newspaper. This is a very strong, forceful editorial on behalf of the continuance of our great traditional and constitutional right of trial by jury.

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). Is there objection?

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

BY CONSTITUTION, MR. PRESIDENT—JURY TRIAL VITAL PROVISION OF DUE PROCESS

A principle as fundamental as the right to trial by jury admits of no negative speculation. The issue endangering it is positive, and the President owes it to the country to be completely informed on it—and to venture no answer, as yesterday to a casual question, that can be misconstrued.

He said simply that the dignity of the Federal courts must be upheld, and with that point there can be no disagreement. The challenge lies in the evasion of this principle proposed by his Attorney General.

He expressed that view, without elaborating on it, with reference to inclusion of this protective amendment in the so-called civil-rights legislation. Regardless of sponsorship, the omission is indefensible.

It does not conform with what must be, otherwise, his respect for the principle of due process.

Regardless of his reliance on the advice of Attorney General Herbert Brownell, to whom he referred questioners, he must realize that his administration bears the responsibility for a piece of legislation so far-reaching; and he cannot lightly dismiss personal accounting for it on grounds that he is not schooled in law. It is his obligation to know the facts in the case before he lends such a measure even inferential endorsement.

The design of trial by jury is not to reflect upon, or derogate, any court. It does not detract from their dignity, or asperse their prestige as the judicial instrument. It does bind upon the system of justice a procedure historically related to responsibility of the judiciary in a government of law—and that binding was done most meticulously by the Founding Fathers through the Constitution itself.

Not judicial indignity, but freedom from oppression, was the aim of this provision—as three times spelled out in the organic law. It certainly is no less vital now, nor less valid, with legal confusion the more confounded by the legislative versus judicial struggle for the lawmaking function. In the present instance, emphasis understandably is laid upon it as a principle that must not be disestablished in behalf of a questionable force bill.

With regard to this project, which has aroused concern of the Constitution-minded throughout the Nation, the President obviously has been listening too closely to the United States Attorney General—who may be himself seeking a Supreme Court berth. He should be listening to some authorities who know the dangers of that drift from a basic point of law.

The idea of government by injunction—or intrusion on the fundamental right of trial by jury—or of the Justice Department in any of its divisions, old or new, superseding the principle of due process, is nowhere countenanced by the Constitution. They would constitute a bypass, and certainly could not be construed as enhancing the dignity of the court or the security of rights for which governments are instituted.

If the President will consult all the facts on due process, he cannot possibly back a suggestion so essentially and dangerously detrimental to it.

Mr. SPARKMAN. Mr. President, these, then, are my five reasons for opposing the injunction provisions of this bill; let me summarize them.

First. The bill represents an attempt to evade the defenses provided to defendants under our law, and subverts the concept of responsible juries.

Second. The bill attacks the doctrine that acts otherwise indictable as crimes ought not be punished by summary proceedings.

Third. The bill runs counter to the growing body of authoritative opinion that jury trial should be available to defendants in criminal contempt cases.

Fourth. The bill would have among its indirect effects a threat to free speech and a free press.

Fifth. The bill would, in its enforcement, do great damage to the Federal judicial system.

Mr. President, I believe it would be a mistake—a terrible mistake—to take this bill up and make it the pending business. It would create a terrific logjam to hold up badly needed proposed legislation which is already on the calendar. I hope that when question on the motion is finally put the Senate will decide against taking up this bill and making it the order of business.

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

Mr. SPARKMAN. I yield.

Mr. ERVIN. I wish to congratulate the Senator from Alabama for his magnificent exposition of the history of the right of trial by jury and the necessity for preserving that right. I wish particularly to commend his very complete refutation of the argument that it would encroach upon the inherent powers of Federal courts for Congress to allow the right of trial by jury in indirect contempt cases.

One of the greatest constitutional lawyers who ever sat in this body was Senator Walsh of Montana. During the course of the debates with respect to the Clayton Act in 1914, Senator Walsh made an unanswerable argument against the contention that allowing the right of trial by jury in indirect contempt cases would encroach upon inherent powers of the court. He pointed out that the only constitutional court we have is the Supreme Court of the United States, that all other Federal courts are creatures of Congress, and that it is absolutely absurd to say that the Congress could create a court, such as the district courts of the United States, which would have more power than the body which created them.

The Senator from Alabama is to be congratulated for making an argument equally as forceful on that point.

Mr. SPARKMAN. I certainly appreciate the remarks of the Senator from North Carolina. As a matter of fact, I was somewhat hesitant and dubious about presenting that argument here, because I thought it was so unnecessary. It was rather ridiculous, I thought, at first, but as I dug back into the history of the Clayton Act, for instance, and the cases of that kind, I found that the argument had been seriously made. There is a great national magazine editorializing to that effect now. Some persons make that argument. It shows the ridiculous lengths to which some people will go when driven by expediency to work for something which they contend will give the relief they desire.

Let me say to the Senator from North Carolina that, as I pointed out a while ago, I had intended, in connection with my remarks, to read a treatise by two then relatively unknown young men named Felix Frankfurter and James M. Landis. This treatise was published in 1924 in the Harvard Law Review. In that treatise they deal with the question which was raised, and demolish it with precedent, and with some of the finest documentation I have ever seen. If the Senator from North Carolina has not read it, I suggest that he obtain a copy of the Harvard Law Review for June 1924, and read the article, beginning on page 1010. It is entitled "Power of Congress Over Procedure in Criminal Contempts in 'Inferior' Federal Courts—A Study in Separation of Powers." It was provoked by the discussion in connection with the Clayton Act.

Mr. President, I yield the floor.

Mr. DIRKSEN. Mr. President, I have listened attentively, I think, to virtually all the discussion that has taken place thus far on the matter which now engages the attention of the Senate. As a member of the Committee on the Judiciary I have given great attention to the efforts to bring the bill to the calendar of the committee and ultimately to the calendar of the Senate.

In addition, I have been attentive on the hearings and the work of the subcommittee as a result of whose deliberations there was finally reported a bill to the full Committee on the Judiciary.

However, my interest in this whole general question of civil rights goes back a good many years. It is certainly more than 12 years ago that I first introduced a bill in the House of Representatives dealing with the subject of lynching. It was at about the same time that I introduced in the House of Representatives a bill dealing with the outlawing of the poll tax. I believe I was the first Member of the House of Representatives on my side of the aisle to introduce a bill in that body dealing with fair employment practices. Therefore, my record in that respect is not that of a Johnny Come Lately. I believe in all modesty that I have had a sustained and abiding interest in the matter which is presently before the Senate.

Furthermore, I was one of the authors, and in fact one of the sponsors, of the President's bill, which was Senate 83, and represented the administration's viewpoint. It is at present before the full Committee on the Judiciary, under the sponsorship of myself and the distinguished Senator from Missouri [Mr. HENNINGS], chairman of the subcommittee which considered it. I simply sketch in those items to indicate my sustained interest in the whole subject matter.

So, as I listen to the discussion which is taking place on the floor of the Senate, I think back to the general fact that the whole course of human destiny in this field has been a rather tortuous one. We have gone steadily forward, never in a straight line. The course has been up, and the course has been down. But is not unusual when we deal with the amelioration of the condition of the individual or of the mass of mankind.

Who can think, for instance, of the guaranty of life and the assurances of that right in the Declaration of Independence, and the high store which has been set upon it in the whole American system, without thinking back to how far we have come?

There come vividly to my mind my own studies of ancient history, going back to the days of Nero and Caligula, in ancient Rome, when life had no value whatsoever, and could be taken by the sovereign without any hesitation.

I think back to an incident which sticks in my mind, from a reading of long ago, when Peter the Great, of Russia, was touring in Poland. That was probably 250 years ago. Someone in Poland indicated to his Imperial Majesty that a new instrument, a torture wheel, had been invented, on which a body could be broken. Peter the Great asked for a demonstration. He was told that there was no one then in prison on whom this barbaric device could be used.

He said, "Oh, that is very well; just take one of my retinue, take one of my servants, and break his body on the wheel."

Human life had little value, little dignity, and little respect as recently as 250 years ago. But we have come a long way since then, and today the emphasis is on the dignity and the sanctity of human life.

Another incident which sticks in my mind is a luncheon which I had with General Eisenhower, when he was the Chief of Staff. On the wall of his office I saw a photograph of Zhukov, who is very much in the prints today.

I said, "General, is that Zhukov?"

He said, "Yes, sir."

I said, "Is he an able person?"

The General replied, "He is a very able, skilled military man. Of course, after the manner of the Soviet ideology, he places little value on human life."

Then General Eisenhower told me the story of one of the battles in Europe during World War II, when General Eisenhower indicated that before the troops went across a large open space of terrain, mine detectors first went in to remove whatever destructive devices were there, so that a minimum of human life would be required.

When they were discussing the subject, Zhukov simply said, "Human life? What is it? 1,000 lives? 10,000 lives? 100,000 lives? What are they? Nothing."

So we see that in the field of the sanctity and the dignity of human life, we have come a long way. Yes, even in the last 250 years we have come a long way in the field of human liberty.

It was only a few hundred years ago that a man could be put in jail for debt and be kept there until he could find a way to extricate himself from the burden. But that is unknown in the law today; certainly it is unknown in the law of our own country. But there were so many other things which served as restrictions upon liberty. Today we pride ourselves on the fact that our liberties are secure; and the voices of our people are traditionally raised whenever freedom in this country is jeopardized.

We have come a long way in the field of social amelioration. I draw on memory when I think of the wretched, impoverished serfs in the days of the Bourbon kings of France, particularly those peasants who eked out an existence on the soil. More often than not they subsisted on roots and berries. But the imperial majesty lived in pomp and splendor, and had little regard for how his subjects got along.

We need only consider agriculture. It is a far cry from the Bourbon kings to today, when there are farm credits, when there is rural electrification, when there are efforts to sustain the prices of farm products; when the Department of Agriculture is devoted to the business of making farming more efficient, and of finding cures for diseases of livestock and means of controlling pests which plague the farmers' crops. That is a long, long cry from conditions which have existed. Slowly but steadily we have walked up hill into the sunlight for the amelioration of the condition of our farmers and of our industrial workers, as well.

One need only to go back to the industrial revolution in England to get a rather ghastly and tragic understanding of how little value was placed upon human energy and human dignity. I see our distinguished friend from Michigan [Mr. MCNAMARA] sitting here; I am confident he is familiar with that situation. Back in 1788, and around that period, men and women were working in the sweatshops of England for as long as 80 or 90 hours a week. The working day was from sunrise to sunset, 6 days a week. When the workers had 1 day off, they were so exhausted that, more often than not, they could go only to the "pubs" and the other public places and there find what stimulating drink was available in order to drive away their fatigue and exhaustion, and thus carry on a miserable existence under a peculiar system.

To me it was astounding to learn that ministers of the Gospel used to stand in the pulpits on Sunday and say it was ordained that man should work from sunrise to sunset, so that when the day of rest came he would be so exhausted that he could not get into mischief.

But we have come a long way since then. We have today the 40-hour week and overtime; we have industral compensation; we have social securty; we have social and factory betterments. And the course is ever upward and onward.

Some force must have been operative at the time to drive mankind upward into a better way of living and a greater dignity.

We have gone further than that in the field of security. How much security was there when Cain, with his bloody hands, listened to the voice from the vaulted spaces and cried out, saying, "Am I my brother's keeper?" There was not any securty there.

There was not much security in Salem, Mass., in the days of Cotton Mather. When someone expressed an unorthodox view, the finger of suspicion was put upon him, and he was, more often than not, taken to the stake, tried first as a witch, and then burned. That was a pretty sad blot upon the escutcheon of this great country.

But we have come a long way in the field of security, not only for men, but for mothers and children, and for everybody else in this land.

It is a long cry from the days when there was a high illiteracy rate in the United States. But education became compulsive, and it has made a great contribution to the economy of the country, besides having made constant and steady progress.

Those things we see as we look down the long vista of time and know from whence mankind came in its movement toward a better destiny.

But I would be a little more particular and refer to some of the ghosts which are in the Chamber today, the ghosts of those who served here in the days before. I think, for instance, of Senator Robert Marion La Follette, who graced

this Chamber at the time when a great change was being discussed; namely, the direct election of United States Senators. Before the Constitution was amended, Senators were selected by the legislatures of the State. Senator La Follette made the point that government, in order to be responsive, had to go back to primary sources, and that Senators should be elected by the people, not selected by the legislatures. At that time, two Members of the Senate were the very eloquent George Frisbie Hoar, of Massachusetts, and Senator Foraker, of Ohio. How they thundered and intoned against Senator La Follette. They said the proposal was un-American and alien; and three Republican Senators, to show their contempt and disdain, walked from the Senate Chamber. It was on that occasion that Senator La Follette said, "The seats that are temporarily without an occupant will, one day, be permanently vacant." And they were.

But there had to be some force to carry that movement along against the eloquence of Senators and against the editorials and against all the hue and cry that that proposal was a departure and was not a part of the American system of government.

I think also of the income tax, and when it finally became a part of the Constitution in 1913. I thought of it the other day, as I stood with a young man from home, who was being admitted to the Supreme Court of the United States, because there I could envision—not in that chamber, but in this one—one of the great lawyers of America, Joseph H. Choate, who raised his voice against the income tax, in a case which was presented to the Supreme Court in 1895. That was the first time that I can find when the word "communism" was used in our history; Joseph Choate used it in the argument he made before the Supreme Court in 1895, when he said the income tax is a communistic device. But in due course it was embraced by President Taft, and in due time it was engrossed into the Constitution of the United States, notwithstanding the editorials, notwithstanding the arguments made in the Supreme Court, and notwithstanding the eloquence used both in this body and in the House of Representatives at the time, before the joint resolution was passed, and the proposed constitutional amendment was submitted to the States. What was the force that brought it about? There had to be something to carry it along until it was made a part of the American system.

Sometimes we decry the civil-service system because it denies to us some of the patronage to which we think we are entitled when we are elected. But I think of the civil-service system in terms of its history, when Roscoe Conkling, a distinguished Senator from New York, referred to everyone who was active in the cause of civil service as a carpet knight and as a man milliner. There was a civil-service convention in Chicago in 1880. Seven persons showed up. Then what happened? The assassin's bullet found President Garfield, in 1881; and within the space of 2 years the Pendleton Act was written upon the statute books of the country, and civil service became a reality. We began to go forward. I raise the rhetorical question, Why? What is the force that has carried us along that path, to the point where today civil service is so completely taken for granted?

I think of child labor. To me, it is one of the amazing things that a liberal such as Woodrow Wilson, when the first child-labor bill was introduced—I think it was the Keating-Owen Child Labor Act—said it was obviously absurd. But it remained for the distinguished Senator from Indiana, Albert J. Beveridge, to introduce a child-labor act. Today, not one Member of this body or of the House of Representatives would undertake to remove it from the statute books; instead, all of us would augment it and implement it, so that the trustees of the America of tomorrow may be adequately protected against the abuses of child labor. What is the force in that case? There has to be something that carries these changes along. I think of the editorials which were written and the speeches which were made—so many of them to the effect that the proposed change was an invasion of a property right. But all the speeches in the Senate or in the House of Representatives made no difference; that measure became a part of the law; and today no one would undertake to remove it from the law.

Mr. JOHNSTON of South Carolina. Mr. President——

Mr. DIRKSEN. Mr. President, I prefer not to yield at the moment.

Mr. JOHNSTON of South Carolina. The Senator from Illinois has referred to the civil-service law. I should like to refer to something in the bill, in that connection.

Mr. DIRKSEN. I prefer to have my colleague save his comment for the moment, please, and permit me to continue.

Mr. JOHNSTON of South Carolina. But the civil service is not protected by this bill.

Mr. DIRKSEN. Well, that is another matter. [Laughter.]

Mr. President, I think of the pure-food law. It comes to my mind particularly because of the fact that when I was chairman of a committee in the House of Representatives, a gracious lady used to attend the committee sessions; she was the wife of Dr. Harvey Wiley, who was the chief chemist of the Department of Agriculture; he was there at the time when William McKinley was President of the United States. It was about the time of the beef scandals, as I recall. It was Dr. Harvey Wiley who went to President McKinley and sold the President of the United States on the idea that there had to be a Food and Drug Act upon the statute books, in order to save the lives of the citizenry and protect their health.

Let us read the speeches made at that time on the floor of the United States Senate in connection with the Food and Drug Act. It will astound Senators to find that men who occupied the places which we now occupy would say, "This is an unjustifiable and an indefensible encroachment of the Federal Government upon a private property right." What they were saying was, in effect, that it was good to put sand in sugar, and sell it to consumers; it was good to adulterate food; and the long arm of the Government must not intervene to stop it.

But I was a Member of the other body when the Congress augmented that act to the point where today it is almost as tight as words can make it, and it is very effectively enforced. Why? In the interest of the health and well-being of the men, women, and children who are the citizens of this Republic. Think of all the words that were uttered; think of all the editorials which were written; think of all the speeches which were made—all in an attempt to stop it. But it was not stopped. A force was operating; it was moving on; it was constantly incubating; it was gathering strength and vitality. Ultimately that force expressed itself.

So, Mr. President, all these measures went upon the statute books of the country.

Let me also refer to women's suffrage; I do so because I think a moral issue is involved. There is not a young lawyer who does not remember his days in law school when there was reference to coverture—at a time when women had no rights; they could not own property; they were almost chattels, for almost all practical purposes. But that did not stop Susan B. Anthony, whose monument stands today in the Capitol Building. That did not stop Mrs. Catt; that did not stop the Pankhursts; that did not stop Amelia Bloomer. They occupied some of the best jails in the country; they undertook to vote when they could, and they were arrested for their pains. But they kept everlastingly at it, until the day came when there was written into the Constitution of the United States the amendment that the right to vote shall not be abridged because of sex.

There has to be a force behind all these developments. I could enumerate a good many more that were so firmly resisted from time to time; but I think the ones I have already enumerated will suffice to indicate, within the confines of this Chamber, the progress which has been made in almost every direction.

What is the force? There has to be a pervading conscience. If I did not believe history was the unfolding of a divine purpose, I would resign at once from the Senate; and that remark is no pleasantry. But I have a deep conviction that the whole unfolding is according to the great design and plan of the Great Architect. That is the way I interpret the history of our times. If that is a firm conviction and conclusion—and it is—then there has to be a great force behind that development.

William James, the philosopher, once used the term "the stubborn and irreducible facts." One can never escape them.

So, Mr. President, regardless of the speeches, what we are dealing with here today, will continue to roll into law, because a moral and ethical consideration is involved; and all the speeches, all the obstruction, all the effort to stop it, will not prevail, because we are dealing with human beings. Though their color is

black, I cannot imagine for a moment that they were not endowed with a spirit and a soul, just as is every other human being under the canopy of God's blue heaven.

So you see, Mr. President, we are dealing with something that is probably a divine force. It is not going to be stopped. It may be stopped now, but it will roll, because we are dealing with people, all the people of this country.

I become a little upset and a little emotional at times, I suppose, about some of the things I see and some of the speeches I read. I picked one up the other day which was printed in the CONGRESSIONAL RECORD. Maybe Senators will want to read it. It is the speech of the Honorable Hugh G. Grant, of Augusta, Ga., formerly United States Minister to Albania and Thailand, and an official of the State Department. If he had not been an official, perhaps this would not be so serious, but he could not become an official unless he held up his hand and took an oath to support the Constitution and the laws of the country. I shall read only a portion of what he said. I do not demean him. It probably is his conviction, but I indicate how far afield we go and how intemperate we can become in considering the problem.

He said:

A war is on in the United States of America, a racial revolution, involving our whole social structure.

A war. Imagine. Then he goes on and says:

Never in all the history of these United States has there been such a widespread and insidious propaganda campaign.

The racial revolutionists propose to achieve their objectives in the United States in practically every phase of human behavior through judicial fiat.

He continues and says:

Federal executive decree, and State legislation. They have stormed the citadel of the Nation's highest Court and have captured the 9 political judges of that heretofore august body.

All the judges are supposed to be political. I do not think it is strange that there have been reflections upon the United States Supreme Court. I may disagree with the Court, but I certainly do not reflect upon their integrity as judges. I say to Senators, such criticism is not anything new. What is happening here today is only a parallel of history, because I read a little something which appeared in the Boston Statesman of June 17, 1837. That is 120 years ago. Here is what that newspaper said:

The judiciary in this country are the most loose, usurping, and irresponsible of any branch of our Government; and any man who resists their encroachments should be looked upon as a public benefactor.

So you see, Mr. President, there have been other generations in the life of this Republic when exceptions have been taken to what the Supreme Court has done; but I find 1 or 2 to embellish the record. This happened in 1894. Articles appeared in the Brooklyn Daily Eagle and the New York World, and they read as follows:

Mr. Justice (blank) sits upon the bench. He will always taint it. Never before in the long and honorable history of the Supreme Court has such a scandal cast its shadow on it.

Then again:

Shall the purity of the judiciary be sacrificed to pay the political debts of the machine bosses?

Then again:

Why must they seek to reward a lawbreaker with the highest judgeship?

So you see, Mr. President, in those days they reflected on the Supreme Court, even as Mr. Grant did. I add one more quotation that appeared in 1907 in the New York Globe:

The President is doing what he can to make over the Supreme Court of the United States. The President would like to see the Supreme Court made up of men who, in a general way, are in line with his policies and in sympathy with them, and insofar as he makes appointments to the Supreme Court he will seek to select judges of this kind.

One cannot find a generation in the history of this country when there have not been attacks upon and criticisms of the Supreme Court; but I doubt very much whether they have gone quite so far as this criticism—I shall not call it an attack—from which I have read. But let me read a few more extracts. This is from the same speech by our former minister, Mr. Grant:

After 4 years of bitter fratricidal strife, constituting the great tragedy of the American scene, the South lay in ruins. * * * Not satisfied with their decisive military victory, the Republican politicians of the North now plotted the destruction of the white civilization of the South. This was to be accomplished through three amendments to the Constitution—the 13th, 14th, and 15th amendments. In the proposed 14th amendment, particularly, were the seeds of destruction.

The speech goes on and on in that fashion. It discusses the matter further.

Speeches of that kind have been made on every occasion in connection with issues which have had a more ethical background, but it did not stop the movement. I say such movements go on and on, even as they have before, and such progress has carried this country to a high state.

Now, the question before us is one of recognizing the United States citizenship of all the people of this country and protecting their rights under the Constitution of the United States.

I was somewhat distressed when it was intimated the other day that the bill which was before the Senate was cunningly contrived, that it was deliberate, that it was a design, that it was meant to force the commingling of schoolchildren in the South. I got no such idea about this bill. My name is on it. I have labored with it for a long time. I never had that in mind. None of the sponsors did. Certainly I do not have it in mind now. But that issue has been raised.

Let us go back to the bill and the question of civil rights and see where we are. When the 13th amendment was adopted and struck away slavery, the Supreme Court itself said, after surveying the scene, that it was not enough. Then came the 14th amendment. That conferred dual citizenship, and we so often forget it. The 14th amendment states that native-born and naturalized citizens of this country are citizens of the United States and the State where they reside. They have a twofold citizenship. What the Congress deals with is the capacity of a citizen as a citizen of the United States under the Constitution. Of course, that is the question which is before us.

The 15th amendment, of course, simply provided that the right of a United States citizen to vote shall not be abridged either by the United States or by any State, and in accordance with its terms, the Supreme Court struck down the grandfather clauses which were used at one time and another to prevent people from voting. There was one in the State of Maryland. I think the law read that if a person's grandfather or great grandfather could vote before 1868, then such a person could vote. How many citizens would be able to vote in that generation when such a law was in effect in the State of Maryland?

But all those impediments were brushed aside little by little, in order to make sure that the rights of a citizen of the United States, regardless of his color, merited and should have the protection of the force and of the sovereignty of the United States Government.

The progress in this field has been pretty slow—very slow, indeed. Sometimes I wonder whether or not we should confess our shame. I have traveled around the world 4 or 5 times, and I have seen some of the young men of color die. When I was a soldier, in World War I, I saw some of them die on the western front. Our colored citizens pay their taxes. Now, are we going to take their lives and their taxes, and not return something by way of protection, by way of safeguarding their rights under the Constitution of the United States, which is the supreme law?

That is not the attitude which the President of the United States took, and I know something about his attitude. In fact, I know a good deal about his attitude, because I was the chairman of the Subcommittee on Civil Rights at the Republican National Convention in San Francisco last year. I had some drafts of my own. They were a good deal stronger than the language we finally wrote into the platform; but it was the tempering effect of the President of the United States that finally accounted for the language we wrote into the platform and on which we went to the people of the United States, and said, "Here is our platform on the civil-rights issue, and we mean to carry it out if we can."

What did we say? It will bear reading into the RECORD today, and I shall read it slowly:

The Republican Party points to an impressive record of accomplishment in the field of civil rights and commits itself anew to advancing the rights of all our people, regardless of race, creed, color, or national origin.

We said "all our people," where civil rights were involved. Parenthetically, let me say that I do not believe one has to live in a Southern State in order to appreciate this problem. I am frank to say that, with the possible exception of the State of Georgia, and it may be of

New York, I believe there are more citizens of color in the State of Illinois than there are in any other State of the Union.

We probably have twice as many Negroes in Illinois as there are in the State of Arkansas, more than there are in Mississippi, and more than there are in Louisiana, if the most current figures are correct, because there are in the neighborhood of 1.2 million Negroes in the State of Illinois.

Now, do Senators not think that one gets some appreciation of this problem in a State like that, without having to live in a Southern State? I think I appreciate this problem and bring to it that degree of sympathy which is necessary in connection with whatever peculiar problem there may be in other States.

But let me continue reading the civil-rights platform:

In the area of exclusive Federal jurisdiction, more progress has been made in this field under the present Republican administration than in any similar period in the last 80 years.

The many Negroes who have been appointed to high public positions have played a significant part in the progress of this administration.

Segregation has been ended in the District of Columbia government and in the District public facilities, including public schools, restaurants, theaters, and playgrounds. The Eisenhower administration has eliminated discrimination in all Federal employment.

Great progress has been made in eliminating employment discrimination on the part of those who do business with the Federal Government and secure Federal contracts. This administration has impartially enforced Federal civil-rights statutes, and we pledge that we will continue to do so. We support the enactment of the civil-rights program already presented by the President to the 2d session of the 84th Congress.

Which was substantially the proposal that is presently before us.

The regulatory agencies under this administration have moved vigorously to end discrimination in interstate commerce. Segregation in the active Armed Forces of the United States has been ended. For the first time in our history there is no segregation in veterans' hospitals and among civilians on naval bases. This is an impressive record. We pledge ourselves to continued progress in this field.

The Republican Party has unequivocally recognized that the supreme law of the land is embodied in the Constitution, which guarantees to all people the blessings 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.

The Republican Party accepts the decision of the United States Supreme Court that racial discrimination in publicly supported schools must be progressively eliminated. We concur in the conclusion of the Supreme Court that its decision directing school desegregation should be accomplished with "all deliberate speed" locally through Federal district courts. The implementation order of the Supreme Court recognizes the complex and acutely emotional problems created by its decision in certain sections of our country where racial patterns have been developed in accordance with prior and long-standing decisions of the same tribunal.

We believe that true progress can be attained through intelligent study, understanding, education, and good will.

I ask Senators to listen to this language:

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.

Do Senators find anything there about bayonets? Do Senators find anything there about troops? Do Senators find anything there about force? Do Senators find anything there about a sumptuary effort on the part of the Attorney General or about the executive branch being arbitrary and capricious?

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

The PRESIDING OFFICER (Mr. THURMOND in the chair). Does the Senator from Illinois yield to the Senator from North Carolina?

Mr. DIRKSEN. I would rather continue, if the Senator does not mind.

There is nothing there about force. There is nothing there about compulsion. We talk about good will and understanding, and carrying out our pledge on civil rights in that spirit.

I repeat:

Use of force or violence by any group or agency will tend only to worsen the many problems inherent in the situation.

That was the attitude of the President. That was the attitude of the Republican Party. I had something to do with the fashioning of that language, and I stand on it today, because I think in the spirit and in the context of that pledge to the American people we can go forward, and we should do so.

That civil-rights platform represents a commitment. I think we ought to carry out that commitment if we reasonably can, and that commitment is before us today in the form of the bill to consider which a motion has been made. I sincerely hope that the motion will be adopted at an early date, and that this bill will be made the order of business, so we can go ahead to discuss its merits.

I do not wish to be in the unhappy and awkward position of contributing to what might be styled a filibuster, although it really is not, but I think there are some things about the bill that ought to be discussed. I doubt whether I can get to part III, which seems to be the highly controversial section, today, but I want the record of this body to show that somebody lifted his voice with respect to this measure, so I wish at least to cover parts I, II, and IV, and probably, at a later period when the bill is before us, I shall go into part III.

Let us look at part I for a moment. It provides for a bipartisan commission to make an investigation in this field. Think of the things we have been investigating. The number is legion. In the last Congress, the 84th Congress, the Senate spent $4,400,000 on investigations, and there has been authorized in this session of the 85th Congress $2,900,000 for investigations. Nothing is sacred from the investigatory touch. We have investigated labor and labor racketeering. We are in the process of investigating business, and the concentration of industry. We are in the process of investigating monopoly. We are in the process of investigating mergers. We investigate un-American activities, to determine whether someone has departed from what we think is an adequate patriotic standard.

We have been investigating disarmament, and perhaps the television networks. We have been investigating foreign refugees. We have been investigating crimes. We have been investigating juvenile delinquency. We have been investigating nuclear energy. We have been investigating prices and rates. We investigate campaign spending.

Considering all the money we have expended for every investigatory purpose under the sun, is there any reason to suggest that we are going afield when we seek to establish a bipartisan commission, the members of which must be confirmed by this body, in order to investigate in this field?

What are the limits of the investigation? I shall not detail them too precisely, but, in general, they include allegations of the deprivation of the right to vote by American citizens who are given that right by the 15th amendment; the question of denial of equal protection of the laws under the Constitution; and the laws and policies relating to equal protection of the laws. Is it so heinous that we should investigate those things? The rights of citizens of the United States are involved. They are the peculiar domain of the Government of the United States; for if the sovereign Federal Government does not look after their interests and protect their rights, who will do it?

