solve satisfactorily the question of when to do my reading. I only hope it can be done during the 4 months when Congress isn't in session—otherwise I will feel pretty much isolated from the books I used to have time to read as a lawyer in Boise."

Another Member of the Senate who admits that a crowded schedule makes much of his reading superficial is JOHN F. KENNEDY, of Massachusetts, the only Senator ever to win a Pulitzer prize for biography. The author of the best-selling "Profiles in Courage," a study of political valor and independence during periods of national hysteria, shares with WAYNE MORSE the habit of reading while on the move. Senator KENNEDY generally takes along a book when speaking engagements require travel by train or plane. His current agenda in this respect includes Crisis of the Old Order, by Arthur Schlesinger, Jr.; Road to the White House, by Arthur S. Link, and Oliver Cromwell, by John Buchan.

Senator KENNEDY, whose principal committee posts are Foreign Relations and Labor, tells me that he can give scant time to reading on governmental matters beyond these immediate assignments. "As to the areas outside my own committee responsibilities," he adds, "I rely on the judgment of others with whom I have an identity of interest and in whom I have confidence."

This practice, I believe, is far more general than most people realize. Senators, who are pressed even to find hours for eating and sleeping, tend to restrict their reading—particularly in the realm of nonfiction—to their own specialties. Then like Senator KENNEDY, they depend upon trusted colleagues to counsel them in other fields. For example, I serve on the two principal natural-resource committees, Interior and Public Works. Most of the books on my bedside table apply to the realm of timber, water, and wildlife.

A penchant for following one particular vein or ore in reading habits is extremely prevalent among southerners. These individuals harbor a brooding nostalgia for the old South and for the Civil War. Whenever I hear such Senators as STROM THURMOND, of South Carolina, or WILLIS ROBERTSON, of Virginia, talking about some recent reading, it usually applies to a book about the rise and fall of the Confederacy. Senator JOHN STENNIS, of Mississippi, a stern but fair man, is one of the most scholarly of southerners. A Phi Beta Kappa key dangles from his watch chain, and he himself is the author of many brilliant and moving speeches on the life of Gen. Robert E. Lee.

"I read slowly," Senator STENNIS said to me. "I cannot scan a book like some of you young fellows. I have to savor every word. Thus, my limited time with books is spent with something that really means a lot to me. I read all I can about the Civil War, even northern viewpoints and prejudices. Bruce Catton's, This Hallowed Ground is the latest I have been reading. I have learned much from it, despite the fact that I might not share Mr. Catton's entire outlook."

Senator CLINTON P. ANDERSON, of New Mexico, is an ardent bibliophile specializing in western history and folklore. A tall and restless man, he piles his home with books about Lewis and Clark, Fremont, and John Wesley Powell. The reading of other Members of the Senate reflects the locale that they represent. Senators GEORGE D. AIKEN and RALPH FLANDERS, who carry the colors of the Green Mountain State, assure me that they read every possible book about Vermont. ESTES KEFAUVER and ALBERT GORE both pride themselves on their reading about Tennessee, and they can cite book, chapter and verse concerning such illustrious Tennessee careers as those of Andrew Jackson and Cordell Hull. Yet every Senator, when he discusses his literary propensities, always adds the inevitable qualification—"time permitting."

One night I sat at a banquet given by the Philippine Embassy with WILLIAM A. PURTELL, the junior Senator from Connecticut. I mentioned to him that I was attempting to read through the book Water, published by the Department of Agriculture, in view of the importance of rivers, lakes, and harbors to my seacoast State. I also said I had been trying to read, in fits and snatches, A History of the English-Speaking Peoples—if only to worship at the feet of that master of our tongue, Sir Winston Churchill.

"At night when I stay home with Mrs. Purtell," he said, "my greatest pleasure is to eat a plain home-cooked supper and then to read a western or a detective story. My day is packed with committee meetings, Senate sessions, and conferences with constituents. Connecticut is near enough to Washington so that my office overflows with callers from home. Following 10 or 12 hours like this, I find that I require reading that will relax me rather than stimulate."

That is the problem of the United States Senator. In Oregon my wife and I trudged up mountain peaks, played long games of golf, and swam in glacier-fed lakes. This did not make nearly the inroads on my vitality that a single day of political strain does beneath the dome of our country's Capitol. My evenings were available for reading, and so was an occasional afternoon. I could keep reasonable pace with the new literature, both fiction and nonfiction.

I once would never have imagined that the Senators struggling with the terrible dilemma of chattel slavery had not read Uncle Tom's Cabin, which was stirring Americans of that area. Yet, how many of us in the Senate today are reading the books that move or influence our fellow citizens, as we poise on the threshold of the great decisions inevitable in this atomic era?

SENATE

WEDNESDAY, JULY 24, 1957

(Legislative day of Monday, July 8, 1957)

The Senate met at 10 o'clock a. m., on the expiration of the recess.

Rev. William E. Denham, Jr., minister of River Oaks Baptist Church, Houston, Tex., offered the following prayer:

Our Heavenly Father, for a few moments we pause to turn our hearts unto Thee and to Thy Son, Jesus Christ.

We thank Thee for this Nation, where free men can speak, where selfish men can be removed from places of trust, where good men can give their lives in a shared responsiveness to Thy will.

Give to these, our national leaders, Thy children, the high courage to follow Thee. And, when convictions differ most obviously, may we remember that this is our Father's world and that each is responsible for what happens to his brother.

Cleanse us from our perversity and willfulness. Stretch our all-too-limited vision. Teach us the breadth of Thy divine love. Give to each, in this moment of personal quietness, a penetrating awareness that Thou art our God and that we are Thy children.

Humbly we petition Thy forgiveness and mercy. In Jesus' name. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the proceedings of Tuesday, July 23, 1957, was approved, and its reading was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Tribbe, one of his secretaries, and he announced that on July 11, 1957, the President had approved and signed the following acts:

S. 45. An act to authorize the Secretary of Agriculture to sell to the village of Central, State of New Mexico, certain lands administered by him, formerly part of the Fort Bayard Military Reservation, N. Mex.;

S. 806. An act to authorize the Administrator of General Services to quitclaim all interest of the United States in and to a certain parcel of land in Indiana to the board of trustees for the Vincennes University, Vincennes, Ind.;

S. 886. An act to provide transportation on Canadian vessels between ports in southeastern Alaska, and between Hyder, Alaska, and other points in southeastern Alaska or the continental United States, either directly or via a foreign port, or for any part of the transportation;

S. 937. An act to amend section 4 of the Interstate Commerce Act, as amended;

S. 1396. An act to amend section 6 of the act approved July 10, 1890 (26 Stat. 222), relating to the admission into the Union of the State of Wyoming by providing for the use of public lands granted to said State for the purpose of construction, reconstruction, repair, renovation, furnishing, equipment, or other permanent improvement of public buildings at the capital of said State;

S. 1412. An act to amend section 2 (b) of the Performance Rating Act of 1950, as amended; and

S. 1806. An act to amend the Sockeye Salmon Fishery Act of 1947.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the Committee on the Judiciary.

(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 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. 7665) making appropriations for the Department of Defense for the fiscal year ending June 30, 1958, and for other purposes; that the House receded from its disagreements to the amendments of the Senate numbered 3 and 11 to the bill, and concurred therein.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 216) expressing the gratitude of the Congress and the American people to Dr. Tom D. Spies, in which it requested the concurrence of the Senate.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 216) expressing the gratitude of the Congress and the American people to Dr. Tom D. Spies, was referred to the Committee on Labor and Public Welfare, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Congress and the American people hereby express their gratitude to Dr. Tom D. Spies for his noteworthy medical achievements toward alleviating the sufferings of his fellow men and for his outstanding contributions to the knowledge of the science of human nutrition, especially in the field of earlier and better methods of diagnosis and treatment of nutritional deficiency diseases.

TRANSACTION OF ROUTINE BUSINESS

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

EXECUTIVE COMMUNICATIONS, ETC.

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

PROPOSED REPEAL OF SECTION 8f OF AGRICULTURAL ADJUSTMENT ACT OF 1933, AS AMENDED

A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to repeal section 8f of the Agricultural Adjustment Act of 1933, as amended (with an accompanying paper); to the Committee on Agriculture and Forestry.

REPORTS OF DEPARTMENT OF DEFENSE

A letter from the Secretary of Defense, transmitting, pursuant to law, a report of the Department of Defense, together with reports of the Secretaries of the Army, Navy, and Air Force, for the period from July 1 to December 31, 1956 (with accompanying reports); to the Committee on Armed Services.

RECENT ATTACK ON AMERICAN EMBASSY AT T'AI-PEI, FORMOSA

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting a copy of a translation of a communication, dated June 10, 1957, from the Taichung Municipal Council to the Chinese Ministry of Foreign Affairs, relating to the recent attack on the American Embassy at T'ai-pei, Formosa (with an accompanying paper); to the Committee on Foreign Relations.

RELOCATION OF NATIONAL TRAINING SCHOOL FOR BOYS

A letter from the Acting Attorney General, transmitting a draft of proposed legislation to provide for the relocation of the National Training School for Boys, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

REPORT ON CERTAIN MODIFICATIONS MADE IN TENNESSEE VALLEY AUTHORITY RETIREMENT SYSTEM

A letter from the Secretary of Health, Education, and Welfare, Washington, D. C., transmitting, pursuant to law, a report on modifications made in the Tennessee Valley Authority retirement system to adjust to old-age and survivors insurance coverage (with accompanying papers); to the Committee on Finance.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

The petition of Philip E. Richards, of New Milford, N. J., praying for the enactment of the bill (H. R. 52) to provide increases in service-connected disability compensation and to increase dependency allowances; to the Committee on Finance.

RESOLUTION OF HOUSE OF REPRESENTATIVES OF DELAWARE

Mr. FREAR. Mr. President, on behalf of my colleague, the senior Senator from Delaware [Mr. WILLIAMS], and myself, I present, for appropriate reference, and ask unanimous consent to have printed in the RECORD a copy of a resolution adopted by the House of Representatives of the 119th General Assembly of Delaware, which endorses and supports the cooperative effort of the Federal Government and the Conference of Governors to restore to the States their proper rights and responsibilities, recognizing and endorsing the desire of the people of the State of Delaware to make their own decisions and resolve their own problems whenever possible.

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

House Joint Resolution 6

Resolution endorsing the cooperative program of the Federal Government and the conference of governors to define and restore to the States their respective rights and responsibilities

Whereas the President of the United States at a recent meeting of the conference of governors at Williamsburg, Va., proposed the reexamination of the rights and responsibilities of the various States of these United States; and

Whereas the conference of governors unanimously approved the suggested proposal; and

Whereas the conference of governors has created a committee composed of nine Governors of these United States to examine and consider (a) those functions which the States are ready and willing to assume and finance that are now performed or financed wholly or in part by the Federal Government; (b) the Federal and State revenue adjustments required to enable the States to assume such functions and; (c) the identification of functions and responsibilities likely to require State or Federal attention in the future and the recommendation of the level of State effort, or Federal effort, or both, that will be needed to assure effective action: Now, therefore, be it

Resolved by the House of Representatives of the 119th General Assembly of the State of Delaware (the Senate concurring therein), That the 119th General Assembly of the State of Delaware endorses and supports the cooperative effort of the Federal Government and the conference of governors to restore to the States their proper rights and responsibilities, recognizing and endorsing the desire of the people of the State of Delaware to make their own decisions and resolve their own problems whenever possible; and be it further

Resolved, That the Governor of the State of Delaware send a copy of this resolution to the President of the United States, the Honorable Dwight D. Eisenhower, Hon. William Stratton, chairman of the conference of governors, United States Senator J. Allen Frear, United States Senator John J. Williams, United States Representative Harry G. Haskell, Speaker of the United States House of Representatives and the President of the United States Senate.

The PRESIDENT pro tempore laid before the Senate a resolution of the House of Representatives of the State of Delaware, identical with the foregoing, which was referred to the Committee on the Judiciary.

RESOLUTIONS OF BOARDS OF SUPERVISORS OF SCHENECTADY AND WESTCHESTER COUNTIES, N. Y.

Mr. JAVITS. Mr. President, I submit 2 resolutions, 1 from the Board of Supervisors of Schenectady County, N. Y., with reference to the bill which is pending for an increase in postal pay, and 1 from the Board of Supervisors of Westchester County, N. Y., with respect to the investigation for the continuance of opportunities under the GI bill of rights and those serving in our Armed Forces, a subject which is now being considered by a subcommittee of the Senate Committee on Labor and Public Welfare. I ask unanimous consent that the resolutions be printed in the RECORD, and appropirately referred.

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

Ordered to lie on the table:

"RESOLUTION 102, APPROVAL OF FEDERAL LEGISLATION, SALARIES, POST OFFICE EMPLOYEES

"Whereas efforts have been made in Congress for several years to increase the compensation of post office employees; and

"Whereas the inadequacy of salaries for Federal employees in our post offices has been recognized by many Congressional leaders as adversely affecting the morale of said employees and the efficient operation of the Post Office Department: Now, therefore, be it

"Resolved, That the Schenectady County Board of Supervisors approve proposed Federal legislation contained in H. R. 2474 and S. 27, which would grant to postal employees more adequate and increased annual compensation; and be it further

"Resolved, That a copy of this resolution be sent to Congressman BERNARD W. KEARNEY, and United States Senators IRVING M. IVES and JACOB K. JAVITS."

To the Committee on Labor and Public Welfare:

"To the Honorable Board of Supervisors of the County of Westchester:

"Whereas the Senate and House of Representatives of the United States of America in Congress, and the President, have enacted into law Servicemen's and Veterans', Survivors' Benefits Act, Public Law 881, 84th Congress, chapter 837, second session, H. R.

7089, which took effect on January 1, 1957; and

"Whereas the law is designed to—

"1. Revise the death-compensation program by providing monthly payments to widows partially in relation to military pay, slightly increase existing uniform payments for orphaned children, and to provide sliding scale of benefits for dependent parents subject to certain annual income limitations; and

"2. Extend social-security coverage to those in the Armed Forces on a contributory basis; and

"3. Revise the 6-month death gratuity to range from a minimum of $800 to a maximum of $3,000; and

"Whereas the new law (Public Law 881) eliminates coverage to service personnel under the Servicemen's Indemnity Act (the so-called $10,000 free insurance); and

"Whereas the greater percentage of today's Armed Forces is composed of those young men between 18 and 21 who are not married and who have no dependents; and

"Whereas the so-called liberal program of death benefits for dependents of deceased servicemen is misleading, since the liberalization of benefits is an increase in death gratuity affording most parents a maximum of $800 gratuity pay; and

"Whereas it is a known fact that approximately 98 percent of the young men entering service after January 1, 1957, are in an age bracket that have not married and have not yet attained the status of supporting their parents; and

"Whereas through the years all Government insurance has been proved self-sustaining as proved by a vast reserve and dividends paid; and

"Whereas in this area possibly a score of parents have lost sons through accidents or illness since January 1, 1957, without the coverage of some form of insurance; and

"Whereas to know intimately all the aspects of such cases, with the grief and attendant financial worries, requires a reevaluation of this law which is now in effect; and

"Whereas a subcommittee of the United States Senate Labor and Public Welfare Committee has been holding hearings on a peacetime GI bill; and

"Whereas peacetime servicemen have been heard in connection with this proposed legislation; and

"Whereas the subcommittee now is expected to hold a closed session in the very near future to determine whether a GI bill for peacetime veterans should be considered by the Congress; and

"Whereas under present law military personnel who entered active duty after January 31, 1955, are not entitled to GI benefits such as education: Now, therefore, be it

"*Resolved*, That this board memorialize its Members of both the Senate and House of Representatives in Washington to take the appropriate action to incorporate into the study now before the subcommittee of the United States Senate Labor and Public Welfare Committee, on the subject of a proposed peacetime GI bill, the reinstatement of the servicemen's indemnity insurance, as was available to the Korea veterans and 6-month enlistees; and be it further

"*Resolved*, That this board make it known to our legislators in Washington its approval of the study now before the subcommittee of the United States Senate Labor and Public Welfare Committee, on the subject of the proposed peacetime GI bill.

"Respectfully submitted.

"GEORGE G. ANNUNZIATA,
"*Supervisor, Mount Vernon.*

"NOTE.—The above resolution was agreed to with the following amendment: be it further

"'*Resolved*, That by taking this action this board is not taking a position in favor or against the reinstatement of such insurance, but merely in favor of studying the same.'"

RESOLUTION OF RAVALLI COUNTY, MONT., FISH AND WILDLIFE ASSOCIATION

Mr. HUMPHREY. Mr. President, as the sponsor of S. 1176, the wilderness bill, I am naturally deeply interested in similar measures pending in the House of Representatives.

I have just received a resolution from the Ravalli County Fish and Wildlife Association in Montana. This resolution endorses H. R. 500, Representative SAYLOR'S bill to establish a national wilderness system.

I ask unanimous consent that the resolution be printed in the RECORD, and appropriately referred.