I think the House, in eliminating some of the phrases and delimiting the powers of the proposed commission, was probably on good ground. So what objection can there be to a bipartisan commission, with Senate confirmation of its members, making an adequate investigation in this field?

Second, the bill provides for an Assistant Attorney General. It does not designate his functions, because the practice has been, when we provide for an Assistant or Deputy Attorney General, to leave the assignment and the designation to the Attorney General himself.

At present there are six Assistant Attorneys General. One presides over the Tax Division. One presides over the Antitrust Division. One presides over the Lands Division. One presides over the Criminal Division. One presides over the Internal Security Division, and one presides over the Civil Division. However, civil rights come under the Criminal Division today. That is an improper place to put them. That division has a great deal of work to do. It deals with the Fair Labor Standards Act, and a great many other subjects. It seems to me most appropriate, because of the expansion of this domain, that there should be an additional Assistant Attorney General, and that the Attorney General himself, by administrative fiat, should designate a Civil Rights Division in the Department of Justice, to give

dignity to the work and to recognize its importance.

Is there any opposition to it? Can there by any exception to it? I doubt it very much. I have heard very little said on the floor in opposition to these two proposals.

Now we come to part 4, relating to the subject of securing and protecting the right to vote. When all is said and done, I suppose that is the very cornerstone of our country. This is a representative Government, and it is based, of course, upon the selection of people to operate the Government in the executive and legislative branches by the franchise and the suffrage of the people. If that right cannot be exercised, if it cannot be properly or honestly gained, the result makes a mockery of the very principle of representative government itself.

We have statutes on the books relating to denial of the right to vote under color of State law. I refer to title 42, sections 1971 and 1983. Those statutes give the right to sue for damages and for preventive relief.

Title 18 provides for dealing with private interference with the right to vote. That subject is covered in sections 241 and 594. There can be criminal prosecutions under those sections.

There are statutes covering deprivation of rights under color of law, because of race, religion, color, or national origin. Prosecutions would lie under the provisions of section 242, title 18.

The weakness, as the Attorney General pointed out, is that so often a criminal prosecution will touch a very respectable citizen in the community. The more important aspect of the question is that if we wait until the right is denied, and undertake to act after the fact, we cannot restore the right to the citizen who is aggrieved. We must then proceed with a criminal charge.

The hope of the President and of the Attorney General was to have the Congress grant the President augmented civil power, so that denial of the right could be prevented in the first instance, and a criminal prosecution would not be necessary.

It may be said that there is no denial of the right to vote. I think it would be appropriate at this time to refer to the testimony of the Attorney General on this question. It begins on page 3 of the hearings before the Senate committee. He said:

> First, let me refer to the situation which developed last year in Ouachita Parish, La.
>
> In March 1956, certain members and officers of the Citizens Council of Ouachita Parish commenced an examination of the register of the voters of Ouachita Parish. Thereafter, they filed approximately 3,420 documents purporting to be affidavits but which were not sworn to before either the registrar or deputy registrar, as required by law.

The committee counsel, Mr. Slayman, then asked:

> Mr. SLAYMAN. Excuse me, Mr. Attorney General, how many of those were there?
>
> Mr. BROWNELL. Three thousand four hundred and twenty.
>
> Mr. SLAYMAN. Three thousand?
>
> Mr. BROWNELL. Three thousand four hundred and twenty.
>
> Mr. SLAYMAN. Thank you.
>
> Mr. BROWNELL. In each purported affidavit it was alleged that the affiant had examined the records on file with the registrar, that the registrant named therein was believed to be illegally registered and that the purported affidavit was made for the purpose of challenging the registrant's right to remain on the roll of registered voters.
>
> Such affidavits were filed challenging every one of the 2,389 Negro voters in ward 10. None of the 4,054 white voters in that ward were challenged.
>
> Senator HENNINGS. General, in what part of the State is that parish?
>
> Mr. BROWNELL. Near Monroe, La.
>
> Senator HENNINGS. Near Monroe?
>
> Mr. BROWNELL. Yes.
>
> With respect to another ward, ward 3, such affidavits were filed challenging 1,008 of the 1,523 Negro voters.
>
> Only 23 of the white voters in ward 3 were challenged. The registrar accepted their affidavits even though she knew that each affiant had not examined the registration cards of each registered voter he was challenging.

Is it fair? I do not know. The Attorney General was investigating, through his staff, to determine whether the voting right had been denied.

> The registrar accepted their affidavits even though she knew that each affiant had not examined the registration cards of each registered voter he was challenging.

Never even examined the card, but challenged them notwithstanding.

> On the basis of these affidavits, citations were mailed out in large groups requiring the challenged voters to appear within 10 days to prove their qualifications. Registrants of the Negro race responded to these citations in large numbers. During the months of April and May large lines of Negro registrants seeking to prove their qualifications formed before the registrar's office, starting as early as 5 a. m.
>
> The registrar and her deputy refused to hear offers of proof of qualifications on behalf of any more than 50 challenged registrants per day. Consequently, most of the Negro registrants were turned away from the registrar's office and were denied any opportunity to establish their proper registration.

Is that fair?

> Thereafter, the registrar struck the names of such registrants from the rolls. With respect to those registrants who were lucky enough to gain admission to the registrar's office, the registrar imposed requirements in connection with meeting the challenge which were in violation of Louisiana law.
>
> The registrar refused to accept as witnesses, on behalf of challenged voters, registered voters of the parish who resided in a precinct other than the challenged voter or who had themselves been challenged or had already acted as witnesses for any other challenged voter.
>
> By these means the number of registered Negro voters in Ouachita Parish was reduced by October 6, 1956, from approximately 4,000 to 694.

They are citizens of the United States. They may also be citizens of Louisiana, and doubtless they are, but they are citizens of the United States. If I were running for the United States Senate there, I would want their votes cast and counted, because we owe it to them as citizens of the United States. If a similar situation were to prevail in the State of Illinois, I would raise my voice to high heaven, whether the voters were white or black or any other color, so long as they were citizens of the United States; and if the Federal Government refused to look after their interests and asked them only to die on the battlefield and to pay their taxes, but would not permit them to participate in our representative form of Government, then we would have come to a pretty pass indeed. That is all we seek to prevent by the voting section of the bill.

A great deal of noise has been made about jury trials. What we are proposing to do is to give to the Attorney General a civil preventive authority so that it will not be necessary to resort to criminal action.

I listened to the Senator from Alabama [Mr. SPARKMAN] with a great deal of interest. I got to wondering what the situation was in the States with respect to jury trials in contempt proceedings. The Library of Congress has prepared a tremendous document on the subject, and I should like to read from page 5 on the subject of jury trials. This has been compiled by the Law Section of the Library of Congress. It reads:

> Only a few States specifically grant the defendant a right to a jury trial in contempt proceedings, even if they be proceedings in criminal contempt.

That is the law. I did not get that up. It was gotten up by the Law Section of the Library of Congress, for which we appropriate millions of dollars every year to do research for Congress. The report lists a half dozen States, with certain qualifications. I reemphasize what the law is:

> Only a few States specifically grant the defendant a right to a jury trial in contempt proceedings, even if they be proceedings in criminal contempt.

It may be that others have a better answer—I do not know—but at least that comes from a pretty good source, and that is a very well documented report.

What we are asking for is authority in the hands of the Attorney General of the United States to exercise some civil authority, as a preventive measure in a case of voting, before the milk has been spilled and the election day has gone by. Otherwise, nothing can be done, and we must content ourselves with some kind of criminal action. It is very much better not to have to appear against respected citizens in various States, but, rather, to use the contempt remedy when it is available in civil proceedings, so that the intimidation and the coercion and the obstruction and the hinderance can be prevented; and nobody will get hurt in that kind of proceeding.

A bipartisan commission would be established. Since we have investigated nearly everything under the sun, it appears to me that this is an appropriate field in which a bipartisan commission, with its members confirmed by the Senate, can very properly make a limited investigation—and it is limited—in the interest of our whole economy.

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

Mr. DIRKSEN. Will the Senator bear with me a little while longer? I shall not be too long.

Next, there would be provided an additional Assistant Attorney General. Then there would be safeguarded the right to vote. I had not planned to move into that chapter, particularly, and I shall not cover it in its entirety. However, there are some things that must be repeated, and I might as well do it now as at any other time. This relates to a question that has been discussed at the luncheon table, in the cloakrooms, and on the floor of the Senate. I know it is in the minds of all the Members of the Senate. I wish to be scrupulously fair about it. I refer to the question of the civil-rights bill and segregation in the field of education.

The charge that the major purpose of the civil-rights bill is to enable the Attorney General to force desegregation in the public schools in the South is simply without foundation. The position of the administration on this issue was made clear by the Attorney General himself when he appeared before the Subcommittee on Constitutional Rights of the Committee on the Judiciary. This is what he said:

> As you all know, the Supreme Court recognized the many difficulties involved in making the transition from segregated to nonsegregated education. The Court said that "school authorities have primary responsibility of elucidating, assessing, and solving these problems; courts will have to consider whether the action of school authorities constitutes good-faith implementation of the governing constitutional principles."

That is from the Supreme Court's decision in the school cases. The Attorney General continued:

> Civil suits brought by private individuals are bringing the school situation before Federal courts in increasing numbers. Because of the discretion vested in the district court in solving these questions, the Department has not become aware of any case in which the exercise of its existing criminal jurisdiction is warranted.
>
> For similar reasons we should not expect often to be faced with the necessity of taking affirmative action in civil suits were the legislation now advocated by us enacted by Congress.

The Attorney General stated, however, that there was a role for the Federal Government to play in the school segregation situation. In the first place, he stated that the Department of Justice would be prepared to institute civil suits under this legislation for the purpose of preventing individuals from interfering with voluntary attempts by school boards and other local officials to comply with the Supreme Court decision to abolish enforced segregation.

Under title 42, United States Code, section 1985, as amended by part III of the bill, the Attorney General would have the authority to sue for preventive relief when it could be shown that there was a conspiracy "for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws."

This is what the Attorney General said further on the subject—and this is the crux of it:

> There is, however, one type of situation in which these civil remedies might be useful in the school segregation area, illustrated perhaps by a case that arose in Hoxie, Ark.
>
> There, you will remember that the school board, in compliance with the United States Supreme Court ruling and without waiting for a lawsuit to be brought to compel them to do so, went ahead and desegregated the school. They were proceeding peacefully with an unsegregated school, as is the case of course, in overwhelming areas of our country. Then outside individuals came in, as the record shows, threatened the superintendent and the members of the school board with violence, and threatened some of the parents with violence, in case the unsegregated school proceeded.

That raises a very interesting question. The school board and the superintendent of schools in Hoxie, Ark., said, in effect, "The high tribunal of the country has spoken. It is our duty to comply with the ruling." So without any nudging, without any inspiring from anybody else, they proceeded to desegregate the schools. They went along and paid attention to their own business.

What happened? Outsiders came in and threatened them. What shall we do when a local school agency undertakes to comply with the mandate of the highest court in the land? When the Supreme Court spoke, its decision became the law of the land, because it was an interpretation of a clause in the 14th amendment, which can be undone only if Congress undertakes to amend the Constitution of the United States and such amendment is ratified.

Shall we say to the superintendent of schools and the school board, "Well, we are sorry, but we must leave you to your devices. Work it out as best you can"?

Does the Supreme Court have a weapon with which to enforce the law? It has no weapon. In the separation of powers and in the structural setup of our Government, this body, together with its coordinate body at the other end of the Capitol, got the purse, because not a dollar can be taken out of the Federal Treasury except in pursuance of an appropriation made by law. So Congress got the purse.

The President of the United States got the sword, because the Constitution makes him the Commander in Chief of the military and naval forces of the country.

The Supreme Court of the United States, the third branch of our Government, got no weapon. It depends either upon moral persuasion or upon the executive branch and the law-enforcing authorities in order to carry out its mandates. I think the Supreme Court has done superb work. They have been inhibited and restrained, and have not undertaken at any time in sumptuary fashion to disturb the existing order; they have not undertaken to ram anything down the throat of any section of the country.

But when a peaceful situation arises in a town like Hoxie, what do we do? Do we say, "There must be words that can be contrived to be put upon the statute books, and there must be power to which we can resort"? There must be something we can do; there must be an authority we can create, in order to hold up their hands and to tell them to carry out the mandate of the Court; and we must make certain that they are not molested in so doing.

Is that too much to ask?

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

Mr. DIRKSEN. I was trying to complete my remarks without interruption.

Mr. President, I wish to continue with the memorandum on the Hoxie school case. The Attorney General continued:

> In that case the school superintendent and the members of the board filed a suit in the Federal district court seeking to restrain the defendants from interfering with the operation of the school in the district on an unsegregated basis.
>
> An injunction was issued and on the appeal the Department of Justice came in as a friend of the court and filed a brief in support of the plaintiffs. The court of appeals upheld the district court and the school is now back on an unsegregated basis with everything proceeding peacefully.

The Attorney General continued:

> The school board in the Hoxie case was courageous and forthright in taking the case into court. It may well develop other situations in which, after voluntary desegregation, the pressures placed upon the local school authorities are so great as to prevent their taking the initiative in instituting the legal action.
>
> In this type of situation the Department under this legislation would be authorized to take the initiative in filing a suit for an injunction against any individuals seeking to interfere with the school authorities in their attempt to comply with the ruling of the Supreme Court.

What is wrong with that? Children are involved. A Supreme Court decree is involved. Do we leave them helpless, if they get no support or attention from State authorities? They are citizens of the United States. Do we abandon them? I cannot imagine it, under the 14th amendment, which provides that all these people, born and naturalized and subject to the jurisdiction of the country, are citizens of the State in which they reside and citizens of the United States of America. They deserve the protection of the Federal Government.

Once there was a theory—before it was struck down by the Supreme Court—that the only way a citizen could contact the Federal Government was through the intermediary of a State. But when, by the 14th amendment, he was made a citizen of the United States, he could hold up his head in the sunlight and could say, "I do not care what inhibitions there are. I have a direct contact with my government, as a citizen of the United States."

Mr. President, before I conclude, I wish to refer to the question of the use of troops. I can well understand how disconcerting that can be and how emotional we can become about it; and I think I understand the reasoning by means of which that conclusion was

reached and was stated on the floor of the Senate.

First of all, part III of the bill is in the form of an amendment to title 42, United States Code, section 1985. In the same title of the code, in section 1993, the following language appears:

It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under sections 1981–1983 or 1985–1992 of this title—

Then there is a little word, but an important one—the word "or"; because then we find the following:

Or as shall be necessary to prevent the violation and enforce the due execution of the provisions of sections 1981–1983 and 1985–1994 of this title.

Part III of the bill is an amendment to section 1985; and the idea of the amendment was to use section 1993, which would make the military available for the enforcement of certain rights. But I think that thesis is completely without foundation.

Of course, it was asserted that that was drafted pretty much by design; that there was something deliberate about it, for the purpose of moving into the desegregation picture. As a matter of fact, there would be no need for it, because section 1993 of title 42 of the United States Code, as it now stands, gives the President ultimate authority to employ the land and naval forces to aid in the enforcement of desegregation decrees issued by Federal courts in any private suits which might be instituted under authority of that title of the code, and for the further purpose of desegregating the public schools.

But entirely apart from the sections being dealt with in the bill, the President may, under laws which were reenacted by Congress as late as last year, and which have been enacted and codified and recodified, going back to 1795, exercise that sort of power.

This is what the Congress provided in 1795:

That whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the militia of such State or of any other State or States, as may be necessary to suppress such combinations, and to cause the laws to be duly executed; and the use of militia so to be called forth may be continued, if necessary, until the expiration of 30 days after the commencement of the then next session of Congress.

That was in 1795, when a certain limited power was conferred upon the President. That was recodified and expanded, so as to authorize the use of the land and naval forces; that was done back in 1861, and it will be found in 12 United States Statutes 281. This statute has existed in substantially the same form since that time. It was first recodified in the 50th title of the United States Code, section 202, and was last reenacted by Congress in 1956.

Now let me read from the revised Armed Forces Act, which will be title 10 of the new code, when it comes out. This is section 332; and, as I recall, the Congress finished action on it in July of last year, and I believe it became effective in January of this year. It reads as follows:

Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State or Territory by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the Armed Forces, as he considers necessary to enforce those laws or to suppress the rebellion.

That is in effect now; that was done last year. Incidentally, that bill came out of the Armed Services Committee of the United States Senate.

But let us go a little further.

In 1871, Congress gave to the President even broader authority to use the land and naval forces to enforce the Federal laws and, in particular, to enforce the 14th amendment. In that connection, let us refer to 17 statutes 14. The statute was first codified as title 50, United States Code, section 203, and was last readopted by Congress in 1956, as section 333 of the new title 10 of the United States Code. It is the law today, and it has been the law.

Mr. WILEY. When did it become effective?

Mr. DIRKSEN. The Congress passed it last year, and it became effective in January 1957. It reads as follows:

The President, by using the militia or the Armed Forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it—

(1) So hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

(2) Opposes or obstructs the execution of the laws of the United States or impedes the course of justice under these laws.

In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

That is the law; the Congress enacted it very recently; it was less than a year ago that Congress passed on it and made it the law of the land; and it is the law today, and confers that authority upon the President of the United States.

It should also be noted that all the aforementioned statutes vest in the President, not in the Attorney General, the authority to use the troops. I think there has been some talk to the effect that the Attorney General might use the troops. However, there is in the code a section—title 18, United States Code, section 1385—which would make it a crime for anyone not specifically authorized to use the military forces, to do so. That section reads as follows:

Whoever, except in cases and under circumstances expressly authorized by the Constitution or act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined not more than $10,000 or imprisoned not more than 2 years, or both. This section does not apply in Alaska.

But how could the Attorney General use troops, if anybody has the idea that he ever meant to do so? So far as the residual authority of the President is concerned, it goes back to 1795. It is for all broad purposes, and it has been carried forward, readopted, readapted, recodified, and, no later than last year, was made a part of the statutes of the country.

One last word should be said about the question of the use of troops. The ultimate authority to use military force to enforce Federal law whenever the normal judicial processes are insufficient has been vested in the President since 1795. Aside from the periods of actual civil war, Presidents have not found it necessary to resort to military force to enforce Federal law. There is no reason for assuming that it will be necessary to do so even to enforce Federal law in the civil-rights field. Respect for law is firmly ingrained in our people, and adequate power is now vested in the Federal courts to enforce decrees issued by them. To suggest that military force will be necessary to enforce civil-rights decrees is to suggest that there are areas in our country where the local citizens would be willing again to resort to civil war as a means of avoiding the impact of Federal law. We cannot believe that this is true. It is simply not imaginable.

That is the story. I know there is much more to be said. I shall probably again address myself to part 3 of the bill. I did want the RECORD to show what is involved in a broad way. Then, I wanted to show what my own conviction was—that we are laboring today with a great force that has had a sort of spiritual effect upon the unfolding of all history.

Go back 200 years and see where man was educationally, economically, socially, agriculturally, and politically. See what the rights of man were then. See what the restrictions were. Assess and praise and spell out the rather difficult and tortuous road that has been traveled over the last two centuries. Always the course has been upward and onward to something better, finer, and nobler.

So I simply say if we do not prevail in safeguarding and protecting the rights of citizens of the United States as defined and safeguarded by the Constitution of the United States, there will be another day, there will be another time, and there will be another generation that will be responsive to this irrepressible and irresistible force and get the job done, if we should fail.

I can understand the abiding interest of the President of the United States in this matter, and how anxious he is that the Congress do something on this score during the present session. The least I can do is lift my voice and to help him

as best I can to get this job done in whole or in part.

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

Mr. DIRKSEN. I yield.

Mr. THYE. I wish to commend the distinguished Senator from Illinois for his most impressive, intelligent, and informative statement. As I have listened to him, his statement has been a great enlightenment to me, and I know it will be to all those who read the RECORD.

Mr. DIRKSEN. I thank my friend from Minnesota.

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

Mr. DIRKSEN. I yield.

Mr. POTTER. I, too, wish to commend the Senator from Illinois for an outstanding presentation of this very delicate and complex subject. I should like to ask the distinguished Senator a question. Does he think that when Negro citizens in some cases are denied the right to vote, they should still be subject to selective service? Men are drafted irrespective of color. Nevertheless, some of them are denied the right to vote. When a criminal is sentenced to prison, although he loses his right to vote, he is not subjected to being drafted under selective service. While certain citizens are denied the right to vote in certain areas, at the same time we reach out and grab them for selective service, which I think is grossly unfair.

Mr. DIRKSEN. I thoroughly agree with the statement of the Senator from Michigan. I am always a little distressed about using words that seem rather sumptuary in meaning when we say we deny them the right to vote. Perhaps we had better put it on another ground and say it is made extremely difficult for them to vote, but the Senator is eminently correct.

Mr. POTTER. If the Senator will yield further, many of us served in the Armed Forces with Negro citizens during the war. I know the outstanding service they performed. There was certainly no discrimination at that time as to the missions to which they were assigned. To me the proposed civil-rights legislation, which would guarantee such citizens the right to vote, which right other citizens have, is long overdue, when we consider the fact that such citizens have to serve in time of war and pay taxes on the same tax structure on which other citizens pay taxes. Certainly the voting privilege should be extended equally to those citizens.

Mr. DIRKSEN. That is a part of the fabric of equality, and it will not be denied.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. CASE of New Jersey. Mr. President, I wish to join my colleagues in expressing my appreciation to the Senator from Illinois for speaking as he has this afternoon. As I think almost everyone knows, it had not been the intention of those of us who believe in this proposed legislation to participate in the discussion of the pending motion or to engage in extended debate upon the merits of the legislation. Yet, because of the debate by those in opposition to the bill has been on its merits, it has seemed to me, as it has to the Senator from Illinois, that, at least in the beginning, this discussion by the proponents of the bill was very much in order. The fact that there has not been more of it on our side is due solely to the reason I have set forth. I am sure the overwhelming majority of the Members of this body, as well as of the other body of Congress, feel as the Senator does.

I want to make one special point in relation to the remarks of the Senator from Illinois, particularly the concluding portion of his remarks. Contrary to the impression which has perhaps been created by those in opposition to the proposed legislation, that there was some kind of harm intended to American citizens by those who support the bill, and an intent to oppress them, the real situation is that we are attempting, in all humility and with no sense of superiority on our part, but in a desire to be helpful, to make it possible for millions of citizens who for so long have been held in an inferior status to begin to be full-fledged citizens and Americans. What we are talking about is an effort to stop certain persons from preventing those citizens from exercising their rights as Americans.

I wish to thank the Senator from Illinois for pointing out that it is a part of the long process of history, by which we have progressed from intolerable conditions, so far as humanity is concerned, to conditions somewhat more tolerable, and that it is time for us to take a step to remove this stain upon the escutcheon of our country.

I particularly desire to thank the Senator for making it possible for those in favor of this proposed legislation to introduce into the RECORD some of the reasons why we feel so deeply about it.

Mr. DIRKSEN. I am grateful to the distinguished Senator from New Jersey. Actually, I had no particular desire to intrude myself into the discussion of the bill, when we are dealing with the motion which is before the Senate, but rather than have someone misinterpret the attitude of Senators on this side of the aisle, I thought something ought to be said. Obviously, one does have to move into some of the merits of the bill and what it proposes to do in order to make a fair record that can be conveyed to the country.

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

Mr. DIRKSEN. I yield to the distinguished Senator from California.

Mr. KUCHEL. Mr. President, I wish to say that the distinguished Senator from Illinois [Mr. DIRKSEN] has performed an excellent and invaluable service here today in the powerful and persuasive address which he has just concluded.

I am delighted to associate myself with the other Senators who have saluted the efforts of the Senator from Illinois on this occasion.

I wish to ask the Senator from Illinois, Is it not true that basically what is sought to be achieved by those of us who have lent our names to similar legislation in the Senate, and, indeed, what is sought to be achieved by the President of the United States, is to give the adult American citizen, every American citizen wherever he may live in this country, the right to exercise his franchise and to vote?

Mr. DIRKSEN. Indeed so.

Mr. KUCHEL. Is it not true that the American constitutional guaranty of a right to vote is worth very little, if indeed it is worth anything at all, except on the day of election?

Mr. DIRKSEN. Yes; and the ballot must be counted on the day of election, also.

Mr. KUCHEL. Indeed, or otherwise it loses its value entirely. On election day the right to vote is the most precious right, under our Constitution, of Americans.

In that connection, Mr. President, I desire to ask the Senator from Illinois if he recalls, as I am sure he does, that portion of the letter which the Attorney General of the United States addressed to the Senator from New Jersey and to me a number of weeks ago, when he said in part:

> There are valid reasons for the ever-increasing use of civil suits for preventive relief as a means of enforcing Federal law. Judicial determination of the validity of a course of conduct in advance aids the Government in its primary purpose of preventing violation of law. It also aids the defendant since he can litigate the legality of his proposed conduct without the necessity of taking action at the risk of a criminal conviction if he guesses incorrectly.

Does the Senator not agree with that comment by the Attorney General?

Mr. DIRKSEN. Yes, and that is precisely the point the Attorney General emphasized at the very outset when he came before the committee to testify.

Mr. KUCHEL. I thank the Senator very much.

Mr. DIRKSEN. So he reemphasized the true situation.

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

Mr. DIRKSEN. Mr. President, I yield with the greatest pleasure, delight, and relish to my old friend, the Senator from North Dakota, whom we are all glad to welcome back to the floor of the Senate.

Mr. LANGER. I merely want to make an observation and to ask a question.

Is it not true that the Republican Party is the party which has taken care of second-class citizens and has made them first-class citizens during all the years? Is it not true that the Indians all over the country were second-class citizens, until they were granted the right to vote under Calvin Coolidge, in 1924, when we passed the legislation in Congress providing that the Indians, no matter from what State, would have the right to vote?

Mr. DIRKSEN. Mr. President, I could make a most emphatic nonpartisan political answer to my distinguished friend, the Senator from North Dakota, except that I do not wish to inject any kind of partisanship into the discussion, because what we are dealing

with here is so important and so far transcends all partisanship and personal feelings that I do not want to have the issue clouded. But I can tell my distinguished friend, privately, how I feel.

Mr. LANGER. I should like to add that in the Northwest, in Montana, South Dakota, and North Dakota, and other Western States, we are very proud that the Indians have the right to vote. I agree with the Senator that this discussion should be entirely nonpartisan.

Mr. DIRKSEN. Of course my distinguished friend, the Senator from North Dakota, was a tower of strength in achieving that result.

Mr. LANGER. I helped a little.

Mr. DIRKSEN. Indeed, sir.

Mr. LANGER. I wish to associate myself with the very fine remarks which the Senator from Illinois has made this afternoon.

Mr. DIRKSEN. I am deeply grateful.

Mr. ERVIN rose.

Mr. DIRKSEN. I now yield to my very distinguished friend, the Senator from North Carolina.

Mr. ERVIN. I should like the very able and distinguished Senator from Illinois to tell me whether or not I misconstrued his remarks when I came to the conclusion that he admitted that if this bill were passed the President, under section 1993 of title 42 of the United States Code, could call out the Army, the Navy, or the militia to enforce the decrees which could be entered in the suits under title 42, section 1985, to be brought by the Attorney General.

Mr. DIRKSEN. Mr. President, what I said was that the President does not have to depend upon section 1993. He can go to the Revised Armed Forces Act, completed in August of last year, effective January 1, 1957, from which I read excerpts to show the power of the President.

Mr. ERVIN. The Senator from Illinois read excerpts from other statutes which I construe to be implementations of the constitutional provision that the President can send troops into States in case the States are in insurrection.

Let me ask the Senator this question——

Mr. DIRKSEN. Of course, before we get away from that point, that certainly is not my interpretation of the language which I have read into the RECORD this afternoon, language that goes back to 1795 and continues up to what will be title 10 of the new United States Code.

Mr. ERVIN. Under section 1993 of title 42 the President can call out the militia of the State.

Mr. DIRKSEN. Yes.

Mr. ERVIN. I ask the Senator if under section 1993, title 42, of the United States Code, the President cannot call out the Army, the Navy, or the militia merely to enforce a judgment.

Mr. DIRKSEN. Mr. President, if the President can call cut the troops under a half dozen different provisions in the statutes, what difference does it make whether it is section 1993 of title 42 or section 333 of title 10 of the new code? It makes no difference.

Mr. ERVIN. I submit that under the other statutes the situation has to be in a much more drastic condition. It practically must amount to an insurrection. In this instance the President can call the troops out to enforce the judgment in a case.

Mr. DIRKSEN. Not as I read the language of the statute.

Mr. ERVIN. May I invite the Senator's attention to section 1993 of title 42. Let me ask the distinguished Senator from Illinois this question: If we were to pass this bill and authorize the Attorney General to bring suits in cases authorized by title 42, section 1985, could the President not then call out the Army or the Navy or the militia to enforce the judgments entered in such cases?

Mr. DIRKSEN. I think the best answer, of course, is simply to read the language of the statute into the RECORD. That language has been bandied about on the floor so much that I shall simply merely read it for my own edification, as well as that of the other Members of the Senate.

The Senator is referring to section 1993?

Mr. ERVIN. Title 42, section 1993. The statute is very broad. I am merely asking for an interpretation.

Mr. DIRKSEN. Yes. The statute, in part, reads as follows:

AID OF MILITARY AND NAVAL FORCES

It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under sections 1981–1983 or 1985–1992 of this title, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of sections 1981–1983 and 1985–1994 of this title.

Does that differ from the other language?

Mr. ERVIN. I think it does, very substantially.

Mr. DIRKSEN. I do not think it does.

Mr. ERVIN. In one instance provision is made to call out troops to enforce a judgment. In the other case there must be practically a state of insurrection, as I construe it.

Mr. DIRKSEN. Let us re-read the language which I placed in the RECORD this afternoon. I will go all the way back. This is the new title 10 of the United States Code, referring to the Armed Services Act, section 332:

Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State or Territory by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the Armed Forces, as he considers necessary to enforce those laws or to suppress the rebellion.

If the Senator can think of broader language than that, I have never seen it.