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

RESOLUTION OF THE RAVALLI COUNTY FISH AND WILDLIFE ASSOCIATION

Whereas the Ravalli County Fish and Wildlife Association has gone on record in support of a National Wilderness Preservation System; and

Whereas Ravalli County, Mont., is strategically located geographically to be vitally affected by such a preservation plan for our wilderness areas; and

Whereas outdoor-minded citizens of Ravalli County, Mont., who make up the membership of the above-named organization, are especially cognizant of the importance of preserving the true wilderness values to be found in such primitive areas as the Anaconda-Pintlar and the Selway-Bitterroot; and

Whereas there have already been too many inroads made upon such virgin areas due to powerful economic pressures; and

Whereas power now lays in the hands of one man to do away with such areas entirely, opening them to any and all sorts of commercial exploitation to the detriment of this and future generations; and

Whereas this is not in the best interests of democracy, nor in the preservation of our outdoor heritage as found in the wilderness, due to the powerful pressures of selfish would be exploiters who seek only their own immediate gain; and

Whereas these areas belong to all the people of the United States, open for proper use to all the people so that all may have the opportunity to escape for a time from the deadening "sights, sounds, and smells of civilization," and realizing that such use of such areas is becoming more important every day and will likely become of even greater importance in future years, and believing that because of this ownership and this importance, the people's representatives in the Congress should have control of the destinies of such valued public lands: Now, therefore, be it

Resolved, That the Ravalli County Fish and Wildlife Association let it be known to the Public Lands Subcommitte of the House Interior and Insular Affairs Committee that it heartily endorses H. R. 500 and related bills that have to do with the establishment of a National Wilderness Preservation System.

MAINTENANCE OF SEAWALL IN JEFFERSON COUNTY, TEX.—RESOLUTION

Mr. YARBOROUGH. Mr. President, the recent hurricane Audrey spent its main force on the Louisiana coast. Had it hit the south coast of Texas, especially the southern part of Jefferson County, instead of 500 dead, the number certainly would have been counted in the thousands, perhaps in the tens of thousands, because the seawall along the south part of Jefferson County, built entirely at the expense of the people of Jefferson County, has been weakened by the successive deepenings of the Port Arthur-Beaumont ship channel, carried on by the Federal Government.

During the 25 years of the deepening of the ship channel, the Federal Government has never repaired the seawall, which has now fallen into a state of disrepair. The seawall is only a few feet above the level of the Gulf of Mexico. Should a tidal wave hit that area, such as the one which went into Louisiana, the number of dead would be appalling.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, a resolution adopted by the Civil Defense Council of Jefferson County, Tex., and signed by the county judge of Jefferson County and the mayors of all the cities of Jefferson County, including the mayors of Beaumont and Port Arthur. The resolution calls for immediate relief from the danger in which the localities are placed by reason of the disrepair of the seawall. I ask, also, that the signatures be printed.

There being no objection, the resolution, together with the signatures attached, was ordered to be printed in the RECORD, as follows:

Whereas the citizens of south Jefferson County desired and undertook to build a seawall during the period 1929 to 1933 for the protection of the citizens, their homes and industries along the canal waterfront; and

Whereas the rivers and harbors division of the Federal Government caused to be widened and deepened the channel along said seawall on numerous occasions during the past 25 years; and

Whereas said deepening and widening of said channel has caused a condition which accelerates the erosion effect on the piling and earthen seawall installation, thereby rendering the seawall practically useless to the citizens and their property in the southern part of Jefferson County; and

Whereas the governmental body of Port Arthur and other governmental officials have from time to time requested Federal aid to repair and replace the damage caused to said seawall by the accelerated erosion effect; and

Whereas the citizens of Jefferson County are concerned and alarmed at the condition that exists along the Port Arthur-Beaumont Canal to the extent that they are requesting and demanding that the proper authorities take the necessary steps to rebuild, preserve and extend the seawall for their protection and the protection of the industrial area of south Jefferson County; and

Whereas the fact that the greater portion of the industrial area of Jefferson County, Tex., including the city of Port Arthur and its shipping and industrial districts is located on waterways only a few feet above sea level, and the fact that the waves are daily eroding the shoreline of said bay and destroying valuable properties, and the fact that a greater number of Texas people and that a greater number of people living in the cities of Port Arthur, Lakeview, Griffing Park, Pear Ridge and Groves, and a great number of visitors from the State of Texas

and other States are living on the bay front and located in such a manner as to be wholly unprotected from the gulf storms and the fact that a great number of said houses and many boats in the shipping district of Port Arthur were damaged by the storms of 1900 and 1915 and the recent Audrey hurricane, creating an emergency and an imperative public necessity exists demanding that the appropriate Federal authorities take immediate action to repair, construct, rebuild and extend the seawall that was heretofore built by the taxpayers of Jefferson County and the State of Texas: Now, therefore, be it

Resolved, That we, the county judge of Jefferson County, Tex., and the mayors of the cities of Beaumont, Port Arthur, Griffing Park, Lakeview, Pear Ridge, Nederland, Port Neches and the Groves, here assembled for the purpose of assisting the citizens of Jefferson County and the State of Texas, do hereby request that the appropriate Federal authorities with the rivers and harbors Department, Soil Conservation Department, and the Federal Civil Administration, jointly or severally, take the necessary action to protect the citizens of Jefferson County, their homes, and the industrial properties so vital to our national civil defense at the earliest practical date, thereby preventing such catastrophe as was experienced by the citizens of Cameron Parish, La.; and be it further

Resolved, That a copy of this resolution be sent to the appropriate authorities named herein, the President of the United States, the Honorable Lyndon B. Johnson and the Honorable Ralph Yarborough, United States Senators, the Honorable Jack Brooks, our Congressman, and the State Coordinator of Civil Defense of the State of Texas, the Honorable William McGill.

James A. Kirkland, County Judge of Jefferson County, Civil Defense Council, Chairman, Members of Council: Jesse P. Gee, Mayor of Beaumont; M. B. Airla, Mayor of Port Arthur; Dr. M. S. Hosee, Mayor of Nederland; Cecil H. Alstead, Mayor of Port Neches; Dail Beach, Jr., Mayor of Lakeview; C. B. Draper, Mayor of Groves; L. R. Van Devender, Mayor of Pear Ridge; Jay C. Rabish, Mayor of Griffing Park; Dr. J. R. Venza, Mayor Pro Tempore of Beaumont; Preston Cissan, Mayor Pro Tempore of Nederland; A. B. Waldron, Mayor Pro Tempore of Lakeview; E. R. McAdams, Mayor Pro Tempore of Groves; R. D. W. Hebert, Mayor of Pear Ridge.

PREVENTION OF INFLATION—RESOLUTION BY SIOUX CITY CHAMBER OF COMMERCE

Mr. HICKENLOOPER. Mr. President, on July 2, 1957, the Board of Directors of the Sioux City, Iowa, Chamber of Commerce adopted a resolution commending President Eisenhower for his request that management and labor exercise restraint to avoid activities which would lead to inflation.

I ask unanimous consent that the resolution be printed at this point in the RECORD.

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

Be it resolved by the Board of Directors of the Sioux City Chamber of Commerce, That President Eisenhower be, and is hereby commended for his request that both management and labor employ statesmanship and exercise restraint to keep wage increases in line with increases in individual productive efficiency, and thus avoid cost increases which result in price increases and create inflation; and be it further

Resolved, That strong educational efforts be endorsed and activated to bring about a general popular understanding of the cause of inflation and its remedy.

Attest: J. W. CORBETT,
Executive Secretary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Banking and Currency, with amendments:

S. 1168. A bill to amend the Securities Exchange Act of 1934, as amended (Rept. No. 700).

By Mr. SMATHERS, from the Committee on Interstate and Foreign Commerce, without amendment:

S. 1385. A bill to amend section 11 of the Clayton Antitrust Act to extend the authority of the Interstate Commerce Commission thereunder to contract carriers subject to the Interstate Commerce Act (Rept. No. 702).

By Mr. SMATHERS, from the Committee on Interstate and Foreign Commerce, with amendments:

S. 1384. A bill to revise the definition of contract carrier by motor vehicle as set forth in section 203 (a) (15) of the Interstate Commerce Act, and for other purposes (Rept. No. 703).

By Mr. BRICKER, from the Committee on Interstate and Foreign Commerce, without amendment:

S. 375. A bill to amend the Interstate Commerce Act to provide for filing of documents evidencing the lease, mortgage, conditional sale, or bailment of motor vehicles sold to or owned by certain carriers subject to such act (Rept. No. 701).

UNFAIR PRACTICES IN THE MEAT-PACKING INDUSTRY—REPORT OF A COMMITTEE (REPT. NO. 704)

Mr. O'MAHONEY. Mr. President, on behalf of the Committee on the Judiciary, I submit a report on unfair practices in the meatpacking industry. The report is to accompany the bill (S. 1356) to amend the antitrust laws by vesting in the Federal Trade Commission jurisdiction to prevent monopolistic acts or practices and other unlawful restraints in commerce by certain persons engaged in commerce in meat and meat products, and for other purposes, which was reported by me on July 18, 1957. I ask unanimous consent that the report of the majority, together with the minority views may be printed.

The PRESIDENT pro tempore. Without objection, the report will be printed as requested by the Senator from Wyoming.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. CHURCH:

S. 2620. A bill for the relief of Marcelino Uriarte-Cearreta; and

S. 2621. A bill for the relief of Olive V. Rabiniaux and her two minor children, Annette Marcella Rabiniaux and Rochelle Jean Rabiniaux; to the Committee on the Judiciary.

By Mr. MONRONEY:

S. 2622. A bill to assist the several States in providing scholarships to enable high-school graduates of Indian blood to pursue their education at colleges and universities; to the Committee on Labor and Public Welfare.

By Mr. IVES (for himself and Mr. JAVITS):

S. 2623. A bill to provide for an official residence for the Vice President of the United States, to increase certain allowances of and provide more adequate office space for such official, and for other purposes; to the Committee on Public Works.

By Mr. POTTER

S. 2624. A bill to designate the Grass River lock in the International Rapids section of the St. Lawrence Seaway as the Wiley-Dondero lock; to the Committee on Public Works.

By Mr. MAGNUSON:

S. 2625. A bill for the relief of Carol Jean Pust (Ai Ja Kim);

S. 2626. A bill for the relief of Lynn Eleanor Chapman (Lee Myung Ja); and

S. 2627. A bill for the relief of Joe Allen Hunter (Kim Seung Man); and

S. 2628. A bill for the relief of Gwendolyn J. Johnson (Soon Keum Eum); to the Committee on the Judiciary.

By Mr. O'MAHONEY:

S. 2629. A bill for the relief of John J. Spriggs; to the Committee on the Judiciary.

By Mr. SALTONSTALL:

S. 2630. A bill to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment, and to provide certain services to the Girl Scouts of the United States of America, and to permit use of certain lands of the Air Force Academy for use at the Girl Scout Senior Roundup Encampment, and for other purposes; to the Committee on Armed Services.

By Mr. HUMPHREY (by request):

S. 2631. A bill to amend section 507 and subsection 602 (a) of the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

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

By Mr. WILEY:

S. 2632. A bill for the relief of Ioanna Nterlis, Panagiotis Nterlis, and Andreas Nterlis; to the Committee on the Judiciary.

By Mr. IVES (for himself and Mr. JAVITS):

S. J. Res. 127. Joint resolution creating a commission to assist in the celebration of the 350th anniversary of the exploration of the Hudson River; to the Committee on the Judiciary.

By Mr. BUTLER (for himself and Mr. BEALL):

S. J. Res. 128. Joint resolution requesting the President to designate September 7 of each year as National Constellation Day; to the Committee on the Judiciary.

HARLAND D. CONKEY—REFERENCE OF BILL TO COURT OF CLAIMS

Mr. CARLSON submitted the following resolution (S. Res. 170), which was referred to the Committee on the Judiciary:

Resolved, That the bill (S. 1256) entitled "A bill for the relief of Harland D. Conkey" now pending in the Senate, together with all the accompanying papers, is hereby referred to the Court of Claims; and the court shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code and report to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to

inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States and the amount, if any, legally or equitably due from the United States to the claimant.

AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT, 1949

Mr. HUMPHREY. Mr. President, at the request of the Administrator of General Services, I introduce, for appropriate reference, a bill to amend section 507 and subsection 602 (a) of the Federal Property and Administrative Services Act of 1949. The objective of this bill is to bring the administration of the Franklin D. Roosevelt Library under the general provisions of the Presidential Libraries Act approved by the 84th Congress.

I ask unanimous consent that the letter addressed to the President of the Senate and referred to the Committee on Government Operations, with the attached justification for the proposed legislation, be printed in the RECORD at this point.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the letter and justification will be printed in the RECORD.

The bill (S. 2631) to amend section 507 and subsection 602 (a) of the Federal Property and Administrative Services Act of 1949, as amended, introduced by Mr. HUMPHREY, by request, was received, read twice by its title, and referred to the Committee on Government Operations.

The letter and justification presented by Mr. HUMPHREY are as follows:

GENERAL SERVICES ADMINISTRATION,
July 15, 1957.

Hon. RICHARD M. NIXON,
President of the Senate,
Washington, D. C.

MY DEAR MR. PRESIDENT: There is forwarded herewith draft of proposed legislation "To amend section 507 and subsection 602 (a) of the Federal Property and Administrative Services Act of 1949, as amended," together with a sectional analysis thereof and a supplemental statement of justification.

This proposed legislation would amend the Federal Property and Administrative Services Act of 1949, as amended, by permitting the Franklin D. Roosevelt Library to be operated under the terms of the general Presidential Libraries Act. This would enable the Administrator to accomplish the following desired results:

(1) Abolish the board of trustees of the Franklin D. Roosevelt Library.

(2) Establish the Franklin D. Roosevelt Library Fund as a separate account within the National Archives Trust Fund (as provided for such funds in the general Presidential Libraries Act).

(3) Eliminate the present limitations on the purposes for which the Franklin D. Roosevelt trust funds may be used.

(4) Eliminate the 25-cent ceiling on admission fees.

(5) Give statutory recognition to the validity of restrictions placed by donors on the use of papers accepted for deposit.

The enactment of the proposed legislation is strongly recommended. It would not require the expenditure of any additional Federal funds.

Each member of the board of trustees of the Franklin D. Roosevelt Library has advised by letter that he is in accord with the provisions of this proposed legislation.

The Bureau of the Budget has advised that there is no objection to the submission of this report to the Senate.

Sincerely yours,

FRANKLIN G. FLOETE,
Administrator.

JUSTIFICATION

The benefits derived from the operation of the Franklin D. Roosevelt Library under the terms of the general Presidential Libraries Act are deemed of sufficient importance to justify the enactment of the proposed legislative amendment on the basis of clarifying the effect of the amendment to the Federal Property and Administrative Services Act of 1949, as amended, "To provide for the acceptance and maintenance of presidential libraries, and for other purposes" (69 Stat. 695), on the legislation "To provide for the establishment and maintenance of the Franklin D. Roosevelt Library, and for other purposes" (53 Stat. 1062).

In addition to the general interpretation of these statutes, it appears that the following specific facts exist which makes it necessary that the proposed amendment be adopted so that the Franklin D. Roosevelt Library may be operated under the terms of the general Presidential Libraries Act:

1. It seems that the Archivist is still bound by the language of the Franklin D. Roosevelt Library Joint Resolution (53 Stat. 1062) "* * * to charge and collect, under regulations prescribed by him, a fee not in excess of 25 cents per person for the privilege of visiting and viewing the exhibit rooms or museum portion of the said Library; * * *" The procedure set out in the amendment to the Federal Property and Administrative Services Act of 1949 "* * * to charge and collect reasonable fees" does not apply to the Franklin D. Roosevelt Library. (See House report to accompany H. J. Res. 330, Rept. No. 998, June 29, 1955, S. Rept. No. 1189, 84th Cong., 1st sess., July 28, 1955, and CONGRESSIONAL RECORD, vol. 101, pt. 8, pp. 9935–9938.) The amendment would eliminate this limitation and give the Archivist authority to charge and collect a reasonable fee for the privilege of visiting and viewing the exhibit rooms of the Franklin D. Roosevelt Library.

2. Under the language of the Roosevelt Library Joint Resolution, the library's trust fund is limited in scope as to the use of the income, whereas under the amendment to the Federal Property and Administrative Services Act of 1949 no such limitation applies in connection with the use of such trust funds. This amendment would put both trust funds under the latter act to be administered in accordance with the terms of that act.

3. Under the terms of the Roosevelt Library joint resolution a Board of Trustees was established to accept and administer gifts as trust funds for the Roosevelt Library, while under the subsequent act, "the proceeds of any such gifts or bequests, together with the proceeds from any fees or from any sales of historical materials, copies or reproductions thereof, catalogs, or other items, having to do with any presidential archival depository, shall be paid into the National Archives trust fund provided for in section 5 of the act of July 9, 1941, to be held, administered, and expended under the provisions of such section for the benefit and in the interest of the presidential archival depository in connection with which they were received, including such administrative and custodial expenses thereof as the Administrator may determine." It therefore appears that this language is broad enough to include the gifts and bequests received for the Franklin D. Roosevelt Library and the Board of Trustees of this library should be abolished.

There are also other restrictions contained in the later act (69 Stat. 695) which appears to be applicable to the Franklin D. Roosevelt Library operations, which would be clarified by this amendment.

At the time that the Franklin D. Roosevelt joint resolution (53 Stat. 1062) was passed in 1939, the National Archives of the United States operated as an independent establishment. Upon the enactment of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), the National Archives Establishment, its functions, records, property, personnel, obligations, and commitments were transferred to the General Services Administration. Thus, the Franklin D. Roosevelt Library became a part of the GSA prior to the amendment of such act "to provide for the acceptance and maintenance of presidential libraries, and for other purposes" (69 Stat. 695); and certain functions of the Franklin D. Roosevelt Library were being administered by GSA in accordance with the terms of the joint resolution but within the general framework of the Federal Property and Administrative Services Act of 1949.

It would appear, therefore, that while it would be eminently suitable and far more practical to have all presidential libraries fall within the provisions of the later act, which is broader in scope and designed to cover presidential libraries of former, present, and future Presidents, these considerations unfortunately are not controlling.

It is a well-settled principle of law that when two or more statutes relate to the same subject, effect is to be given to the provisions of each act whenever such construction is reasonably possible. The doctrine of pari materia undoubtedly applies to the problems under discussion. Crawford on Statutory Construction states at page 435:

"In the preceding section, we have stated that the resort to statutes in pari materia can be justified on the ground that it may be assumed that all statutes which relate to the same subject matter were enacted in accord with the same general legislative policy, and that together they constitute a harmonious or uniform system of law. And it is obvious that only by construing every statute treating the same subject matter together is it possible to maintain this harmony. Unless every statute relating to the same subject is taken to constitute collectively one system, or construed as constituting one general statute or law, a uniform system would be impossible and hopeless inconsistencies would exist, and it would be impossible for one to know what the law was under a given set of circumstances."

The Federal court expressed its opinion on this matter in *U. S.* v. *Mullendare* (35 F. 2d 78) by stating:

"All other sections of the act of April 18, 1912, are supplementary to the act of June 28, and the two acts must be read together, retaining all of each in full vigor unless there be parts of the earlier act in irreconcilable conflict with the later, when the earlier must to that extent give way to the later. There is not to be found in the act of April 18 an express repeal of the exemption of the homestead from alienation and taxation, or any reference to paragraph 4 of section 2 of the act of June 28; so if there be a repeal of that paragraph it is by implication only and repeals by implication are not favored.

"If both acts can, by any reasonable construction, be construed together, both will be sustained. Two statutes are not repugnant to each other unless they relate to the same subject. Furthermore, it is necessary to the implication of a repeal that the objects of the two statutes be the same. If they are not, both statutes will stand, although they may refer to the same subject" (36 Cyc. pp. 1076, 1077).

"See *McCool* v. *Smith* (1 Black, 459, 17 L. Ed. 218); *United States* v. *Healey* (160

U. S. 136, 16 S. Ct. 247, 40 L. Ed. 369); *Cope* v. *Cope* (137 U. S. 682, 11 S. Ct. 222, 34, L. Ed. 882; *Frost* v. *Wenie* (157 U. S. 46, 15 S. Ct. 532, 39 L. Ed 614); *Washington* v. *Miller* (235 U. S. 422, 35 S. Ct. 119, 59 L. Ed. 295)."

An examination of the joint resolution and act in question does not appear to reveal an irreconcilable conflict. It does not appear to be impossible to place each and every provision of both joint resolution and act in effect. It is true that there are differences in certain of their provisions, as pointed out above, but it is believed that these do not constitute an absolute conflict.

Granted that the language in the joint resolution and act under consideration differs in certain respects, it will be necessary to look to the legislative intent with respect to them. The legislative history of Public Law 373, 84th Congress (69 Stat. 695) clearly shows that the Members of Congress not only knew of the prior joint resolution (53 Stat. 1062) which established the Franklin D. Roosevelt Library, but it was discussed on the floor of the House of Representatives on July 5, 1955, to the following effect:

"On the basis of operation of the Roosevelt Library at Hyde Park, the cost is estimated at approximately $150,000 a year for each library with offsetting revenues of approximately $50,000 leaving a net prospective operating cost of around $100,000. If, during the next century, we acquire another 12 or 15 of these libraries, the total cost might be around $1½ million a year. I would like to point out, however, that these libraries are built through private contributions. They house extensive collections reflecting upon the activities of the administrations of the Presidents. It is highly possible that if they are not centralized in areas chosen by the President, and the friends of past Presidents, some of the important material might not be made available to the United States.

"We have a library in New York of a former President. I understand there is one or will be one down at Independence, Mo., of another former President. Certainly when the present occupant of the White House moves out we will have a library with papers somewhere, and so on."

Not only were these specific references made to the Franklin D. Roosevelt Library, but discussion took place and a letter directed to GSA inquiring whether the general libraries bill (69 Stat. 695) was broad enough to include the papers of former President Hoover, which were at that time located at Stanford University. This would indicate that the lawmakers carefully considered all known collections of papers of former Presidents as well as the legislation which created the Franklin D. Roosevelt Library. If it had been the intent of the Congress to have had the general Presidential Libraries Act repeal or modify to any extent the Franklin D. Roosevelt Library joint resolution, it would seem that such action would have been taken at that time.

In view of the legislative history of this joint resolution and act and controlling legal decisions, it appears the General Services Administration will have to continue to administer both this joint resolution and act (53 Stat. 1062 and 69 Stat. 695) according to the letter of the law as expressed in each unless there should be a judicial finding to the contrary or by the enactment of this legislative amendment which seems to modify the present law at this time and permit the operation of the Franklin D. Roosevelt Library under the terms of the general Presidential Libraries Act.

CIVIL RIGHTS—AMENDMENTS

Mr. McNAMARA. Mr. President, I submit an amendment which I intend to propose to H. R. 6127, and I ask that it be printed and lie on the table.

The PRESIDENT pro tempore. The amendment will be received, printed, and lie on the table.

Mr. McNAMARA. Mr. President, I do not intend to speak extensively on the amendment I have just sent to the desk—but I should like to give a brief explanation of it.

The amendment seeks to implement section 2 of the 14th amendment to the Constitution. I think it should be an integral part of any bill designed to protect the right to vote.

Those on either side of the issue before us, who recognize that the right to vote exists, should find no difficulty in supporting my amendment.

As my colleagues know, section 2 of the 14th amendment provides that any State which denies or abridges the right of any of its citizens to vote, shall have its representation in the House of Representatives reduced proportionately.

This section never has been followed up effectively by legislation, as the last section of the 14th amendment provides. My proposed amendment, I believe, would do so.

It would establish a Joint Committee on Congressional Representation which would meet following each biennial election for Representatives.

By May 1 of the year following such election the joint committee would report to the Congress whether any State has violated section 2 of the 14th amendment.

Further, it would calculate by how much the number of Representatives should be reduced for any State found to be in violation.

Congress, then, in a period of time specified by the proposed amendment would have an opportunity to disapprove the findings of the joint committee through a concurrent resolution.

In the absence of such disapproval, the reduction in the number of Representatives of any State found violating the 14th amendment would become effective in the following Congress. The reduction would apply only to that Congress.

My amendment is clearly designed, of course, to punish a State which violates the rights to vote of any of its citizens.

But it proposes to effect this punishment without the use of bayonets, tanks, or other articles of warfare of which the opponents of H. R. 6127 appear to be in such fear.

My proposal, Mr. President, simply seeks to carry out the written intent of the 14th amendment to the Constitution.

I ask unanimous consent that an explanation and summary of the proposed amendments may be printed in the RECORD at this point.

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

EXPLANATION AND SUMMARY OF AMENDMENTS TO BE PROPOSED TO THE PENDING CIVIL RIGHTS BILL H. R. 6127

Section 2, of the 14th amendment to the Constitution provides for the apportionment of Representatives. It further provides that any State's representation be proportionately reduced if such State has denied or abridged the right of any of its citizens to vote. The purpose of these proposed amendments to H. R. 6127 is to implement the 14th amendment to the Constitution.

SUMMARY BY SECTION

Section 141: Establishes a Joint Committee on Congressional Representation, to be composed of nine Members of the Senate and nine Members of the House. No more than five members of the committee from each House to be members of the same political party.

Section 142: Authorizes and directs the joint committee by May 1 following each biennial Congressional election to determine whether any State has denied or abridged the rights of its inhabitants to vote in the preceding election. The joint committee would calculate, in the manner prescribed in section 2 of the 14th amendment to the Constitution and in section 22 of the Revised Statutes, the number, if any, by which the representation of each State should be reduced. The findings would be reported to the Congress, with a full explanation of the facts on which the findings were made. Any reduction would affect the Congress commencing after the date of the joint committee statement.

Section 143: Provides that the findings of the joint committee concerning the reduction of representation would go into effect 30 days after the submission to Congress, unless before the expiration of the 30 days, Congress passes a concurrent resolution expressly disapproving the findings of the joint committee.

Section 144: Establishes rules of procedure should a resolution of disapproval be introduced, including discharge of the committee to which the resolution has been referred and rules of debate on the resolution.

Section 145: Provides for the filling of vacancies on the joint committee and for the internal organization of such committee.

Section 146: Establishes the powers of the joint committee in holding investigations, hearings, and issuing subpenas.

Section 147: Provides that any statement submitted to the Congress by the joint committee under section 142 must be approved by a majority of the joint committee's authorized membership.

Section 148: Provides for the expenses of the joint committee.

Section 149: Provides for clerical and other staff assistance for the joint committee.

Section 150: Sets forth that any reduction in representation called for in the statement of the joint committee and not disapproved by Congress becomes effective in the 87th Congress and each succeeding Congress; but the reduction would be effective only for the Congress for which the statement was submitted. In no case would a State's representation be reduced below one.

Section 2 of the 14th amendment: Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the . . . inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such . . . citizens shall bear to the whole number of . . . citizens 21 years of age in such State.

Section 22 of Revised Statutes (act of February 2, 1872, ch. 11; 2 U. S. C. 6): Should any State deny or abridge the right of any of the . . . inhabitants thereof, being 21 years of age, and citizens of the United States, to vote at any election named in the amendment to the Constitution, article 14, section 2, except for participation in the rebellion or other crime, the number of Representatives apportioned to such State

shall be reduced in the proportion which the number of such . . . citizens shall have to the whole number of . . . citizens 21 years of age in each State.

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

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. JOHNSON of Texas:

Memorandum on the need for an adequate water-development program for Texas, prepared by him and addressed to the Chief of the Corps of Army Engineers and the Commissioner of the Bureau of Reclamation.

By Mr. CHURCH:

Statement by him commemorating 110th anniversary of arrival of Mormon pioneers in Valley of the Great Salt Lake.

PART III OF THE CIVIL RIGHTS BILL

Mr. MANSFIELD. Mr. President, on part III of the civil-rights bill, the Senate stands at a crossroads.

One path leads to interesting—and lengthy—oratory. The other path, in my opinion, can lead to a meaningful conclusion.

I do not pretend to be a legal expert. But I have studied carefully the debate on part III. It has been thorough and exhaustive.

No one denies that the powers enumerated in part III are broad and sweeping. The best that can be said for the language is that the President would not use those powers.

This strikes me as a novel theory of legislation. It assumes that the Congress can pass anything it pleases and that the President, through inaction, will save the Congress from its own folly.

In this connection, I stress the word "anything." That is precisely the nature of part III. Standing by itself, it could well be entitled "A Bill To Do Something, and for Other Purposes."

Unfortunately, it arms the Attorney General with strong power to "do something." And it does not give him any legislative mandate as to the point where he should stop doing it.

Mr. President, I am not a lawyer, but I have some idea of our history. I also have some idea of the basic concepts of fairness and justice.

It seems to me there should be clear safeguards around any law which places a citizen in jeopardy of fines and jail sentences. The most important safeguard is clear knowledge of the nature of the crime.

Every citizen of sound mind knows that murder, arson, theft, rape, burglary, and such acts are crimes. He knows that if he commits them, he will stand trial before a jury of his peers. He knows that if he is found guilty, he will pay the penalty. And the penalty is clearly specified in the law.

In part III, the penalty is not specified by the law. The citizen is denied the right to a trial by a jury of his peers.

But citizens will stand trial if this measure is passed. And the finest and most highly trained legal minds of the Senate cannot agree on the nature of the crime for which citizens will then be placed in jeopardy.

Mr. President, if Senators and skilled jurists cannot agree on the nature of this proposed law, what will be the plight of the average citizen? He can only hope that the courts—over the years—will set up boundaries and limitations. In other words, Congress will have abdicated its obligations to the courts.

It is difficult for me to conceive of part III as being related to any right—civil or otherwise. It is simply a resurrection of a reconstruction statute. It can reopen old wounds, but it cannot heal them.

I think of rights in terms of advancing the legitimate desires of individual human beings to advance themselves. The best way to secure such right is to strengthen the ability of citizens to participate, through their vote, in their own Government.

It seems to me the choice is clear. We can return to reconstruction and can refight battles that are over and done. Or we can try to meet the problems of the present day in a spirit of reason, with a minimum of emotion, and with a maximum of respect for both law and principle.

Mr. SMITH of New Jersey. Mr. President, with the Senate about to vote on the pending Anderson-Aiken-Case of South Dakota amendment, which would strike part III from the civil rights bill, I should like to call the attention of my colleagues to an editorial entitled "The Senate's Moderation," published in this morning's Washington Post.

I am particularly impressed by their statement that—

> There is wide recognition of the need to move cautiously in this delicate field of human relations. So much depends upon the maintenance of good or at least tolerable relations between the groups most affected by this legislation that moderation, conciliation and gradual reform of outmoded concepts are more promising than resort to force or any sort of drastic action.

The Post further emphasized that—

> The Senate's moderation should not, however, become an excuse for weakening of the vitals of the bill. If part III is to go out, Congress has the greater obligation to see that the right to vote is fully protected and that this measure shall become the first of a series of steps to make the rights guaranteed by the Constitution meaningful to all groups of citizens.

I ask unanimous consent that the full text of the editorial be printed, at this point in the body of the RECORD, as a part of my remarks.

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

THE SENATE'S MODERATION

Senator SALTONSTALL may have administered the coup de grace to part III of the civil-rights bill on which the Senate will vote today. In a brief speech on Monday the Senator from Massachusetts announced that he would vote against part III because he believed that, in the end, it might operate to weaken rather than strengthen the civil rights of an individual. His fear was based on the belief that suits by the Attorney General of the United States to enforce a large variety of constitutional rights might have the effect of weakening home rule or government close to the people. Many other Senators appear to share this apprehension as indicated by the sharp defeat of the Bricker and Cooper amendments yesterday.

Mr. SALTONSTALL'S argument did not extend to that part of the bill which would authorize the Attorney General to protect voting rights by instituting civil suits and seeking court injunctions. The right to vote, he contended, is basic. If this right is respected or enforced, people will be able to express their will at the polls and thus effect many reforms which could not be otherwise obtained. The Senate is clearly in a mood to test what can be done through wider voting rights before venturing further with the experiment of Federal enforcement through civil suits.

This newspaper had hoped that the Senate would eliminate the enforcement of desegregation in the schools from part III and let the remainder stand. We still hope that an acceptable compromise can be voted into the bill if part III as a whole is stricken out. Nevertheless, we recognize the protection of voting rights as the heart of the measure. The foremost imperative is to enact this portion of the bill unimpaired.

One other factor in the mood of the Senate appears to have been a feeling that, as the bill would create a commission to study the next steps to be taken in the sphere of civil rights, Congress should await its report before assigning new general enforcement powers to the Attorney General. This will be a disappointment for those whose rights are now being disregarded. Yet there is wide recognition of the need to move cautiously in this delicate field of human relations. So much depends upon the maintenance of good or at least tolerable relations between the groups most affected by this legislation that moderation, conciliation, and gradual reform of outmoded concepts are more promising than resort to force or any sort of drastic action.

The Senate's moderation should not, however, become an excuse for weakening of the vitals of the bill. If part III is to go out, Congress has the greater obligation to see that the right to vote is fully protected and that this measure shall become the first of a series of steps to make the rights guaranteed by the Constitution meaningful to all groups of citizens.

Mr. HILL. Mr. President, I shall vote in favor of the Anderson-Aiken amendment. I shall do so because part III of the bill violates every single principle which the proponents of the bill have asserted should govern legislation in this highly charged emotional area.

In the course of the debate, we have been repeatedly told by the supporters of this proposed legislation that the solution to the civil-rights issue does not lie in the criminal law, but must rest on a process of mediation, conciliation, technical assistance, and the use of injunctive procedures as a last resort. So far as I have been able to learn, the bill has none of these essential characteristics.

Nothing in part III, or in any other part of the bill, provides for a process of mediation, conciliation, and technical assistance. Part III provides for only one thing—the use of the injunctive process. It does so, moreover, not as a measure of last resort, but as a primary measure of first instance.

Part III as it stands is a most radical departure from the concept of traditional equity—a departure which per-

verts the purpose of equity, and may lead to the destruction of this most valuable adjunct of our legal system. This possibility is no hobgoblin of a feverish imagination. The history of equity in our own country establishes that when equity departs from its traditional role, the end result is the deprivation of the courts of their equity powers.

Equitable remedies have been, and for the most part still are, extraordinary remedies to serve as ameliatory devices against the rigid harshnesses of other legal processes. In recognition of its extraordinary character, equity has laid down certain basic conditions precedent to the exercise of its power. It will act only if its failure to act will result in irreparable injury. It will act only if no other remedy is available at law. It will act only if administrative processes have been wholly exhausted. So long as these safeguards have been steadfastly adhered to by courts of equity, the people have felt safe in allowing a single judge to exercise these extraordinary powers.

Part III discards each and every one of these essential safeguards. It entrusts without limitation the vast powers of the court of equity to the unfettered discretion of a single judge. The machinery to bring about the exercise of such unfettered power is to be nothing less than the full force and power of the Government of the United States.

Under such circumstances it is an idle gesture for the proponents of part III to continue to insist that the use of injunctive relief is less severe than is the use of the criminal process. In the criminal processes, the powerful Government must pass two hurdles before punishment can be imposed. It must first convince from 12 to 23 grand jurors that there is a case against the accused. It must then convince a judge and 12 jurors beyond a reasonable doubt of the guilt of the accused. In equity only one man stands between the full force and power of the Government and the accused. This is too much power to be entrusted to any one man. I cannot and will not vote to give such power to any single individual, no matter how wise, learned, and understanding he may be.

Mr. SPARKMAN. Mr. President, first let me say I enjoyed very much the remarks of my colleague, the senior Senator from Alabama [Mr. HILL]. I wish to say a few words along the same lines, that is, with reference to part III.

I have followed the debate on the Anderson-Aiken amendment with a great deal of interest. Yet the more I have listened and read, the more I have been mystified. No two Senators who have spoken on the subject have been able to agree on the meaning of part III and the scope and coverage of section 1985 of title 42. Even more, no single proponent of part III has been able to tell us what the enactment of this part would accomplish.