Mr. ERVIN. That is exactly what I am talking about—"to suppress the rebellion."

Mr. DIRKSEN. The language is, "And use such of the Armed Forces, as he considers necessary to enforce those laws or"——

Mr. ERVIN. "Suppress the rebellion."

Mr. DIRKSEN. It does not say "and to suppress the rebellion." It says "or."

Mr. ERVIN. The conditions are described previous to that.

Mr. DIRKSEN. Let us look at the other language in the new statute.

Mr. ERVIN. Read the first part.

Mr. DIRKSEN. This section now reads as follows:

The President, by using the militia or the Armed Forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it—

(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

I can think of no broader language.

The Attorney General could have done it just as well, but we would still have the issue of the troops.

Mr. ERVIN. In that case, before he could use the troops, the people would have to engage in violence approximating rebellion.

Title 42 of the United States Code, section 1993, provides:

It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under—

Various sections, including the section sought to be amended by part 3. In order for that power to exist, it would not be necessary for any "cain" to be raised.

Mr. DIRKSEN. Let me say to my distinguished friend from North Carolina that the point was made, with the greatest intensity and determination, that this language was cunningly designed and deliberately made an amendment to section 1985 for the purpose of compelling the commingling of children in schools, and so forth. I say that it was not. I think the record speaks for itself. The provision could have been placed in half a dozen places in the United States statutes, with the same effect. So there is no foundation for the charge that there was anything cunning or deliberate, or that this was done by design, in order to achieve a given effect.

Mr. ERVIN. A person could not read this bill, however, and discover that section 1993 of title 42 had any application to the bill, because it does not refer to title 42, section 1993. One has to go to title 42, section 1993, to find a reference to the section to which the bill refers.

Mr. DIRKSEN. Let me ask my gracious and distinguished friend, for whom

I have an abiding affection, whether, if an amendment were offered on the floor of the Senate to repeal section 1993 of title 42 of the Code, the Senator would then vote for the civil rights bill?

Mr. ERVIN. No; I would not vote for the civil-rights bill. However, I suggest to the distinguished Senator from Illinois that he offer such an amendment, or at least offer an amendment to provide that when the President does call out the Army, the Navy, and the militia under title 42, section 1993, they shall be restricted to the use of bayonets, and not be allowed to use nuclear weapons. [Laughter.]

Mr. DIRKSEN. If the Senator from Illinois were to offer such an amendment on the floor it would be almost frivolous. What would we do about section 332 of title 10 of the new Code on the Armed Services, which became effective on the first of January 1956, and which is broader than anything that has been written into the law before?

Mr. ERVIN. All that it would be necessary to do under title 42, section 1993, would be to obtain a judgment against me or my constituents under title 42, section 1985, but we would have to be in more or less of a state of insurrection before action could be taken under the other statutes. That would be the fundamental difference.

Mr. DIRKSEN. The provision does not require any insurrection at all. It deals with the execution of the laws.

Mr. ERVIN. I should like to ask one further question. The distinguished Senator from Illinois referred to the laws of the States with respect to contempt. I respectfully submit that that was an argument which might well be addressed to the legislators of the States. We are national legislators. I ask my distinguished friend if he does not know that under existing Federal law, namely, under sections 402 and 3691 of title 18 any person involved in a civil rights case now has the right of trial by jury when he is charged with an indirect contempt, and also has the benefit of limited punishment, which would be removed if this bill were passed.

Mr. DIRKSEN. Mr. President, I am grateful to my distinguished friend for raising that question, because I did not quite round out the remarks I intended to make.

We have heard a great deal of discussion to the effect that this proposal is a radical departure from an American tradition. Let us see what the score is. On page 62 of the hearings will be found a description of 28 different laws which are already on the books, statutes which authorize injunctive relief by the United States Government in certain cases to prevent crimes. The list was inserted in the hearings at the request, I believe, of my distinguished friend from North Carolina. Let me read the colloquy, beginning near the middle of page 62:

Senator ERVIN. I would rather have a man given an opportunity to have the spirit and the letter of his constitutional rights observed.

Mr. BROWNELL. And abolish the law of equity, that is what it amounts to.

Senator ERVIN. No; I am not abolishing the law of equity. I think that the law of equity ought to be confined to its proper sphere, and not be used as a device to deprive people of their basic constitutional rights.

Mr. BROWNELL. So do I.

Senator ERVIN. And my objection to part 3 and part 4 of these amendments is that they take and pervert the use of equity from its accustomed field in order to deprive American citizens of their constitional rights of indictment by grand juries, of trial by jury, and of the right to confront and cross-examine their accusers.

Mr. BROWNELL. You may be interested to know, Senator, that if you take that position, you will be in favor of repealing 28 different laws that are already on the books, statutes which authorize injunctive relief by the United States Government in these cases to prevent crimes.

Let me read them. The first is "antitrust laws, restraining violation"——

Mr. ERVIN. Of course the Senator from Illinois has the floor, but I respectfully submit that he is not responding to my question. My question was whether under sections 402 and 3691 of title 42 a man would not have the right of trial by jury and could not be locked up in jail, if convicted, for more than 6 months?

Mr. DIRKSEN. The whole purpose of invoking preventive remedies by the Attorney General is to avoid criminal proceedings.

Mr. ERVIN. But I will ask the Senator if the injunctive process does not operate on the principle that a man will be punished if he violates the injunction.

Mr. DIRKSEN. That is the whole reason for it. It is within the power of the court to impose punishment. It has been thus from the very beginning of the proceeding at King's Bench and Queen's Bench, when the writs were very rigid, and the result was that a subject had to go into an equity court so that he could get equity from his sovereign. From that day to this there has been an almost unending line of precedent with respect to civil suits.

Mr. ERVIN. Perhaps I can simplify this by saying——

Mr. DIRKSEN. There are very few States in which trial by jury is granted in civil-contempt cases.

Mr. ERVIN. We are Federal legislators. If we have a Federal law, as we do now, which gives a man the right to trial by jury and the right to limited punishment, as is given in sections 402 and 3691 of title 42, we ought to keep that good Federal law and not talk about bad State laws.

Mr. DIRKSEN. Of course, the colloquy between my friend from North Carolina and myself will not settle the matter, but I wish to read into the RECORD these 28 statutes.

Mr. ROBERTSON. The senior Senator from Illinois [Mr. DOUGLAS] put those statutes in the RECORD earlier in the day when he engaged in colloquy with the Senator from Alabama [Mr. SPARKMAN].

Mr. DIRKSEN. They are very short. I shall ask the Official Reporter to have them printed in the RECORD.

Mr. ROBERTSON. They deal primarily with property, and mostly with property of the United States. They deal with the general jurisdiction of the United States in interstate matters, such as the building of bridges over navigable streams.

Mr. DIRKSEN. I heard my distinguished friend make that argument earlier in the day. I say that they deal with people. Ordinarily we do not find property in contempt. We find people in contempt of court, for violating the law with respect to wool labeling, for instance, or for violating the Antitrust Act; we deal with human beings in such cases.

Mr. President, I ask unanimous consent to have the list of the 28 statutes printed in the RECORD at this point.

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

Antitrust laws, restraining violation (by United States attorney, under direction Attorney General) (115 U. S. C. 4).

Associations engaged in catching and marketing aquatic products restrained from violating order to cease and desist monopolizing trade (by Department of Justice) (15 U. S. C. 522).

Association of producers of agricultural products from restraining trade (by Department of Justice) (7 U. S. C. 292).

Atomic Energy Act, enjoining violation of act or regulation (by Atomic Energy Commission) (by Attorney General) (42 U. S. C. 1816).

Bridges over navigable waters, injunction to enforce removal of bridge violating act as to alteration of bridges (by Attorney General) (33 U. S. C. 519).

Clayton Act, violation of enjoined United States attorney, under direction of Attorney General) (15 U .S. C. 25).

Electric utility companies, compliance with law enforced by injunctions (by Federal Power Commission) (16 U. S. C. 825m).

False advertisements, dissemination enjoined (by Federal Trade Commission) (15 U. S. C. 53).

Freight forwarders, enforcement of laws, orders, rules, etc., by injunctions (by Interstate Commerce Commission or Attorney General) (49 U. S. C. 1017).

Fur Products Labeling Act, to enjoin violation (by Federal Trade Commission) (15 U. S. C. 69g).

Enclosure of public lands, enjoining violation (by United States attorney) (43 U. S. C. 1062).

Investment advisers, violations of statute, rules and regulations governing, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80b–9).

Gross misconduct or gross abuse of trust by investment companies, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80a–35).

Use of misleading name or title by investment company, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80a–34).

Violation of statute governing, or rules, regulations, or orders of SEC by investment companies, enjoined (by Securities and Exchange Commission) (15 U. S. C. 80a–41).

Fair Labor Standards Act, enjoining of violations (by Administrator, Wage and Hour Division, Department of Labor, under direction of Attorney General, see 29 U. S. C. (204b)) (29 U. S. C. 216 (c), 217).

Longshoremen's and Harbor Workers' Compensation Act, enforcement of order by injunction (by United States attorney, see 29 U. S. C. 921a) (33 U. S. C. 921).

Import trade, prevention of restraint by injunction (by United States attorney, under direction of Attorney General) (15 U. S. C. 9).

Wool products, enjoining violation of labeling act (by Federal Trade Commission) (15 U. S. C. 68e).

Securities Act, actions to restrain violations (by Securities and Exchange Commission) (15 U. S. C. 77t).

Securities Exchange Act, restraint of violations (by Securities and Exchange Commission) (15 U. S. C. 78u).

Stockyards, injunction to enforce order of Secretary of Agriculture (by Attorney General) (7 U. S. C. 216).

Submarine cables, to enjoin landing or operation (by the United States) (47 U. S. C. 36).

Sugar quota, to restrain violations (by United States attorney under direction of Attorney General, see 7 U. S. C. 608 (7)) (7 U. S. C. 608a–6).

Water carriers in interstate and foreign commerce, injunctions for violations of orders of ICC (by ICC or Attorney General) (49 U. S. C. 916).

Flammable Fabrics Act, to enjoin violations (by Federal Trade Commission) (15 U. S. C. 1195).

National Housing Act, injunction against violation (by Attorney General) (12 U. S. C. 1731b).

Mr. DIRKSEN. Mr. President, I yield the floor.

ORDER FOR RECESS TO 10:30 A. M. TOMORROW AND FOR TRANSACTION OF ROUTINE BUSINESS

During the delivery of Mr. DIRKSEN's speech,

Mr. JOHNSON of Texas. Mr. President, will the Senator from Illinois yield to permit me to make an announcement?

Mr. DIRKSEN. I will yield, provided I do not lose the floor.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Illinois may yield to me for the purpose of propounding a unanimous consent request, with the understanding that this interruption will appear at the conclusion of his remarks, and that the Senator from Illinois will not lose the floor by yielding.

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

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it stand in recess until 10:30 a. m. tomorrow.

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

Mr. JOHNSON of Texas. Mr. President, I should like to have my colleagues on notice that it is planned to have the Senate remain in session until some time around 7 o'clock this evening, and that a later session tomorrow evening is contemplated. It is my hope that, since the Senate will convene at 10:30 tomorrow morning, we may perhaps run until 9 or 9:30 tomorrow evening, if speakers are available.

I want all of my colleagues to take notice of the order which has been entered, namely, that the Senate will convene at 10:30 tomorrow morning.

I ask unanimous consent that, following the convening of the Senate tomorrow morning, there be the usual morning hour for the transaction of routine business, including the introduction of bills, petitions, and memorials, and that statements be limited to 3 minutes.

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

AWARD OF PRESIDENTIAL MEDAL OF HONOR TO HERMAN J. SCHAEFER FOR OUTSTANDING HEROISM

Mr. CAPEHART. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. Mr. President, I yield for a special purpose, with the understanding that I do not lose the floor.

Mr. CAPEHART. Mr. President, I ask unanimous consent that my remarks appear following the conclusion of the remarks of the Senator from Illinois.

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

Mr. CAPEHART. Mr. President, in 1905 Congress passed a law to award medals to persons who perform acts of extraordinary bravery. Since 1905 only 56 such awards have been made by the President under the law passed by Congress.

In the gallery this afternoon are Mr. Herman J. Schaefer and his wife and children, of Evansville, Ind.

Mr. Schaefer has just been awarded one of the 56 medals which have been awarded in 51 years for extraordinary bravery in connection with the saving of the life of a 3-year-old boy in Evansville.

Mr. Schaefer, a switchman for the Chicago & Eastern Illinois Railroad, was riding on the front of his locomotive, when a 3-year-old boy appeared in front of the moving engine. Mr. Schaefer saved the boy's life by leaning over and catching him.

An interesting commentary concerning this award is that the first award, made in 1905, was to Mr. George Poell, who likewise saved the life of a little boy. But in that instance Mr. Poell was very seriously injured and suffered the loss of one foot.

Mr. President, I should like to have Mr. Herman Schaefer and his wife and children stand and be greeted by the Senate.

[Mr. Schaefer and his family rose in their places in the gallery and were greeted with applause, Senators and the guests in the gallery rising.]

The PRESIDING OFFICER (Mr. THURMOND in the chair). The Chair desires to welcome Mr. Schaefer and his family, and to commend him for the outstanding heroism which he exhibited.

Mr. CAPEHART. Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks an explanation of this award.

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

Herman J. Schaefer, 34, 2709 North Sherman Avenue, Evansville, Ind., a switchman for the Chicago & Eastern Illinois Railroad, will be awarded the Presidential Medal of Honor by the Interstate Commerce Commission "for outstanding heroism in saving the life of a 3-year-old boy, March 29, 1954."

Schaefer, who has been with the Chicago & Eastern Illinois since September 29, 1950, will receive the award in Washington, D. C., July 10.

A tall, lean, handsome young man, Schaefer said he was amazed at the news that he would receive the coveted award.

"I don't know what to say," Schaefer said, "it all seems like a dream. I did just what anybody else would do if they had been there at the same time.

"The little boy was playing on the tracks and I thought of my own kids and simply had to get him out of the way of the train."

At the time, Schaefer was riding on the front of a diesel-powered switch engine in Evansville and saw young Timothy Roberson, then 3 years old, playing with a model train on the tracks in the rear of his home at 216 Eichel Avenue, Evansville.

Schaefer tried to shout to the other crew members that the child was in the tracks but no one heard him. Abandoning all thoughts of personal safety, Schaefer jumped down on the footboard, a violation of safety rules, grasped the handrail, leaned out, and swiftly picked the child out of the path of the onrushing train.

Shortly after the daring rescue the Chicago & Eastern Illinois rewarded Schaefer with a gold watch and a plaque testifying to his heroism and held a luncheon in his honor in Evansville.

Some time later, C. D. Blue, superintendent of safety for the Chicago & Eastern Illinois, submitted a report plus appropriate affidavits from other crew members who witnessed Schaefer's heroic act to the Interstate Commerce Commission.

The medal, given only 56 times in 50 years, is awarded for acts of heroism on the Nation's railroads.

Coincidentally, the first award given in 1905 to George Poell, a locomotive fireman for the St. Joseph & Grand Island Railway, closely parallels Schaefer's case.

Poell went on the pilot of his steam engine and picked up a child, also a small boy, playing in the middle of the tracks while the train was moving.

The child escaped injury in this case more than 50 years ago but both Poell's arms were broken and his foot had to be amputated because of his lifesaving action.

Schaefer and his wife, Ruth, have 4 children: Mike, 9; Pat, 6; Mary Beth, 3; and Joseph, 19 months.

The entire family will accompany Schaefer to Washington to receive the award.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7238) to amend the public assistance provisions of the Social Security Act so as to provide for a more effective distribution of Federal funds for medical and other remedial care.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 632) to amend the Federal Crop Insurance Act, as amended, and it was signed by the President pro tempore.

CIVIL RIGHTS

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

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Aiken	Ellender	Monroney
Allott	Ervin	Morse
Anderson	Flanders	Mundt
Barrett	Frear	Murray
Beall	Fulbright	O'Mahoney
Bennett	Goldwater	Potter
Bible	Gore	Revercomb
Bricker	Hill	Robertson
Byrd	Holland	Russell
Carlson	Hruska	Scott
Carroll	Humphrey	Smith, Maine
Case, N. J.	Jenner	Smith, N. J.
Case, S. Dak.	Johnson, Tex.	Sparkman
Chavez	Johnston, S. C.	Stennis
Clark	Kerr	Talmadge
Cooper	Kuchel	Thurmond
Cotton	Long	Thye
Curtis	Mansfield	Watkins
Dirksen	Martin, Iowa	Wiley
Dworshak	McClellan	Yarborough
Eastland	McNamara	

The PRESIDING OFFICER (Mr. THURMOND in the chair). Sixty-two Senators having answered to their names, a quorum is present.

Mr. WATKINS. Mr. President, I do not intend to make a major speech on the matter now before the Senate; but I wish to call attention to some facts which will be of interest to the public generally and, in particular, to the Members of this body.

SPREAD OF THE NEGRO POPULATION IN AMERICA

Mr. President, it seems most unfortunate that in this matter of debate over the so-called civil-rights bill, Senators seem invariably to be drawn into rival lines of North and South.

Also, it seems to me that our friends from the Southern States sometimes assume that the problems that go with color and race are inherently their problems, and that we who come from Central and Northern portions of the country are but interlopers when we essay some interest, particularly in the Negro.

Historically and currently, it is true that the Negro was, and is, usually a resident of the South; but I think we need to bring our thinking up to date and to observe to what lengths and in what concentrations the Negro has spread throughout the Nation as a whole.

For example, while it is true that Georgia and North Carolina have more than 1 million Negroes, each, let it be remembered that New York has more than 900,000. Illinois and Pennsylvania have more Negroes, each, than either Florida or Tennessee, while Ohio, California, and Michigan have more Negroes, each, than Arkansas or Maryland.

New Jersey has more Negroes than either Missouri or Kentucky. Indiana has more than Oklahoma or West Virginia. And Massachusetts, Kansas, and Connecticut have more Negroes, each, than has Delaware.

Of the States having 25,000 or more Negroes—and these number 31—nearly half are not Southern States.

This is not to minimize the South's problems, as they deal with race. But it is to say this: If there is a Negro problem in Georgia, North Carolina, Mississippi, Alabama, Texas, Louisiana, South Carolina, Virginia, Florida, Tennessee, Arkansas, Maryland, Missouri, Kentucky, Oklahoma, West Virginia, and Delaware, then—in terms of numbers—there is a kindred problem in New York, Illinois, Pennsylvania, Ohio, California, Michigan, New Jersey, Indiana, Massachusetts, Kansas, and Connecticut.

What is even more important is this: I have based my figures for the above analysis on those contained in the 1950 Federal census. By 1960, when another such census is made, I am quite sure we shall find that the spread will be even greater.

As one of the sponsors of the administration's civil-rights bill, I became so from a matter of principle. It is true that my native State of Utah, which in 1950 ranked 38th among the States in population, also ranked 40th in its number of Negroes. But that does not mean that the civil-rights principle is alien to my State. In recent years the question there has been raised as to the right of Indians living on reservations to vote. It had previously been ruled that Indians not living on reservations have a right to vote. Fortunately, and yet only very recently, we have seen to it in Utah that Indians share our rights and duties as voting citizens. Also, in Utah we are very proud that we have either stood first or very near the top in national elections in the percentage of our eligible citizens who cast their ballots at the polls. To my way of thinking, in connection with the matter of civil rights here in debate, the principal question is the right to vote. On principle, I think that should be the inalienable right of every citizen of voting ability, and should not be obscured by condition or race.

Mr. President, as a part of my remarks, for introduction into the RECORD, I ask unanimous consent for the insertion of a brief table—drawn from the 1950 Federal census—listing the number of Negro residents in the various States.

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

Table I—Negro population by States (according to 1950 Federal census)

1 million or more:	
1. Georgia	1,062,762
2. North Carolina	1,047,353
900,000 or more:	
3. Mississippi	986,494
4. Alabama	979,617
5. Texas	977,458
6. New York	918,191
800,000 or more:	
7. Louisiana	882,428
8. South Carolina	822,077
700,000 or more: 9. Virginia	734,211
600,000 or more:	
10. Illinois	645,980
11. Pennsylvania	638,485
12. Florida	603,101
500,000 or more:	
13. Tennessee	530,603
14. Ohio	513,072
400,000 or more:	
15. California	462,172
16. Michigan	442,296
17. Arkansas	426,639
300,000 or more:	
18. Maryland	385,972
19. New Jersey	318,565
200,000 or more:	
20. Missouri	297,088
21. Kentucky	201,921
100,000 or more:	
22. Indiana	174,168
23. Oklahoma	145,503
24. West Virginia	114,867
50,000 or more:	
25. Massachusetts	73,171
26. Kansas	73,158
27. Connecticut	53,472
25,000 or more:	
28. Delaware	43,598
29. Washington	30,691
30. Wisconsin	28,182
31. Arizona	25,974
10,000 or more:	
32. Colorado	20,177
33. Iowa	19,692
34. Nebraska	19,234
35. Minnesota	14,022
36. Rhode Island	13,903
37. Oregon	11,529
5,000 or more: 38. New Mexico	8,408
1,000 or more:	
39. Nevada	4,302
40. Utah	2,729
41. Wyoming	2,557
42. Montana	1,232
43. Maine	1,221
44. Idaho	1,050
Less than 1,000:	
45. New Hampshire	731
46. South Dakota	727
47. Vermont	443
48. North Dakota	257

AMENDMENT OF SECTIONS 2275 AND 2276 OF REVISED STATUTES

Mr. WATKINS. Mr. President, on behalf of myself and the Senator from Arizona [Mr. GOLDWATER], I introduce, for appropriate reference, a bill to correct an injustice to the public schools of the Western States. The bill, drafted and approved by the Western Association of State Public Land Commissioners, authorizes States to select lands which are mineral in character, in lieu of designated school sections of public lands which have been preempted by homesteading or by other forms of permanent withdrawal from public entry.

In view of the western interest in this proposed legislation, I hereby request unanimous consent to have the bill lie on the table for 24 hours, during which the names of additional cosponsors can be added.

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

Mr. WATKINS. This bill is an extension of a bill which I and my colleague, Senator BENNETT, introduced during the the 84th Congress. The former bill, S. 2096, was not pushed at that time because a study of this problem was initiated by the Western Association of State Land Commissioners. The association's study resulted in the draft introduced today, and I can highly recommend it because it is the product of the country's outstanding authorities on public land uses. Our present, able Director of the Bureau of Land Management, Edward Woozley, was a former member of this organization, while serving as State land commissioner of my neighboring State of Idaho.

I have said that this bill is introduced to correct an injustice to the public schools of our Western States, and that is literally true.

When the Western public lands States were admitted to the Union, the highly commendable policy was adopted of allocating one or more sections of public lands within the new State's boundaries as a land endowment for the State's public-school system. Revenues from these lands or from the sale of them

were to be consigned to a permanent school endowment fund, the interest from which was to be used in support of State-administered public education. This is one of the greatest examples of permanent endowment of public education that I know about.

This program, worked out by the Congress a half century or more ago, in enabling legislation admitting new States to the Union, worked very well until a few years ago. Then, when petroleum and uranium prospectors began to range over the once little-regarded wastelands of the West, it was discovered that these permanent school funds were being deprived of much valuable land by the language of the statutes pertaining to transfers of such sections to the States upon completion of cadastral surveys. This resulted because the law had specified that land mineral in character could not be transferred to the States upon completion of the survey work. The effect of this wording was that oil or uranium discoveries on an assigned school section prevented its transfer to the State, and denied the permanent school funds valuable gas and oil royalties and leasing revenues, which often were the only real values the lands contained.

Passage of the act of April 22, 1954, 68 United States Statutes at Large, page 57, remedied this problem, by authorizing transfer of mineralized sections and providing that any mineral lease applying to a surveyed school section would pass to the State, along with the surface acreage of the section. This proposed legislation by itself undoubtedly will contribute millions of dollars to the permanent schools funds of the Western States, and carries out the real intent of the original enabling legislation.

The intensive study of school land status which prompted this legislative remedy also disclosed another legal problem. If a leased mineral occurs on a State school section, that acreage and the lease rights can now be assigned to the State affected without difficulty. However, if a State school section has been preempted by homsteading or other form of permanent withdrawal from public entry, then the State involved must make a selection of other public lands in lieu thereof.

Provisions for these so-called lieu selections are included in sections 851 and 852 of title 43, United States Code.

Unfortunately for the public land States, these sections provide that only equal acreage not mineral in character may be exchanged for such preempted school lands. This means that even if the preempted school section was underlain by rich uranium deposits or other nonleasable mineral wealth, the State would be required to select an equal acreage of open, nonmineral public lands, which now are of little worth for their surface values.

Under this wording of the law, a Western State which has much acreage of preempted school sections is faced with the prospect of losing very valuable lands, allocated by the Congress more than a half century ago, and accepting in lieu of a revenue-producing asset, equal acreage of virtually worthless land.

The top land officials of the Western States have now recognized this injustice, which was called to the attention of the Senate last session by S. 2096. In view of this very welcome support from a distinguished organization of State officials, I hereby urge the Congress to expedite action on this measure so that the revenue from these long-deferred land exchanges can be diverted into the respective State school endowment funds, where it rightfully belongs.

I also request unanimous consent to have printed at this point in my remarks the text of the bill.

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

The bill (S. 2517) to amend sections 2275 and 2276 of the Revised Statutes with respect to certain lands granted to States and Territories for public purposes, introduced by Mr. WATKINS (for himself, and Mr. GOLDWATER), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That section 2275 of the Revised Statutes, as amended (43 U. S. C. 851), is amended to read as follows:

"SEC. 2275. Where settlements with a view to preemption or homestead have been, or shall hereafter be made, before the survey of the lands in the field, which are found to have been made on sections 2, 16, 32, or 36, those sections shall be subject to the claims of such settlers; and if such sections or any of them, have been or shall be granted, reserved, or pledged for the use of schools or colleges in the State or Territory in which they lie, other lands of equal acreage, whether or not known to be valuable for minerals, are hereby appropriated and granted, and may be selected by said State or Territory, in lieu of such as may be thus taken by preemption or homestead settlers. And other lands of equal acreage, whether or not known to be valuable for minerals, are also hereby appropriated and granted and may be selected by said State or Territory where sections 2, 16, 32, or 36 are mineral land and entry thereon has been made under the mining laws of the United States, or are included within any Indian, military, or other reservation, or are otherwise disposed of by the United States: *Provided*, Where any State is entitled to said sections 2, 16, 32, and 36, or any of them, or where said sections, or any of them, are reserved to any Territory, notwithstanding the same may be mineral land or embraced within a military, Indian, or other reservation, the selection of such lands in lieu thereof by said State or Territory shall be a waiver of its right to said sections. And other lands of equal acreage, whether or not known to be valuable for minerals, are also hereby appropriated and granted, and may be selected by said State or Territory to compensate deficiencies for school purposes, where sections 2, 16, 32, or 36 are fractional in quantity, or where one or more are wanting by reason of the township being fractional, or from any natural cause whatever. And it shall be the duty of the Secretary of the Interior, without awaiting the extension of the public surveys, to ascertain and determine, by protraction or otherwise, the number of townships that will be included within such Indian, military, or other reservations, and thereupon the State or Territory shall be entitled to select indemnity lands to the extent of section for section in lieu of sections therein which have been or shall be granted, reserved, or pledged; but such selections may not be made within the boundaries of said reservations. Notwithstanding the fact that there is outstanding on selected lieu or indemnity land, whether or not mineral in character, at the time of selection a mineral lease or leases entered into by the United States, or an application therefore shall not prevent the selection of such land by the State or Territory; but if such selection is made, the State or Territory shall succeed to the position of the United States as lessor under such lease or leases, and as used herein lease includes permit and lessor includes grantor: *Provided, however*, That nothing herein contained shall prevent any State or Territory from awaiting the extinguishment of any such military, Indian, or other reservation and the restoration of the lands therein embraced to the public domain and then taking the sections 2, 16, 32, and 36, or any of them, in place therein."

SEC. 2. Section 2276 of the Revised Statutes, as amended (43 U. S. C. 852), is amended by striking out "unappropriated, surveyed public lands, not mineral in character,", and inserting in lieu thereof "surveyed public lands."

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

Mr. WATKINS. I yield.

Mr. ALLOTT. I wish to associate myself with the remarks of the able senior Senator from Utah, who has many times before brought to the attention of this body matters concerning many of the Western States which need immediate remedial attention. The situation of which the Senator speaks has long constituted a serious problem in the West, and has deprived the West of rights which it should have had many years ago. For that reason I wish to compliment him upon his remarks, associate myself with them, and ask unanimous consent that my name be included as a cosponsor of the bill.

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

Mr. WATKINS. I thank the distinguished Senator from Colorado for the statement he has made. I shall be very happy, indeed, to have him join as a cosponsor of the bill.

RELATIONSHIP BETWEEN FEDERAL AND STATE GOVERNMENTS

Mr. HUMPHREY. Mr. President, on Monday, June 24, the President of the United States addressed the Conference of State Governors at Williamsburg, Va. His basic theme was the relationship between the National and State Governments. His emphasis was upon what he considered to be the ever-increasing tendency of the National Government to assume the traditional responsibilities of the State governments.

In this connection, the President observed that "every State failure to meet a pressing public need has created the opportunity, developed the excuse, and fed the temptation for the National Government to poach on the States preserves. Year by year, responding to transient popular demands, the Congress has increased Federal functions. Slowly at first, but in recent times more and more rapidly, the pendulum of power has swung from our States to the Central Government." He conceded, however, that he has "found it necessary to urge Federal action in some areas traditional-

ly reserved to the States," and that "in each instance State inaction, or inadequate action, coupled with undeniable national need, has forced emergency Federal intervention."

The President also pointed out that in 1953 he obtained congressional authority to establish a Commission on Intergovernmental Relations which completed the "first official survey of our Federal system since the adoption of our Constitution 170 years ago," and "brought long-needed perspective and pointed the way to improvements in areas of mutual concern to the States and the Federal Government."