Out of the entire discussion, only one fact stands out clearly. Part III would provide a new method of enforcing substantive legislation long on the statute books. Yet no one has the slightest conception of the meaning of the substantive legislation which the new remedy would enforce.

I have been more than a little intrigued by the inability of my colleagues to find substance in the substantive legislation embodied in section 1985. I have, therefore, attempted to ascertain for myself the meaning of section 1985. I must confess that I have been no more successful than my colleagues.

However, I have found that neither my colleagues nor I are alone in our inability to grasp the meaning of section 1985. My researches disclose that although 86 years have elapsed since section 1985 became law, to this day the Supreme Court has never defined its scope or delimited the area of its effectiveness. The Court has told us only one thing—that section 1985 raises grave problems of constitutional law of the first magnitude.

In 1951, in one of the few cases in which the provisions of section 1985 have been invoked—*Collins* v. *Hardyman* (341 U. S., 651)— the Supreme Court, speaking through Mr. Justice Jackson, made the following observation:

> It is apparent that if this complaint meets the requirements of this act, it raises constitutional problems of the first magnitude that, in the light of history are not without difficulty. These would include issues as to Congressional power under and apart from the 14th amendment, the reserved power of the States, the content of rights derived from national as distinguished from State citizenship, and the question of separability of the act in its application to those two classes of rights. The latter question was long ago decided adversely to the plaintiffs. *Baldwin* v. *Franks* (120 U. S. 678). Before we embark upon such a constitutional inquiry, it is necessary to satisfy ourselves that the attempt to allege a cause of action within the purview of the statute has been successful.

In view of this serious warning from the Supreme Court that section 1985 poses grave constitutional issues and that, if sustainable at all, its provisions may have to be most narrowly limited to bring it within constitutional limits, it makes no sense to use this section as the basis for new legislation. It will not be an act of wise and responsible legislative statemanship to adopt a new method of enforcing a statute, when no one can tell us or even predict just what this new method of enforcement is to enforce.

The PRESIDENT pro tempore. The time of the Senator from Alabama has expired.

Mr. SPARKMAN. Mr. President, I ask unanimous consent to proceed for 20 seconds more.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. SPARKMAN. I am certain of one thing. If part III shall be enacted, neither the Members of Congress, nor the members of the executive branch, nor the people of this country will have the slightest idea of what this action will mean until the Supreme Court commences to tell us through a multitude of decisions some years hence. To enact this part of the bill would be in fact to turn over our legislative responsibility to the courts. I, for one, will not be a party to such action. I do not intend to buy a pig in the poke. I shall vote in favor of the Anderson-Aiken amendment.

Mr. TALMADGE. Mr. President, any legislation designed for partisan advantage or motivated by political considerations is, by its very premise, bad legislation. For that, if for no other reason, the measure presently before this body, H. R. 6127, is unworthy of consideration by men sworn to uphold and protect the constitutional rights of all citizens.

The civil rights of the American people are guaranteed by the Constitution and the Bill of Rights, and apply equally to all American citizens, native or naturalized. Their enjoyment is not dependent upon race, color, religion, national origin, or any other factor except citizenship.

These rights are firmly imbedded in the Constitution.

They have been implemented by many acts of Congress.

They are guaranteed by laws and Constitutions of the respective 48 States.

They have been and are diligently protected by our Federal and State courts.

Part III of H. R. 6127 would change all of that. It would resurrect the force bills enacted in the heat of the passions which flamed as an aftermath of the War Between the States, and, in addition, would write into them the authority for the Attorney General of the United States to enforce their vague and general terms through injunctive proceedings filed in Federal courts in behalf of any citizen, with or without his consent.

This would have the effect of changing our form of government from one under which rights are inalienable with the individual to one under which rights are arbitrarily determined by the Attorney General of the United States.

The result would be to make of the Attorney General the de facto legal guardian of 170 million Americans.

Mr. President, if we are to change our form of government and reverse the guaranties of our Constitution and laws, why are we limiting our action only to the field of civil rights?

If we are to transfer into the hands of an appointive official the authority to represent private litigants at the expense of the taxpayers in one field, why should we not also authorize him to represent individuals in all matters of tort, debt, realty, and other areas of human concern which are equally important?

History proves that, when governments and their officials become the custodians of the rights of the poeple, individual liberty has perished. It has been the undeviating pattern of society that, so long as local governments have been effective, the system of trial by jury has been operative, and rights have been vested in the people rather than their officials, liberty and freedom have never been betrayed.

Mr. President, if we are to invade the prerogatives of the courts of our States and of the juries and officers of our local governments to protect the rights of our citizens, and transfer those prerogatives to a political officer in Washington, then, surely as night follows day, we are taking the first step toward totalitarian government in this country.

Any effort to enact laws giving special rights to minorities which are denied to the majority is incompatible with our concept of constitutional government and individual liberty. We cannot establish new rights for one group without denying them to all others.

Class legislation always has been one of the hallmarks of communism.

Class warfare is the root of the Communist conspiracy.

Therefore, Mr. President, I submit that the greatest blow which the United States Senate could strike today in behalf of civil rights and the liberty of all of our people would be to strike down part III of H. R. 6127.

INTEREST RATES ON BORROWED MONEY

Mr. MARTIN of Pennsylvania. Mr. President, there is now much discussion relative to the cost of borrowed money and inflation. This is a matter of vital consideration to every American. It is a subject which should be carefully studied by every Member of Congress and the executive department of Government.

The interest cost of governmental borrowing in the United States is lower than in any other place in the world. For example: the rate of interest in Great Britain is now 5 percent.

Relative to tight money in our country, rates on commercial paper are currently about 4 percent, compared with 6 percent in 1929 and 7½ percent in 1920. In 54 countries the United States has the cheapest rates for borrowing money. Thirty-seven of these 54 countries are experiencing rates from 6 to 12 percent.

Mr. President, the Sunday Washington Post and Times Herald contains a very good editorial on the subject The Treasury's Dilemma, and I ask unanimous consent that the editorial be printed in the RECORD at this point as a part of my remarks.

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

THE TREASURY'S DILEMMA

Criticism of the Treasury for the 4 percent interest rate it has offered on some of its refinancing has been coming hot and heavy from Democrats in Congress. Such criticism would be more constructive if it pointed a feasible alternative way out of the dilemma. The Treasury has $24 billion in Government obligations coming due during the remainder of this calendar year. It either had to refinance these at rates which would attract funds or pay them off in cash—which it is in no position to do. Although the response will be the test, the rates of 4 percent for 4-year notes (actually redeemable in 2 years) and 3⅝ percent for 120-day certificates do not seem out of line with present market requirements.

To castigate the Treasury for the predicament is easy. It did, judging from the oversubscription, pay too much when it sold long-term issues at 3¼ percent in 1953. Because of the outcries during the later business decline, it may have been gun shy and may have neglected opportunities for placing more of the debt on a long-term basis. Secretary Humphrey has not been conspicuously successful, certainly, in stretching out the debt. The average maturity stood at 46 months in 1953; in May of 1957 it was 43 months. In the past, too, various high Treasury officials proclaimed their belief that interest rates were too low; and this belief (which may well have been correct at the time) is now being cited against them.

Yet no one can think that the Treasury is pleased with the rate it now has to offer. The Treasury's job is to finance the activities of Government and manage the Federal debt. The new issues, which replace issues ranging downward from 3¼ percent to 1½ percent for certain short-term obligations, will increase debt service costs substantially—adding perhaps hundreds of millions of dollars to the Federal budget. Moreover, the Treasury is approaching the legal limit of 2¼ percent on Government bonds, although this does not apply to other types of securities.

The fact is, however, that the Treasury is a competitor in the tremendous demand for funds from corporations and from State and local governments. This demand remains heavy despite the high rediscount rate set by the Federal Reserve Board. It would no doubt increase rather than diminish if interest rates generally were made easier.

Thus the Treasury is caught in a squeeze. Its immediate concern with refinancing calls for a lower Federal Reserve interest rate. Yet its broader concern with preventing runaway inflation calls for support of the Federal Reserve. Actually there have been many disagreements between the Treasury and the independent Federal Reserve. Critics who complain that the relationship is too cozy overlook the fact that one proof of coziness would be a suggestion that the Federal Reserve again support the Government bond market—which has not occurred.

A case can be made that the present inflation is not of the classical variety, since excess capacity exists in steel, automobiles, and other heavy industry, and hence that easier money would promote more demand. But it is hard to argue that easier money for more plant expansion would be a curative when the labor market is already tight in most instances and surplus capacity already exists.

Certainly the philosophy of postponing unessential expansion, which is one objective of the high interest rates that influence the Treasury's action, involves some risk that the economy may become stagnant. It is necessary to apply the brakes very carefully, and to watch closely the effects on small business. But this risk is preferable to the risk of wild inflation which many of the alternate suggestions would invite. It is far easier to talk of cheaper money than to face the morning-after consequences.

THE SMALL BUSINESS ADMINISTRATION

Mr. MANSFIELD. Mr. President, on July 16, Mr. George J. Burger, vice president of the National Federation of Independent Business, wrote a letter to the President of the United States in which he made the strong suggestion that the Senate, in the persons of the leadership of both political parties, and the President himself, should redeem their promises to assure an improved progressive Small Business Administration under a permanent Small Business Administration Act.

Mr. President, I ask unanimous consent that the letter from Mr. Burger to the President of the United States be printed at this point in the RECORD.

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

JULY 16, 1957.

Hon. DWIGHT D. EISENHOWER,
President of the United States,
White House, Washington, D. C.

DEAR MR. PRESIDENT: As the first session of the present Congress is rapidly drawing to a close, and further, in view of the pledges made by your party and the Democratic Party pertaining to aid for small business, up to the present moment there hasn't been any indication of fulfillment of the pledges to small business by legislative action.

I need not tell you of the disappointment small business feels as to the failure of the Congress to come through for needed tax relief, and we are sure that this tax relief for small business would not severely injure the Nation's financial structure.

Of course, small business will also be disappointed if the Congress fails to take concurrent action on the antimerger legislation, but more important, small business will be greatly disappointed if the Senate fails to concur in the House action taken on the Small Business Administration Act. By the way, the action of the House was practically unanimous and in line with the administration recommendation for improved Small Business Administration legislation making the agency a permanent agency and better able to serve the necessary requirements of small business in a more efficient and productive way.

The action by the committees in the House in exploring the operations of the Small Business Administration, in our opinion, were most complete and thorough, giving both sides equal opportunity to present their views on this important agency, resulting in the splendid action by the House as related above. The action proposed by the Senate committee in reporting a 1-year extension of the Small Business Administration will reaffirm the fears of small business that they are the real "forgotten man" in our overall economic structure.

Mr. President, as a stimulant to small business of this Nation, it is our hope that the Senate will follow through and concur in the House action on the Small Business Administration Act in this present session of the Congress. This action in itself will definitely prove to small business that at least one of the pledges made to small business by both political parties has been fulfilled in this present session of Congress.

In conclusion, it is our hope that the Senate will pay heed to the views you have expressed, as outlined in the press, on the Small Business Administration.

Sincerely,

GEORGE J. BURGER, P. P.

The PRESIDENT pro tempore. Is there further morning business?

Mr. JOHNSON of Texas. Mr. President, I should like to give notice to the Chair that I desire to make a point of no quorum before we conclude the morning hour.

CASE OF AIRMAN WHEELER A DETERRENT TO AIR FORCE ENLISTMENT PROGRAM

Mr. NEUBERGER. Mr. President, if the United States Air Force desires to retard further its lagging enlistment program, I can imagine no more effective way of doing so than the shameful episode involving Airman Donald Wheeler, of Cortez, Colo., who has been sentenced to 4 months at hard labor, reduced in rank from airman third class

to basic airman—private—and sentenced to a loss of $200 in pay by his superiors for refusing to get a so-called white sidewall haircut.

This whole incident smacks of the old goosestepping Prussian army of Von Moltke and not of the citizen army of a free and democratic republic.

In my opinion, punishment should fall upon Airman Wheeler's blundering and discipline-obsessed superiors, rather than upon Airman Wheeler.

Mr. President, we continually are confronted by the Pentagon with statistics about the bogged-down enlistment program. We are told that we must raise service pay and provide substantial fringe benefits in order to encourage men to stay in service. But, Mr. President, could anything be better calculated to drive independent, intelligent, and self-respecting enlisted men out of our Armed Forces than the disciplining of an enlistee because he did not want to have his hair—the hair growing on his own head, mind you—cut according to certain absurd specifications of one particular unit commander?

Do we want robots in the armed services, or men of initiative and independence? We ridicule the armies of Bismarck, Von Moltke, and Hitler because they were full of goosestepping cadets, each reduced to an automaton and without identity of his own. What would we in this free country have said if we had learned that Adolf Hitler or Herman Goering were imprisoning a German soldier because the soldier refused to get a cropped haircut? We would have snorted in our superior fashion that this was what happened under dictatorship.

Mr. President, I am proud of our Armed Forces. I am proud of the fact that I myself was privileged to serve in our Army—from the ranks of second lieutenant to captain—for over 3 years during World War II. In Alaska and the Canadian Arctic I saw some of the achievements of our Army, Air Force, and Navy. I saw the great 1,530-mile Alaska Highway constructed. I saw airbases take shape in howling wilderness and on bleak tundra. I saw planes en route to our Aleutian frontier, where for the first time in over a century the North American continent had been breached by an invader. Similar or greater achievements were attained by our forces elsewhere in the world. Surely no one can downgrade the valor and importance of the success which our forces scored in Korea against heavy odds. But such a petty episode as this involving Airman Wheeler and his haircutting preferences only serves to belittle the true greatness of our Armed Forces, and to make them unfairly ridiculous in the eyes of Americans and the rest of the world.

The sentence against Airman Wheeler of demotion to private, imprisonment at hard labor for 4 months, and the $200 fine levied against his modest enlisted-man's pay, is defended solely on the ground that he refused to accept a superior's order. That is the only excuse possible for such heavy discipline. But what is to be said of superior orders so frivolous, so cavalier and humiliating that a self-respecting young American can regard them only as the product of Prussian-minded drill sergeants rather than as the discipline or training necessary for the effective defense of their Nation by freemen?

Certainly Armed Forces must have discipline. But the imposition of military discipline upon young civilian Americans serving their tour in the defense of their country implies a reciprocal obligation. That is that the armed service will avoid the kind of absurd, petty extension of military orders to personal matters as in the case of the special white-sidewall haircuts imposed by the particular lieutenant in this case, one day after Airman Wheeler had received a regulation Air Force haircut. If, as our service spokesmen often boast, the best discipline is the teamwork of intelligent, freemen who understand that they fight in a common cause, then this sort of order is the best way I know of for destroying the confidence and self-discipline of America's citizen army.

Mr. President, I ask unanimous consent to have printed in the RECORD the report of the Wheeler case in the New York Times of July 23, 1957.

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

AIRMAN IS JAILED FOR REFUSING CLOSE HAIRCUT—GETS 4-MONTH TERM—DISCIPLINE HELD CRUX OF ISSUE

FUCHU, JAPAN, July 22.—A 20-year-old American airman was sentenced to 4 months at hard labor by a court-martial today for refusing to get a "white sidewall" haircut. The airman, Donald Wheeler, of Cortez, Colo., also was reduced in rank from airman third class to basic airman (private) and sentenced to a loss of $200 in pay.

Airman Wheeler said he had challenged an order from his superior officer, Lt. William N. Shortt, of Seattle, to get the close trim—from ear to crown with only a fringe on the top—a day after he had received a regulation Air Force haircut.

He said he did not want to look like a shaved jackass.

The four-man court-martial had before it a charge that Airman Wheeler had disobeyed a lawful order of his superior officers. The charge did not mention anything about haircuts. The Air Force contended that the case was a question of discipline.

The prosecutor, Lt. William D. Prigden, of Kingstree, S. C., reviewed United States military history and declared:

"American soldiers did not challenge an order at Bataan or in France. They didn't disobey them at Pearl Harbor or Valley Forge. If we were to allow every airman to decide whether he should reject or obey an order, we would have a sorry group of people dedicated to our country."

"Can you imagine anybody going to jail for not getting a haircut?" Airman Wheeler asked after the verdict.

He was among six airmen transferred several days ago, after the haircut affair, from an honor guard in Tokyo to the Fuchu airbase. The Air Force said the transfers were made because the honor detachment was being dissolved.

The guard, stationed at Far East Command Headquarters in Tokyo, served at flag-raising ceremonies and other such functions. Its members were under orders to have a uniform haircut that is short.

The airman's sentence will be reviewed automatically by higher authorities in the Air Force. They can reduce the sentence or order a new trial. As the maximum penalty, Airman Wheeler could have been given 6 months' imprisonment and a bad-conduct discharge.

Before the trial he had been scheduled for reassignment in the United States in 20 days. The Air Force said he was convicted last February of failure to report to a place of duty and had been reduced from airman, second class, to airman, third class, with the forfeiture of $50 in pay.

THE GIRARD CASE

Mr. SMATHERS. Mr. President, I have listened with considerable interest to the statement made by the junior Senator from Oregon [Mr. NEUBERGER] with respect to conditions and requirements which would drive men out of the armed services. I would not say I disagree with the Senator nor that I agree with him on the question whether or not the kind of a haircut would cause a man not to enlist and not have a part in the armed services. I believe, however, that the waiving of a serviceman's constitutional rights, such as we saw in the Girard case, would cause men in great numbers not to wish to become a part of the armed services.