Continuing, President Eisenhower stated that he believed deeply in States rights; that the preservation of our States as vigorous, powerful governmental units is essential to permanent individual freedom and the growth of our national strength; and that it is idle to champion States rights without upholding States responsibilities. He stated further that he believed that "an objective reappraisal and reallocation of those responsibilities can lighten the hand of central authority, reinforce our State and local governments, and in the process strengthen all America."

The President concluded that barriers to effective and responsive government should be removed by overhauling taxing and fiscal systems, and by better cooperation between all echelons of government.

He proposed to accomplish this objective by means of a three-point program in which the Conference of State Governors would join with the Federal administration in creating a task force with the following responsibilities:

First. To designate functions which the States are ready and willing to assume and finance, functions that are now performed or financed wholly or in part by the Federal Government;

Second. To recommend the Federal and State revenue adjustments required to enable the States to assume such functions; and

Third. To identify functions and responsibilities likely to require State or Federal attention in the future and to recommend the level of State effort, or Federal effort, or both, that will be needed to assure effective action.

An examination of the President's remarks and proposals reveals that they are lofty and high-sounding, and are filled with generalities and fancy phrases. They offer nothing new, in the last analysis, but the creation of a new task force, composed of representatives of the national and State governments to study problems and make recommendations.

Mr. President, I submit that this subject has been studied and restudied.

During the past 20 years, the fiscal problems of local governments, the proper allocation of State and national functions and related phases of these matters, have been under continuous study by governmental, quasi-governmental, and private groups, which have produced numerous reports with recommendations.

The first of these was initiated by the President of the United States in 1935, when he appointed a committee consisting of the Secretary of the Treasury, the Attorney General, and the Acting Director of the Bureau of the Budget, and directed them to undertake a study of Federal ownership of real estate and of its bearing on State and local taxation. This committee made a brief study and submitted its report and recommendations to the President in 1938.

Following one of the recommendations of this committee, the President established a Federal Real Estate Board to study and make appropriate recommendations regarding the situation in different communities adversely affected by the loss of tax revenues on land acquired by the Federal Government. This Board submitted a 50-page report, with recommendations, to the President and the Congress in 1943. The Board continued in a quiescent state until 1951, when it was finally dissolved.

During much of this same period, the Treasury Department, through a special committee, was conducting a study of the entire subject of Federal-State and local fiscal relations.

In January 1948, the first Commission on Organization of the Executive Branch —Hoover Commission—retained the Council of State Governments to make a comprehensive study of the entire field of Federal-State relations. The Council submitted a 297-page report to the Commission in July 1948, which report was transmitted to the Congress in March 1949.

In April 1949, the Secretary of the Treasury invited representatives of State and local governments to a conference on intergovernmental tax problems, which requested the Bureau of the Budget to work out comprehensive recommendations. During the same month, the Treasury Department prepared a staff memorandum on the subject.

In September 1952, the Associate General Counsel, Housing and Home Finance Agency, prepared a 61-page study on the subject of payments to local governments in lieu of taxes, for the section on municipal law of the American Bar Association.

In May 1954, a detailed, comprehensive study of the whole subject of Federal land ownership and the public land laws was prepared for and issued by the Committee on Interior and Insular Affairs of the House of Representatives. This 133-page report contained a comprehensive analysis and factual presentation of virtually every phase of Federal-State-local relations as relates to Federal payment of taxes, or in lieu thereof to local governments, and contains all of the pertinent statutes on the subject.

In addition, numerous studies dealing with various phases of Federal-State relations have been prepared from time to time by State and local government associations.

Finally, in June 1955, the Commission on Intergovernmental Relations submitted a 311-page report, with recommendations, which was accompanied by 15 additional volumes of supporting study committee and staff reports, totaling in all approximately 2,200 pages. The basic report covered a wide area of Federal-State relations and included such matters as the origins of the Federal system; the forces which have influenced its growth and development; the place of the States and their political subdivisions in the Federal system and the factors, fiscal and nonfiscal, which limit their competence; the extent of the National Government's responsibilities and the conditions that justify national action; and the nature and operation of the many forms of National-State cooperation.

The first 118 pages of the basic report were devoted to the historical background, the role of the States, national responsibilities, and cooperative relations financial aspects of the Federal system, and Federal grants-in-aid. The balance of the report dealt with intergovernmental functional responsibilities, and included agriculture, civil aviation, civil defense, and urban vulnerability, education, employment security, highways, housing and urban renewal, natural-disaster relief, natural resources and conservation, public health, vocational rehabilitation and welfare.

Various views and specific recommendations were set forth throughout the volume, some of which were in accord with those of the study committees; others modified or expressly or impliedly disagreed. Numerous charts and statistical tables appeared throughout the report.

The 15 supporting volumes were devoted to the following subjects: Federal Aid to Agriculture; Federal Aid to Highways; Federal Aid to Public Health; Federal Aid to Welfare; Federal Responsibility in the Field of Education; Unemployment Compensation and Employment Service; Natural Resources and Conservation; Payments in Lieu of Taxes and Shared Revenues; Local Government; Natural Disaster Relief; Civil Defense and Urban Vulnerability; Federal Aid to Airports; a Description of 26 Grants-in-Aid Programs; Summaries of Survey Reports on the Administrative and Fiscal Impact of Federal Grants-in-Aid; and a Survey Report on the Impact of Federal Grants-in-Aid on the Structure and Functions of State and Local Governments.

In order to make readily available and accessible a large amount of valuable material contained in the Commission's report and supporting documents, the Committee on Government Operations, on which it has been my privilege to serve during the past 8 years, requested the Legislative Reference Service of the Library of Congress to prepare a detailed index to all of the Commission's reports, studies, and documents, which is now available as Senate Document No. 111, 84th Congress.

In the 81st, 82d, and 83d Congresses, I either sponsored or cosponsored legislation for the study of intergovernmental relations. The 83d Congress did enact legislation for the establishment of the Commission on Intergovernmental Relations.

Mr. President, it was my privilege to serve as a member of the Commission on Intergovernmental Relations and also as a member of its Study Committee on

Payments in Lieu of Taxes and Shared Revenues. I can attest, from personal experience, to the tremendous amount of work which went into the Commission's reports and studies.

The Commission and its study committees were manned by outstanding National, State, and local government officials from all over the United States; in addition, the Commission employed a professional staff of some 43 outstanding experts and an administrative staff of 33. All of these persons—Senators, Representatives, Federal Government officials, distinguished State and local government officials, and leading experts from virtually every State in the Union—worked for some 2 years, and submitted the most comprehensive study, with numerous recommendations, ever made, at a cost to the National Government of almost $1 million—$891,264.62.

The result of their labors is readily available and completely indexed. It constitutes a complete blueprint of what needs to be done. Of course, I was not able to agree with all of the conclusions and recommendations. But the basic material is there, and what we need now is action and not further study.

Added to all of this material are the results of a meeting of members of Congressional committees and governors, called for the purpose of studying Federal-State tax relations, held in Chicago on September 26–27, 1947. At this meeting, the Senate Committee on Government Operations—then the Committee on Expenditures in the Executive Departments—was designated to conduct a special study of the problems of coordination of Federal and State taxes, with the objective of strengthening the tax structures of local and State governments and compensating them for losses of revenue from former sources of taxation. In its report to the Senate, the committee placed stress on the importance of assuring that Federal, State, and local tax systems are adequate to the job assigned to them and on the need for determining whether they fit together into a combined tax system which is equitable, administratively efficient, and economically sound.

Mr. President, I submit that the foregoing review shows that we have an abundance of material available. And yet the President of the United States now proposes to establish a new task force to perform virtually the same job which has already been done by the Commission on Intergovernmental Relations and by its 15 study committees and task forces.

One need only compare the provisions of Public Law 109, 83d Congress, by which the Commission on Intergovernmental Relations was established and given its charter and responsibilities, in order to see clearly how identical its work has been with that proposed by the President.

Section 3 (a) of Public Law 109 directs the Commission to carry out the purposes of section 1 of the law. Section 1 makes the declaration of purposes:

> Because any existing confusion and wasteful duplication of functions and administration pose a threat to the objectives of programs of the Federal Government shared in by the States, including their political subdivisions, because the activity of the Federal Government has been extended into many fields which, under our constitutional system, may be the primary interest and obligation of the several States and the subdivisions thereof, and because of the resulting complexity to intergovernmental relations, it is necessary to study the proper role of the Federal Government in relation to the States and their political subdivisions, with respect to such fields, to the end that these relations may be clearly defined and the functions concerned may be allocated to their proper jurisdiction. It is further necessary that intergovernmental fiscal relations be so adjusted that each level of Government discharges the functions which belong within its jurisdiction in a sound and effective manner.

Section 3 (b) provides:

> The Commission shall study and investigate all of the present activities in which Federal aid is extended to State and local governments, the interrelationships of the financing of this aid, and the sources of the financing of governmental programs. The Commission shall determine and report whether there is justification for Federal aid in the various fields in which Federal aid is extended; whether there are other fields in which Federal aid should be extended; whether Federal control with respect to these activities should be limited, and, if so, to what extent; whether Federal aid should be limited to cases of need; and all other matters incident to such Federal aid, including the ability of the Federal Government and the States to finance activities of this nature.

Mr. President, I submit that the resolution authorizing the Commission on Intergovernmental Relations gave it a very wide scope, and I submit further that the Commission's reports and recommendations show clearly that the entire area now proposed to be the subject of a new study has already been carefully examined. So there we have it. With a million-dollar report in the hands of the administration for some 2 years, carefully blueprinting the action which needs to be taken, the President, who has done nothing to implement these recommendations, now proposes another study.

In my judgment, nothing can possibly come out of a new study, as proposed by the President, except perhaps proposals for the Federal Government to get out of the welfare field, turning the clock back 50 years and leaving the great majority of the people of this Nation without adequate consideration and without provision for their needs—needs which have come to be recognized as essential to a democratic way of life.

Mr. President, I am not exactly a newcomer to the field of Federal-State relations, having served as mayor of a large city and having served on the Intergovernmental Relations Commission and on the Committee on Government Operations, which has responsibility for legislation in this area. I can only conclude, after examining the President's remarks at Williamsburg in the light of the administration's record, and that what he is, in essence, proposing, is that the Federal Government should withdraw from the performance of activities and the participation in programs which have become an integral part of our way of life.

When President Eisenhower told the Governors Conference that "every State failure to meet a pressing public need has created the opportunity, developed the excuse and fed the temptation for the national Government to poach on the States preserves," he completely missed the point of the entire problem. What he neglected to acknowledge was the fact that our States, unfortunately, do not enjoy the same level of economic wealth; that they do not all have the same industry, resources, business, and so forth. Compare, if you will Mr. President, the State of Arkansas with the State of New York, or any other State. When the Federal Government steps in with its vital grant-in-aid and service programs, it is merely attempting to insure that the American people will enjoy the same standards, protections, and security, regardless of which of the 48 States they may reside in. What he apparently fails to realize is that the Federal Government's activities constitute not Federal intervention in the affairs of the States, but an attempt to equalize and redistribute the great wealth and resources of this Nation so that its citizens can share equally in its benefits.

Of what avail is this wealth and of what use are these resources if some States are unable to provide for minimum essentials because they lack the financial ability to provide them? The relinquishment of Federal taxes in some fields will no doubt result in the availability of more tax funds to the States. However, this would not mean that the States will be able to undertake programs on a comparable scale to meet and provide for the needs of their citizens.

Mr. President, the truth of the matter appears to be that this administration, after spending nearly $1 million on a comprehensive study of Federal-State relations, has done absolutely nothing with the results of that study.

I submit that if the President is so concerned about Federal-State relations, he should have his Budget Bureau prepare legislative proposals to implement the vast number of recommendations made by the Commission on Intergovernmental Relations. Let us use all of these studies which are now before us, instead of embarking on any new studies, entailing additional costs to the American taxpayers, and which can yield nothing but more recommendations for action.

The time to act is now. The material is available if the administration is willing to study it, make some decisions, and get to work.

Mr. President at this point I ask unanimous consent to have printed in the RECORD a United Press story written by Warren Duffee entitled "United States Gave States, Cities $80 Billion in 23 Years."

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

UNITED STATES GAVE STATES, CITIES $80 BILLION IN 23 YEARS

(By Warren Duffee)

A special House-Senate committee reported yesterday the Federal Government had

pumped $80,534,854,817 in Federal payments into the States and Territories since 1934 through 175 programs.

The figures were made public by the Joint Congressional Committee on Nonessential Federal Expenditures, headed by Senator HARRY F. BYRD (Democrat, of Virginia), in a 618-page report on Federal payments to State and local governments and individuals over the 23-year period from 1934 through 1956.

The figures, based mainly on information from the Treasury Department, showed New York State received the biggest total,$6,066,390,200. Delaware received the least, $142,715,463.

Maryland received $842,835,980 and Virginia $1,229,856,412.

Total payments into the combined States and Territories averaged $3.5 billion a year.

Payments to State and local governments totaled $31 billion, an annual average of about $1.3 billion.

Individuals received a yearly average of $2.2 billion. Total Federal payments through 69 programs were $49.6 billion.

The committee said Federal payments during 8 prewar years, 1934–41, totaled roughly $24.7 billion. They dropped to $10.4 billion in the 5 wartime years, 1942–46, but climbed to $45.4 billion for the 1947–56 postwar period.

California ran second to New York in total payments received with $5,396,218,159.

Pennsylvania was third with $4,610,093,751, Texas fourth with $4,508,805,405, and Illinois fifth with $4,031,388,374.

Nevada ran second to Delaware in the lowest receipts with $206,886,823. Vermont was third low with $220,163,186.

New Hampshire was fourth with $261,622,406 and Rhode Island, fifth with $369,026,765.

The committee reported that of the total of more than $80 billion, $59.8 billion was paid through domestic-civilian programs, an estimated $4.2 billion through national defense programs, and $16.5 billion through veterans' programs.

Mr. HUMPHREY. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point a story entitled "Earlier Plan on States Load Failed," written by Robert C. Albright, and published in the Washington Post and Times Herald of June 30, 1957. The story relates to President Eisenhower's speech at Williamsburg.

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

EARLIER PLAN ON STATES LOAD FAILED

(By Robert C. Albright)

If the Williamsburg conference of governors was something less than electrified by President Eisenhower's plan to resurvey Federal-State powers and tax sources, you can lay it at least in part to what happened after a similar experiment 10 years ago.

For the first time in history, representatives of the National Congress and the State governments came together in one meeting on September 26 and 27, 1947, for the purpose of developing understanding and a common approach to problems of taxation.

LITTLE CAME OF IT

This meeting in Chicago was described at the time as having "historic significance." It produced a unanimous statement of principles and objectives, as well as some specific recommendations for realining taxes and functions. But nothing really ever came of them. In February 1950, the House Ways and Means Committee took testimony on one of the proposals—a cutback in Federal admissions taxes, in favor of the States. But this was forgotten when the Korean war broke, June 25, 1950.

Few of the governors expect much more than a "study and report" to emerge from Mr. Eisenhower's proposed task force, either.

The reason for this skepticism is simply that there are two big hurdles to be taken even after a new task force should agree on a rollback of Federal powers: (1) Congress must get along with it, in whole or in part, and (2) State legislatures must assume the new functions and tax responsibilities turned back by the National Government.

These two stiff conditions never have been met yet. Some wary-eyed governors doubt they ever will be.

GOVERNORS' OWN PLANK

Having called for just such a rollback in Central Government powers year after year, there was nothing the governors could do but go along with the President's invitation to join in his plan. In a sense Mr. Eisenhower had picked up the governors' own States rights plank and walked off with it.

The so-called historic meeting in Chicago 10 years ago had just about all the attributes of a successful collaboration. Key members of four top Congressional units, the House Ways and Means Committee, the Senate Finance Committee, and the House and Senate Committees on Executive Expenditures, put their heads together with a special committee of 15 governors.

VIGOR AND DIRECTNESS

An article in the November 1947 issue of State Government, official publication of the Council of State Governments, wrote of the vigor and directness with which they tackled the problem.

"Nobody made a speech. Round-table discussion—hard-headed, practical, moving from point to point—began from the moment the meeting began," it said. "A final, notable aspect of the meeting was the stark realism of those present. They were not * * * contented with any easy statement of generality. There was rather the realization that the long-range objectives had to be supported by specific recommendations."

UNANIMOUS OBJECTIVES

In the end the Chicago conference came up with the following unanimous objectives:

That the Federal Government should reduce Federal excise taxes as soon as practicable (special consideration should be given to local telephone calls, intrastate electric energy, gasoline and admission taxes.

That the Federal Government should amend inheritance and estate taxes to provide more equitable division of this revenue between the Federal Government and the States.

That the Federal Government should relinquish to the State the Federal tax on employers levied to cover the administrative expenses of the State employment security programs, and the States will assume the responsibility for the administration of the unemployment compensation and employment-service programs.

That the Congress take the earliest possible action to correct by Federal law the income tax inequities existing between the community property and States.

That the States should avoid encroachment upon tax fields which are peculiarly adaptable to Federal uses.

COMMUNITY PROPERTY TAX

Eventually Congressional taxmakers did get around to correcting the community property imbalance in our income-tax laws. But that came about indirectly, and not as a direct offshoot of the report.

From Congress, however, and, for that matter, from the States themselves, there has come no implementing action. And the pendulum of authority has swung increasingly away from State governments.

Mr. Eisenhower, in proposing to the Governors his new "task force" attack on what he termed the Frankenstein-like powers of the Federal Government, followed pretty much the line taken in the 1955 Kestnbaum report.

The 311-page document, presented to Mr. Eisenhower 2 years ago by Meyer Kestnbaum, president of Hart Schaffner & Marx, recommended that the States themselves develop the capacity to handle a larger share of the total task of Government.

Mr. HUMPHREY. I know Mr. Albright in particular has reviewed the history of the Federal-State relationships and studies pertaining thereto. He has covered some of the ground I have covered in my remarks today. All it adds up to is that speeches before governors' conferences are no substitute for legislative and administrative action on the part of an administration that ought to act rather than simply make pronouncements.

Mr. President——

The PRESIDING OFFICER. The Senator from Minnesota.

BARTERING SURPLUS AGRICULTURAL COMMODITIES

Mr. HUMPHREY. Mr. President, several developments have occurred in recent weeks concerning administration policy as it regards barter techniques in reducing our agricultural commodity surplus, and I rise to speak on these matters.

As my colleagues know, during the past month I have been conducting public hearings dealing with an overall review of the operation of Public Law 480. A major directive of this law, under title III, is the exchange of surplus agricultural commodities for materials of a strategic and critical character or other material.

To set things in proper perspective and with as much clarity as possible, Mr. President, permit me to briefly review the provisions of Public Law 480.

In essence, title I of the law provides for the sale of agricultural surpluses by payment in foreign currencies. These currencies accrue to the credit of Commodity Credit Corporation and can be used for a variety of purposes stipulated in the act. Transactions under this title have a two-sided advantage, so to speak; namely, first, the disposal of agricultural surpluses which cannot be sold against payment in dollars; and, second, aiding the economy of the recipient countries.

The basic considerations behind title II of Public Law 480 are of a humanitarian nature, and, in its application, the law has served to bring relief to countries in emergency situations, which is eminently in the American tradition and of which, I believe, we can be justly proud. I do not think I need elaborate on this aspect.

Title III is usually referred to as the barter provision of the act and, generally speaking, enables the Commodity Credit Corporation to dispose of surpluses, taking in exchange strategic materials which are needed by the United States for stockpiling purposes, and which cost less in storage charges, and are less subject to deterioration and spoilage than

is the case with agricultural commodities.

Mr. President, I have in the past addressed the Senate on various aspects of Public Law 480, particularly the sale of the surplus commodities for foreign currencies, and the role of our truly great American voluntary agencies in using these abundances of ours.

The Senate Committee on Agriculture and Forestry next Tuesday, July 16, will hear from the officers in the Barter Division of the Department of Agriculture as public hearings on Public Law 480 resume. More than 2 weeks ago the committee heard the advocates of barter. And the committee heard strong criticisms concerning barter operations as employed by the Department of Agriculture. It will be our intention to clarify the arguments.

Mr. President, I want to make it very clear that the purpose of the committee study is not to prove somebody right or wrong. What we are trying to do is to examine the operation of Public Law 480 to see whether or not there are any improvements we can make in its administration—to examine, one might say, the substance of the law.

I think one of the points that needs to be looked into—and looked into carefully—is this barter program. Let the RECORD show that I am not an advocate one way or the other. From a cursory glance at statements made by the advocates, I can honestly say I seem to be quite strongly for it. Then I hear about some of the problems as advanced by the Department of Agriculture, and that causes me to have some doubts.

It is quite probable that there are sincere and honest differences of opinion as to what should have been done under this program. I think it is well worth while, Mr. President, that these differences be brought to light.

While I was in the Middle East recently on business for the Foreign Relations Committee, the Department of Agriculture called a halt to its barter business on grounds that it wanted to review the overall program to decide whether some major changes should be made in the program.

On my return I learned that the barter operations had been resumed, but under new, very restrictive regulations. The Department of Agriculture said the new operations were based on a study of conditions. I immediately requested the Secretary to provide me with a copy of the study. I received a classified memorandum, but have yet to see the study. It is my firm belief that this study and its findings should be made a part of the public record, and I can assure my colleagues that I shall press this matter with officials at next week's hearing.

Because of its direct bearing on the operation of Public Law 480, I believe the report should be made public so that everyone will understand why the Department of Agriculture has taken the stand that it has in regard to barter.

From the reaction to the Department's new regulations concerning barter, it would seem that the directive is contrary to the letter and spirit of presently effective legislative and executive pronouncements.

The Congress, apparently, is convinced that much good could be accomplished through programing such as provided under title III, or it would not have persisted in the legislation.

Congress directed the use of barter because it believed that this technique was a sound tool with which we could substantially build up the physical resources of our Nation. It appears sound business, Mr. President, to transfer ownership from high-risk, high-storage cost commodities, such as grains, to more stable materials, such as industrial diamonds, which have practically no storage costs.

I am certain that my colleagues understand that the transaction authorized in title III is not barter in the sense that agricultural commodities are exchanged in a given country for materials. While it is true that Agriculture gives agricultural commodities and receives materials, every other step of the transaction is handled in precisely the same way that other sales are handled in the world of trade and commerce.

That is, the surplus commodities that are used to obtain the strategic materials go into international trade, are sold through private channels, and the proceeds from these sales pay for the strategic or other materials which are then given to the Department of Agriculture.

Permit me, Mr. President, to cite an example. The Secretary of Agriculture has the authority to accept offers of a commodity such as platinum, at prices satisfactory to the Government, and give to the offerers of the platinum an equivalent value of surplus agricultural commodities at current market prices. These agricultural commodities are then sold through normal trade channels by the offerers of the platinum and the platinum is delivered to the Department of Agriculture.

Were this an actual case—and I hasten to add that it obviously does not apply to all commodities—about $3 million worth of platinum, which would occupy a space not larger than an average office desk, would have been exchanged for $3 million worth of grains which cost about 10 percent of its value to store: The platinum would not deteriorate. It would always be of value—either in peace or in war—and would cost roughly $125 a year to store.

On the other hand, the Department of Agriculture would have released surplus commodities which do deteriorate. A report by the Department which was filed with the committee for inclusion as part of the official records shows that so far this fiscal year, through April 30, loss due to deterioration, shrinkage or spoilage amounts to almost $15 million. In the fiscal year of 1956, the total loss was in excess of $25 million.

In other words, there would have been a saving in storage alone of about $300,000 a year had the platinum deal been a reality. In addition, the United States would have acquired an asset which in wartime would be priceless and which in any time is of great value.

Now this situation is not farfetched at all. During our hearings, Mr. Justice M. Chambers, Washington representative of M. Golodetz & Co., of New York, testified that his department on December 15, 1956, asked the Department of Agriculture to barter platinum for surplus commodities. It is my understanding that the company was offering the platinum at a considerable amount below market, which would have been greatly to the Government's advantage. Again, the value of the platinum offered was about $2½ million. The Department of Agriculture could have saved $250,000 annually in storage facilities in exchange for a metal which does not deteriorate and could be stored for about $125 a year.

The Barter Division refused the agreement after calling the Office of Defense Mobilization, which ruled that platinum was not on the strategic and critical list of materials. I think this merits serious consideration.

Mr. Norbert Blechner, vice president of Associated Metals & Minerals Corp., of New York City, said in a statement to the committee:

> This barter program makes much sense. Through it vast quantities of agricultural commodities which are surplus to our own needs and subject to deterioration in warehouses have been and are being replaced by strategic materials from abroad—materials which not only add to our defense, but which also save our country money by substituting permanent assets, with less expensive storage charges, for perishable agricultural items. In this way, basic resources with which nature has not endowed the United States are being secured in exchange for farm crops which the Lord has allowed us to grow in abundance every season.

Therefore, Mr. President, it would appear that bartering is a constructive attack upon United States surplus products. And it appears that it gives a boost to world trade as well, for barter under Public Law 480 is based on private initiative and private enterprise. Why is there opposition in the Department of Agriculture?

The basic legislation for barter goes back to the Agricultural Act of 1949. In section 416, the Commodity Credit Corporation is authorized "to barter or exchange such commodities for strategic or other materials as authorized by law."

The Commodity Credit Corporation Act, as amended on June 7, 1949, carried language under section 4, subsection (h), to once again encourage the use of barter. I ask unanimous consent that an excerpt from the Commodity Credit Corporation Charter Act, in which general powers are outlined, be printed at this point in my remarks.

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

COMMODITY CREDIT CORPORATION CHARTER ACT

SEC. 4. General powers: The Corporation—

(h) May contract for the use, in accordance with the usual customs of trade and commerce, of plants and facilities for the physical handling, storage, processing, serving, and transportation of the agricultural commodities subject to its control. The Corporation shall have power to acquire personal property necessary to the conduct of its business but shall not have power to acquire real property or any interest therein except that it may (a) rent or lease office space necessary for the conduct of its business and (b) acquire real property or any interest therein for the purpose of providing storage adequate to carry out effectively and

efficiently any of the Corporation's programs, or of securing or discharging obligations owing to the Corporation, or of otherwise protecting the financial interests of the Corporation: *Provided*, That the authority contained in this subsection (h) shall not be utilized by the Corporation for the purpose of acquiring real property, or any interest therein, to provide storage facilities for any commodity unless the Corporation determines that existing privately owned storage facilities for such commodity in the area concerned are not adequate: *Provided further*, That no refrigerated cold-storage facilities shall be constructed or purchased except with funds specifically provided by Congress for that purpose: *And provided further*, That nothing contained in this subsection (h) shall limit the duty of the Corporation, to the maximum extent practicable consistent with the fulfillment of the Corporation's purposes and the effective and efficient conduct of its business, to utilize the usual and customary channels, facilities, and arrangements of trade and commerce in the warehousing of commodities: *And provided further*, That to encourage the storage of grain on farms, where it can be stored at the lowest cost, the Corporation shall make loans to graingrowers needing storage facilities when such growers shall apply to the Corporation for financing the construction or purchase of suitable storage, and these loans shall be deducted from the proceeds of price-support loans or purchase agreements made between the Corporation and the growers. Notwithstanding any other provision of law, the Commodity Credit Corporation is authorized, upon terms and conditions prescribed and approved by the Secretary of Agriculture, to accept strategic and critical materials produced abroad in exchange for agricultural commodities acquired by the Corporation. Insofar as practicable, in effecting such exchange of goods, normal commercial trade channels shall be utilized and priority shall be given to commodities easily storable and those which serve as prime incentive goods to stimulate production of critical and strategic materials. The determination of the quantities and qualities of such materials which are desirable for stockpiling and the determination of which materials are strategic and critical shall be made in the manner prescribed by section 2 of the Strategic and Critical Materials Stock Piling Act (60 Stat. 596). Strategic and critical materials acquired by Commodity Credit Corporation in exchange for agricultural commodities shall, to the extent approved by the Munitions Board of the Department of Defense, be transferred to the stockpile provided for by the Strategic and Critical Materials Stock Piling Act; and when transferred to the stockpile the Commodity Credit Corporation shall be reimbursed for the strategic and critical materials so transferred to the stockpile from the funds made available for the purpose of the Strategic and Critical Materials Stock Piling Act, in an amount equal to the fair market value, as determined by the Secretary of the Treasury, of the materials transferred to the stockpile.

Mr. HUMPHREY. Mr. President, were this not sufficient authorization and direction to the Secretary of Agriculture by Congress, the Secretary once again was directed to use barter in handling farm surplus commodities as part of title III of Public Law 480.

The Department of Agriculture, however, notwithstanding express legislative authorization, has failed to avail itself to any substantial extent of this technique to reduce the agricultural commodity surplus—and now has placed even tighter restrictions on its use.

During the 5-year period between 1949 and 1954, for instance, the Department of Agriculture used so little of its authorization in this field that it drew criticism for its negative policy in House Report 1776, dated June 9, 1954, which referred to the proposed Agricultural Trade Development and Assistance Act of 1954.

Mr. President, I ask unanimous consent that an excerpt from the House report be printed at this point in the RECORD.

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

AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, HOUSE OF REPRESENTATIVES, REPORT NO. 1776, 83D CONGRESS, 2D SESSION

Section 303:

This section implements existing barter authority by establishing a policy of encouraging and assisting exchanges of surplus agricultural commodities for strategic materials when such an exchange will protect the funds and assets of the Commodity Credit Corporation. Most agricultural commodities, even those classified as "storageable" deteriorate measureably in storage. In addition, storage charges on most agricultural commodities are relatively high. Even in the case of grains, for example, the storage charges add up to the value of the commodity in 8 to 10 years. On many of the perishables, the rate is much higher. The Secretary of Agriculture reported to the committee that CCC is now spending more than $700,000 a day for the storage of its commodities.

It would seem to the committee, therefore, to make extremely good sense to take advantage of opportunities which might present themselves to exchange these commodities which are subject to deterioration and costly to store for strategic materials, most of which do not deteriorate and which cost relatively little to store.

Although barter of surplus agricultural commodities for critical and strategic materials is specifically contemplated and authorized by the Agricultural Act of 1949, and the Commodity Credit Corporation Charter Act, the Department of Agriculture has participated in relatively few such transactions, and, apparently, has taken an attitude discouraging, rather than encouraging, the making of such exchanges.

Among other deterrents to an effective barter program, the Department has maintained the policy of declining to accept in trade for its agricultural surplus any strategic materials that it did not have an immediate sale for to the appropriate Government agency. While not criticizing the Department for this attitude (since there was no legislative policy statement to guide it) the committee believes that the funds and assets of the CCC can be much better protected by exchanging, when the opportunity offers, some of its costly-to-store agricultural surplus for nondeteriorating, easily stored strategic materials, even though these may have to be held for some time as the property of the CCC. Indeed, to refuse to make such exchanges simply because no Government agency is in a position at the moment to buy the strategic materials from the CCC, is to negate the very reason for barter—which is an exchange of materials for materials when money with which to purchase such materials is unavailable or is less useful than materials. Since the disposal of any such strategic materials would be controlled by the provisions of the Strategic and Critical Materials Stockpiling Act, their possession by the CCC would create no marketing problems.

Mr. HUMPHREY. Mr. President, if this attitude is true today—and the information I get today persistently points to the fact that it is—then the attitude is antagonistic even to the express wishes of the President of the United States. For the President, in his annual budget message to Congress, delivered on January 16, 1957, said:

> Legislation should also be enacted authorizing the barter of nonstrategic Government-owned agricultural surpluses to the nations of Eastern Europe.

Mr. President, I submit that not only does the President of the United States advocate bartering, but bartering with unfriendly nations, so that the United States might have a potential economic weapon in fighting the so-called cold war.

According to presently available statistics, it appears that under title III, the barter title of Public Law 480, during fiscal year 1955, the Department of Agriculture entered into barter contracts totaling only $282 million, and in fiscal year 1956, about $315 million. Exports of surplus agricultural commodities under existing title III barter contracts were $124 million for 1955, $298 million for 1956, and $228 million for the first half of fiscal year 1957.

According to testimony offered the Senate Committee on Agriculture and Forestry, the experience of barter contractors during this period, who submitted substantial offers of materials to the Commodity Credit Corporation, has been that the Department of Agriculture discouraged the expansion of substantial barter operations. These same contractors have indicated that the annual barter potential is around $500 million.

I think it proper, Mr. President, to raise the question whether the reports are true that the Department of Agriculture has taken an attitude discouraging, rather than encouraging, the making of such exchanges. And if so, why?

It should be recognized that the basic intent of all authority for barter was to provide a method for the disposal of surplus agricultural commodities and a means of the CCC improving its assets by taking nondeteriorating and easy-to-store commodities.

As examples of possible barter programs, I am told that approximately $30 million worth of industrial diamonds are now available in foreign countries. Wheat from the huge surplus could be bartered for these diamonds with current market prices as exchange values. Industrial diamonds are vital to American industry.

Mr. Bernard Jolis, vice president of the United States Industrial Diamond Corporation of New York, testified:

> The cost of storing industrial diamonds is approximately one two-thousandths of the cost of storing wheat, not including losses due to deterioration and spoilage. Or, to put it another way, the barter of $30 million worth of surplus wheat for an equivalent value of industrial diamonds effects a saving to the United States Government in storage charges alone of about $3 million annually. In 10 years, the Government could save $30 million on just one such transaction. Actually, the Government has already saved many millions of dollars in storage charges

alone by reason of industrial diamond barter transactions consummated in 1954, 1955, and 1956. I estimate that the approximately $85 million worth of industrial diamonds acquired in exchange for surplus agricultural commodities have already resulted in saving to the United States to date of about $16 million.

Mr. President, it is almost unbelievable that the Department of Agriculture is not accepting industrial diamonds as a strategic material. Mr. Jolis further pointed out that because of the present status, many of these industrial diamonds are being lost to Iron Curtain countries. During the hearings, the industrial diamond trade stated they had been advised by the Office of Defense Mobilization that there is no prospect in the foreseeable future for any further barter transactions for industrial diamonds.

Yet, I think we all recognize that a constantly increasing requirement for industrial diamonds is apparent as industry expands. In use, the diamonds are expended and must be replaced constantly. In other words, an increasing potential market exists in peacetime as well as in wartime. Industrial diamonds represent only one of many similar materials not produced in this country.

An article appearing in the Journal of Commerce on May 8, 1957, carried the Department of Agriculture announcement that it was ending barter temporarily to make its study. Mr. President, I should like to quote from that article:

> The general review has been undertaken to see if barter operations are "really adding anything" to the expansion of export outlets for United States farm products, an informed official said.
>
> Specifically, there is growing concern that, like other Government-sponsored agricultural export programs, the barter operation has become a "substitute for cash sales" in that they displace foreign sales which might otherwise be made for dollars.
>
> Another question that has arisen is whether barter operations are unnecessarily adding to the growing hoards of so-called strategic commodities now in Government stockpiles.

Is there any evidence that since bartered surpluses are sold abroad at competitive prices through commercial channels, the cash sales from the United States have reduced?

Opponents of the title III program allege that its operation has adversely affected dollar sales, and learned arguments have been made by those who support this point of view. They contend that the surplus commodities disposed of under title III have gone mainly to the north European countries where we normally sell our agricultural commodities for dollars. They take the position that if it were not for the so-called barter program, more cash sales would have been made.

This argument is somewhat contrary to testimony offered by advocates of the program before the Senate Committee on Agriculture, on Friday, June 21, 1957.

Exporters have reported to our committee that since the barter program started there has been a tremendous increase in commodities being moved abroad. Furthermore, it is quite possible that the nature of barter transactions which permit commodity handlers to offer a discount abroad may well have resulted in the combining of barter transactions with straight dollar sales. Instead of hurting the cash sales program, the contractors contend, the barter program may well have enhanced the dollar sales.

Mr. Charles A. Cogliandro, president of the Calabrian Co., Inc., of New York, and Mr. Samuel H. Sabin, vice president of the Continental Grain Co., concurred in their testimony that both cash sales and barter sales have substantially increased.

Cash sales for export have increased from $261 million in fiscal year 1954 to $497 million in fiscal year 1955 to $836 million in the first half of 1957. During the same period, barter exports rose from $27 million in fiscal year 1954 to $122 million in fiscal year 1955 to $298 million in fiscal year 1956, and $201 million in the first half of fiscal year 1957.

To support its contentions, the Continental Grain Co. asserted:

> We do not share the opinion that the majority of sales of surplus grains under barter agreements have replaced sales for free dollars which would have been made in any event. The normal procedure has been for grain exporters to take on long positions of barter funds with their attendant obligations to sell and export surplus agricultural commodities, and their attendant market risk, which have had the effect of causing the exporter to become more aggressive abroad in order to liquidate these obligations and risks. Obviously, such an aggressive policy has resulted in sales of United States surplus agricultural commodities which, in today's existing buyer's market, might well have gone to other competing countries. The barter program would seem to be the only opportunity afforded the grain trade to retain and expand its free dollar markets for United States grains.

The statement was made to the committee that barter has accounted for more than $975 million of direct surplus disposal, and is responsible for substantial surplus disposal for cash, which, except for the impetus of barter, would not have occurred.

As regards the sales to north European countries which displace dollar sales to those nations, I should like to point out that of a total of $651 million worth of exports up to the first of the year, only $374 million went to the north European countries. Out of the $374 million, more than $118 million went to the United Kingdom. It is quite reasonable to assume that, if the United Kingdom had not taken this material under the barter agreements, they probably would have taken Canadian or Australian wheat instead of wheat from the United States. This might also apply to the Netherlands, West Germany, Belgium, and France, which received the balance of the larger shipments of wheat in north Europe.

A release from the United States Department of Agriculture, dated May 15, 1957, states that the Department has been making a detailed review of the barter operations, in light of changes in the overall foreign-trade situation. I am sure that Congress will be very much interested in these changes, and I hope to bring them out during the current hearings before the Senate Committee on Agriculture.

The release comments:

> General developments prompted a restudy of safeguards against the substitution of barter transactions for dollar sales, without net gain in total export of agricultural surpluses.

Department officials say that the revised program for barter will have the objective of seeking to make sure that future barter contracts result in a net increase in exports of agricultural commodities.

If the barter advocates had one statement in common, Mr. President, it was this: Under the new directives, they have been unable to work barter transactions because of the restrictions now in the program.

The revised program contains the following restrictions: It requires that a specific commodity be designated; that the contractor satisfy CCC that the transaction will effect a net increase in United States exports of the commodity involved to the receiving country, if such receiving country is one of an inclusive list contained in the new directive; that the commodity will not be transshipped; that interest be paid to CCC even though letter of credit is furnished; and that barter contractors must prove in advance that a certain proposed transaction will mean a net increase in United States exports. These are among several others.

I want to have the record clear on barter operations, Mr. President, so permit me to once again show how it operates.

Surplus agricultural commodities, disposed of under title III, are sold at the published market value of the commodity at the time delivery is taken by the grain companies. The materials taken in exchange are almost inevitably purchased at below existing market prices. Such transactions are possible because deliveries under the contracts normally run from a year and a half to a maximum of 3 years. It is thereby possible for the traders handling these transactions to earn interest on the money engendered by the prompt sale of the agricultural commodities.

The international traders who are offering the materials to Agriculture must pay the grain companies a brokerage for handling the transactions. As a result, the grain companies have been in a position to offer small discounts, which have aided them in disposing of these materials.

As a result of these transactions, charges have arisen of windfall profits to barter contractors. Those who appeared before our committee unequivocally denied the charges.

Mr. Stanley S. Groggins, of the M. Golodetz Co., of New York, gave the committee an example of a transaction, which I think will be of interest to Senators. He said:

> We will sell manganese or ferro chrome for delivery in a period of 24 months. We will then be required to lift the agricultural commodity. It may take as long as 6 months to dispose of it. Therefore, we will have the use of the funds for the balance of that

period or 18 months. We will have its free use for one-half of that time, because in the 24 months we will be making periodic and regular deliveries of the strategic material we have sold. So therefore, on a specific contract we will be able to have the free use of the money for 9 months, and if we are very good in our credit and backing and purchases, we will probably get about 3 and 3¼ percent for that money. That is what we have as against which we have given them a discount on the strategic material we sold. We have paid for the expense of disposing of the agricultural commodity. We have paid for the use of the letter of credit which our banks were required to put up to guarantee the performance of the contract, and if we end up with between one-half of 1 percent profit, we think we have done pretty well. That is the windfall I have heard some people refer to.

As regards the barter operation, Mr. President, a point has been raised by the contractors that the Department of Agriculture, in acquiring strategic and critical material, is using a list provided by the Office of Defense Mobilization which is unduly restrictive. The current list of strategic and critical materials has some 74 commodities designed to meet the requirements of a war. The list furnished Agriculture is, I am told, only a very small part of the list of items. It excludes those items where the ODM feels we have enough in the stockpile, or in the supplemental stockpile. The contractors argue that any of the items on the more extensive list of strategic materials should be permitted in barter if it meets the criteria in the law of being "strategic materials entailing less risk of loss through deterioration or substantially less storage charges."

The Department of Agriculture has testified that they continue with the ODM list because they do not set themselves as experts in the field, and therefore turn to those who would know strategic and critical materials—who are, so to speak, the experts.

Questions are being raised on all sides, Mr. President, and I think that this is ample reason to be concerned about the barter technique in the disposal of our agricultural surplus commodities. I hope that the Committee on Agriculture and Forestry, in its current hearings, will come up with the answers we need to carry forth a sound program in the disposal of our farm surpluses while at the same time contributing to our domestic and international policies.

Mr. President, I take this opportunity to invite Members of the Senate to the hearing next Tuesday morning when representatives of the Department of Agriculture will testify on barter.

A number of Senators have spoken to me privately about this, and a number of Senators have written to my office. I suggest that as they examine the CONGRESSIONAL RECORD for today, they may be interested in these observations on the program. I welcome their testimony and their participation in this study, and invite their attention again to the hearing scheduled for Tuesday morning of next week.

CALL OF THE ROLL

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Allott	Flanders	Morse
Anderson	Frear	Morton
Barrett	Gore	Mundt
Bennett	Green	Pastore
Bricker	Hayden	Potter
Carlson	Hill	Revercomb
Carroll	Holland	Russell
Case, N. J.	Hruska	Scott
Case, S. Dak.	Humphrey	Smith, Maine
Chavez	Johnson, Tex.	Smith, N. J.
Church	Johnston, S. C.	Sparkman
Clark	Kefauver	Stennis
Cotton	Kerr	Talmadge
Curtis	Martin, Iowa	Thurmond
Dirksen	Martin, Pa.	Thye
Douglas	McClellan	Williams
Dworshak	McNamara	Yarborough
Ervin	Monroney	

The PRESIDING OFFICER (Mr. MCNAMARA in the chair). Fifty-three Senators having answered to their names, a quorum is present.

JANE FOSTER ZLATOVSKI, AND SECURITY SAFEGUARDS IN THE GOVERNMENT

Mr. HRUSKA. Mr. President, the disclosure that Jane Foster Zlatovski, recently indicted in New York as a Soviet spy, was issued a passport by the State Department 2 years ago, after its objections were deemed inadequate by Federal District Court Judge Burnita Matthews, points out the folly of the present campaign against security safeguards in our Government.

I have verified the story and it is a sound instance of the contention that the Secretary of State should have some discretion in denying a passport to a suspect without having to put all the evidence and information supporting his decisions into the public record.

In the case of Mrs. Zlatovski, the Secretary was forced to choose between producing his evidence or issuing a passport. He could not prejudice the security involved in the surveillance then going on and had no alternative but to grant the passport.

As a consequence, a Communist suspect who has been indicted for espionage was able to move about in Europe for 2 additional years on an American passport and is now outside the jurisdiction of the United States. The passport of George Zlatovski was not renewed by the Department of State after 1954.

I hope that the French Government will extradite the Zlatovskis and that there will be an early trial so that the details of current Soviet espionage can be known to the American people.

Mr. MORTON. I commend the Senator from Nebraska for bringing this matter to the attention of the Senate. It so happened that as an officer of the Department of State, I was also the Chairman of the Passport Appeals Bureau. When this case came before us, Jane Zlatovski had come to this country from Paris to visit her mother in San Francisco, and her passport had expired. It was not renewed by the Department of State on recommendation of the Department of Justice. Mrs. Zlatovski took her appeal to the Passport Appeals Board.

The Department of Justice told us some of the circumstances of the case, but we were not given and did not want the information which was in the FBI files. We were told enough to assure us that it would be very dangerous to the security of this country if Mrs. Zlatovski were allowed to return to Paris.

When the Department of State rejected her appeal for a passport, she engaged the services of an attorney in New York and took the matter up in the United States district court there. We could not go into court with the evidence, because it was more important to the security of the United States that we keep the files confidential than it was that Mrs. Zlatovski should not return to Paris.

I had openly denied the passport on the ground that she had marched in a movement to picket the White House some years before, when she was a rather young person. Obviously, these were rather spurious grounds, but they were all that we could use.

We face a dilemma. This is something to which we must give careful attention. I certainly believe in the freedom of travel, as does every other American. Nevertheless, a time comes when the Secretary of State or the Attorney General, or someone else in the Government, must have the authority to deny a passport to those whose travels will be inimical to the security of the United States. That is the situation which developed in the present case.

Now our Government has asked the French Government to return this spy for trial in this country. I agree with the Senator from Nebraska. I hope the French Government will comply with our Government's request. I have no reason to feel that the French Government will do otherwise.

This is a problem to which we in Congress must, I think, give very serious thought.

ORDER OF BUSINESS

Mr. JOHNSTON of South Carolina obtained the floor.

Mr. JOHNSON of Texas. Mr. President, will the Senator from South Carolina yield, without losing his right to the floor?

Mr. JOHNSTON of South Carolina. I will yield provided I do not lose my right to the floor.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from South Carolina may yield to me for the purpose of propounding a unanimous consent request, without losing his right to the floor.

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

Mr. JOHNSON of Texas. As I have previously informed the Senate, an order has been entered to convene tomorrow morning at 10:30, which is an hour and a half earlier than usual. I have previously announced that it is the plan of the leadership to have the Senate remain in session later than usual tomorrow, perhaps until 8:30, 9, or 9:30 in the evening, depending on whether there are speakers who desire to address themselves to this subject at that time. I

want all Senators to know this, so that they may be prepared in case there are quorum calls or in case their presence should be needed.

I plan to have the Senate continue in session until 7:30 or 8 o'clock this evening, if that will suit the convenience of the Senator from South Carolina, the distinguished minority leader, and other Senators.

Therefore, I ask unanimous consent that at the conclusion of the previously ordered morning hour tomorrow, the Senator from South Carolina may be recognized.

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

The Senator from South Carolina has the floor.

CIVIL RIGHTS

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

Mr. JOHNSTON of South Carolina. Mr. President, there is much talk of a compromise on the civil-rights bill. There is a point I wish to make extremely clear here and now. I will have no part of any compromise on this bill. I cannot be an honest man and compromise on principles.

There is nothing compromisable in this bill, for it is all objectionable to me, and it violates all the principles which I adhere to and which the people I represent adhere to. I shall vote to amend the bill drastically; but as to any civil-rights bill, I could never vote or compromise on such a bill, and would not do so. I believe in every American having the right to vote regardless of race, color, or creed.

It might be informative for the Senate to know that South Carolina has abolished the law which requires voters to pay any taxes.

In my State of South Carolina the people of all races, colors, and creeds have the right to vote. The people of South Carolina have seen to that without Federal intervention, and I think every other State can see to it that every person has the right to vote without intervention by Congress.

I may state also that I have been working upon and dealing with a civil-rights bill in the Committee on the Judiciary for approximately 6 months. I have been working with a subcommittee of the full committee and have been holding hearings on the bill. At no time that I recollect was any criticism made of any other section of the country; neither were any allegations made concerning any section of the country except the South. Let that sink in. It will also be noted that on the floor of the Senate every Senator from what is known as the solid South opposes the bill.

I wish Senators would stop to meditate for a few minutes and give some serious consideration to the fact that a whole section of the United States takes the position which we in the South are taking. Do you think, Mr. President, that anyone who lives in Illinois, New York, or California knows the conditions in the South better than the South knows its conditions? Do you think they know better how to handle our problems than we know how to handle them?

Let us look at the administration's civil-rights bill, which it is sought to railroad through the United States Senate by Attorney General Brownell and other agents of the White House. It is one of the most devastating pieces of proposed legislation ever designed.

I should say it is more dangerous and more far-reaching than the old reconstruction era force bills that followed the War Between the States. This bill not only is aimed primarily for the moment at the South, but is designed so that it can be unilaterally imposed upon all kinds of groups and upon various sections of the country in matters other than simply civil rights. It sets a precedent of placing the Attorney General of the United States in the same position that Hitler was placed by similarly patterned encroaching legislation passed in Germany during the 1930's. The President of Germany became a figurehead and Der Fuhrer ran the country. So it will be if the proposed legislation is passed. The President will become a figurehead and the Attorney General will run the country.

The President is leaning heavily on the Attorney General to find out what is in the bill at this late date. But the President has been supporting the measure ever since January, and even sent a message to Congress concerning it. Did the Attorney General tell the President to support it, and did he write the President's message to Congress?

That is the Attorney General who is already running the country, but is simply urging the passage of the bill to legalize for us the manner of its operation.

The Senate of the United States is allowing itself to be propagandized and whipped into line behind this bill by pressure groups and agents of the race-hate crowd. The Senate is not considering the precedents being established by this bill. We have not had the benefit of the multiplicity of evidence gathered by the Senate Subcommittee on Constitutional Rights regarding similar proposed legislation now before the Senate Judiciary Committee. The Senate is not obtaining the benefit of a report from the Senate full committee, as it should do in order to be fully informed as to what this bill contains.

This bill was designed, in the scheming name of civil rights, to bait the vote hooks offered to so-called minority groups in the big cities. It is designed to perpetuate in office the leaders of the NAACP and similar groups by creating an issue. There are sincere people who sincerely believe that injustice is widespread in the South against Negroes. But I state emphatically that they have been misled in this matter by one of the most terrifying and well-laid propaganda campaigns in the history of the Nation. This campaign of hate, that organized with the NAACP and similar organizations, is having a terrible effect in the South. It is setting the South back 100 years in its racial relations. We in the South have spent billions of dollars on educational institutions for the Negroes and at every turn are providing and have provided equality of opportunity. I wish some of the Senators would drive through South Carolina and would have someone point out to them the beautiful, new schoolhouses which have been built during the last 10 or 15 years for the colored children. Senators will find that the schoolhouses built during recent years for the colored children far outnumber those built for the white children. South Carolina has spent approximately $75 million in building schools for colored children during the past 6, 8, or 10 years. Proposed legislation and movements of the present sort only set back such progress.

What is happening today is exactly what happened prior to the War Between the States.

In 1803 one of the first organizations for the abolition of slavery in America was founded in Charleston, S. C. I want to emphasize this fact, Mr. President. The first abolition movement in America began in the South, and was started by southerners in the South in 1803, many years before any such movement began in the North. Mr. President, it was not long afterward that other organizations for abolition of slavery in the South were formed, and leaders in the South were advocating abolition of slaves, and the South was moving rapidly and quietly toward an ideal that later was a major cause for splitting the Union and bringing on one of the most terrible wars in our history.

Mr. President, it so happens that abolition of slavery in the South was moving along so rapidly and so well that in my State of South Carolina a law had to be passed by the South Carolina General Assembly bringing a halt to abolition of slavery until an orderly procedure could be established. The reason for this was that slaveowners were turning slaves loose so fast that they were unable to get work, and were becoming wards of the State. In effect, the owners of the slaves were transferring the responsibility of feeding, clothing, and housing these former slaves from themselves to the entire populace of the State; thus creating a budgetary and tax problem in South Carolina. But the very existence of this problem points up the fact that abolition of slavery was well underway in the South long before the northern antagonists hit upon the idea of being humanitarians and of moving to abolish slavery.

What happened to the southern abolition movement is exactly what is happening today to race relations between the Negroes and whites of the South. Instead of allowing the people of the South, Negroes and whites, to work out mutual problems, the race haters and troublemakers of the North set out on a vast propaganda movement to stir up the issue and try to run the show from a thousand miles away.

The abolitionists of the North made no note of the southern movement toward solving the complex problem of slavery; and they lashed out at the South, stirring up in the Nation the most vicious hatreds ever created until that time. The hatred program emanating from the North set up a reaction against the support of abolition in the South, and the southern abolition organizations crumbled and fell apart at the seams as a result of dissenting public opinion.

Mr. President, the American people of any section cannot be forced to do something of this magnitude. They could not be forced then, and they cannot be forced now. The result of the hatred programs promoted in the North resulted in a civil war for this Nation. What will result from the hatred programs emanating from the North in the 1950's? I cannot answer that question as completely as the historian can state what happened as a result of the hatred programs of the 1850's. But I can warn that if this proposed legislation before us passes and it is enforced, then, Mr. President, the blood that may spill in this Nation of ours will be on the hands of every Member here who votes to pass this proposed legislation.

Mr. President, you cannot force people to integrate if they do not desire to do so. The people of the South do not want to integrate, and this bill is designed to do just that. Do not let anyone be fooled into thinking the bill is only to protect the right to vote. As my able colleague, Senator RICHARD RUSSELL from Georgia, stated on the floor of the United States Senate a short time ago, there will not be room enough in the jailhouses of the Nation to hold those who will violate the law if this bill becomes the law.

Mr. President, I go one step further. The jails will not hold them if they ever reach the jails, for I fear what will happen. First will come the violation, then will necessarily come the enforcement. By whom? The United States Armed Forces?

Senators, do you want to be responsible for a second reconstruction era or a second pillaging of the South? Do you want on your hands the blood of Americans who may forcefully resist enforcement of such a law? Do you want the world to laugh up its sleeve while we tear our own Nation apart and place an entire section of this country on its knees at bayonet point?

If you do this to the South, you will be doing in these United States what we have accused Russia of doing in Hungary, in Poland, and elsewhere behind the Iron Curtain.

Mr. President, I hope the United States Senate will not make the same mistake in 1957 as was made by those who went before us 100 years ago. If we pass this bill we will be fomenting the worst hatred this Nation has ever seen since the Civil War.

Mr. President, this bill is called the administration bill. Now, I want the Senate to understand fully what is in this bill. The Members of the Senate have never had a complete explanation of this measure, to my knowledge. This bill has several general faults:

There are technical deficiencies; substantive deficiencies, and matters of principle. For the sake of clarity, I shall discuss both technical and substantive deficiencies in chronological order; that is, starting at the front of the bill and going on through toward the back, and discussing it section by section. Before I do that, I have a few things to say about matters of principle.

At the beginning, I want to point out that Congress lacks the power to make laws to enforce prohibitions against the States. Section 10 of article I of the Constitution involves various prohibitions upon the States. I assume we are all familiar with the provisions of that section, but it can do no harm to read them so they will be fresh in mind, in detail. Section 10 of article I of the Constitution of the United States reads:

> No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.
>
> No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.
>
> No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

As I have said, that section of the Constitution involves a number of prohibitions upon the States. But the Congress is neither required nor authorized to enact legislation for the purpose of implementing these prohibitions. They are self-executing. A treaty entered into by a State is void. Letters of marque or reprisal issued by a State would not protect the holder. Money coined by a State would be worth only its intrinsic value. Bills of credit issued by a State could not be enforced in court. A State law purporting to make anything but gold and silver coin a tender in payment of debts would be void and unenforcible—even though Congress can make and has made such a law. A bill of attainder, ex post facto law, or a law impairing the obligation of contracts, enacted by a State legislature, would be declared void and unconstitutional without the necessity of the intervention of any act of Congress.

It would be ridiculous and redundant for Congress to pass a law saying the States may not enter into treaties, or to pass a law saying the States may not grant letters of marque and reprisal, or to pass a law saying the States may not coin money.

Similarly, the provisions of the 14th amendment to the Constitution that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws" is a self-executing provision. It stands in exactly the same case as the provisions of section 10 of article I. It is to be enforced by the courts, not by acts of Congress. In discussing the whole question of so-called civil-rights bills, I think we should keep that point in mind.

Now, let me make another general comment. There is a lot in this bill about injunctions. We have all heard the phrase "enforcement by injunction." That is provided for in the bill.

There are a good many objections to this, not involving in any way any question of segregation of the races. Enforcement by injunction is bad in principle.

Let us consider the right of a citizen to vote. Illegal interference with that right is, by definition, a crime. To seek to prevent this crime by getting an injunction against the commission of it, and thereafter to punish the commission of the crime as contempt of court, rather than under a criminal statute, is a device which, if it is to be adopted at all, can be made applicable in the whole field of criminal law.

Once we adopt this policy, there may be no stopping until we have gone the whole way.

I want to warn the occupant of the chair [Mr. MCNAMARA] at this particular time. I know how he feels toward labor, but I warn him that if such legislation as this be passed then he can expect to have follow it a measure which will permit injunctions against labor organizations. I would not approve of that, and I know he would not approve of it.

Thus, we might have Federal court injunctions against the commission of murder within the District. We might have Federal court injunctions against robbery. We might even have Federal court injunctions against exceeding the lawful speed limit, or against driving on the wrong side of the road. Why not? Under the reasoning of this bill, if every person has a right to his share of the road, why should not the Federal Government enforce it by injunction? The bill ignores the basic principle of preservation of States rights, preservation of the power of a State over matters such as public order within the borders of the State. That is one of the great evils of this bill. It is a step, and a long step, toward complete federalism; toward statism, if one prefers to call it that; toward totalitarianism, if one is willing to give it that name, which it fully merits.

There should be no doubt in the mind of anyone about the fact that the purpose of this proposal for government by injunction is to avoid jury trials. That has been made very clear many times. Let me cite a few instances.

When I say I will cite a few instances, if Senators will but read the testimony they will find many, many people have testified along a similar line.

The purpose to avoid jury trial was clearly admitted by Mr. Clarence Mitchell, director of the Washington bureau of the National Association for the Advancement of Colored People, in his testimony before the Judiciary Committee on May 25, 1956. Mitchell said:

I think we ought to make it very clear on the record that everybody ought to know that our organization has been trying to get hearings and actions on this bill ever since the Congress started and many conversations have been held with various people trying to get action.

Further, he said:

I think there is enough glory to go around and blame to go around as to who is responsible. We don't want to fix blame. We don't want a half-loaf or three-quarters of a loaf; we want the whole thing.

We don't interpret S. 3718 as a half-loaf. The Attorney General made very clear the practical situation we are confronted with. He used the illustration of Mississippi where we have an airtight case of individuals being denied a right to a voting to a grand jury and you cannot get an indictment. If you get an indictment before a grand jury you can't get a conviction.

The Senator from Missouri [Mr. HENNINGS] interjected:

That is what I said to Mr. Wilkins, and he said he did not remember.

Mr. Mitchell continued:

Yes. This legislation as I understand it does not lack in strength because as I understand judicial procedures correctly if the Attorney General finds that there is a violation of the law and if a court duly constituted issues an injunction telling people to cease from interfering with the right to vote and they continue to do so, they may be convicted for contempt and there would not be the hurdle of these juries that refuse to convict and grand juries that refuse to indict.

There we have it. The purpose of this proposal for enforcement by injunction is to take away the power and jurisdiction of juries to try people for alleged offenses.

Let me give another example. The intention to circumvent juries was also shown by the testimony of Patrick Murphy Malin, executive director of the American Liberties Union. This testimony will be found at page 137 of the hearings before the Judiciary Committee in 1956.

Senators will note that much of this testimony was taken in 1956. We have been taking testimony for a long, long time, and we have a great deal of testimony. It would be very enlightening if at some time somebody could really have all the testimony read to some of the Senators so that they would know just what has taken place in the past.

Mr. Malin then said:

It's not astonishing that many local citizens, who compose even Federal grand and trial juries, regularly refuse to indict or convict their friends and neighbors—official or private—for offenses which they themselves at least condone. But no self-respecting government, constitutionally responsible for seeing that even its humblest citizens have equal protection of the laws, can let things rest there. Hence it would seem to serve both wisdom and conscience to have the Federal Government empowered to ask a Federal judge for the declaratory relief of an injunction against a threatened violation of a civil right.