In that connection, Mr. President, I should like very much to have printed in the RECORD at this time a letter which appeared in the letters-to-the-editor column of the Washington Post, entitled "Justice Beyond the Sea."

This is a splendidly written letter, and points out very clearly how it was that under article 7 of the agreement which we had entered into with Japan, certain diplomats and other officials, who themselves were immune from having their rights given away, very willingly gave away the rights of this young boy, Private Girard.

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

JUSTICE BEYOND THE SEA

In your July 12 editorial defending the Supreme Court's decision in the Girard case, you remark: "If it had been clear that the offense had been committed 'in the performance of official duty,' it is inconceivable that the United States would have waived jurisdiction or that the Court would have let such a waiver stand."

I certainly share the general sentiment here; i. e., the implication that a waiver of jurisdiction in such circumstances would be contrary to international law, to our own Constitution as previously interpreted, and to the requirements of justice. But I should have hesitated to use the word inconceivable—since, as a matter of fact, the Government and the Supreme Court did precisely what you condemn.

There is, to be sure, a dispute between American and Japanese authorities as to whether Girard killed Mrs. Saki in the performance of official duty. But that dispute of fact was expressly eliminated from the case by the Government's stipulation in the district court. I quote from Judge McGarraghy's opinion. "At the hearing (in the trial court)," the opinion stated, "the following colloquy ensued:

"The COURT. The court understands the concession by the Government to be that at the time of the alleged offense by the petitioner, it arose out of an act or omission done in the performance of official duty. Is that correct?

"Mr. GASH (the United States attorney). That is correct."

"Accordingly," Judge McGarraghy went on, "the determination of the legal question here to be decided will be based upon the conceded fact that the incident * * * arose out of an act or omission done by petitioner as a member of the American Armed Forces in the performance of official duty."

As every lawyer knows, a trial court's finding of fact is final unless an appellate court specifically overturns the finding on grounds of insufficiency of evidence. This the Supreme Court did not do. It did not challenge the trial court's finding that the incident occurred in the performance of official duty—as, indeed, it could not have done, given the Government's stipulation. So that, on its own showing, the Government waived its jurisdiction, and the Court let the waiver stand.

Judge McGarraghy ruled that the President's decision to turn over Girard to the Japanese was unconstitutional because the Constitution provides that Congress shall "make rules for the government and regulation of the land and naval forces," and because Congress, in turn, has provided in the Uniform Code of Military Justice that the Girard-type case shall be tried by United States court-martial. The Supreme Court answered that contention simply by ignoring it—as, for that matter, did your editorial.

L. BRENT BOZELL.

CHEVY CHASE, MD.

TAX LOOPHOLES

Mr. MORSE. Mr. President, I ask unanimous consent that there be printed in the body of the RECORD at this point as a part of my remarks that portion of today's Drew Pearson column entitled "Tax Loopholes."

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

TAX LOOPHOLES

The administration would like to hush it up, but several utility companies have been milking the Federal Treasury to pay their stockholders huge, tax-free dividends.

Money that normally would have been paid in taxes went instead to the stockholders under the Government's tax-amortization program. The private power companies were granted fast tax writeoffs supposedly to encourage industrial expansion for defense purposes. Instead, the companies paid their stockholders handsome dividends.

What's even more amazing, the stockholders didn't pay a penny income tax on these dividends. The companies claimed the money was returned capital, or, in other words, a refund on the original investment.

Therefore the companies contended the dividends were tax free.

Here is a list of the private power companies that have been paying dividends to the stockholders instead of the tax collectors during the last 7 years:

Detroit Edison paid $8,902,786 in tax-free dividends; Pacific Power & Light paid $6,768,481; California Oregon Power, $5,237,211; Hartford Electric, $4,075,016; Southwestern Public Service, $3,994,258; Illinois Power, $2,074,700; Oklahoma Gas & Electric, $1,743,759; Connecticut Light & Power, $1,591,714; Central Louisiana Electric, $1,586,268; Central Hudson Gas & Electric, $1,410,702; Rockland Light & Power, $885,334; Florida Power Corp., $759,996.

Mr. MORSE. Mr. President, this great columnist is frequently attacked and criticized for his courageous willingness to print what he honestly believes to be facts on various controversial issues. In introducing this part of the Pearson column of this morning I wish to express appreciation for the great journalistic record Drew Pearson has made in connection with the subject of the tax writeoff policy of this administration.

He was one of the first in our country to warn of this type of what I call political immorality on the part of this administration. He was one of the first to point out that this administration was abusing the spirit and intent of the fast tax writeoff. He was one of the first to point out to the American people that great private monopolies were using this administration to their selfish advantage and their selfish interest.

I believe that the material in his column of this morning should be noted by all the taxpayers of the country. For that reason I have asked that it be printed in the RECORD as a part of my remarks.

I close by saying that, although we have had our Teapot Domes and our Insulls, those periods of corruption were but petty larceny compared with the grand larceny, within the law, which is taking place under the Eisenhower administration, as this column so clearly indicates.

CIVIL RIGHTS—TRADITIONAL JURY TRIAL IN CONTEMPT CASES

Mr. STENNIS. Mr. President, in the discussions of H. R. 6127, much has been said about the traditional authority of the courts to enforce their orders without a jury trial being afforded individuals who may be charged with violations of injunctions or restraining orders. In fact, on July 16, in a press release from the White House, the President referred to the traditional authority of the courts to enforce their orders without a jury trial, and he thereby left the impression that in all contempt cases it is customary to deny the defendant a jury trial prior to being sentenced.

This impression or inference is of course erroneous. With one exception, only one, a jury trial is expressly guaranteed by a Federal statute in all contempt cases in Federal courts when the facts involved constitute a crime under either the criminal laws of the Federal Government or the criminal laws of the State where the acts occurred. The exception is where the United States is a party to the suit, and this exception is expressly engrafted in the statute. Of course, if the act were committed in the presence of the court itself, it comes under a special rule.

The pending bill avoids the jury trial by the simple expediency of making the United State a party to the suit, thus bringing all these cases within the exception to the Federal statute above set forth.

The trend in America is to enlarge the application of the jury trial rather than to restrict it, as does this bill. As the courts tended to enlarge their application of the injunction and punish without jury trial prior to 1914, there was a demand throughout the Nation for legislation on the subject. In response thereto, the Congress passed the Clayton Act in that year. This act makes the jury trial mandatory in cases in which the facts involved constitute a crime under either Federal or State law. Nevertheless, abuse of the injunctive process continued, and in 1932 the Congress further expanded the use of the jury trial in the Norris-LaGuardia Act, which guaranteed a jury trial in contempt cases arising out of labor disputes.

Thus, the pending bill, by seeking to enforce criminal law through a process that denies the right of the trial by jury, is a reactionary and backward step which seeks to nullify not only the provisions of the Constitution, but also the more humane provisions of Congressional policy as developed in the Clayton Act of 1914, and the Norris-LaGuardia Act of 1932.

Trials in equity courts on the merits have traditionally been conducted without juries, but this is due to the origin and history of equity, a court of very limited jurisdiction created and maintained to correct the inadequacies of the common law. Equity courts sought to provide some type of judicial remedy in cases in which the law courts either failed to provide remedy or provided an inadequate one.

When the equity courts are pressed into service for which they are unequipped, such as the enforcement of criminal law, history has always proved that the respect for law and order and for the system of law itself has been disastrously weakened. America has not fully recovered from the era of lawlessness engendered by the prohibition era, when padlock provisions were sought to be substituted on a large scale for criminal prosecutions. Government by injunction just does not work in America.

So, Mr. President, I reaffirm my profound belief that the jury trial has a proper place in the enforcement of criminal law and should, except in cases of direct contempt, be available to all citizens prior to imposition of an indeterminate fine and sentence by the lone Federal judge who issued the order.

To continue the true traditions, we must continue the application of the jury trial.

I emphasize that statement because it is so frequently said, day after day, that House bill 6127 is in line with the traditional concept or the traditional authority with reference to a court of this kind in a jury trial. The facts do not bear out such an assertion. In truth, the facts are directly contrary to such an assertion.

RACE SEGREGATION POLICY OF SOUTH AFRICA

Mr. DOUGLAS. Mr. President, a tragedy is gradually developing in South Africa, where the dominant white minority is imposing apartheid and the doctrine of white supremacy upon the Negro majority of that country. I believe that South Africa is headed for disaster if this policy continues.

I have been greatly heartened by an extraordinarily fine statement made by the Catholic bishops of South Africa dealing with this subject, and condemning the Nation's racial policy of apartheid as intrinsically evil; also labeling

the white supremacy theory on which it is based as blasphemy.

Although I am not a member of the Catholic Church, I wish to commend the bishops of this great church for their courage in dealing with the situation. I ask unanimous consent that the story of this forthright stand by the South African bishops of this great worldwide church be printed in the RECORD at this point as a part of my remarks.

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

The following news story was sent out this week by the National Catholic Welfare Conference News Service to Catholic magazines and newspapers throughout the country:

"BISHOPS HIT RACE SEGREGATION POLICY OF SOUTH AFRICA AS 'INTRINSICALLY EVIL', LABEL WHITE SUPREMACY THEORY 'BLASPHEMY'

"PRETORIA, SOUTH AFRICA, July 11.—South Africa's Catholic bishops have issued a historic statement condemning the Nation's racist policy of apartheid as 'intrinsically evil' and the white supremacy theory on which it is based as blasphemy."

"The statement, issued after a plenary session of the Hierarchy here, declared that South Africa's current path toward total race segregation can end only in a 'harvest of disaster.'

"Asserting that responsibility for the racist policies lies squarely on the shoulders of the white citizens, the Nation's archbishops and bishops called for an immediate change toward gradual integration. Beginning such a change is possible at once, they said, 'if the ingenuity and energy now expended on apartheid are devoted to making South Africa a happy country for all its citizens.'

"In calling for an end to what they called this mockery of Christianity, in national life, the bishops also hit at the practice of segregation in Catholic institutions. While not recognized in the churches, they said, it is characterstic of much of the church's life in South Africa.

" 'In the light of Christ's teaching, this cannot be tolerated forever,' the bishops declared. 'The time has come to pursue more vigorously the change of heart and practice that the law of Christ demands. We are hypocrites if we condemn apartheid in South African society and condone it in our own institutions.'

"The bishops began their statement by recalling the joint declaration they had made in 1952 that 'justice demands that non-Europeans be permitted to evolve gradually toward full participation in the political, economic, and cultural life of the country,' and that 'this evolution cannot come about without earnest endeavors on the part of non-Europeans to prepare themselves for the duties connected with the rights they hope to enjoy.'

"In the 5 years since that statement was issued, they said, there has been no change in the direction of South Africa's racial policy. The hierarchy said that on the contrary the official government policy is that apartheid is the only possible formula for South Africa's mixed society, that integration is unthinkable, and that partition into states along racial lines is impracticable.

"White supremacy, transcending the teaching of Christ, they said, has become an absolute, overriding goal dwarfing every other end and end justifying any means.

"The theory of separate development of races sounds plausible only as long as the fact that 'separate development is subordinate to white supremacy' is overlooked, the bishops said. They commented:

" 'The white man makes himself the agent of God's will and interpreter of his providence in assigning the range and determining the bounds of nonwhite development. One trembles at the blasphemy of thus attributing to God the offenses against charity and justice that are apartheid's necessary accompaniment.'

"Pointing out that it is sinful to humiliate one's fellow man, the statement said:

" 'There is in each human person by God's creation a dignity inseparably connected with his quality of rational and free being. This dignity has been immeasurably enhanced by the mystery of man's redemption.

" 'No man has a right to despise what God has honored, to belittle one whom Christ has called friend, to brand a fellow man with the stigma of inborn inferiority. It is an insult to human dignity, a slur on God's noble work of creation and redemption.'

"Apartheid, the statement continued, is a fundamental evil which has as its inevitable consequences innumerable offenses against charity and justice. It explained that 'men must be hurt and injustice must be done when the practice of discrimination is enthroned as the supreme principle of welfare of the state.'

"The bishops went on to say, however, that their condemnation of the principle of apartheid as something intrinsically evil does not imply that perfect equality can be established in South Africa at the stroke of a pen. Profound differences obviously existing between various sections of the population would make immediate total integration impossible, they said, and thus all the people cannot share fully in the same political and economic institutions until they have more in common culturally.

"If the required social change is not to be disastrous, it must be gradual, according to the statement. The hierarchy said that since the state must promote the well-being of all its citizens, it must give special protection to those who need it. Thus the bishops called it unreasonable to condemn indiscriminately all of South Africa's differential legislation.

"They also said it would be unfair to disparage the services provided for the less advanced sections of the population and the noble and dedicated labors of many public officials on their behalf.

"The bishops also warned against teaming up with those who see revolution, and not evolution, as the only redress for the grievances of the nonwhite peoples. Agitators for an immediate extension of full civil rights for all, the bishops said, should stop to contemplate the confusion that would ensue—'the collapse of all public order, the dissolution of society and perhaps their own rapid destruction in the holocaust.' The hierarchy said this is particularly true of those who find their inspiration in atheistic communism.

"The statement continued:

" 'A gradual change—it must be gradual, for no other kind of change is compatible with the maintenance of order, without which there is no society, no government, no justice, no common good—but a change, must come, for otherwise our country faces a disastrous future. • • • Time is short; the need is urgent. Those penalized by apartheid must be given concrete evidence of change before it is too late.'

"To enter into a just and sensible policy of encouraging all the people to qualify for full civil rights would require statesmanship of a high order,' the bishops declared. They added:

" 'Obviously, no South African government could attempt such a change without the consent of the white citizens. On their shoulders lies squarely the burden of responsibility. Let them examine their conscience in the light of Christ's teaching. Let them read again the words of the Master: "A new commandant I give unto you, That ye love one another; as I have loved you, that ye also love one another. By this shall all men know that ye are my disciples, if ye have love one to another" ' (John 13: 34, 35).

" 'Are we not making a mockery of Christianity by proclaiming ourselves a Christian nation and pursuing a policy so contrary to these words of Christ?'

"It was at this point that the bishops issued a plea 'to our beloved Catholic people of the white race' to work for integration in Catholic societies, schools, seminaries, convents, hospitals, and the social life of the people.

"Noting that the church understands that the spiritual welfare of her children cannot be fostered in a wholly alien social atmosphere, and that she therefore 'does not enforce human associations that because of these differences can produce no good,' the hierarchy said:

" 'But the Christian duty remains of seeking to unite rather than separate, to dissolve differences rather than perpetuate them. A different color can be no reason for separation when culture, custom, social condition, and above all a common faith and common love of Christ, impel toward unity.

" 'We give expression to these observations in the knowledge that the faith and charity of our people will prompt a truly Christian consideration of them and in due course behavior in full conformity with the teaching of our Saviour. We have every reason for this confidence, because we have before our eyes a great proof of the loyalty and generosity of our people in the magnificent response to the Catholic bishops' campaign for mission schools and seminaries.'

"The bishops then said:

" 'To all white South Africans we direct an earnest plea to consider carefully what apartheid means—its evil and anti-Christian character, the injustices that flow from it, the resentment and bitterness it arouses, the harvest of disaster that it must produce in the country we all love so much.

" 'We cannot fail to express our admiration for the splendid work done in many quarters to lessen prejudice, promote understanding and unity, and to help South Africa along that path of harmony and cooperation which is the only one dictated by wisdom and justice.

" 'On the other hand, we deeply regret that it is still thought necessary to add to the volume of restrictive and oppressive legislation to reduce contacts between various groups to an inhuman and unnatural minimum. We pray God that minds may be enlightened to see truths and hearts encouraged to act without regard to the prejudices of the past.

" 'It will take sacrifice. Yet sacrifice need not deter us whose forefathers have left us the heritage of their bravery. The purpose before us now is one of the noblest causes we could embrace: The triumph of Christ in our country's laws and customs in the spirit of that hope recently expressed by Pope Pious XII—that a task of constructive collaboration may be carried out in Africa, a collaboration free of prejudices and mutual sensitiveness preserved from the seductions and strictures of false nationalism and capable of extending to a people rich in resources and future the true values of Christian civilization which have already borne so many fruits in other continents.' "

HEALTH HAZARDS INCIDENT TO EXCESSIVE SMOKING

Mr. NEUBERGER. Mr. President, the recent statement of the Surgeon General on health hazards incident to excessive smoking has aroused considerable discussion of the problem. Concern over the connection between heavy smoking and lung cancer is widespread, and it is my hope that the initial statement of the Surgeon General will be followed up by a broad program of governmental action.

Through schools and other institutions and by the efforts of health officers and medical societies, it may be possible to alert fully the American public to the grim threat involved in the reckless use of tobacco and cigarettes. This program might well follow the lines of courses used in schools of many States to inform young people of the effects of alcohol and narcotics. Efforts to educate the public on the connection between cigarettes and lung cancer should go hand-in-hand with an all-out cancer research program. Discovery of the cause and cure of cancer is of such importance to the welfare and happiness of mankind that research in this field should be advanced with all possible speed. At the same time, a broad program of education might help to curb the threat until more effective medical controls can be developed.

Mr. President, the reaction of the public to the suggestion that the Federal Government increase its efforts in warning about the dangers of smoking is reflected in a recent series of interviews published by the New York Post of New York City. This cross section of opinion indicates the sentiments which many persons have about the facts that have been presented.

I ask unanimous consent to have printed with my remarks the column from the New York Post of July 17, 1957, entitled "Sidewalks of New York."

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

SIDEWALKS OF NEW YORK

(By Carl Gaston)

Question: Senator NEUBERGER, Democrat, Oregon, wants the United States Government to warn the public about the dangers of smoking. What do you think?

Place: Various spots in Manhattan.

Tom Koehler, tariff compiler, New Jersey: "A good idea. I gave up smoking on the advice of my doctor and have felt wonderful ever since. I used to smoke about 15 cigars each day and the smoke got so bad in the living room it killed the wife's potted plants. A Government release on the dangers of smoking is vital to the health of the country."

Joan Baumohl, bookkeeper, Brooklyn: "I doubt that even a Government warning on the dangers of smoking will stop the public from using cigars and cigarettes. We must not lose sight of the fact that tobacco is a multimillion dollar industry and if people stopped smoking we would have a financial crisis."

Richard Dickon, student, the Bronx: "Senator NEUBERGER'S suggestion should be adopted. A warning from the Government on the dangers of smoking would prevent many youngsters from acquiring the habit and result in a healthier generation."

Lillian Bauer, addressograph operator, Rosedale, Long Island: "If the warnings from the various medical societies have not alerted the public to the danger of smoking, I doubt that a Government statement will do any good. Only a complete shutdown of the tobacco industry would stop the people from smoking."

Rocco Angarola, railroad man, Long Island City. "I smoke occasionally and realize I should cut it out entirely. I probably would if the Government issued a statement clearing up the controversy now going on about cigarette smoking. I think it should be done in the interest of public health."

CALL OF THE ROLL

The PRESIDENT pro tempore. Is there further morning business?

Mr. JOHNSON of Texas. 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	Fulbright	Monroney
Allott	Goldwater	Morse
Anderson	Gore	Morton
Barrett	Green	Mundt
Beall	Hayden	Murray
Bennett	Hickenlooper	Neuberger
Bible	Hill	O'Mahoney
Bricker	Holland	Pastore
Bush	Humphrey	Potter
Butler	Ives	Purtell
Byrd	Jackson	Revercomb
Capehart	Javits	Robertson
Carlson	Jenner	Russell
Carroll	Johnson, Tex.	Saltonstall
Case, N. J.	Johnston, S. C.	Scott
Case, S. Dak.	Kefauver	Smathers
Chavez	Kennedy	Smith, Maine
Church	Kerr	Smith, N. J.
Clark	Knowland	Sparkman
Cooper	Kuchel	Stennis
Cotton	Langer	Symington
Curtis	Lausche	Talmadge
Dirksen	Long	Thurmond
Douglas	Magnuson	Thye
Dworshak	Malone	Watkins
Eastland	Mansfield	Wiley
Ellender	Martin, Iowa	Williams
Ervin	Martin, Pa.	Yarborough
Flanders	McClellan	Young
Frear	McNamara	

Mr. MANSFIELD. I announce that the Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

The Senator from West Virginia [Mr. NEELY] is absent on official business.

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

The Senator from Nebraska [Mr. HRUSKA] is detained on official business.

The PRESIDENT pro tempore. A quorum is present.

DECLINE IN HOUSING CONSTRUCTION

Mr. JAVITS. Mr. President, 182,000 fewer American families will buy their own homes this year than last year. Housing starts are at their lowest rate in 5 years. The chairman of the Subcommittee on Housing of the Committee on Banking and Currency has just written to all of us, saying that 970,000 units were started in June 1957, which is a drop of 16 percent from the corresponding number of starts last year.

At one and the same time, our labor force is at an all-time high, but employment in the home construction industry, a prime factor in the national economy, is falling off.

In my own State of New York, I am informed by the Community Developers Council of Long Island that housing starts have fallen off at a greater rate, being 27 percent off from last year, and 47 percent from 1955.

Congress passed a bill, which the President signed, under which lower downpayments are possible. For example, the purchaser of a $12,000 home, under the new law, could pay as low as $600 down, instead of the present figure of $1,000 or more. In the higher brackets, the reduction is far less, which is as it ought to be.

It seems to me that when the President signed the bill, there was inherent in his signature some effort to meet the needs of the home building industry, one of the needs of which is a reduction in the downpayments. The GI's can no longer borrow under the Veterans' Administration program, because they simply cannot get a 4½-percent rate. According to estimates of the Veterans' Administration, only 400,000 of the 1 million veterans desiring GI home loans by July 1958, will be able to obtain them. In other words, less than half of the GI's desiring home loans will be able to get what it was hoped they would get, and had a right to expect, under the law. They can acquire housing only under the FHA program. That was one of the very real reasons why Congress lowered the downpayments, and gave authorization for so doing.

It seems to me, considering the urgent need which I have just mentioned, and the fact that houses began to move after being frozen on the market when the bill was signed, because the builders confidently expected that lower downpayments could be applied, and so contracted with the buyers, and considering also the situation which affects the veterans' loan program, there is a great urgency for the President immediately to exercise the authority given him by Congress. The present situation is certainly inflationary, considering the drastic need for housing starts, so vital to the economy. I think the President ought to exercise immediately the authority he has to lower the downpayments under the provisions of the bill. Other Senators have spoken on this subject, and I hope the President will also do so.

Mr. IVES. Mr. President, I join my colleague from New York in what he has said. It is very vital that the down payments be lowered. When Congress took this action, it not only authorized, but, in a sense, directed that it be done. It has not been done. It must be done. Otherwise the housing industry itself—the building industry in that field—will be in a deplorable condition. The people who need houses will be without them.

Mr. JAVITS. I thank my colleague for his very important contribution to this subject.

PRIVATE ENTERPRISE VERSUS FOREIGN GOVERNMENT MONOPOLY OF OIL DEVELOPMENT

Mr. WILEY. Mr. President, one of the facts which I have long pointed out is that private international investment is one of the keys to world prosperity.

Socialism will definitely not provide the standard of living which private investment will provide.

Government ownership of the means of production and distribution, and of natural resources, will not provide the efficient, economical development which private investment will.

ACHIEVEMENTS OF UNITED STATES INVESTMENT ABROAD

One of the best proofs in the world of this fact is the accomplishment of American corporations in developing foreign mining and petroleum resources—in Canada, in Latin America, the Mid-East, and elsewhere.

Literally billions of dollars—investors' dollars—have been successfully spent by American corporations throughout the world in accordance with the American system of risk taking.

This is one of the reasons why, as I stated yesterday in the Senate, we have a national production now reaching $448 billion in value, and a national income ranging close to $350 billion a year. That is one of the reasons why we have high employment, ranging up to some 70 million persons, and the highest standard of living in the world.

This risk-taking has paid off, not only to the corporations, but to their millions of small investors, and, yes, to the foreign countries whose national resources have been developed.

By contrast, foreign government ownership of petroleum and mining has invariably resulted in failure, in underproduction, in underconsumption, and stagnation.

VITAL ROLE OF GREAT COMPANIES

It will be my aim to reiterate this fact, in the public interest, in connection with a report which is now in preparation by our subcommittee which studied the actions of the Middle East Emergency Committee having to do with the oil lift after the closing of the Suez Canal. I believe that the great oil companies performed a most significant service in that connection. I am not one of those who believe in criticizing bigness simply because it is big. Great companies have often proved indispensable to America, especially in times of national emergency. And even in so-called normal times, we need efficient, integrated oil operations for so vast and expanding an economy as ours.

By contrast, as an illustration of the failure of foreign government ownership and government monopoly to develop foreign resources, I should like to cite an article which appeared in yesterday's, July 23, New York World Telegram and Sun.

UNFAIR CRITICISM OF THE UNITED STATES

The article was entitled "Three Latin Lands Have Oil and Trouble Getting It." The disturbing subtitle is "Uncle Sam Gets Blame."

It seems to me that foreign countries should begin to take a realistic look at their own situations. Instead of blaming the United States, instead of denouncing so-called capitalist exploitation, they ought to recognize that it is capitalism which will provide the constructive answer to their own and others' problems.

I send to the desk the text of this article and ask unanimous consent that it be printed at this point in the body of the RECORD, along with an article from this morning's New York Times entitled "Private Capital Flows Globally."

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

[From the New York Telegram and Sun of July 23, 1957]

THREE LATIN LANDS HAVE OIL—AND TROUBLE GETTING IT—UNCLE SAM GETS BLAME

WASHINGTON, July 23.—Latin America's three biggest and most populous countries are grappling with oil crises. They either blame Uncle Sam for their predicament, or denounce him for not doing something about it.

In each of the three—Mexico, Brazil, and Argentina—the government controls petroleum, either through nationalization of resources or expensive state monopolies.

FIELDS COME—AND GO

Next to Venezuela, where private companies (both foreign and national) operate the oil industry, Mexico has the largest known resources of any of the Republics. But unless Pemex, the Mexican monopoly, can increase its output to meet mounting demands, that country's industrial boom will slow down.

Mexican oil has never fully recovered from the 1938 expropriation of private companies. Production has fallen from a high of 193 million barrels in 1921; it was down last year to only 90 million barrels.

Pemex frequently reports discovery of new fields. But it doesn't list the fields that dry up every year.

POPULATION DOUBLED

Mexico's population has grown while her oil supply has shrunk, from 15 million to 30 million people in the last 20 years. Brazil and Argentina also have that problem.

Experts know that without new money, in large amounts, Pemex cannot expand or even keep its present pace. Mexico does not have the needed capital. There are only two sources from which it could come—big foreign oil companies or a huge foreign loan. She is not likely to get it either place. If the present policies in Washington remain, loans from the Export-Import Bank or other agencies are out of the question.

Brazil's situation is even worse. Its petroleum industry was nationalized 6 years ago. Today in Brazil—a country larger than the United States—there is only one oil field. It produces about 10,000 barrels daily.

Petrobras, the government monopoly, is importing $350 million worth of petroleum annually. This is being refined in Brazil, at a claimed saving. Many experts doubt if it amounts to much. In the last 4 years Petrobras has spent $25 million, drilled 9 wells—all dry.

BLAMES THE YANKEES

More capital is needed by Petrobras, and it can't get it in Brazil. The monopoly is blamed for growing inflation because it takes such a hunk of scarce foreign exchange. To divert criticism, Col. Janerey Nunes, president of Petrobras, recently attacked Yankee oil imperialists.

Only a thimbleful of oil comes from Argentina's state monopoly, YPF. After 35 years and hundreds of millions in subsidies from the public treasury, YPF has not materially increased production. Last year output was about 85,000 barrels daily—compared with 2 million daily in Venezuela.

[From the New York Times of July 24, 1957]

PRIVATE CAPITAL FLOWS GLOBALLY—U. N. FINDS THAT UNITED STATES, BRITAIN, AND BONN RAISED FOREIGN INVESTMENTS IN 1956

UNITED NATIONS, N. Y., July 23.—Outflow of global private capital for investment abroad in 1956 set a record for the postwar period, Secretary General Dag Hammarskjold declared today.

The total was substantially above that of preceding years, he said, due mainly to large increases of capital exports by the United States, Britain and West Germany contributed substantially to the trend.

The Secretary General's review, prepared for consideration by the economic and social council now in session at Geneva, said that the tide of new investment funds from the United States more than doubled in 1956 as compared with 1955.

A reasonable assumption was that undistributed profits of foreign subsidiaries were at least as large as in 1955. On that basis, it was believed, the outflow of long-term capital from the United States rose from $1,800,000,000 in 1955 to more than $3 billion in 1956.

"The expansion was so sustained that a rise took place in virtually all regions," the Secretary General said, "and both direct and portfolio investment increased sharply."

The term direct investments, a footnote explained, refers to those controlled by nonresident interests.

OIL INDUSTRY AIDED

To a large extent, Mr. Hammarskjold said, the petroleum industry benefited most from the increase, and a large part consisted of purchase of new concessions. Canada and Latin America absorbed major portions of the flow, although there was a perceptible advance also in United States investment in Western Europe, partly attributable to a few sizable transactions.

Replies by the United States Government to a 1956 United Nations questionnaire on employment and balance of payments, it was said, noted that although interest rates increased in 1956, the price of capital funds still remained below that prevailing in most other countries. The outflow of private capital is likely to continue high in 1957, the report indicated, if only to complete direct investments already initiated.

For Latin America foreign capital, including reinvested earnings from foreign subsidiaries, played an unusually large part in the region's capital formation the report said. The inflow, predominantly of foreign origin, increased by 50 percent and represented 9 percent of total investment, including public funds.

Excluding the undistributed profits of subsidiaries, the review showed, the outflow of new United States funds to Latin America rose from $141,000 to $521 million between 1955 and 1956. Principal recipients were Brazil, Mexico, Peru, and Venezuela.

The Venezuelan Government has sold new petroleum concessions for $400 million, of which nearly $250 million was received during the last year. New foreign investment in productive facilities of the petroleum industry also was noted.

LATIN AMERICA HELPED

Brazil's substantial increases in receipts of private long-term capital were in the main absorbed by the metallurgical and chemical industries catering to the growing domestic market, but capital flowed as well into the mining of iron ore and manganese.

Mexico's growing foreign private investment continued upward, focused particularly on manufacturing and chemical industries. In Peru, as in Chile, the inflow was directed largely to expansion of the copper industry.

New capital also entered Argentina at an increased rate in 1956, it was said. Since 1955, Government policies relating to private foreign capital have undergone extensive examination and revision.

The present policy of the Argentine Government is to restrict petroleum development to state enterprises, but the secretary general's summation noted reports of greatly increased interest in foreign investment in

manufacturing in Argentina in 1956. Projects under study include enterprises to produce adhesive tapes, plastics, soft drinks, tractors, pharmaceutical products, paper and pulp and automatic vehicles.

Most regulations on incoming capital adopted or modified during 1956 related to particular branches of national economy, the report said. Awarding of concessions was noteworthy, it added, in countries that have enacted new and liberalized legislation in recent years. These include Bolivia, Costa Rica, Guatemala, Israel, Peru, and Turkey.

INFLATION

Mr. MONRONEY. Mr. President, one of the most important problems in the United States today is the control of the inflationary spiral which is beginning to be evidenced in almost every Government report.

I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "Losing the Inflation Fight," published in the Tulsa, Okla., Tribune of July 1, 1957; and an article entitled "Raindrops Could Cool Prices, Too," written by Marquis Childs and published in the Washington Post and Times Herald of July 24, 1957.

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

[From the Tulsa Tribune of July 1, 1957]

LOSING THE INFLATION FIGHT

Everybody claims he hates and fears inflation, but nobody seems willing to take those unpopular measures necessary to stop it. As a result, not only the United States but most of the free nations of the world are gradually losing the battle against cheaper currencies.

The European bond market has now slumped so badly that the French Government is experimenting with purchasing power bonds which guarantee to return to the investor a purchasing power equal to that enjoyed by the money he put into them.

In the United States the cost of living has hit a new high in spite of efforts by the Eisenhower administration to slow the inflationary spiral by sharply restricting credit. Monday, Secretary of the Treasury Humphrey stated that the recent hike of $6 a ton in steel prices would be reflected over a very large area of the Nation's economy. President Eisenhower has called on both industry and labor for forbearance in raising the cost of goods.

But there isn't going to be any forbearance. The great labor unions are in competition with each other to see who can nail down the greatest annual increase in take-home pay. The management of any union that failed to vigorously press for higher hourly wages and steadily widened fringe benefits would not survive long, at least not in those unions where the members choose their officers.

At the same time, industry, while complaining bitterly about wage demands, has usually knuckled under. It has generally been considered more prudent to pay what the unions demand and add the difference to the price tag than to take a strike, suffer a long shutdown, and possibly lose markets permanently to competitors. As a result, in spite of heavy investment in automation and other laborsaving gadgets, wage increases have generally outrun the rate of production per worker.

In the meantime, persons on fixed incomes and pensions, or those who have hoped to prepare for the education of their children or for retirement by accumulating Government bonds are gradually being washed out.

The history of inflations is pretty standard. A long period of gradually cheapening money is followed by growing fear that money may soon be worth nothing. People then try to get rid of their cash, bonds, and accumulated insurance reserves and to convert these things into tangible goods. This feeds the roaring price fires and hastens the debacle. Fear of the currency depresses the value of Government securities and brings on a Government financial crisis, followed by the insolvency of banks, insurance companies, and other institutions that have put their reserves into gilt-edged Government bonds. This wrecks industry, brings about widespread unemployment, and, in many countries, revolution.

To avoid this disaster, the Government might cut its own spending, reduce its debt, and thus make more manageable its own financing. Such moves are always unpopular, particularly when a large part of the taxpaying public has become used to looking to the Government for benefits, subsidies, and elaborate public improvements. At the same time, the steam could go out of price pressures if industry and labor cooperated to hold the line—so far a wild and forlorn hope.

Unless we Americans can show more self-discipline than we have been showing, we are on a merry ride downstream in the direction of the falls. And let us not forget one other thing that history teaches us—out of the wreckage of an inflation-blasted economy there has usually arisen a police state, either controlling or strictly regulating industry, and assigning jobs to workers at rigidly restricted wages.

That's no fun, either.

[From the Washington Post and Times Herald of July 24, 1957]

RAINDROPS COULD COOL PRICES, TOO

(By Marquis Childs)

While it will come as no surprise to the average consumer the official cost-of-living index for the month of June will show prices up once again.

This will be the 10th straight month in which the carefully weighted index has inched upward. Although the increase in percentage terms has been small, anyone who has been around the country, however briefly, knows that a major concern of almost everyone is high prices.

The figure reported for the month of May by Commissioner Ewan Clague, of the Bureau of Labor Statistics, was 119.6 with 100 based on the average of 1947 through 1949. This was the high point to date. It compares with 115.4 for May of 1956, indicating a rise on the average of three-tenths of a percentage point for each month during the past year.

In view of the all-out prosperity prevailing during the past year, with every indication it will continue at least during the balance of this calendar year, that is considered by the experts to be not too alarming. But for the housewife who sees prices of the things she must buy going up day by day, it is small consolation to be told that the rise in relation to booming prosperity is modest.