If the injunction was disobeyed, the judge would cite the violator for contempt of court, whose punishment while not severe, is real.

I could multiply examples; but everybody knows that the purpose of this proposal for Government by injunction, for enforcement by injunction, is to derogate from the powers of juries, to take jurisdiction away from juries; in a word, to deny persons accused of crime the right to trial by jury. This is an objective which I shall never serve, which I shall always oppose. The Congress very recently passed legislation intended to strengthen and protect the jury system of the United States from attack; to preserve the integrity of the jury system. But if we pass this bill, we will be striking a greater blow at the jury system than any blow which has been struck since the adoption of the Constitution. I invite attention to the fact that the right of trial by jury is a constitutional right, just as much so as any of the rights protected by any of the amendments of the Constitution. The right of trial by jury is protected in section 2 of article III. The last paragraph of that section reads as follows:

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.

The provisions of this bill with respect to enforcement by injunction fly directly in the face of that constitutional guarantee of the right of trial by jury. The offenses which it is proposed shall be punished by contempt judgments of Federal judges are offenses which constitute crimes under the law.

From my study of the law, and claims based upon grounds of equity, I have always found that if there is a remedy at law, it is necessary for the person coming into court seeking equity first to show to the court that he has already exercised or tried to obtain the remedy under the laws on the statute books, whether they be Federal or State laws. That is not so in this case. That procedure is waived, as I shall show by specific reference to the language of the bill.

It is no answer to say, as the executive director of the American Civil Liberties Union did, that punishment by injunction is not severe. I suppose he meant to imply that therefore it is all right to deny a man trial by jury, because the punishment is not going to be severe. But a judge can send a man to jail for contempt.

He can fine him and take away his money for contempt. That is punishment; make no mistake about it. And putting a man in jail is punishment. Make no mistake about that either. Federal judges are going to be inflicting those punishments, on citizens of the United States who have not had the right of trial, by jury which is guaranteed to them under the Constitution of the United States, if the bill now before us should be enacted into law.

Before we leave this matter of enforcement by injunction, let me make another point or two with respect to it.

First, I point out that the right which this bill would provide to the Attorney General to seek an injunction before the offense takes place is clearly premature. It is improper, certainly, for the United States to institute an action for the benefit of a private individual, without the consent of that private individual.

I ask this question: What do Senators think would happen if the Attorney General should receive a letter from someone requesting him to protect his rights, if the same individual, when the Attorney General started the action, should come to him and say, "No; I do not want you to go into court"? Under the terms of the bill the Attorney General could then put him in jail for interfering with the administration of justice. I believe that the consent of each private individual should be obtained.

The bill does not provide for this. Clearly the bill does not contemplate that such permission will be sought. This is wrong. Even assuming that preventive injunctions were desirable—which we cannot assume, and must not assume—but even if there were an assumption that preventive injunctions were desirable, the fear of danger or damage controlling the application for such an injunction should be the fear of the individual who claims he is in danger of being injured; not the fear of the Attorney General that somebody may be injured.

Does the injunctive-relief proposal intend to try individuals for violations of State law? If so, why not try them under State law, in State courts? If they are to be tried for violations of State law, they have a right to trial by jury.

Does the injunctive-relief proposal contemplate trial of persons for violation of Federal law? If so, why not try them under Federal law in a Federal court, after indictment? They have a right, a constitutional right, to trial by jury.

These questions show the fallacy of what is being attempted here. The bald fact is that what the proposal in this bill contemplates is trial of individuals in Federal courts for violation of rules laid down neither by Federal law nor by State law, but by some single judge, at the suggestion of the Attorney General. The Attorney General would probably draft the order, and the judge would sign it.

The Attorney General is going to file a paper in Federal court, and on the basis of that paper some judge is going to lay down rules of conduct. It may well be that the rules he lays down will be parallel with the laws of the State or States involved. It may be they will be more restrictive. But regardless of that, once the judge has laid down those rules, they are going to have the effect of superseding both State and Federal law in the area, and acts which otherwise would be punished, or at least tried, on the basis of applicable State or Federal laws, will thereafter be punished as contempts of the court; and thus the right of jury trial will have been taken away,

the provisions of section 2 of article III of the Constitution to the contrary notwithstanding.

It seems very clear to me that the Federal Government does not have a constitutional right to control and enforce civil rights. But if we are to assume that the Federal Government does have such a right, and if, in addition to that, we assume that it has been established additional laws are needed in this field, we still must admit that it is up to Congress and Congress alone to decide what laws are needed, and to pass those laws. The job should not and must not be delegated, by Congress or anyone else, to a single individual anywhere, whether or not he is a Federal judge.

Who is going to determine our public policy from here on—the Congress of the United States or the Attorney General?

If the Congress enacts laws prohibiting certain actions that might involve invasion of the civil rights of individuals, then Congress is determining public policy with respect to those matters.

But if the Attorney General goes into a court with an application for an injunction, and frames the order he asks the judge to sign, then the Attorney General is determining those matters of public policy. Mark my words, that is what will happen if the Congress enacts this proposed legislation.

As I have pointed out, the attempt at enforcement by injunction is an attempt to divest State juries of their jurisdiction, and it is an attempt to divest State courts of their authority and jurisdiction. I do not believe the Congress wants to do that. But if the Congress does want to do it, and if the Congress thinks it has the power, and wants to exercise such power, to divest the courts of our States of their authority and of their jurisdiction, then the Congress should do it directly instead of attempting to do it indirectly, as in this bill.

Let me say one thing more, before I leave, for the present at least, the question of the proposal for enforcement by injunction. We have heard much in the way of analogy to other statutes, such as the antitrust statutes. We have heard it said that there is already precedent for what this bill proposes to do, and in committee a witness told us that no one had ever been put in jail for violation of the antitrust laws. But the fact is that the antitrust laws and similar statutes which give the Federal Government the right to seek injunction relief, involve acts alleged to affect the national interest, and to contravene national public policy, and which are not amenable to State law. In the case of civil-rights injunctions, what is involved is action which is wholly amenable to State law. The difference is perfectly clear, and the injunction provisions in the antitrust laws and similar statutes are in no sense precedent for what this bill proposes to authorize in the way of enforcement by injunction.

Now let me turn to another general proposition. Did the 14th amendment repeal the 9th amendment and the 10th amendment to the Constitution?

The ninth amendment provides:

> The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

The 10th amendment to the Constitution provides:

> 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.

The 14th amendment does not deprive the States of the right to control their own affairs: It only prohibits certain acts of a particular nature.

Furthermore, the 14th amendment is directed at the States, and intended to control the actions of the States within certain limits; and it is not applicable to the actions of individuals not purported to be done under color of State authority.

If a State has a law repugnant to the 14th amendment to the United States Constitution, that law can be voided by appropriate court action. It does not require an act of Congress to make that possible. But, if State laws which are not repugnant to the 14th amendment are violated or improperly administered within the State, that does not give a Federal right to go in and control the situation.

The Federal Government has no more right to step into a State and seek to divest the State of jurisdiction in a civil-rights case than it has in a murder case or any other case.

To contend that the 14th amendment authorizes this is to contend that the 14th amendment repeals the 9th amendment and the 10th amendment. That is, of course, absurd.

Now, still talking generally, let me discuss broadly the points in this bill. I ask Senators to bear in mind that this bill is intended to implement, and would implement, what has been referred to as the President's program for civil-rights legislation.

Point 1 in the President's program was:

> Creation of a bipartisan commission to investigate asserted violations of law in the field of civil rights, especially involving the right to vote, and to make recommendations.

The Chief Executive has a right to create a commission to investigate, for the purpose of helping him make recommendations, anytime he wants to do so. He doesn't need an act of Congress for the purpose. On the other hand, if Congress wants to investigate this matter, it can have its own committees do so, or create a special joint Congressional committee.

Investigation of crime should remain in the executive branch. Legislative investigation should remain under the Congress.

Point 2 in the President's program was:

> Creation of a Civil Rights Division in the Department of Justice in charge of a presidentially appointed Assistant Attorney General.

This can be done by Executive order. It does not take an act of Congress. No special law is necessary. Incidentally, let me call attention to the fact that this so-called administration bill does not provide in terms for creation of a Civil-Rights Division in the Department of Justice. It merely provides for an additional Assistant Attorney General. The Attorney General can do as he pleases with that man after he is authorized and appointed. If he wants him to head a Civil Rights Division, the President or the Attorney General will have to order that such a Division be created, and then the Assistant Attorney General will have to be assigned to head the Division. The Attorney General has nine Assistant Attorneys General now. If he considers it urgent that there be in his Department a Civil Rights Division headed by an Assistant Attorney General, he can create the Division and appoint one of those men to head it. It does not take an act of Congress.

When he came down here to discuss a provision of a bill which would in terms have created a Civil Rights Division in the Department of Justice, the Attorney General said he did not want that. He did not want Congress saying what was to be handled by that Division, or what its duties would be; he wanted to retain the flexibility of his organization, and make such decisions himself.

The third point in the President's program is:

> Enactment by the Congress of new laws to aid in the enforcement of voting rights.

This so-called administration bill does not have very much in the way of "new laws" by Congress to aid in the enforcement of voting rights; and what it does propose along that line is not sound legislation, as I shall demonstrate shortly, when I take up each provision of the bill in turn.

The fourth point in the President's program is:

> Amendment of the laws so as to permit the Federal Government to seek from the civil courts preventive relief in civil rights cases.

That is not an honest statement. It is not an accurate statement. It should read:

> Enactment of a law to permit the Federal Government to divest State courts of jurisdiction and make possible summary punishment in Federal courts, on the basis of standards fixed by a Federal judge and not by either Congress or legislature.

That is the real purpose of the bill.

Let me say another word about the proposed commission. There is a hidden objective here; but, unfortunately, the Attorney General has tipped us off as to what it is.

The Attorney General has pointed out that there is no agency in the executive branch of the Government having the authority to investigate general allegations of deprivations of civil rights. That, he says, is why the President wants a special commission. The word "general" is the key to the hidden objective in the plan for a special commission. What they have in mind is a body which will go out and attempt to prove the premise that there is serious deprivation of civil rights in the South. I doubt if all the proponents of the bill understand that. If they all did, I doubt that they would all be for the bill, as they are now.

But the hidden objective is there—although it is not so well hidden anymore, thanks to the Attorney General, if we will exercise our intelligence to understand what he has told us.

The people who really understand what the bill would do, and are still for it, are not satisfied to stand on particular cases, to investigate actual instances of either interference or threatened interference with civil rights; they want to go out and make a case, however and wherever they can make it. That is why they want a commission having the authority to investigate general allegations of deprivations of civil rights. They want to have a field day. How objective would any study be that started out with a purpose to prove a particular case? It will not be objective at all. But that is what the proposed commisison will be doing.

Let us turn to the bill and consider it section by section. There are other comments of a general nature which I could make, and other comments concerning matters of principle; but I do not want to draw out my comments unduly today.

Part I of the bill provides for the establishment of a Commisison on Civil Rights.

I am going to leave until another time an analysis of the proposed rules of procedure for the Commission. They appear to be the same as the rules proposed in the past for the control of Congressional committees. They are rules which were unsuited to that purpose, and they are at least equally unsuited to control the activities of such a Commission as is here proposed. From an administrative standpoint, it would be almost impossible for the Commission to operate under these rules. It would not be able to accomplish anything of importance. But I shall discuss that matter at another time. If we are not going to create such a Commission, we need not be concerned about rules for its procedure; and I do not think we should create such a Commission.

Perhaps I am old fashioned to look early at the cost of any proposal, but it is a habit I have. We cannot consider the cost of the proposed Commission, because no limit is fixed, and no estimates have been given to us. The proposed Commission certainly should not be set up without some estimate and some understanding of the probable cost. There seems every probability that the cost of such a Commission would run into millions of dollars annually, and it might well run into tens of millions. To create a juggernaut of such proportions, with a blanket authority for the appropriation of so much as may be necessary would be an improvident act, doubly censurable in a time when even the President is willing to admit that economy is important, though he is not willing to point out where and how it can be achieved.

This bill would give the proposed Commission investigative powers that should belong, and then only under most careful safeguards, in the regular department of the executive branch.

Creation of this Commission would increase the complexity of the Government, as well as increasing the Federal payroll.

Mr. President, I send to the desk five amendments to the bill, amendments which I propose to offer at the appropriate time, if that time is ever reached.

These amendments will require members of the President's Civil Rights Commission and their employees to conform with the civil-service rules and regulations and other provisions of law required of other Federal employees.

In addition, these amendments strike from the bill obvious unequal and dangerous employment practices and remove special treatment and privileges contained in the bill.

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

Mr JOHNSTON of South Carolina. I yield, provided I do not lose the floor.

Mr. HUMPHREY. I may say to my good friend from South Carolina that I was moved and inspired by the fact that the Senator was offering amendments to the bill.

Mr. JOHNSTON of South Carolina. Proposed amendments.

Mr. HUMPHREY. Proposed amendments to the bill. This caused me to feel that the Senator from South Carolina recognized that the bill should be brought up for consideration, so that these worthy amendments might be considered.

I am not familiar with what is contained in the amendments, but I have always believed that if a Senator wishes to offer amendments, he should have that privilege, and that the Senate should have the privilege of voting on the amendments.

The only way I can see for the Senate to vote on a trial-by-jury amendment or any other amendment is if the bill gets before the Senate. It is in that spirit, because I am so much interested in the amendments and want to see them given fair consideration, that I appeal to my fine, distinguished friend from South Carolina to join with us in bringing the bill before the Senate, so that we may have an opportunity to consider all the amendments. I am certain they are well drawn, that their meaning is clear and precise, and that their purpose corresponds with the objectives of the Senator from South Carolina.

The Senator from South Carolina feels that the Senate should work on the amendments, does he not?

Mr. JOHNSTON of South Carolina. Mr. President, the Senator from Minnesota has made a statement with which I would not agree fully. He said that I "should have that privilege." I am not seeking the privilege. I am hoping that whoever had the privilege of introducing the bill will see the light, and that the Senate will see the light, at the proper time, and that the Senate will never have to deal with all the amendments I am sending to the desk.

Mr. HUMPHREY. Mr. President, will the Senator from South Carolina yield further to me?

Mr. JOHNSTON of South Carolina. I yield, provided it is understood that I shall not thereby lose the floor.

Mr. HUMPHREY. Mr. President, let me say to the Senator from South Carolina that there has been a deluge of suggested amendments. Some amendments have actually been submitted; and in the case of others, there has been theoretical and hypothetical discussion; and now we have proposed amendments—all of which can only indicate, to me, that those who are opposing the bill, and even are opposing the effort of the Senate to consider the bill, have apparently arrived at the conclusion that it is likely that the bill will be considered by the Senate, and therefore they wish to have the amendments before the Members of the Senate, for their thoughtful meditation and in order to have the amendments receive the amount of attention which amendments of this character so justly deserve. Does the Senator from South Carolina agree with that observation?

Mr. JOHNSTON of South Carolina. I do not fully agree.

The PRESIDING OFFICER (Mr. DOUGLAS in the chair). Let the Chair make an inquiry at this point.

Mr. JOHNSTON of South Carolina. Certainly.

The PRESIDING OFFICER. The Chair wishes to inquire whether the amendments which have been sent to the desk are to be printed in the RECORD?

Mr. JOHNSTON of South Carolina. I ask that they be printed, and that they lie over; and I hope they will never be used.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table.

Mr. HUMPHREY. Mr. President, will the Senator from South Carolina yield further to me?

Mr. JOHNSTON of South Carolina. I am happy to yield to the Senator from Minnesota.

Mr. HUMPHREY. Of course, I am not able to pass judgment on the amendments, inasmuch as I have not seen them. But I wish to say to the Senator from South Carolina that I think so much of him that I hope the Senate will have a chance to consider the amendments and to dispose of them in one way or another; and of course this situation gives the Senator from Minnesota an additional reason for urging that the bill be taken from the calendar, brought before the Senate, and considered by the Senate, so the Senate can hear the brilliant and illuminating arguments of Senators as to how the bill can be improved. I imagine there are amendments which can be made in that connection.

Mr. JOHNSTON of South Carolina. Mr. President, I am in favor of getting the bill off the calendar, but I am not——

Mr. HUMPHREY. And is the Senator from South Carolina in favor of having the bill brought before the Senate?

Mr. JOHNSTON of South Carolina. Well, Mr. President——

Mr. HUMPHREY. Mr. President, I imagine that the Senator from South Carolina and I have a difference of view at this point. He has been extremely

kind in yielding to me, and I shall not impose further upon his time.

Mr. JOHNSTON of South Carolina. Mr. President, I wish to say this is one of the worst bills I have ever seen; and I shall have more amendments to submit, if the bill ever reaches the point of consideration by the Senate.

Mr. HUMPHREY. Mr. President, I gather that I should not ask the Senator from South Carolina to yield further to me. [Laughter.]

Mr. JOHNSTON of South Carolina. Mr. President, I am always glad to yield to my friend, the Senator from Minnesota. I am sure that whenever he asks me to yield to him, he does so because he wishes to inquire about important matters, regarding which he seeks information, or in order to enlighten someone else.

Mr. HUMPHREY. I thank the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. Mr. President, the proposed Commission would very likely be made permanent. I have seen commissions created for 2 or 3 years, and even Senate committees which have been established on a temporary basis; but all such temporary groups seem to go on and on; like the babbling brook, they never stop. I think that would be the case as regards the proposed Commission. Certainly there is every reason to anticipate pressure to make it permanent. There is no provision for terms of office for the Commissioners. There is, of course, a provision in the bill, as it stands now, that the Commission shall submit a final report to the President not later than 2 years from the date of enactment of the statute creating it; and that 60 days after the submission of its final report and recommendations, the Commission shall cease to exist. But I can visualize its going on and on. The provision regarding the proposed Commission is an unrealistic one. The proposed Commission will not be well underway for 6 months or more. It will turn lose upon the southern part of this Nation a horde of investigators, mostly of the voluntary variety. The reports and advice and suggestions which they will send back to Washington will pile up in tremendous volume. The pressure to give the Commission additional life, it seems to me, is not only certain to come, but is almost certain to carry the day. If we want to stop the creation of what may become a permanent, as well as a monstrous, institution of Government, the time to do so is now; and the way to do it is by not passing this bill.

Let us realize fully that this bill proposes the creation of a Commission which would have the duty of surveillance of State and local governments, as well as surveillance of the activities of private individuals and groups. The bill does not spell that out in the plainest of language; but the provisions respecting the duties of the Commission, as they will be found in section 104 (a), embrace exactly that.

When we arrive at the day when a Federal agency with subpena powers has the right and duty of constantly studying whatever its officials and investigators deem to be economic, social, and legal developments constituting a denial of equal protection of the laws in both State and local governments, we shall have drawn very close indeed to the day of the superstate, the totalitarianism which we dread and decry when we see it in other nations, but which we do not seem to be able to recognize as it creeps up on us in our own country.

I think I have referred to the fact that the provisions of the bill would give to an independent commission in the executive branch a function of the legislative branch, that is, the gathering and evaluation of information as a basis for legislation. Nothing less than this can be the purpose of the duty which would be imposed upon the commission by subsection 104 (a) (3), to "appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution." But this is exactly the kind of authority the Congress gives to its own committees. Such authority should never be given to an independent commission, much less to the executive branch. It rightfully belongs to the legislative branch.

Now let us look at subsection 105 (e). This subsection provides that—

> All Federal agencies shall cooperate fully with the commission to the end that it may effectively carry out its functions and duties.

Mr. President, all Federal agencies would have to obey the Commission; all of them would be put under the Commission, so to speak. This is an extremely dangerous provision. It might well be construed to mean that the Commission would be a sort of superagency with administrative powers over the regular departments.

This language might be construed as a mandate to all departments to do what the Commission told them to do. Suppose the Commission wanted the FBI to make investigations for it. Would a refusal by the Bureau to undertake such a job, so repugnant to its traditions, be considered an uncooperative act? If so, the Bureau would have to do what the Commission wanted, under the language of this subsection. Many other examples can be stated.

There are several respects in which the first subparagraph of section 104 (a) is too broad. I shall discuss them in a moment. Let me read that subparagraph:

> Investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based.

Mr. President, look at the phrase "allegations in writing." Nothing is said about whether these allegations need be verified, or even whether they need to be signed. As it stands, this language would require—not authorize, but require—the Commission to investigate anonymous letters. Surely the Congress does not want to approve a bill which will do that.

The allegations required should be under oath, or at least verified. And certainly, there should be some kind of a provision so that the Commission does not have to spend its time investigating anonymous letters.

While we are on the subject of this subparagraph, let me call attention to the fact that it might be held to refer only to illegal voting in a Federal election, since it does not specify that State elections are included and since illegal voting in a State election is a matter not properly a subject of Federal control, but, rather, punishable under the States police powers. I am perfectly well aware that what is intended here is an invasion of the rights of the States; but I want to point out to those who favor invading the rights of the States that this particular paragraph might be construed in such a way as not to accomplish their objective.

Let me call attention also to the fact that the allegations contemplated under this subparagraph almost certainly would involve acts that might be criminal under law. But surely, the investigation of criminal acts should be left to law-enforcement agencies. The proposed Commission would not be a law-enforcement agency. Why, therefore, should it be charged with investigating criminal acts?

Furthermore, some of the acts subject to allegations under this subparagraph might be acts prohibited by State law. Why should a Federal commission investigate violations of State law, if the paragraph is construed broadly enough to authorize this?

Now, let us come back to the question of how this subparagraph is too broad. I shall not exhaust this subject, but I want to give some instances.

It seems clear that the use of the words "certain persons" includes noncitizens. Thus, the commission would be required to investigate allegations, if made, respecting the treatment of alien immigrants. If the Commission received allegations that Mexicans brought into this country to do stoop-labor in the Western States were being subjected to unwarranted economic ostracism because of their national origin, it would have to investigate those allegations. In this instance as in others, examples could be multiplied, but I do not want to take the time now to stress the point any further.

Along the same line, but under the point of subjecting a person to unwarranted economic pressures by reason of religion, the Commission would be required to investigate allegations, if made, that Jewish bankers were discriminating against Arabs as loan applicants.

Now, let us look at subparagraph 2 of section 104 (a). This subparagraph opens a Pandora's box. What is meant by "legal developments constituting a denial of equal protection of the laws"? What is meant by "the policy of the Federal Government with respect to equal protection of the laws"?

Is the Commission going to have to study all economic, social, and legal developments to determine which of them

constitutes a denial of equal protection of the laws?

If not, who is going to decide what economic, social, and legal developments the Commission will study? Will the Commission determine in advance which developments constitute a denial of equal protection of the laws, and then study those developments?

Merely to ask these questions is to point out the absurdity of the purported standard which is here being fixed to guide the Commission's activities. It is a standard which cannot be met objectively. This is just another bit of evidence that the whole purpose here is to do a hatchet job on the South and on southern institutions.

Go on down to the third subparagraph under section 104 (a), which says that the Commission shall "appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution."

Use of the word "appraise" creates an ambiguity of great magnitude. If this section were intended only to give the Commission the duty to report on civil-rights conditions, it might be far less objectionable. "Appraisal" means passing judgment. Passing judgment on the laws enacted by the Congress is a job for the Congress, not for an executive commission.

This subparagraph mixes executive and legislative functions. Making the laws, as well as making the basic policies of the Federal Government, is a matter for the Congress. Carrying out the policies, as fixed by Congress, and making departmental, administrative, and executive policy, is for the executive branch. No good purpose can be served by mixing the two, and one bad purpose certainly will be served: To wit, diminution of the powers of the Congress.

Now let us look at subsection 105 (b). The provisions of this subsection, that the Commission "may accept and utilize services of voluntary and uncompensated personnel and pay any such personnel actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission—or, in lieu of subsistence, a per diem allowance at a rate not in excess of $12"—would surely result in a horde of volunteer social workers and "do-gooders" descending upon the South, with all their travel expenses and subsistence expenses paid out of the Federal Treasury, while they sought to uncover or develop what they considered to be civil-rights cases. Incidentally, do not be fooled by that figure of $12. The way it is set into this subsection, it is not a limitation on how much may be paid a day for what the Commisison will deem "actual and necessary traveling and subsistence expenses incurred." It is only the limit of the per diem allowance which may be paid in lieu of subsistence. If one of the volunteer workers accepted and utilized by the Commission should see fit to travel by rented limousine and to eat $15 worth of food a day and to stay in $15 hotel rooms, the Commission certainly could, and probably would, approve all of those expenses and pay them. Certainly this is a provision which should be tightened up, whatever else we do, if this bill is to be approved.

Move on down to subsection (f) of section 105.

This subsection 105 (f) contains subpena powers for the Commission. Let me express my view that the grant of subpena powers to the proposed Commission would be extremely dangerous. The subpena powers which are proposed are virtually unlimited. Presumably the Commission could even subpena the governor of a sovereign State and require his testimony about his official acts. Such power should not be given to a body which is bound to be politically motivated, as this Commission is bound to be.

Mr. JOHNSON of Texas. Mr. President, will the distinguished Senator from South Carolina yield to me?

Mr. JOHNSTON of South Carolina. I will yield, with the understanding that I do not lose the floor.

Mr. JOHNSON of Texas. Mr. President, I wonder if it would suit the pleasure of the Senator from South Carolina if the Senate would recess at this point, pursuant to the order previously entered, with the understanding that at the conclusion of the morning hour tomorrow, as the Senate has previously agreed, the Senator from South Carolina will be recognized to resume his address.

Mr. JOHNSTON of South Carolina. I will agree to that, provided there is unanimous consent.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

RECESS TO 10:30 A. M. TOMORROW

Mr. JOHNSON of Texas. I want to express to the Senator from South Carolina [Mr. JOHNSTON] very sincere appreciation for his complete cooperation in the matter of the procedures of the Senate.

Mr. President, with that understanding, I want to give notice that the Senate will meet at 10:30 in the morning. We will have a morning hour in which statements will be limited to 3 minutes and then under the order previously entered, the distinguished Senator from South Carolina [Mr. JOHNSTON] will be recognized.

Mr. President, pursuant to the order previously entered, I now move that the Senate stand in recess until 10:30 a. m. tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 21 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until tomorrow, Thursday, July 11, 1957, at 10:30 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate July 10 (legislative day of July 8), 1957:

COMMODITY CREDIT CORPORATION

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

IN THE AIR FORCE

The following-named officers for temporary appointment in the United States Air Force under the provisions of chapter 839, title 10, of the United States Code:

To be major general

Brig. Gen. Edward Willis Suarez, 633A, Regular Air Force.

Brig. Gen. Oliver Kunze Niess, 19022A, Regular Air Force, Medical.

Brig. Gen. Daniel Webster Jenkins, 528A, Regular Air Force.

Brig. Gen. Daniel Stone Campbell, 615A, Regular Air Force.

Brig. Gen. John Williams Persons, 418A, (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Thomas Ludwell Bryan, Jr., 452A, (colonel, Regular Air Force), United States Air Force.

Brig. Gen. John Jackson O'Hara, 463A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Pearl Harvey Robey, 473A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Norman Delbert Sillin, 501A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. John Hiett Ives, 544A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Alfred Frederick Kalberer, 607A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Thomas Connell Darcy, 629A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Eugene Porter Mussett, 632A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Romulus Wright Puryear, 637A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Harold Cooper Donnelly, 647A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Donald Robert Hutchinson, 664A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Charles Wesley Schott, 949A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Benjamin Jepson Webster, 974A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. William Taylor Thurman, 1034A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. James Clifford Jensen, 1042A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Joseph D. Croft Caldara, 1048A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. William Monte Canterbury, 1071A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Arno Herman Luehman, 1080A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Stanley Joseph Donovan, 1089A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Turner Clifton Rogers, 1232A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Augustus Maine Minton, 1301A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Bruce Keener Holloway, 1336A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Maurice Arthur Preston, 1337A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. John Spencer Hardy, 1502A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. Thomas Alan Bennett, 1513A (colonel, Regular Air Force), United States Air Force.

Brig. Gen. David Wade, 1582A (colonel, Regular Air Force), United States Air Force.

To be brigadier general

Col. George Eldridge Keeler, Jr., 466A, Regular Air Force.

Col. Travis Monroe Hetherington, 646A, Regular Air Force.

Col. Theodore Gourdin Kershaw, AO239295, United States Air Force.

Col. Frank Pickering Corbin, Jr., 929A, Regular Air Force.

Col. Paul Lawrence Barton, 1081A, Regular Air Force.

Col. John Knox Cullen, 19068A, Regular Air Force, Medical.

Col. Dwight Oliver Monteith, 1205A, Regular Air Force.

Col. Conrad Francis Necrason, 1246A, Regular Air Force.

Col. Bernard M. Wootton, 1253A, Regular Air Force.

Col. Homer Astley Boushey, 1269A, Regular Air Force.

Col. Sheldon Seymour Brownton, 19083A, Regular Air Force, Medical.

Col. Jack Norman Donohew, 1319A, Regular Air Force.

Col. Curtis Raymond Low, 1349A, Regular Air Force.

Col. Willard Wright Smith, 1374A, Regular Air Force.

Col. Robert Joseph Friedman, 1397A, Regular Air Force.

Col. Robert Allen Breitweiser, 1406A, Regular Air Force.

Col. William Kenneth Skaer, 1412A, Regular Air Force.

Col. Prescott Miner Spicer, 1413A, Regular Air Force.

Col. Virgil Lee Zoller, 1440A, Regular Air Force.

Col. Henry Garfield Thorne, Jr., 1514A, Regular Air Force.

Col. William Brewer Keese, 1531A, Regular Air Force.

Col. Frederick John Sutterlin, 1585A, Regular Air Force.

Col. Delmar Edmond Wilson, 1587A, Regular Air Force.

Col. Glen Robbins Birchard, 1623A, Regular Air Force.

Col. John Wilson Carpenter 3d, 1647A, Regular Air Force.

Col. John Brereton Bestic, 1682A, Regular Air Force.

Col. Jack Gordon Merrell, 1687A, Regular Air Force.

Col. George Benjamin Greene, Jr., 1736A, Regular Air Force.

Col. James Crawford McGehee, 1746A, Regular Air Force.

Col. Don Coupland, 1766A, Regular Air Force.