Nor is the average citizen much impressed by statistical weighting showing that price declines in one area hold down price increases in major departments, such as food and clothing. People around the country are talking about weather and prices, and the two are directly related.

One reason the cost of living index for June is up is the fact of drought or near-drought conditions in the East. As a consequence prices of fruits and vegetables have risen. Food is figured as 30 percent of the total in computing the cost of living index.

With any luck in the weather for the balance of the summer—a break in the drought in the East—the index for August should be down slightly. There may be a slight decline also for September. Maine has one of the biggest potato crops in history and this should help to bring down an important item in the food budget. Slight seasonal declines occurred in the late summer and early fall of 1956.

Such declines have, of course, little relation to the long-term trend. There have been gloomy predictions in an increasingly inflationary trend continuing into the indefinite future.

A great deal has been written about the recent $6-a-ton increase in the price of steel. It will be some time, however, before the effect of that increase will be felt by the consumer through the increased price the farmer eventually pays for agricultural implements that go into the cost of food production. And before any such increase is felt, according to the more conservative experts, it may be offset by other trends not now predictable.

The cost of steel in a motorcar is a relatively small part of the total. Moreover, a great deal of the steel for the 1958 cars that will be in dealers' hands this fall had been contracted for at the lower rate. Nevertheless, an increase in the list price of new models is anticipated.

At the present time dealers are selling 1957 cars at big discounts. If this were not true, according to those who compute the cost of living index, the index in the past 2 or 3 months would be higher. Sales this year have not been as high as had been hoped after the drop in 1956 that followed the fierce competition in the low-cost car field in 1955.

With the 1958 models dealers will not feel compelled to give discounts and this fact plus a price increase will show up in the cost of living index for October and the following 2 or 3 months. A great deal will depend on how large a price increase the motor manufacturers feel they must pass on to the consumer by way of the dealer. And a lot will depend, too, on whether the new models, which according to advanced billing will have more lights and bigger tail fins, go over with the public.

So long as the heat and the drought continue and prices go up they will be major topics of conversation. If this were an election year, record high prices might well be the major political issue. But it is not an election year and much can happen in the next 12 months.

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

Mr. MONRONEY. I yield to the distinguished junior Senator from Tennessee, who has done so much to call attention to the rising interest rates on Government bonds and who has tried to combat the present evils of the Treasury's monetary policy.

Mr. GORE. I thank the Senator from Oklahoma. I wonder if he would agree that one of the principal sources of inflationary pressure, which brings about a higher and higher cost of living, is the inflationary interest spiral, which increases the weekly and monthly payments on installment purchases, increases the costs of conducting business, increases the cost of products and, indeed, increases the cost of interest payments of every person and institution in the United States that borrows money or buys on time.

Mr. MONRONEY. I could not agree more fully with the statement of the distinguished Senator from Tennessee. In fact, the Treasury policy, which has now brought about a 4-percent support price on big lending, will be reflected in almost every single line of commer-

cial activity, whether it be the construction of houses, or the purchase of automobiles and household supplies. All of this has a base linked to our fiscal policy, for the interest rates on money have an important bearing on the ultimate consumer's costs.

Mr. GORE. Mr. President, will the Senator from Oklahoma yield further?

The PRESIDING OFFICER (Mr. TALMADGE in the chair). Does the Senator from Oklahoma yield to the Senator from Tennessee?

Mr. MONRONEY. I yield.

Mr. GORE. I am sure the Senator from Oklahoma recognizes that the income from interest has been increased during the past 4 years by more than 40 percent, and that today the income from interest alone exceeds the income of all the farm owners in the entire Nation.

Mr. MONRONEY. Judging from the continued loss of income on the part of the farmers under the present policy of the Department of Agriculture to force down the prices of agricultural products, and the policy of increasing the price of money, which means the raising of interest rates, is it any wonder that the prices of processed food soar higher and higher while the prices of the raw food the farmer sells sink lower and lower?

CONDITIONS RELATING TO ENLISTED PERSONNEL OF RADAR BASE AT FORTUNA, N. DAK.

Mr. LANGER. Mr. President, I ask unanimous consent to have printed in the RECORD a letter I have received from Rev. Francis M. Ryan, of St. Luke's Hospital, Crosby, N. Dak., with enclosures, relating to conditions regarding enlisted personnel of the radar base at Fortuna, N. Dak.

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

ST. LUKE'S HOSPITAL,
Crosby, N. Dak., July 9, 1957.

Senator WILLIAM LANGER,
Washington, D. C.

HONORABLE SIR: I would like to call to your attention a most urgent necessity regarding conditions relative to the enlisted personnel of the radar base at Fortuna, N. Dak.

Since there is not sufficient housing facilities for the men with families they have to live in Crosby and are victims of unscrupulous rent gougers. The pay which they receive is entirely insufficient to live as any other individual should.

The seriousness of the situation was brought to my attention when the wife of one serviceman attempted suicide as a result of a lack of funds to purchase sufficient food.

The old proverb so stating that charity begins at home fails to register or we do not care about those who may have to bear the brunt of another conflict.

The money spent to buy friends overseas does not amount to a tinker's dam: it is just like pouring water into a rathole. So it follows when the funds stop friendship ceases and we are back where we started. Therefore it is of greater import to do first things first, to see the married enlistees receive sufficient pay in order to enjoy as far as possible the things of life to which they are entitled.

The enlisted men are from West Virginia so I ask that you refer the case to the Senator from that State.

However the two men would like to be transferred to a base closer to home which should not be so difficult but for unnecessary red tape.

A1c. William Blakemore and A1c. Michael Lupinette handed me the itemized expense accounts which I enclose.

Sincerely yours,

REV. FRANCIS M. RYAN,

Average expenditures for a month

Rent	$70
Utilities	12
Food	70
Milk for baby	10
Car payment	45
Car repair	23
Car insurance (average per month)	14
Gasoline and car upkeep	25–30
Life insurance on wife and son (no life insurance for myself)	5
Eat at base	8
Cigarettes	5
Total expenditures per month	286–291

Overall outstanding debts as of July 1, 1957

Gasoline		$39
Doctor	approximate	50
Total		89

Entertainment, dry cleaning, and clothes have not been listed above due to the lack of funds. There is nothing left to spend on the above-mentioned items.

Overall income per month

Wife's allotment	$137.10
Base pay	94.00
Total income per month	231.10

ADMISSION OF ALIEN ORPHANS ADOPTED BY AMERICAN FAMILIES

Mr. LANGER. Mr. President, I ask unanimous consent to have printed in the RECORD a letter I have received from John P. Smith, of Falls Church, Va., regarding the effort to permit entry of alien orphans adopted by American families.

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

JULY 11, 1957.

Senator LANGER,
Senate Office Building,
Washington, D. C.

DEAR SENATOR LANGER: I understand that you are presently interested in obtaining information to support legislation affecting entry into the United States for permanent residence of alien orphans adopted by American families.

I have recently returned from a 16-month tour of duty in Korea where I acquired a personal interest in the orphans of that country by adopting one of them, a boy of mixed blood, age 4.

My Army unit supported, informally, a Buddhist orphanage in the vicinity of Uijonghu, about 30 miles north of Seoul. This is the orphanage where I found my boy.

He remains in Seoul now, in a different orphanage, awaiting legislation which will permit him to enter this country permanently.

This situation is one difficult for me to discuss or write about objectively for the above reasons. The physical facilities in which these children live are inadequate at best.

The Kyung Myong Buddhist orphanage is about 5 miles outside of Uijonghu, Korea, in a small valley. There is an enclosure of about one-half acre containing four main buildings, one of which is a Buddhist temple. Two others were built by a United States Army engineer unit. These two are unheated and not used during the winter. The remaining building serves as living quarters for the 30 to 50 orphans cared for by Mrs. Suh, her son, daughter, and an assistant director. There is a Buddhist priest and several other adults who act in capacity of farmhands and servants, all under direction of Mrs. Suh.

When I first visited this home in November 1956, there were three mixed blood children there—a girl aged 18 months (with red hair), half Caucasian, my boy, half Caucasian, and a half-Negro boy about 2.

Due to the support donated to this particular facility by the various military units at I United States Corps (Gp) headquarters, the lot of the children as to clothing, food and shelter is, while pitifully inadequate, a thousand times better than the large majority of such children.

The yard surrounding the buildings is a quagmire of indescribable filth in summer and a frozen mess in winter. This is an "agricultural" orphanage, so described by its director. The fields surrounding the living plot generate a host of flies due to the generous use by Koreans of raw human feces for fertilizer. Because of dietary deficiencies and improper clothing and shelter the children are liable to contact TB, polio, and other terrible diseases. There is no dental service available. My boy needs dental care urgently. There is no way to get it for him.

Mike, my boy, is no longer in the orphanage described above. I obtained a release and moved him to the reception center in Seoul. This is an orphanage operated by World Vision, Inc. There is a Norwegian couple and a Norwegian medical doctor at this installation. There is no dentist. Still no dental service.

The reception center is situated on a hillside between Seoul and Yongdongpo. There are 4 brick children's houses, and 1 brick house serving as office and living quarters. One of the children's houses serves as an isolation clinic for TB patients which run around 25 percent of all children brought here. There were about 80 children in this orphanage in March 1957 when I left Korea. Of this number about 60 are mixed blood children. They range from a few weeks to about 10 years of age.

The Holt facility is located in Seoul proper and was set up as a processing point for children going to their families in the States. Nearly all the children here, about 80 to 100, are below 2 years of age, and a large proportion are of mixed blood. This unit is directed by Mr. Holt, of Cresswell, Oreg. His two daughters actually run the orphanage, with assistance from Korean nurses. There is considerable disease here due to overcrowding and the questionable environmental background of new arrivals. TB is common. Polio is a constant threat.

It is through this facility that nearly all arrangements are made for adoption of orphans by Americans. An office is maintained for liaison with the American Embassy and the various Korean governmental agencies having cognizance. A fee of $50 is charged for adoption proceedings.

The best of installation in Korea fall far short of rockbottom minimums commonly accepted in the United States. Indoor plumbing is rare. Paving or lawn grass is equally rare. Recreation beyond the bare minimum is nonexistent.

Mixed blood children occupy a position in the Orient peculiar to themselves. The Korean people generally resent their existence and consider it a blot on Korea's national honor that such children exist. This resentment is manifested in general ill treatment of such children ranging from neglect to beatings and sometimes torture. Koreans

are not restrained when dealing in emotionally slanted issues. The future of such children in Korea is without a glimmer of hope.

Most of these children are fathered by United States service personnel Caucasian and Negro. The children are obviously of mixed blood by appearance when compared to the pure blood orientals. In the United States, they would be lost in the crowd so far as appearance goes. The Caucasian or Negro characteristics predominate strongly. A person unaware of the child's origin in an American environment would never guess his nationality.

America is the hope of these children. There are many fine families waiting here to receive them. Legislation is the means.

JOHN P. SMITH,
Captain, Infantry.

THE ANDERSON-AIKEN AMENDMENT TO THE CIVIL-RIGHTS BILL

Mr. KEFAUVER. Mr. President, I shall vote for the Anderson-Aiken amendment unless part III is modified during the proceedings in the Senate before the vote on the amendment is taken.

I hope part III will be modified because I cannot support this amendment with an untroubled mind and heart, for to me the words "equal protection of the laws" are vital words in the administration of justice in a free country, where democratic ideals demand that our citizens receive, at the hands of those who govern them, equally fair and unprejudiced treatment before the law.

We know, Mr. President, that the ideal of equal protection of the laws is not fully realized in America. Unequal protection, unfair treatment, ignorant and bigoted discrimination against men of other races, other religious faiths, other national origins—these things do exist; and unless I am mistaken, they exist in all areas of the land.

I want them corrected. I think that this Congress, in company with the courts of the land, is moving toward their correction. But I do not think that retaining part III in the bill as it is will help; rather, I think it might be damaging to the aims I have just stated. On yesterday I voted for the amendment of the Senator from Kentucky [Mr. COOPER] because I felt that his was the right approach. But that amendment was decisively defeated. Therefore, having failed to improve part III, I shall vote to eliminate it unless it is changed in several respects.

On last Wednesday, I set forth my philosophy concerning this problem in the context of what I believe Congress can best do concerning it. I said:

> There are many outward aspects of the problem. The most inflammatory of these concerns 1 or more of 3 things:
>
> 1. Brutality, such as is sometimes practiced by police or sheriff's officers.
>
> 2. The denial of dignity, such as occurs when one group of citizens is segregated from another on public conveyances or in schools.
>
> 3. A denial of the privileges of citizenship, such as the exercise of the ballot.
>
> Of the three groups, the last is the most important for this national legislative body to address itself to today. If we do what we can to assure all citizens the free exercise of the ballot, then we shall have taken the major step necessary to solve the civil-rights problem.
>
> The Federal Government cannot take it upon itself to referee the police forces and the sheriff's officers of every county and locality in the Nation. But if we assure the right to vote, that will not be necessary. A sheriff who practices brutality for racial reasons will not long remain in office.
>
> It would be mischievous for this body to tinker with the problem of segregation as such. The courts, acting under the Constitution and the amendments thereto, are dealing with this problem. Federal Judge Robert L. Taylor, in ruling on the Clinton case in my home State of Tennessee, in dealing with the Yankee agitator, John Kasper, has shown that he needs no further legislation from this body. The courts, in considering the Alabama bus cases, did not need or want new legislation from this body. No member of this Senate who happens to live in Spring Valley or in some other so-called restricted area in the District of Columbia needs wait for Congress to tell him that the covenants which run with his land are illegal.
>
> But we do have a problem worthy of attention in connection with the right to vote. Let us discuss that problem for a few minutes.

Mr. President, our responsibility in this Congress is to take the action which will, in the course of time, provide all our people with the means of becoming truly free citizens. The right to vote is a right free citizens possess; it is an indispensable right to the man who would liberate himself from the bondage of discrimination. Other rights surround it, but none is more basic or more vital to every American. Where that right has been denied, or where its denial is imminent, the Government of the United States can do no less than say to the abused man: "Under the law, we shall seek to guarantee your right to vote."

Part IV of the pending bill would say that; and I shall support the objectives of that part of the bill.

It is part III of H. R. 6127 that concerns us now. Part III amends section 1985 of title 42 of the United States Code, a section of the code originally enacted in the reconstruction period. Section 1985 provides a civil remedy for one who is deprived of his rights as a citizen, or who is deprived of the equal protection of the laws, by a conspiracy of persons. Because it is not, on its face, limited to the actions of those acting under color of State law, it has been the object of sharp questioning on constitutional grounds. Advocates of part III have contended that it is, in fact, limited to such actions. Should part III be retained in the bill, it is very likely that most, if not all, of the injunctive actions authorized by the part will be brought on a State-action theory.

Mr. President, the action I take today will reflect my belief that a social condition, in which is involved almost every aspect of community life, and which reflects the mores and the experience of an entire people, should not be attacked with the weapons offered by this part of the bill.

In my reading on this matter, in the Yale Law Journal for April 1956, I came across a comment entitled "Legal Sanctions To Enforce Desegregation in the Public Schools." The writer of the comment is, without question, a proponent of desegregation in the schools. Yet he had this to say at the beginning of his article:

> The history of law enforcement in the United States does not demonstrate that the full use of the more powerful legal weapons necessarily results in obedience, or that it is even advisable to use all available legal force to effect as widespread a social change as desegregation.

Desegregation in the schools, Mr. President, is an area wherein reason and a consistent subtlety of approach are required; and I think the same can be said for desegregation in transportation, in housing, and in virtually every area where the courts have spoken for an end to discrimination. The amendment of the Senator from Kentucky [Mr. COOPER] would have provided that subtlety. The Supreme Court, in its method of implementing its decision, obviously pleaded for subtlety.

The use of the injunctive process in these areas is not, to my mind, consistent with a subtlety of approach; it is, rather, like a broadsword in the hands of a surgeon who undertakes to remove a cancer from the body. The Attorney General may be, Mr. President, a skilled and practiced surgeon; but he has chosen here a clumsy and a dangerous tool for his work.

It is one thing, Mr. President, to work toward a truly democratic society, under which the rights of every American may be respected by his neighbor and his Government. It is another thing to encourage, in the name of that democratic society, the harsh and clumsy methods proposed by part III.

The PRESIDING OFFICER. Is there further morning business?

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Fulbright	Monroney
Allott	Goldwater	Morse
Anderson	Gore	Morton
Barrett	Green	Mundt
Beall	Hayden	Murray
Bennett	Hickenlooper	Neuberger
Bible	Hill	O'Mahoney
Bricker	Holland	Pastore
Bush	Humphrey	Potter
Butler	Ives	Purtell
Byrd	Jackson	Revercomb
Capehart	Javits	Robertson
Carlson	Jenner	Russell
Carroll	Johnson, Tex.	Saltonstall
Case, N. J.	Johnston, S. C.	Scott
Case, S. Dak.	Kefauver	Smathers
Chavez	Kennedy	Smith, Maine
Church	Kerr	Smith, N. J.
Clark	Knowland	Sparkman
Cooper	Kuchel	Stennis
Cotton	Langer	Symington
Curtis	Lausche	Talmadge
Dirksen	Long	Thurmond
Douglas	Magnuson	Thye
Dworshak	Malone	Watkins
Eastland	Mansfield	Wiley
Ellender	Martin, Iowa	Williams
Ervin	Martin, Pa.	Yarborough
Flanders	McClellan	Young
Frear	McNamara	

CIVIL RIGHTS ACT OF 1957

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). A quorum is

present. If there be no further morning business, morning business is closed, and the Chair lays before the Senate the unfinished business.

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

The PRESIDING OFFICER. The question is on agreeing to the Anderson-Aiken-Case of South Dakota amendment to strike out section 121 of the bill.