Col. Edgar Wade Hampton, 1805A, Regular Air Force.

Col. Philip Henry Greasley, 1821A, Regular Air Force.

Col. John Eugene Dougherty, 1852A, Regular Air Force.

Col. Charles Rankin Bond, Jr., 1937A, Regular Air Force.

Col. Charles Marion Eisenhart, 1957A, Regular Air Force.

Col. Austin James Russell, 1980A, Regular Air Force.

Col. Robert Hamilton Warren, 1987A, Regular Air Force.

Col. Francis Clare Gideon, 1993A, Regular Air Force.

Col. Theodore Ross Milton, 2026A, Regular Air Force.

IN THE NAVY

Adm. Arthur W. Radford, United States Navy, for appointment to the grade of admiral on the retired list of the Navy.

The following-named (Naval Reserve Officers' Training Corps) to be ensigns in the Navy, subject to qualifications therefor as provided by law:

David L. Armstrong
Walter W. Kroupa
Arthur F. Roubik

The following-named (civilian college graduates) to be lieutenants in the Medical Corps of the Navy, subject to qualifications therefor as provided by law:

William E. Sill, Jr.
Victor M. Holm

The following-named (Naval Reserve officers) to the grades indicated in the Medical Corps of the Navy, subject to qualifications therefor as provided by law:

To be commander

Harry C. Nordstrom

To be lieutenant commander

Robert E. Bass

To be lieutenant

Kenneth N. Bredesen	Thomas P. Moore
Charles R. Cotham	Fred C. Richardson
Martin H. Ellbogen	Thomas H. Voshell, Jr.
William A. Elliot	Norman E. Wenger
Raymond J. Gibbings	Frederick C. Wuest
William E. Kilgore	Ralph K. Zech

William J. Fouty (Naval Reserve officer) to be a lieutenant in the Medical Corps of the Navy in lieu of lieutenant (junior grade) as previously nominated and confirmed to correct grade, subject to qualifications therefor as provided by law.

The following-named officers to be promoted to the grades indicated in the Medical Corps of the Navy, when their line running mates are so promoted:

To be commander

George F. Bond

To be lieutenant commander

Stuart H. Martin

The following-named (Naval Reserve officers) to the grades indicated in the Dental Corps of the Navy, subject to qualifications therefor as provided by law:

To be lieutenant commander

William G. Hutchinson

To be lieutenant

Paul E. Barrow	Donald E. Meister
Charles E. Cowen, Jr.	John W. Pash, Jr.
Albert Herr	Nathan E. Wilson

Robert S. Jones, United States Navy retired officer, to be a lieutenant in the Navy, pursuant to title 10, United States Code, section 1211, subject to qualifications therefor as provided by law.

Guy E. Knod, United States Navy retired officer, to be a chief warrant officer, W–3, in the United States Navy, for temporary service, pursuant to title 10, United States Code, section 1211, subject to qualifications therefor as provided by law.

Clarence E. Laube (Naval Reserve officer) for permanent appointment to the grade of lieutenant (junior grade) and in the temporary grade of lieutenant in the line of the Navy (engineering duty), subject to qualifications therefor as provided by law.

The following-named (Naval Reserve officers) to be lieutenants in the line of the Navy, for temporary service, subject to qualifications therefor as provided by law:

Donald M. Metzler	John J. Scully
George A. Sawyer, Jr.	William J. E. Shafer

The following-named line officers of the Navy for transfer to and permanent appointment in the Supply Corps of the Navy in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant:

Richard C. Burns	William M. Matthews
Wilfrid Devine	Lowry W. Norris
Howard R. Edwards, Jr.	George Postich
William K. Martin	William T. Ross, Jr.

Arthur D. Jesser, United States Navy, for transfer to and permanent appointment in the Supply Corps of the Navy in the grade of ensign.

Matthew J. Ott, United States Navy, for transfer to and permanent appointment in the Supply Corps of the Navy in the grade of lieutenant (junior grade).

The following-named line officers of the Navy for transfer to and permanent appointment in the Civil Engineer Corps of the Navy in the grade of ensign:

Robert L. Kramer
Phil M. Perry
John C. Sweeney

The following-named line officer of the Navy for temporary promotion to the grade of lieutenant, subject to qualification therefor as provided by law:

George D. Ellis, Jr.

The following-named line officer of the Navy for permanent promotion to the grade of lieutenant (junior grade) and temporary promotion to the grade of lieutenant, subject to qualification therefor as provided by law:

James H. Smith

The following-named officer of the Regular Navy for permanent promotion to the grade of commander.

MEDICAL CORPS

Robert C. Doolittle

The following-named officers of the Navy for permanent promotion to the grade of lieutenant (junior grade) in the line and staff corps as indicated, subject to qualification therefor as provided by law:

LINE

Abele, Bradford L.	Baker, Walter F.
Albert, James G.	Bale, Donald F.
Ables, Aubrey E.	Bales, Barbara L.
Ager, Snowden C.	Ballard, Gaylord B.
Agnew, Dwight M., Jr.	Ballow, Lawrence D.
Aguilar, Frank J.	Banfield, Thomas V., II
Akens, Robert J.	
Albee, Thomas L., Jr.	Banta, Thomas A.
Alecxih, Peter C.	Barkley, James F.
Aletto, Harold E.	Barlow, James D.
Alexander, Jane C.	Barnes, Lee G.
Allen, George W.	Barrett, Michael M.
Allen, John S.	Bascom, Paul P.
Altman, Berel P.	Basford, Michael G.
Alvarado, Ramon C.	Bassett, Bradley A.
Alvey, John H.	Baty, Frank O.
Ammerman, Arthur J.	Bauman, James R.
Ammerman, Clell N.	Baumgardner, John F.
Amoruso, Alfred P.	Baxter, Robert H., III
Anderson, Arthur E.	Bayne, John P.
Anderson, Giles B.	Beal, Derald R.
Anderson, Eugene G.	Beck, Charles W., II
Anderson, Falvie B., Jr.	Beck, John L.
Anderson, Gustav N.	Beck, Walter R.
Anderson, Joe K.	Beckham, Paul M.
Anderson, Joseph F.	Beckmann, Archibald B., Jr.
Anderson, Stephen P.	
Anderson, Thomas F.	Beckwith, Gilbert H.
Anderson, Walter S.	Bedore, Robert L.
Anderson, William P.	Beers, Harold S., Jr.
Andrews, Reece L.	Beeson, Robert "O"
Anthony, Morris D.	Behrle, Walter F.
Appeddu, Peter A.	Belcher, Donald W.
Appleton, William G., Jr.	Bell, James F.
	Benadik, Paul M.
Armstrong, Albert A., Jr.	Bennett, Donald C.
	Berg, Robert L.
Armstrong, Richard W.	Berger, Ronald A.
Arnold, Coy H., II	Bergesen, John M.
Ascherfeld, Theodore F., Jr.	Berkhimer, Frank R.
	Bernier, George, Jr.
Ashton, Augustus T., II	Berthe, Charles J., Jr.
	Beuris, Charles B.
Atwood, Henry C., Jr.	Biasi, Nestore G.
Aumick, William A.	Bibb, Benjamin O.
Austin, James F.	Biederman, Robert D.
Austin, James W.	Biggar, William
Austin, Robert C.	Billerbeck, Henry G.
Aut, Warren E.	Billeter, John L.
Avery, Billy J.	Bilyeu, Roland C.
Bacon, William M.	Bishop, Bert W.
Bailey, William M.	Bissel, Norman H.
Bain, Ralph V.	Black, Henry C., II
Baird, Thomas L.	Blaes, Richard W.

Bliss, William S., Jr.
Blount, Thomas S.
Bole, George T.
Bonar, David C.
Bond, John G.
Booth, Joseph K.
Bordone, Richard P.
Botshon, Morton
Boulos, Alfred J.
Bourassa, Roger J.
Bowen, Thomas J.
Boyd, John W., Jr.
Boyens, William R.
Boylson, Michael E.
Brackin, John D.
Bradley, James A., Jr.
Bradshaw, Frederick L.
Brame, Frank A., III
Brammeier, Charles L.
Brandon, Horace W.
Brasted, Kermont C.
Braun, Richard T., Jr.
Bravence, John, Jr.
Brennan, John S.
Brett, Robert W. J.
Brewin, Robert L.
Brewster, Rudi M.
Brierre, Roland T., Jr.
Brill, Gordon A., Jr.
Briner, Robert R.
Brinn, Walter K.
Brodd, Robert W.
Brooks, Phillip W.
Brown, Christopher H.
Brown, Donald D.
Brown, Harold R.
Brown, Julian, Jr.
Brown, Malcolm C.
Brown, Richard B.
Brown, Robert C., Jr.
Brown, Robert H.
Bruley, Kenneth C.
Brummett, Eugene P.
Brunell, James I.
Buc, Gerald G.
Buchanan, Edward O.
Buchholz, Philip P.
Bunce, Bayne H.
Bunger, Robert C.
Burke, Jenie L., III
Burkhardt, Lawrence, III
Burnett, William M.
Burnham, Don E.
Burns, Richard F.
Bursk, Edward C.
Burtis, Evenson M.
Busell, Lewis H.
Bush, Carl D.
Butler, William S.
Byington, Melvin R., Jr.
Byrd, Mark W.
Cabanillas, Jose C., II
Cabot, Alan S.
Caldwell, Hamlin A., Jr.
Calkin, Cecil R.
Cameron, Roderick A.
Camfield, Roland E., Jr.
Cammett, Haven P.
Campbell, Donald S., Jr.
Campbell, John D.
Campbell, John L.
Campbell, John F.
Cane, Guy
Cann, William A.
Cantella, Michael J.
Canter, Howard R.
Caplow, Stuart D.
Carlile, Clayton G.
Carlson, Don P.
Carson, Louis F., Jr.
Carson, James H., Jr.
Carter, Gerald M., Jr.
Case, Neil A.
Casimes, Theodore C.
Cavicke, Richard J.
Censky, Frederick F.
Chambers, Dudley S.
Chamberlain, James L.
Chapdelaine, Jerrold E.
Cheney, Donald A.
Chidley, Ralph E.
Chisholm, George E., II
Christensen, Stephen J.
Christopher, Allis L.
Clark, Richard G.
Clarke, Marjorie N.
Clay, James N.
Cleaver, Stephen
Cliff, Athol W., Jr.
Clifford, Donald J.
Coakley, Walter J., Jr.
Coe, Raymond P.
Cogswell, Charles E.
Colbus, Louis
Cole, Bennett O.
Cole, Leonard I., Jr.
Coleman, James F.
Coleman, Wade H., III
Coleman, Irvin L., Jr.
Coleman, Herman F.
Collier, Byron H.
Collins, William D.
Collins, Mary A.
Collins, Ferdinand I., Jr.
Colvin, William P.
Colwell, Lawrence S.
Comer, Patricia A.
Conaughton, Robert G.
Conboy, Thomas W.
Conklin, Robert B.
Conner, Henry W.
Conner, Lawrence O.
Connolly, Paul P.
Connor, Samuel R.
Conrad, Glenn T., Jr.
Conway, Paul B.
Cook, Russell A.
Cooley, Charles H.
Coor, Lawrence W.
Copeland, Edward C.
Corey, Marion W.
Cornell, Robert L.
Cottingham, Wayne R.
Couillard, James P.
Courtney, Charles H.
Couser, Rodney W.
Cowan, Daniel R.
Cowell, Russell S.
Coyne, James C.
Crabtree, Donald G.
Crane, Herbert C.
Cranwell, James L., Jr.
Craven, William D.
Crawford, George H.
Crawford, John W.
Crawford, Roderick P.
Crawford, William T.
Crayton, Render
Criss, John F.
Critz, Merrill E.
Croom, William H., Jr.
Crosson, Harry E.
Crotteau, Roger D.
Cryer, John P.
Culbertson, Robert D.
Cullen, James G.
Cumbie, Willie E., Jr.
Cummings, Joseph D.
Cunningham, Dale V.
Cunningham, Marshall E.
Currier, Richard A.
Curry, Thomas L.
Curtis, Robert E.
Cusick, Patrick J.
Cutler, Edward M.
Cutts, Robert L.
Czaja, Bernard F.
Dacus, Robert W.
Daigneault, Joseph J., Jr.
Dailey, Allen H.
Daley, Robert E.
Dallamura, Bart M., Jr.
Damico, Richard J.
Dancer, Jerry D.
Daniels, William D.
Daubenspeck, Richard E.
Davis, James G.
Davis, Kenneth F.
Davis, Ralph G.
Davis, Ramsey L., Jr.
Davis, Russell E.
Davis, Samuel H., Jr.
Dawson, Edward H., Jr.
Deam, Norman A.
Dean, Herbert J.
Deane, James D., Jr.
DeBoer, Jack "G"
DeHart, William
Delaney, John R.
DeLoach, John W.
Delvecchio, Frank V.
Demonbreum, James R.
Dempsey, John F.
Denlea, Leo E., Jr.
Derendinger, George L.
Deryckere, Archie G.
Desseyn, Maurice H.
Deuel, Jamieson K.
Devine, Clarence A.
Devine, Edward D., III
Devries, James H.
Diamond, Ray B.
DiCarlo, Vincent A.
Dickenson, Charles E., Jr.
Dickey, Leonard M.
Diehl, Ricky W.
Diley, Lewis E.
Dillon, Alfred J.
Dilweg, John C.
Dilworth, Edmond J., Jr.
Dombey, James R.
Donati, Alfred, Jr.
Doney, Robert G.
Donnell, Joseph S., III
Donovan, Daniel E.
Donovan, Philip C.
Dougherty, John E., Jr.
Douglass, Donald J.
Downey, Louis A.
Dozier, George W., Jr.
Drayton, Henry E., Jr.
Drenkard, Carl C.
Drumheller, Maxley W.
Drummey, Charles E.
DuBois, Arthur N.
DuBose, Charlie P.
Ducat, Julian A.
Ducharme, George W.
Duerr, Edwin C.
Dugan, Francis V.
Dugan, Richard F., Jr.
Dulke, Sylvester M.
Dunn, Alvan N.
Dunn, John F.
Dunning, James A.
Durant, Thomas W.
Durocher, Stephen F.
Dworsky, Alan J.
Dwyer, Henry W.
Dyer, Cromwell A., Jr.
Early, Joseph D.
Earnhart, Edgar A.
Easterling, Letson E.
Easton, Peter B.
Eberlein, Otto P.
Edgren, Donald H.
Edwards, Thomas G., Jr.
Eels, William R., Jr.
Ehl, James W.
Ehr, Richard L.
Eich, Robert W.
Elder, Ralph C.
Elliott, Donal W.
Ellis, David R.
Ellis, Eugene D.
Elsbree, Frank B.
Emerson, John R.
Engels, David A.
Erickson, Reuben E.
Eriksson, Roger V.
Esper, Ronald C.
Eubank, Franklin J.
Eubanks, Martha A.
Evans, Edwin D.
Evosevich, John N.
Evrard, William E.
Ewall, Thomas H.
Faddis, James W.
Fagan, Fredric G.
Fairfield, John M.
Fairley, Archie B., Jr.
Farwell, Warren E.
Faul, Alfred T.
Felter, John F.
Ferguson, David E.
Ferrer, Kenneth A.
Fiedler, Peter B., Jr.
Fields, William B.
Fillerup, Raymond M.
Fitzgerald, Arthur R.
Fitzgerald, Michael J.
Fitzmorris, Neil T.
Fitzsimmons, Robert J., Jr.
Fitzwilliam, David A.
Flaherty, Robert M.
Fletcher, William B., III
Fletcher, John G.
Foley, Paul R.
Forbes, Donald L.
Forsyth, James P.
Foster, Clifton G., Jr.
Foster, Scott R.
Fowkes, Conard C., Jr.
Fox, Henry J., IV
Frampton, James C., Jr.
Fraser, Robert B.
Frazier, John D.
Frentress, Bowheart "H," Jr.
Frick, Walter B.
Friddle, Frank R., Jr.
Fryberger, Elbert L., Jr.
Frye, Thomas A. W.
Fucigna, John P.
Fugate, Truman H.
Fuhrman, Glen F.
Fuller, Mark A., Jr.
Fuller, Vaughn D.
Gadberry, Roy K.
Gadolin, Ronald
Gallotta, Albert A., Jr.
Gard, Gerald I., Jr.
Gardner, Bennett
Garlitz, Jerry E.
Gaskill, Richard T.
Gates, Fred H., II
Gatley, Donald P.
Gatlin, Edwin F.
Gaul, John W.
Geary, Jack E.
Gehring, Donald H.
Geier, Edward A.
Geithner, Peter F.
Geoghegan, James C.
Gerard, Paul L.
Geronime, Eugene L.
Gibbins, Thomas A.
Gideon, William C., Jr.
Gilbert, Marguerite J.
Gilchrist, Donald W.
Gildea, John F.
Gill, Gerald W.
Gillam, Charles E.
Gillham, Richard D.
Gilliland, Richard F.
Gladstone, Sidney
Glassey, Charles R.
Glover, Albert K., Jr.
Glover, Dennis C.
Glovier, Harold A., Jr.
Glunt, David L., Jr.
Gobel, John C.
Goodwin, Francis M., Jr.
Gordon, Arva F.
Gorman, Paul T.
Graham, Robert F.
Graham, Thomas A.
Gray, Basil F., Jr.
Gray, Garold G.
Gray, John T., III
Gray, William C., Jr.
Greathead, Robert T.
Green, Stanley E.
Green, Terry S., III
Greene, Charles R., Jr.
Greenlaw, William C.
Greenlee, John W.
Greer, James A., II
Greer, William E., III
Greisen, Bernard R.
Gresham, Neal
Griffin, John J., Jr.
Griffiths, Rodney D.
Grobey, John H.
Grose, Robert H.
Gross, Edward B.
Grossgold, Melvin "J"
Grothe, Henry J.
Grouby, Edward A., Jr.
Grunwell, James G.
Guda, Harry E.
Guengerich, William H.
Guess, Malcolm N.
Gullickson, Grant G.
Gunion, Allan R.
Gunn, Max C., Jr.
Gunter, Jack R.
Hagen, Gunter
Hagerty, John F.
Hahn, Wilfred J.
Haines, Robert S.
Halkett, Alan N.
Hall, Charles F.
Hall, Howard L.
Hall, John C.
Hall, John V.
Halladay, Norman E.
Hallberg, Charles J., Jr.
Hallenbeck, Prentice W.
Halperin, Walter
Halpine, John D.
Hamel, Louis H., III
Hamelrath, Walter F.
Hamilton, Clyde E.
Hamilton, Jerry L.
Hamlin, Andrew L.
Hankins, Elton E.
Hannagan, James F., Jr.
Happersett, Paul F.
Hargrave, William W., Jr.
Hargrove, John Q., III
Harkins, Richard E.
Harman, Gordon S.
Harper, George T., Jr.
Harper, Robert P., Jr.
Harrell, Max A.
Harris, James E.
Hartley, Richard R.
Harvey, George H.
Hasse, Ronald A.
Hatfield, Robert L.
Hatheway, Darwin L.
Havicon, John W.
Hawkins, Charles W., III
Hay, James C.
Hayes, Francis X.
Hayes, James C.
Haynie, Fred H., Jr.
Hazlehurst, Harry, III
Heady, James F.
Healy, James V.
Hearne, Nancy L.
Heimbold, Charles A., Jr.
Helfrich, William P.
Helm, George N., Jr.
Helms, Raymond E., Jr.
Helper, Ralph E., Jr.
Hemings, Robert M., Jr.
Hendry, James D.
Henifin, Edward E.
Henry, Tom L.
Henson, George M.
Herman, George
Herren, Thomas C.
Herrmann, Walter T.
Herzer, Oscar A.
Hessman, James D.
Heydon, Robert M.
Heyward, Irvine K., IV
Hickey, Edward J., Jr.
Hicklin, William C., III
Higgins, George A., Jr.
Higgins, Richard G.
Higgins, John F.
Higgs, Robert H.
Hilder, Leonard O., Jr.
Hill, William W.
Hinkle, David R.
Hobbs, Allen, Jr.
Hocker, Walter B.
Hogan, Edward J., Jr.
Hogan, Thomas W., Jr.
Holden, William H., Jr.
Holland, Roy C.
Holland, Lee "M"
Holland, William G.
Hollenbach, Richard G.
Hollingworth, Roy M.
Hollingsworth, Robert L.
Holloman, William D.
Holman, William C.
Holmes, James W., Jr.
Holt, Henry C., IV
Holtz, William F.
Hooley, Thomas J.
Hope, Herbert A., Jr.
Hopkins, Benjamin T., II
Hopper, Thomas M.
Horn, Charles A., Jr.
Horn, Charles E.
Horn, Emile L.
Horner, John, Jr.
Horowitz, Charles L.
Hosking, Roy W.
Hoskins, James M.
Hovey, Gale K.
Howard, Maynard L.
Howatt, Gerald J.
Howells, William D., II
Howells, David A.
Hryskanich, Paul L.
Hubbell, Robert N.
Hudgins, Thomas B.
Huffer, Maurice W.
Huffman, William L., Jr.
Hukill, Robert P.
Hull, Fred A.
Hume, George A.
Hume, Kenneth E.
Humphrey, Morris L.
Hunter, John W., Jr.
Hunter, Charles B.
Hunter, William J.
Hunter, William G.
Hurt, Jonathan S.
Hussey, William T.
Huttinger, Theodore
Hyman, Arnold J.
Ike, Robert C.
Ilaria, Robert L.
Inman, John S.
Inman, Thomas S.
Ireland, Blair
Jackson, Thomas W.
Jauregui, Stephen, Jr.
Jermstad, Robert J., Jr.
Jobe, Gordon A.
Jobe, James E.
Johnson, Martin L.
Johnson, George P.
Johnson, Robert A.

Johnson, William J., Jr.
Johnson, David E.
Johnston, Fox H.
Joiner, Francis A.
Jolliff, James V.
Jonassen, Robert N.
Jones, Carroll S.
Jones, Ernest F.
Jones, James L.
Jones, Robert F., Jr.
Jones, William O.
Jongewaard, Larry L.
Jonovich, George J.
Jordan, Stephen W.
Joyce, Alan R.
Judy, Harold A.
Juergens, John G.
Jurgensen, Dale E.
Jurkowski, Joseph A.
Kaiser, Dale E.
Kaiser, Gilbert J.
Karabatsos, George T.
Kaufman, Robert H.
Kavanagh, Robert G.
Keane, John F.
Keating, John D.
Keating, John S., Jr.
Keele, Wayne, Jr.
Keely, Leroy B.
Keener, John I.
Keith, Clyde R.
Keith, Harold S.
Keith, John D.
Keller, Samuel F., Jr.
Kellogg, Edward S., III
Kelly, Richmond K., Jr.
Kenney, Robert W.
Kern, Thomas W., Jr.
Kiel, Kenneth L.
Kilty, Lawrence R.
Kimbrough, Harold S.
King, Donald J.
King, Edward L.
King, James E.
King, Richard B.
Kingsland, John M.
Kingsley, Stephen S.
Kinley, Frederic H. M.
Kinnaird, Charles R.
Kinne, Loren H.
Kinney, Leo D.
Kinney, Eugene P.
Kirbey, Russell W.
Kleffel, Walter H.
Klein, Donald E.
Klein, Verle W.
Kline, Arlington N.
Kneisl, John F.
Knepler, James L.
Knerr, Donald O.
Knight, Eugene T.
Knight, Cecil F.
Kohoutek, James G.
Kollmorgen, Frederick J.
Kooken, John F.
Kopacka, William F.
Korn, Donald L.
Kowalskey, Zygmont J., Jr.
Kracha, John K.
Krahn, Chris
Kramer, Frank A.
Kramer, Robert B.
Kratt, William J.
Kraus, Walter S.
Krikorian, Edwin G.
Krisciunas, John P.
Kruger, David S.
Krumwiede, Jerold L.
Kujawski, Theodore D.
Kuntz, Francis X.
Kunzel, Frederick K.
Kurth, Ronald J.
Kyle, Kenneth W.
Lacefield, Joe V.
Lacy, Robert G.
Lambert, Mary A.
Lambert, Walker W.
Lamken, Mark L.
Lamore, James F.
Land, Elwood W., Jr.
Lane, William J.
Langford, George M.
Langford, George R.
Langrind, Roy G.
Lanier, Henrietta R.
Lannon, Francis W.
Larson, Ralph S.
Lawson, Thomas J.
Learned, Charles W., Jr.
Learson, Harold W.
Lee, Thomas E.
Legett, Thomas R.
Lehr, Ronald F.
Lehto, Robert K.
Leonard, John D., Jr.
Leonhardi, Roger L.
Leslie, Richard
Letkemann, Herkus W. V., II
Levin, Herman
Levin, Jeremy I.
Lewert, Adam E.
Lewis, David E.
Lewis, Jesse W., Jr.
Lewis, John W.
Lewis, Martin E.
Lewis, Robert S.
Liatti, Lloyd A.
Lietzan, Ernest W., Jr.
Lima, John M.
Limroth, David F.
Lindsay, Thomas L.
Link, John G.
Lissy, Ernest I.
Litfin, Robert E.
Livingston, Daniel S.
Livingstone, Philip N.
Lochridge, Joe C.
Long, Charles L.
Lord, Frank J.
Lord, Waldon E.
Lutz, William R.
Lyding, John F.
Lykins, Noel R.
Lynch, Will T.
Lynne, Donald M.
Lyons, Philip
Mack, John
Mack, John O.
Mack, Robert E.
Mackie, Joan G.
MacLeod, William A. J.
Maddox, Iven J.
Mares, James A.
Markham, Allan W.
Marks, John A.
Marsh, Barry B.
Marshall, John T., Jr.
Marshall, John T., Jr.
Martin, Benjamin C., Jr.
Martin, Edward H.
Martin, James F.
Martin, Robert T.
Martineau, Roger J.
Marx, Thomas J.
Mason, Ralph S.
Massey, Roger A., Jr.
Master, Carl L., Jr.
Masterson, Kleber S., Jr.
Mathis, Harry L., II
Matthews, Paul C., Jr.
Maurer, Charles B.
McAllister, Jack D.
McArdle, James L.
McBride, Earl P.
McCaffree, Burnham C., Jr.
McCaffrey, Robert T.
McCall, Walter H.
McCarthy, Gerald D.
McCarthy, Paul F., Jr.
McCartney, Kenneth C.
McCarty, William H.
McCellan, Parker W.
McClenahan, Richard M.
McClure, William R.
McCollum, James B.
McConnell, Cyrus, Jr.
McCormack, Howard M.
McCormack, John F.
McCracken, John L.
McCullough, John A.
McDermott, John J.
McDevitt, Ronald F.
McDonough, Lida J.
McElroy, Guy A.
McGill, James F.
McGown, William A., Jr.
McGurk, Robert J.
McIntyre, James G.
McKay, Edward J., Jr.
McKay, Peter B.
McKee, George R., Jr.
McKenzie, James A., Jr.
McKinnon, George H.
McKinster, James W.
McKnight, Kent A.
McLean, Robert H.
McMahill, Gary A.
McMaster, Paul
McMillan, Thomas, Jr.
McMillin, George W.
McMullan, James P.
McNally, Stephen P.
McNamara, William L.
McNenny, Patrick "J" "S"
Meaney, Francis X.
Meek, David
Mehr, John A.
Melton, Arthur W.
Melville, Noel
Merkle, George W.
Merritt, Robert L.
Messinger, Marshall R.
Meyer, Donald J.
Michaels, John R.
Miglas, William
Milford, Dolores A.
Millar, Ralph A., Jr.
Millen, Thomas H.
Miller, Charles H., III
Miller, Chauncey S.
Miller, Glen "J"
Miller, John H.
Miller, Raleigh B., Jr.
Miller, Robert R.
Miller, Russell C.
Minetti, Bernard L.
Mintz, Donald E.
Miranne, Ernest J., Jr.
Mirsch, Marvin W.
Mitchell, Donald F.
Mobley, Arthur S.
Mode, Paul J.
Moebus, Louis F.
Montgomery, Kenneth
Montgomery, William J.
Montross, Robert W.
Moody, Frank L.
Mook, Joe
Moore, Bryon O.
Moore, Hugh A.
Moore, John R.
Moore, Percy J.
Moore, Robert E., III
Moore, Thomas W.
Moranville, Kendall E.
Morgan, Frank A., III
Morris, Charles H.
Morrow, Robert H.
Morse, Robert A.
Mortimer, Edward H., III
Morton, Theodore E.
Moss, Jack L.
Moye, William B., Jr.
Mudgett, Francis S.
Mulligan, John H.
Mulloney, Peter B.
Multer, Richard P.
Mulvany, George M.
Mundt, Werner F.
Muniz, John J.
Murphy, Arthur D.
Murphy, Charles W.
Murphy, Richard G.
Murray, Thomas F.
Murray, Philip F.
Murtha, Bruce E.
Musgrave, "R" "F"
Muth, Wayne A.
Myers, Richard C.
Nagel, Harold A., Jr.
Nash, Owen W.
Nash, Phyllis A.
Neel, William C.
Neel, William M.
Nelles, Merice T.
Nelowet, Wallace S.
Nelson, Theodore E.
Nelson, Jesse R.
Nelson, Floyd G.
Neuhauser, Daniel A.
Newton, John E.
Nix, Walter C.
Noblit, Charles L.
Noren, Rees E.
Nott, Edward C., Jr.
Oberg, Chester R.
Oberholtzer, William E., III
O'Brien, Kenneth A.
O'Brien, Kevin S.
O'Brien, John T.
O'Connell, William J.
O'Connell, Sally H.
O'Dell, Jean M.
Offrell, David W.
O'Halloran, Thomas A., Jr.
O'Hara, John J.
Olander, Darrell W
Oldmixon, William J.
Oleson, David E.
Oliver, Charles H.
Olsen, Charles F.
Olsen, Jerome J.
Olsen, Robert M.
Olson, Harold W., Jr.
Olson, Richard L.
O'Malia, Robert J.
O'Neill, Norbert W.
Orsik, Walter A.
Orsino, Leo A.
O'Shaughnessy, Robert J.
O'Toole, Arthur L., Jr.
Otto, Robert O.
Packard, John E., III
Paine, Lawrence A.
Palmer, Wilbur L.
Panas, Alex W.
Parise, Richard G.
Parker, Kenneth B., Jr.
Parker, Eugene H.
Parks, Richard E.
Parks, Walter P.
Parnell, Thomas A.
Parrish, Jon G.
Parsons, David E.
Pasztalaniec, Matthew F.
Patrick, Julian C.
Patten, Robert S.
Patterson, Lee R.
Patterson, William V.
Paulson, Allan G.
Pavia, Raymond F.
Pearson, John E.
Pearson, George W.
Pease, Floyd T.
Peery, William K.
Penegar, Kenneth L.
Perault, David J.
Perenyi, Ladislas J.
Perfetti, Richard C.
Perkins, Jack C.
Perry, Eugene C., Jr.
Peterman, Dewey D.
Peterson, Mell A., Jr.
Peterson, Alfred A.
Petit, Pierre A.
Pettigrew, Joseph H.
Peugh, Dighton "W"
Pfarrer, Charles P., Jr.
Phillips, Raymond C.
Phillips, Harry H.
Philpot, Marvin L.
Phoenix, David "A"
Pickard, Dallas, Jr.
Pierce, Robert K.
Pikell, Joseph V.
Pine, John D.
Pippin, William E.
Pitt, Donald F.
Pitts, David T.
Platner, Fredric W.
Polini, Eugene T., Jr.
Pollack, Harold I.
Pollak, Henry M.
Pollard, Charles E., Jr.
Polleys, William V., III
Polsin, Robert W.
Popham, Neal R.
Popp, John, Jr.
Popplewell, Lewis M.
Poreda, Charles P.
Post, George W.
Post, Jerome
Powers, Paul S.
Premo, Melvin C.
Price, Carroll R.
Priestley, Joseph R.
Primeau, Don G.
Prochaska, George E.
Prosser, Rudolph J.
Pruitt, Thomas J.
Pugliano, Ralph J.
Purtell, Joseph M.
Quigley, Robin L. C.
Quillin, Thomas E.
Quinn, Charles A.
Quinn, Walter J.
Quirk, Thomas A., Jr.
Rabstejnek, George J., Jr.
Raines, Julian L.
Ramos, Steve L.
Ramzy, James R.
Raper, Albert D.
Rathke, Lorenzo J.
Rauber, William S.
Raunig, David R.
Read, Richard R.
Reardon, John R.
Reasonover, Roger L., Jr.
Reed, Richard A.
Reeves, Alex D., Jr.
Register, Marvin O.
Reid, John A.
Reid, Rust E.
Reid, Wilson G.
Reilly, Frank J., Jr.
Reip, Robert W.
Reisinger, John E.
Reiss, Charles E.
Remsnyder, Duane C.
Rennell, Robert J.
Resek, John F.
Reynolds, James V.
Rhodes, Rodman D.
Rhodes, Thomas B.
Ribble, Lawrence F.
Rice, Alan H.
Rice, Donald K.
Richards, Walter E.
Richardson, William C.
Richter, Ronald P.
Richter, William J., Jr.
Riendeau, Arthur O., Jr.
Riester, John E.
Rigling, Robert F.
Ritchie, John K.
Robertson, Robert R., Jr.
Robey, George R., Jr.
Robinson, James V., II
Robinson, William N.
Rockefeller, Harry C. Jr.
Roderick, Daniel W.
Rodgers, Henry C.
Rodriguez, William P.
Rogers, Robert B.
Rogers, Thomas D.
Romaine, Henry S.
Romaine, Howard G.
Ropp, Philip C.
Rork, John K.
Rose, Charles B.
Rose, Charles C., Jr.
Rose, James S.
Rose, Rufus E., Jr.
Rose, William A.
Roth, Thomas F.
Rourke, Charles K.
Rowland, Charles M., Jr.
Ruggles, Kenneth W.
Rumsfeld, Donald H.
Russell, Kenneth B.
Russell, John H.
Rutherford, Charles F., Jr.
Sabol, Ernest J., Jr.
Sakats, Gerald
Salva, Fedor R., Jr.
Sample, Bertran E.
Samuels, William J.
Sanders, Wiley M.
Sandoval, Silvano F.
Santuae, Theodore A.
Sassi, Norman M.
Sauers, John F.
Sawyer, Kenneth R.
Scampini, Charles H.
Schell, Farrel L.
Schenck, James S., III
Schibel, Robert L.
Schlenzig, Robert E.
Schmidt, Gilbert E.
Schmidt, Don D.
Schnatterly, Lewis W.
Schnurr, William J.
Schoeckert, Robert D.
Schoeffel, Peter V.
Schoonover, Charles D.
Schrader, David M.
Schroats, Richard P.
Schultz, Earl E.
Scott, Lawrence A.
Scott, Robert W.
Scott, Thomas H.
Seabloom, James A.
Seacord, John M.
Sedlak, Richard K.
Seifert, Robert J.
Seigenthaler, Thomas U.
Selby, Paul F.
Sellers, John W.
Selsor, James Q.
Sesler, Ralph M.
Sewell, Robert L.
Shanaghan, John J.
Shannon, Edward R.
Shannon, Thomas A.
Shaw, Charles P., Jr.
Shaw, Walter B., Jr.
Shearer, Oliver V., Jr.
Shearer, Thomas D.
Sheehan, Robert K.
Shewchuk, William M.
Shields, Robert G.
Shimek, Paul, Jr.
Shinholser, Charles E.
Shirley, Milford E.
Shorey, Clark W.
Short, Warren J.
Shrader, Ebert F.
Shuey, Robert L.
Shumaker, Lawrence A.
Shuman, Edwin A., III
Shurtleff, John A.
Sifferd, Daniel W.
Sill, Harold W.

Simon, William L.
Sisson, Thomas U., Jr.
Skarlatos, Paul
Slattery, Francis A.
Slawson, Paul S.
Slocomb, Richard S.
Sloman, Jean P.
Smidt, Robert L.
Smith, Albert L.
Smith, Chester R.
Smith, David G.
Smith, Edward R.
Smith, Irvin L.
Smith, Leighton D.
Smith, Richard C.
Snider, Lloyd H.
Snyder, Edward C., Jr.
Snyder, Richard W.
Soczek, William
Soderholm, Richard C.
Soltys, Mitchel S.
Sorenson, Curtis A.
Sottak, Edward J.
Southworth, John V., Jr.
Sparagana, Gabriel P.
Speirer, Paul E., Jr.
Spencer, Donn N.
Spencer, Russell E.
Spidell, Gary F.
Sprague, Alden C.
Sprague, Arthur R., Jr.
Springston, William A.
Spurgeon, Edward V.
Spurrier, William W.
Stallworth, Lewis A., III
Stamm, Ernest A.
Starbuck, Thomas H.
Stark, Ronald A.
Starke, Clinton J.
Starr, Larry W.
Staten, George C., Jr.
Staton, John C.
Steel, Charles E.
Steele, Francis X.
Steele, James C.
Steele, Ted C., Jr.
Steeves, Earl S., Jr.
Stefferud, David R.
Stein, Henry L.
Steiner, James
Steinmann, Herbert H.
Stelter, Frederick C., III
Stephenson, Morris H., Jr.
Stern, Sydney V.
Stevens, Edward G., Jr.
Stevenson, Leeroy J.
Stevenson, Donald W.
Stickling, William R.
Stilwell, Charles H., Jr.
Stilwell, John Q.
Stoffel, Michael J.
Stone, Jack W., Jr.
Stoner, Thomas M.
Storck, Bernard F.
Storms, James G., III
Stovall, John C.
Strachan, John
Stroop, Paul D., Jr.
Stubbs, Campbell L., II
Sturm, Gerard M., Jr.
Sullivan, John B.
Sullivan, Russell J.
Suneson, Charlene I.
Sur, William K.
Sutherland, William P.
Sutherland, Terence B.
Sweeney, John H., III
Sweet, Harry J.
Sweet, William L.
Swenson, Loyd S., Jr.
Switzer, Anton R.
Swoyer, Vincent H.
Szpara, Thaddeus J.
Tanksley, Paul A.
Tanner, John P.
Tate, Charles E.
Tate, John F.
Taylor, Arthur C.
Taylor, David J.
Taylor, James D.
Taylor, Robert I.
Taylor, Timothy C.
Tedeschi, Edward T., Jr.
Tepe, Charles F.
Terry, Edgar R.
Terry, Robert C., Jr.
Teuscher, John J.
Thalman, Robert H.
Thie, Dean A., Jr.
Thompson, Richard L.
Thorburn, William B.
Thorne, Russell J.
Thornton, Reuben T., III
Thornton, Ray O.
Thorp, Chester A., Jr.
Thudium, Wayne E.
Thum, George J., Jr.
Thunman, Nils R.
Tibbetts, Herbert E.
Tingler, David S.
Tinker, Gordon E.
Tisdale, Albin A.
Todd, Robert C., Jr.
Tolg, Robert G., Jr.
Tom, Joseph
Tomonto, James R.
Tondora, Joseph E.
Townley, John L.
Townsley, Jesse M., Jr.
Tracey, John A.
Tracy, George W., II
Treagy, Paul E., Jr.
Trenham, Herbert D.
Trevors, George A.
Trone, Dennis R.
Trott, Edgar P., Jr.
Tuck, John, Jr.
Tucker, Eli L., Jr.
Tucker, Thomas A.
Turner, Ralph A., Jr.
Turner, William E., Jr.
Turner, William H.
Ulmer, Donald M.
Ulrich, Charles H.
Urband, Howard T.
Uthlaut, George E.
VanAntwerp, Richard D.
VanDeventer, John H., III
Varbedian, Alexander A., Jr.
Varnes, John D.
Vaughan, Evan J., Jr.
Vaughan, John L., Jr.
Vellella, George J.
Vellom, Lee S.
Viera, John J., Jr.
Vilett, John E.
Vogelberger, Peter J., Jr.
Vohden, Raymond A.
Vonklock, Robert N.
Voss, Frederick H.
Wade, Mercer A.
Walker, Charles
Walker, Crayton C.
Walker, Jack O.
Walker, William R.
Wallace, Dallas L.
Wallace, James D., Jr.
Wallace, John A.
Wallace, Richard M.
Walsh, Don
Walsh, Harvey T., Jr.
Walsh, Joseph A., Jr.
Ward, Robert J.
Wardell, Anthony W.
Watkins, David P.
Watkins, Howard B., Jr.
Watson, John
Watson, Robert "M"
Watson, Thomas C., Jr.
Watson, Thomas P.
Webb, Clifton R., Jr.
Webb, Haven N.
Weinhold, George B.
Weintraub, Daniel J.
Weitz, Paul J., Jr.
Welborn, William P.
Welch, Edwin C., Jr.
Welcome, Allan T.
Wells, John E.
Wells, Peter M.
Welsch, John W.
Welsh, Vincent F.
Weltner, Howard A.
Wensman, Linus B.
Wentz, Sidney F.
Werness, Maurice H.
Wessel, James E.
West, Denton W.
West, Douglas
West, William E.
Weston, Gustav R.
Wetzel, Weslie W.
Whaley, Daniel E., Jr.
Whealy, John F.
Wheeler, Charles G.
Whitaker, James E.
White, Charles E.
White, Donald J.
White, Irvin L.
White, William A.
Wiederspan, Harlan H.
Wight, Roy R.
Wildman, John B.
Wiley, James F.
Wilfert, Eugene N.
Wilford, Donald M.
Williams, Bobby J.
Williams, Thomas W., III
Williams, David L.
Williams, Joseph B.
Williams, Ronel J. D.
Williams, Edward O.
Willis, Arthur A., Jr.
Willis, James S., Jr.
Willmeroth, Earl R.
Wilmer, Robert R.
Wilson, James C., Jr.
Wilson, David G.
Winkowski, John R.
Wise, Richard T.
Wisniewski, Sylvester S.
Withers, Fred J.
Witucki, Gerard S.
Wojcik, Ermin S.
Wood, Frederic C., Jr
Wood, Fred L.
Wood, Hal D.
Wood, Leon G., Jr.
Wood, Noel T.
Woodcock, Henry P., Jr.
Wooden, Bruce J.
Woods, Carl J.
Woodward, John L.
Woollard, Edwin F.
Wright, James R.
Wuebler, Robert J.
Wyckoff, Peter B.
Yapp, Rockford G., Jr.
Yarger, Luther D.
Yarwood, John O.
Yenowine, George H.
Young, Harold L.
Young, Paul F.
Zable, Joseph J.
Zelones, Vincent L.
Zettle, Harold
Zidbeck, William E.
Zook, Richard M.
Zuilkoski, Ronald R.
Alexander, Adelore L.
Artz, Robert C.
Bastian, Donald L.
Bowling, Charles R.
Bozell, Rex K.
Brown, George C., Jr.
Brownsberger, Donald E.
Busey, James B., IV
Coleman, Thomas R.
Connolly, Timothy W.
Corey, Stuart M.
Cox, Floyd E.
Damon, Terry A.
Dearcot, Michael E.
Downs, James R.
Fech, Duane V.
Fields, James E.
Flatley, John E.
Gatterman, Raymond D.
Gilliamsen, Donald A.
Gilroy, John W., Jr.
Good, Robert C.
Grammer, William R.
Guidry, Rodney R.
Haggard, Marion Z.
Hartranft, Richard J.
Henriquez, Joseph S.
Herr, Arthur L., Jr.
Holman, Robert A., Jr.
Hubbard, Henry L.
Hughes, Ronald E.
Huisman, Roland K.
Jones, Jerry D.
Jones, Robert E.
Knies, George C.
Lane, Robert E.
Lee, Melvin R.
Mabe, James M.
Manheimer, Donald Z.
Marsh, Alvin "F"
McKay, Robert W.
Miller, Bruce J.
Millner, Clayton L.
Moore, Johnnie R.
Morris, John P.
Motes, Thomas L.
Murphy, George A.
Narowetz, Bruce A.
Nothwang, David R.
Olson, Gerard R.
Oslun, William J.
Petersen, Gordon S.
Pine, Gordon F.
Poitevent, Joe L.
Potosnak, Joseph E.
Pringle, Donald B.
Raiter, Richard F.
Reinhardt, Jerry B.
Rumelhart, Max R.
Ryan, Thomas J.
Sapp, Charles S.
Schlemmer, Robert M.
Schuman, Martin S.
Sinwell, Raymond J.
Sherrouse, James B.
Smith, Ralph W., Jr.
Southwick, Charles E.
Sterling, Kenneth L.
Stock, Merlyn L.
Stone, Ronald P.
Storm, Carroll F.
Taipale, Richard G.
Tanner, Charles N.
Taylor, Charles C.
Tise, Donald G.
Tonole, Joseph J., Jr.
Van Dyke, Willard H., Jr.
Veach, Everett K., Jr.
Walck, Claude W.
Walker, Raymond H., Jr.
Walters, Ralph E., Jr.
Wilson, Fred J.
Wise, George M.

CIVIL ENGINEER CORPS

Andersen, Charles P.
Auerbach, Ralph W., Jr.
Berdan, Maurice R.
Block, Norman G.
Curran, Robert A.
Daniel, William F., Jr.
Edson, Theodore M.
Gans, George M., Jr.
George, Roscoe D., Jr.
Gibboney, Lloyd H.
Hanlon, Mark Z., Jr.
Hauck, John W.
Jones, John P., Jr.
Melcher, Albert G.
Miller, William C.
Moger, Jack B.
Moore, Fred B.
Morton, Donald A.
Nicholls, William H., Jr.
Nystedt, Russell P.
Oscarson, Edward R.
Petzrick, Paul A.
Pitman, James B., Jr.
Ranieri, Joseph J.
Smila, William W.
Socha, Albert R., Jr.
Sweeney, John C.
Sylva, John P., Jr.
Tombarge, John W.
Wile, Dorwin B.
Williamson, Howard M.

MEDICAL SERVICE CORPS

Barrett, Neil K.
Beyer, Charles E.
Brandon, Daniel A.
Brannon, Joe F.
Brownlow, Wilfred J., Jr.
Carpenter, Arden R.
Curto, James C.
Dennis, "J" "M"
Derivera, Joseph M.
Devine, Leonard F.
Dietch, Michael M.
Dunbar, Edward S.
Gallaher, Robert E.
Gilbert, Richard S.
Goon, Melvin H.
Hartley, Robert L.
Holston, Charles A.
Janson, Harold J.
Jennings, William H., Jr.
Johnston, James F.
Keese, Robert C.
Long, William L.
McComb, Gordon S.
Miller, Harry P.
Morris, Carlton R.
Myers, John D.
Oleson, Russell H.
Oswald, Charles A., III
Reed, John R.
Richardson, James W.
Riser, Ellis W.
Sanborn, Warren R.
Schaffner, Leslie J.
Sloan, Marshall
Smout, Jay C.
Talley, Russel L.
Tatum, Raymond B.
Vanbuskirk, Floyd W.
Woodham, James T.

SUPPLY CORPS

Alderman, John M., Jr.
Anderson, Richard A.
Anglim, Matthew E., Jr.
Armitage, James H.
Ausbrook, Perry "C", Jr.
Babcock, Barry B.
Baglioni, Francis X.
Barczewski, Steven J.
Barnard, Harry W.
Barr, Robert S.
Bartholomew, Charles W.
Bechtelheimer, Robert R.
Blackshaw, Joseph R.
Brewer, Walter L.
Brooks, John E.
Brotherton, Curtis W.
Burgess, James E.
Burr, William E.
Byers, Austin L.
Campbell, Patrick J.
Casselberry, Lynn W., Jr.
Caverly, Michael K.
Chapman, Charles B., III
Chase, Kelsey D., Jr.
Christenson, Richard D.
Clark, Shelby V. T.
Cook, Gerald W.
Corcoran, Luke T., Jr.
Cornelius, Jack M.
Cotton, Robert E.
Cronk, Philip W.
Delleney, Jimmie S.
Deroulet, Philip H.
Derrico, Joseph A.
Dollard, Paul A.
Dusenberry, Frank J.
Erb, Richard T.
Ervin, Dean W.
Fachet, Robert F.
Farrell, James G.
Fekula, Theodore V.
Ferraro, Niel P.
Fuka, Otto J., Jr.
Futch, Franklyn P.
Gill, Leo S.
Gordon, Jerry M.
Graessle, Philip G.
Hall, Robert A.
Hanly, Joseph B.
Harkin, James W.
Harvilla, John A.
Hawkins, Charles A.
Hensley, Frank M.
Hochmuth, Alvin E., Jr.
Hollowell, Samuel T., Jr.
Horrigan, John W., Jr.
Jesser, Arthur D.
Johnson, Millard J.
Joseph, Mark R.
Kavanagh, Preston B., Jr.
Kela, Frederick H.
Kidd, Prentis H.
Klaren, John C.
Kutil, Donald H.
Lawrence, Robert W.
LeBlanc, George J., Jr.
Lewis, Brian K.
Long, Billie K.
Mankoff, Ronald M.
Mantlo, Glendon R.
McCarthy, Leonard D.
McCurdy, Bruce D.
McDougal, Lynn R.
Meyer, Jack A.
Michna, Stanley P.
Moore, James W.
Neal, Edward M.
Nolan, Frank R.
O'Connor, Robert W.
Odom, Mildred L.
Ostrom, Lester E.
Parent, Elias A., Jr.
Patton, Kenneth G.

Peek, Luther W.
Peterson, Kenneth A.
Pottinger, Ian G.
Ragan, Gilbert G.
Read, Farra L., Jr.
Rice, Harold A.
Richards, Walter T.
Riordan, William H.
Rogers, John R.
Rohman, Paul J., Jr.
Ross, Howard "T", Jr.
Sanders, John R.
Scarrah, George B.
Schrag, Edward "A", Jr.
Schulden, William H.
Settles, Robert B.
Sevier, Moses T.
Shipley, Maynard K.
Smith, Jay R., Jr.
Solinger, Jerard H.
Sterner, Norman G.
Stevenson, Ray H.
Stirratt, Avery, Jr.
Stokes, DeLeon E.
Strain, James J.
Strange, Geoffrey G.
Swenson, George E.
Topping, James F.
Velotas, Bill M.
Wagner, John E.
Walker, Edward K., Jr.
Warneke, Grover C.
Weishaar, Marvin J.
Weiss, Armand B.
White, Jack A.
Williams, Walter L.
Wilson, Kenneth B.
Wohl, Paul
Yeager, William J.
Young, Robert H.
Zeberlein, George V., Jr.

The following-named officers of the Navy for permanent promotion to the grade of chief warrant officer, W–4, subject to qualification therefor as provided by law:

Goodall, William W.
Saunders, George E.
Kisak, Valdimir
Carozza, Edward
Johnson, Orville A.
Cronk, Henry V.
Blaylock, James O.
Specht, Horace W.
Wood, Charles J.
Janas, Walter A.
Virostko, Joseph P.
Andre, James L.
Blackburn, Earl S.
Allen, Harvey S.
Bilbray, Hubert P.
Newey, Daniel
Knecht, John P., Jr.
Stein, William V., Jr.
Priest, Dean W.
Longtin, Finley J.
Woznick, Walter P.
Beatson, David C.
Hansen, Peter A.
Perry, Smith
Whited, Everest A.
Mitchell, Ralph
Foley, Lamar W.
King, William E.
George, Virgil M.
Bottorff, Nelson D.
Hiatt, Donald A.
Wood, Louis E.
Denson, John M., Jr.
Love, Walter B., Jr.
Lewis, Charles S.
Svahn, Albert R.
Tabor, John A.
Brofft, Beltran F.
Collins, Wilson L.
Hall, Vaness F.
Pauley, Arthur E.
Rainbolt, Darrell L.
Corbett, Theodore W.
Dozier, Walter H.
Allen, Albert F.
Willis, Alva C.
McCullough, Robert R.
Schmitt, Carl H.
Carlson, Carl A., Jr.
Miller, Roy
Wells, George B.
Smith, Walter C.
Bender, Merle D.
Gray, Adrow
Tolin, Robert E.
Hartlove, David G., Jr.
Nunnally, Charles H.
Bodine, Vernon H.
Jones, Merle V.
Leahy, Roger B.
Grant, Joe W.
Maloney, James D.
Therien, Robert B.
MacInnes, William H.
Windham, Woodrow D.
Murphy, Clarence A.
McDonald, Walter B.
Johnson, William P., Jr.
Moreau, Gilbert C.
Sunderland, Glenn O.
Ayotte, Orral D.
Davis, Ralph C.
Cooper, Joseph K.
Chartier, DeWayne J.
Golding, Russell W.
Denton, Durward W.
Konko, William F.
Cameron, Francis C.
Fluke, Sidney E.
Findley, Robert A.
Kolodziej, John C.
Lovell, Will D.
Jennings, Lee R.
Crowder, Edward W., Jr.
Keelan, Laurence O.
Griffin, James F.
Hall, Lewis J.
Stankaitis, John J.
Fry, Adam C.
Eberhart, Julian F.
Thresher, Earle E., Jr.
Ratchford, Fred T.
Moore, Thomas O.
Dote, Theodore K.
Logsdown, Ronald O., Jr.
Willard, Hugh W.
Sabin, Donald E.
Meeks, William D.
Schaub, Marion J.
Shimer, Harold J.
Villano, Louis P.
Hughes, Harrel D.
Stigler, Lyle V.
Little, Irving W.
Kidder, Francis R.
Scribner, Donald M.
Sylvester, Opal
Goodenough, Roscoe D.
Moore, Oliver A.
Stauffer, Frederick H.
Lomax, Jack I.
Hawkins, Henry P.
Atwood, Eugene E.
Pitzer, William B.
Isert, Raymond W.
Gorton, Charles W.
Dunn, Jack D.
Gomez, Mike
Mangels, Harold M.
Mercer, Lyle R.
Sauerbier, Francis W.
Gumber, Harold R.
Pierce, Robert M.
Harnden, Robert D., Jr.
Mullis, Fred W.
VanHorn, Edward
Butterworth, Chester
Frumerie, Walter E.
Annis, Alvin A.
Ripley, Frank L.
Freshwater, Duane C.
Potoky, Charles E., Jr.
Hill, Charles O.
McCray, James G.
Riley, William E.
Besancon, Victor C.
Keck, Truman W.

The following-named officers of the Navy for permanent promotion to the grade of chief warrant officer, W–3, subject to qualification therefor as provided by law:

Jackson, Wilfred R.
Peterson, Reginald
Jones, Vincent Y.
Palmer, Robert W.
Clarke, Wiot L.

The following-named line officers of the Navy for permanent promotion to the grade of lieutenant (junior grade), subject to qualification therefor as provided by law:

Ammann, Robert E.
Barker, William S.
Bernardin, Peter A.
Boland, Bruce R.
Caldwell, Charles B.
Cantwell, Richard B.
Case, Robert W.
Cisson, Arthur
Cole, Thomas T., Jr.
Cornell, Gordon C.
Coward, Alton A., Jr.
Daly, Paul S.
Davis, Richard C.
Diehm, William C., III
Dillon, John F.
Dobbs, William D.
Dziengielewski, Eugene L.
Eckerle, Charles R., Jr.
Erlewine, John W.
Evans, Thomas G.
Felling, Thomas A.
Florin, Donald E.
Gay, David E.
Glinn, John B., Jr.
Hamrick, Franklin G.
Hawkins, Cecil "B", Jr.
Howe, John E.
Johnson, Richard L.
Johnson, Robert A.
Keery, Jerry L.
Lehman, George W.
Lucken, Frank E.
McKean, Francis E.
Miller, Bryce N.
Morris, James I.
Noll, Rolf F.
O'Dell, Jerry T.
Potts, Bill H.
Segel, Norman
Shelly, Ronald G.
Terry, Virgil R.
Thompson, Richard G.
Van Dusen, Harold L.
Wardell, William L., Jr.
Wetzel, James F.
Wilson, David P.
Winton, Fred "B", Jr.
Witthoit, Ronald D.
Woolway, David J.
Wright, Murray H.
Yonke, William D.

The following-named officers of the Navy for permanent promotion to the grade of lieutenant:

To be lieutenant, line

Harld Feeney
Roy L. Judd
Wilmer E. Walker
Walter P. Schmidt
Jacob L. Van der Goore
James K. Berger
George E. Bein
William R. Knapp
George H. Waters
Frederick M. Hollen
John F. Elmore, Jr.
Douglas I. Smiley
Boyce "D" Evans
Harold L. Olsen
Robert D. Morris
Thomas M. Moran
Edward C. Fitzpatrick
Lynn R. Clark
Donald A. Langer
Walter J. Blasczak
Dion G. B. Debit
Fayne E. Curtis
Kermit E. Dearman
Alexis N. Charest
Harry E. Howell
John H. Larsen
Jack G. Belton
Arthur J. Meacham
Stanford E. Lichlyter
Edward V. English
Forrest J. Godfrey
Thomas G. Clinton
Edward K. Markley
Irvin R. Moss
Robert W. Goodreau
Leonard "C" Ash
Donald L. Alldredge
Ralph L. Gordon
Donald H. Dowds
Kenneth N. Holt
Henry L. Wittrock
William B. Latham
John S. Hoover
Clarence H. Smitter
Robert E. Kutzleb
Raymond B. Prell
William A. Meador
David H. Stewart
Robert C. Alexander
Merle E. Mills
Clovis K. McDonald
Joseph Pestcoe
Richard G. Rieken
John D. Thomas
Edmund F. Foley
William A. Bullock
James C. Schasteen
Virgil J. Lemmon
Andrew T. J. Nutter
Elbert R. Holland
Albert E. Ferguson
John J. Snee
Edwin B. Clark
Robert T. Check
William F. Wright, Jr.
Eugene A. Culver
Harry H. Williamson, Jr.
Jack M. Reid
William T. Dickson
Walter J. Davis
Gayle Ramsey
Charles F. Skillman
Leonard B. Crane, Jr.
Frederick E. Groenert
John A. O'Shea, Jr.
Grant "W" Miller
Allen W. Helmandollar
John C. Thomas
Albert Chisum, Jr.
John L. Preston
James W. Hodges, Jr.
Bernard A. Duffy
Billy D. Jamison
James H. Manion
Edward C. Walshe, Jr.
Harris E. Steinke
Joseph M. Callaghan
John R. Henley
Carroll K. Mitchell
Gordon F. Murphy
Paul F. Bodling, Jr.
James J. Holian
Charles N. Osborne
Robert J. Brunskill
Roy E. Lanphear
James B. Williams

To be lieutenant, Supply Corps

James L. Avary
Walter F. Merrick
Purnel L. Collicott
Bayard A. Taylor, Jr.
William I. Davidson
Delbert L. Faust
Alfred J. Furnweger
Lee Wood, Jr.

To be lieutenant, Civil Engineer Corps

William C. Pinch
Loney L. Blough
Oscar F. Parrish, Jr.

Richard T. Upton to be a temporary lieutenant in the Medical Corps of the Navy in lieu of a temporary lieutenant in the Dental Corps of the Navy as previously nominated and confirmed to correct corps, subject to qualification therefor as provided by law.

WITHDRAWAL

Executive nomination withdrawn from the Senate July 10 (legislative day of July 8) 1957:

POSTMASTER

David W. Edeen, postmaster at American Lake, in the State of Washington.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JULY 10, 1957

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

O Thou gracious benefactor, whose heart always responds with love to every human need, we are engaging in prayer to invoke the benediction of Thy favor upon us during this day.

Guide us by Thy spirit as we seek ways and means of mediating to all mankind the blessings of health and happiness, of peace and good will.

We beseech Thee to manifest Thy grace unto our chosen representatives who are laboring faithfully and conscientiously to enrich and strengthen our national life.

Show us how we may lift humanity out of the lowlands of fear and frustration unto the lofty heights of courage and confidence, of faith and freedom.

Hear us in Christ's name. Amen.

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

PUBLIC ASSISTANCE MEDICAL CARE PROVISIONS

Mr. COOPER. Mr. Speaker, I call up the conference report on the bill (H. R. 7238) to amend the public assistance provisions of the Social Security Act so as to provide for a more effective distribution of Federal funds for medical and other remedial care, and I ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.