The Chair invites attention to the fact that there is a unanimous-consent agreement providing for a 5-hour limitation of debate on the amendment, the time to be equally divided and controlled respectively by the Senator from New Mexico [Mr. ANDERSON] and the minority leader [Mr. KNOWLAND].

Mr. ANDERSON rose.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. ANDERSON. Mr. President, I yield 30 minutes to the Senator from Wyoming [Mr. O'MAHONEY].

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

Mr. O'MAHONEY. Mr. President, since the junior Senator from Ohio [Mr. LAUSCHE] is the present occupant of the Chair, I know of no better way to open my remarks this morning than by quoting from a statement made by him on the floor in the debate yesterday.

My subject this morning is that section 121 of part III of the bill should be stricken, as provided for in the amendment offered by the Senator from New Mexico [Mr. ANDERSON], the Senator from Vermont [Mr. AIKEN], and the Senator from South Dakota [Mr. CASE], because that part of the bill invades the Bill of Rights and deprives certain citizens of the United States of a basic civil right, namely, the right of trial by jury.

I refer to what the Senator from Ohio had to say yesterday, as shown on page 12450 of the CONGRESSIONAL RECORD for July 23. The statement condenses in a very plain and eloquent way the heart of the reason why the amendment proposed by the three Senators should be adopted. The Senator from Ohio [Mr. LAUSCHE] said:

> Mr. President, I shall give my support to a civil-rights bill which will support the constitutional rights of all American citizens. I want that civil-rights bill to insure the civil right of trial by jury. In my opinion, the punishment for civil contempt can be imposed by a judge. The punishment for criminal contempt, however, has to be decided by a jury. That is my view of this measure; and I respectfully say to my colleagues that I have given hour after hour of study to it.
>
> I respect the knowledge which other Senators have of this subject; but I know I have given it attention; and through my experience as a judge, and as a result of 6 years of service as a teacher of the law of equity, I know something about the substantive law and the procedural rights in equity.

That is a summary in a few words of the heart of this controversy.

I recommend to all my colleagues that they also review the interrogation to which the Senator from New York [Mr. JAVITS] was subjected by the Senator from Ohio [Mr. LAUSCHE] on July 18, 1957, which is recorded on page 12082 and succeeding pages, to page 12087. I think my colleagues upon reading that interrogation of the junior Senator from New York will come to the conclusion that the Senator from Ohio secured from the junior Senator from New York the acknowledgment that this bill, if it contains section 121, will take away from the American citizen the right to trial by jury granted to him in the Bill of Rights, by attempting to transfer the punishment of criminal contempt to the judge without a jury. If Senators will read those pages they will come to the same conclusion as that to which I have come, I am sure.

Unless the Senate decides that it wants to adopt new punitive provisions of law to enforce criminal statutes which have been on the statute books since reconstruction days, the Anderson-Aiken-Case of South Dakota amendment to strike section 121 of part III will be adopted. It does not require any complex technical legal argument to prove that this is so. The bill containing this part was presented to the Congress by Attorney General Brownell with the statement that in offering it—

> The primary interest of the Government is in making it possible for all citizens to vote without discrimination based upon race, creed, or color, and not in punishing local officials for denying these rights.

It was so accepted by the President of the United States. It was so accepted by Members of Congress, by editors, and by a substantial segment of the public. It has now been discovered by the press, and admitted by its proponents, to be a masked attempt to give the Government, through the Attorney General, the right to seek punishment by judicial order, rather than by criminal prosecution, citizens charged with crimes of force and violence prohibited by both State and Federal law. In the guise of protecting voting rights, it destroys the right of trial by jury, and yet its proponents have called it a civil-rights bill.

PART III TAKES AWAY A CIVIL RIGHT GRANTED BY THE CONSTITUTION

Both rights, the right to vote and the right of jury trial, are civil rights and belong to all citizens of the United States regardless of race, creed, or color. Let no one forget that these rights, the right of citizens to be tried by jury when charged with criminal offenses, and the right of citizens to vote, are both civil rights granted by the Constitution. Both rights should be preserved. If we now attempt to protect voting rights by extending to the courts of equity the power to punish with fine and imprisonment any criminal act that may be alleged to have been a denial of the equal protection of the laws, then we create a precedent for using the courts of equity for any purpose this or any future administration may have in mind, without regard to the Bill of Rights.

Attorney General Herbert Brownell has been broadly quoted in the press as having said in a recorded broadcast with Representative KENNETH KEATING, of New York, that he was opposed to any compromise aimed at taking away or modifying civil rights that are guaranteed to all of our citizens by the Constitution. If these indeed are the words of the Attorney General, and if they represent his real purpose, then he must join with those of us who wish to strike section 121 of part III from the bill, because that part of the bill does exactly what he condemns. It takes away a civil right guaranteed to all of our citizens by the Constitution.

UNITED STATES ATTORNEYS HAVE AUTHORITY TO PROTECT CITIZENS' RIGHTS

Sections 241, 242, and 243 of title 18, United States Code, have been on the statute books for almost 100 years. They were written for the most part in reconstruction days to protect the rights and privileges of all citizens. The first of these punishes by a fine of not more than $5,000 or imprisonment for not more than 10 years, or both, 2 or more persons who conspire to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured him by the Constitution or the laws of the United States.

If two or more persons go in disguise on the highways or on the premises of another for the purpose of preventing the free exercise of such rights or privileges they are subject to criminal indictment and criminal punishment.

Whoever under color of any law or custom willfully subjects any inhabitant of any State or territory to the deprivation of his rights, privileges or immunities, or whoever under color of any law or custom subjects any such person to different punishments or penalties by reason of his color or race, such person is subject to fine and imprisonment for an indictable criminal offense.

Section 243 provides that if any officer or other person charged with the duty of selecting or summoning jurors excludes or fails to summon any citizen in any court of the United States, or of any State, on account of his race, color or previous condition of servitude, such officer is committing a crime and is punishable by a fine of not more than $5,000.

Every single crime condemned by any one of the statutes I have just mentioned may be prosecuted now, without additional legislation, by the order of the Attorney General or by any United States District Attorney anywhere in the United States. No new law is required to enable the United States to prosecute these crimes.

ATTORNEY GENERAL COULD HAVE BROUGHT SUIT IN LOUISIANA DISENFRANCHISEMENT

Yet the Department of Justice, in explaining the need for the new bill with part III included, cited a report of the FBI that approximately 4,000 Negroes of a certain parish in Louisiana were registered voters in that parish on January 17, 1956, and that all but 694 had been disenfranchised.

This disenfranchisement was completed on the 2d or 3d of October 1956, not yet a year ago.

It was the testimony of Attorney General Brownell that—

> This mass disenfranchisement was accomplished by a scheme and device to which a

number of white citizens and local officials were parties.

Let me repeat that statement of the Attorney General:

> This mass disenfranchisement was accomplished by a scheme and device to which a number of white citizens and local officials were parties.

He went on to explain that a citizens' council was organized. It procured and filed with the registrar of voters purported affidavits challenging the qualifications of registered voters. Thereupon, according to the FBI report related to the Senate Judiciary Committee in its hearings, those voters whose rights were thus attacked by the joint action of members of a citizens council and the registrar of voters, were injured and oppressed in the free exercise and enjoyment of their rights and privileges to vote as assured by the Constitution and the laws of the United States.

The latter part of that statement is my conclusion, but it is an obvious conclusion. The council was formed. It conspired with the registrar of voters. It filed purported affidavits, and according to the FBI report, the number of Negroes registered was reduced from 4,000 to 694. All this happened in the year 1956.

This scheme or device thus described by the Attorney General was a clear conspiracy prohibited by section 241 of title 18 of the Criminal Code of the United States. Mr. Brownell was head of the Department of Justice when the alleged offenses were committed. The registrar of the parish in question and the members of the citizens council who participated in the scheme of disenfranchise these qualified voters could all have been prosecuted and punished under existing law. But they would have been entitled to a jury trial.

PART III WOULD TRANSFORM CRIMINAL CASES INTO CIVIL ACTIONS

If it be argued that a jury trial was impossible because qualified jurors would be excluded from the jury or would not be summoned to serve on account of race, color, or previous condition of servitude, then, of course, section 243 would come into play. The official charged with the duty of summoning jurors, if he failed to call any persons having all other qualifications because of prejudice on account of race or color, could also be made a defendant in a civil proceeding, and any one or group of the citizens excluded would have the right to seek redress in a court of equity, obtaining a mandatory injunction to require his registration as a voter and as a juryman. On July 18 in a colloquy with the junior Senator from South Dakota [Mr. CASE] the able Senator from New York [Mr. JAVITS], paying a deserved compliment to the Senator from North Carolina [Mr. ERVIN], said that the Senator from North Carolina had told him that there is no question about the right to equitable relief by an individual under part III of section 1985. To this the Senator from North Carolina responded that in his view under presently existing statutes a private individual has the right to sue in the Federal courts and obtain injunctive relief for the protection of his rights. I am of the same opinion, and it seems therefore conclusive to me that the purpose of part III in empowering the Attorney General to institute civil actions for injunctive relief instead of criminal actions for the punishment of crime is merely seeking to transfer the whole category of criminal offenses against civil rights from the criminal to the equity side of the court.

There can be no doubt about the accuracy of the analysis of the present law as above set forth. Therefore, I have no hesitation in saying that the whole purpose of those who drafted part III, and wrote into it section 121, and of those who drafted part IV and wrote into it the authority for the Attorney General to institute civil proceedings in an equity court, had as their sole purpose the avoidance of a basic Bill of Rights civil right, stated in the sixth amendment to the Constitution, that criminal offenses shall be subject to jury trial.

Why was that provision written into the Bill of Rights? It was written into the Bill of Rights because the founders of this Nation had had long experience in this field. They had read their history. They knew that an arbitrary executive Government can and will do. The Founding Fathers were seeking to establish on these shores a government in which the people, not the executive branch of the Government, would be the source of the law. They provided that Congress shall have the right to exercise the limited powers which are given to it by the Constitution. Mr. President, Congress is not an all-powerful legislative body. There are fields and domains into which it may not enter, because those fields and domains are reserved to the States and to the people, when not prohibited to the States.

Therefore, Mr. President, there can be no question that we are watching here an attempt to expand the executive authority of the Government to punish crimes without benefit of jury trial.

CIVIL CONTEMPT WAS DEFINED 126 YEARS AGO BY LAW

It is important to understand what is meant by civil and criminal contempt. Just as the Senator from New Mexico [Mr. ANDERSON], a Democrat and a westerner, has joined with the Senator from Vermont [Mr. AIKEN], a Republican and a New Englander, and now with the Senator from South Dakota [Mr. CASE], a Republican and a westerner, to move to strike section 121 of part III from the bill, so 126 years ago a Democratic Representative from Pennsylvania, James Buchanan, and a Whig Senator from Massachusetts, Daniel Webster, joined to write a new law defining the power of the court in cases of contempt.

Mr. President, a committee of the Senate, with full authority of the Senate, recently decided that Daniel Webster had had such a distinguished career in the Senate that he should have additional recognition by having his portrait hung in the reception room of the Senate—1 of 5 Senators to be so honored. There is no member of that committee, and there is no Member of the Senate who does not know that Daniel Webster was given the deserved reputation of being a great constitutional lawyer, who defended the Constitution and the Union in a historic debate on the floor of the Senate. Who here dares to challenge the statements of Daniel Webster with respect to the Constitution and the powers of the court?

Buchanan and Webster joined in writing the new law defining the power of the court in cases of contempt. That bipartisan law of the early 19th century is still on the statute books, even though in slightly different language. It gives to any court of the United States the power to punish by fine or imprisonment, and in its discretion any contempt of its authority which could be described as misbehavior in the presence of the court, or near enough to such an act as to obstruct the administration of justice, misbehavior of any officers of the court in their official business, or disobedience or resistance on the part of any person to its lawful writ, processes, order, rule, decree, or command. This statute, now cited as section 401 of title 18 of the United States Criminal Code, is very significant, because it is a limitation upon the authority of the court to punish for contempt. The section consists of a single sentence, the opening words before the description of the kinds of contempt that are punishable read as follows:

> A court of the United States shall have power to punish by fine or imprisonment, at its discretion, such contempt of its authority, and none other, as—

Here follow the words describing the misbehavior and the disobedience or the resistance which may be punished. Note the words "none other." Note the words "to punish by fine or imprisonment." It is obvious that here is no limitation on the amount of the fine or the length of imprisonment. But it is evident that the contempts are only those which may be described as misbehavior in the presence of the court or obstructing the administration of justice by any person, misbehavior of any officer, and finally disobedience or resistance to an order of the court.

JURY TRIAL AMENDMENT WOULD NOT APPLY TO CIVIL CONTEMPT CASES

More important, this is a power which the courts may exercise without the intervention of a jury, for this section deals only with civil contempt, and the court may find the facts and punish by fine or imprisonment without calling a jury.

It is true that section 401 is listed in title 18 of the Criminal Code; but the drafting of that code was done many years later, and section 401, or the Buchanan-Webster Act, was written so that the court would have authority to punish by fine or imprisonment. The experts who worked on the codification of the law, in trying to make it simpler and easier to understand, and so forth, listed this section in the Criminal Code. However, a reading or it will readily show that all the power of the court extends only to misbehavior, in or out of the presence of the judge, which interferes

with the dignity and the procedures of the court, and disobedience of the mandates of the court.

Nowhere is there contained any word about the punishment of any crime. In part III we have a provision which distinctly attempts to give to the court the power to punish criminal offenses, already punishable by statutes which have been on the books for almost 80 years, and which the Department of Justice has not deemed it necessary to try to enforce. In a parish of Louisiana, for instance, it would have been perfectly simple for the Attorney General to seek an indictment charging conspiracy under existing law.

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

Mr. O'MAHONEY. I am under some restrictions; but in view of the fact that the Senator comes from the State of Louisiana, of course I yield to him.

The PRESIDING OFFICER. The Senator from Wyoming has only 2 minutes remaining.

Mr. LONG. Then I will not ask the Senator to yield.

Mr. O'MAHONEY. What, then, is criminal contempt? Criminal contempt is not the mere violation of an injunction or mere disobedience of a lawful writ, process, order, rule, decree, or command of any district court of the United States, whether the violation is the doing of a forbidden act or the failure to perform an act that is ordered. All of this is civil contempt, and civil contempt alone. It may be punished by the court without a jury to find the facts, and the amendment with respect to jury trials which I presented in this Chamber on July 8 does not modify the power of the court as described in section 401 of title 18 in any way, shape, or manner, because it is so drafted as to put it wholly within the discretion of the court to determine when the facts in any case involving voting rights are of such materiality that a jury should be called. Misbehavior in the presence of the court, or obstructing the administration of justice, or misbehavior by any officer of the court, is visible to the court itself and punishable by the court itself. So also is disobedience or resistance to a lawful writ, order, or decree.

PART III WOULD DENY JURY TRIAL IN CRIMINAL CONTEMPT CASES

Criminal conduct is something different from civil contempt, and it was made so when the Clayton Act was passed. The provision of the Clayton Act, a law to regulate interstate commerce, the commerce which for the most part is carried on by artificial persons, now appears as section 402 of title 18 of the Criminal Code. It bears the heading "Contempts Constituting Crimes." It is clear, therefore, that section 402 following immediately after section 401 describes criminal conduct as distinct from the civil conduct over which the judge alone was made the authority to exercise punitive power. To be criminal contempt, the disobedience of the court order must first of all be willful, and in addition thereto the disobedience, the act of violation, or the omission to obey an order, must also constitute a criminal offense under an act of Congress or of the laws of the State in which the act was done or omitted.

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

Mr. ANDERSON. Mr. President, in order that the Senator from Wyoming may finish his prepared statement, I yield to him 5 additional minutes.

Mr. O'MAHONEY. I thank the Senator from New Mexico.

When such is the case, that is, when the disobedience is willful and is also a violation of Federal or State law, the accused may demand and receive a jury trial. This is the civil right which part III of the bill before us takes away from every citizen of the United States.

JURY TRIAL IN CRIMINAL CASES IS BASIC AMERICAN CIVIL RIGHT

It will be observed that in section 401 only disobedience or resistance to the court order is made punishable. Under section 402, Congress carefully wrote in the word "willfully," and this is the way the sentence reads:

> Any person, corporation or association willfully disobeying any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia, by doing any act or thing therein, or thereby forbidden, if the act or thing so done be of such character as to constitute also a criminal offense under any statute of the United States or under the laws of any State in which the act was committed, should be prosecuted for such contempt as provided in section 3691 of this title and shall be punished by fine or imprisonment, or both.

Why is this reference made to section 3691? Because that section deals with the subject of jury trials of criminal contempts. In this section of title 18 of the United States criminal code, it again provided that the contempt charged consists of a willful disobedience of a lawful order of the court and the act done or omitted also constitutes a criminal offense under any act of Congress or under the laws of any State, the accused, upon demand therefor, shall be entitled to trial by a jury which shall conform as near as may be to the practice in other criminal cases. That is the law now. It is a civil right which will be taken away from us unless the amendment now pending shall be adopted.

Then the section thus granting the right of jury trial in cases of criminal contempt contains another paragraph making sure that it is not to be confused with the civil contempts previously described in section 401. It is provided in the second paragraph of section 3691 as follows:

> This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States.

Thus it is made clear that the crimes defined in sections 241, 242, and 243 of title 18 of the United States Criminal Code, the sections which are the provisions of part III incorporated only by reference, are triable by jury not only because in their own terms they involve fine an imprisonment subject to trial by jury, but because, if they are contempts committed willfully in violation of an order of an equity court, they are subject to jury trial on the demand of the defendant because they are crimes in themselves, as well as willful disobedience of a Federal statute.

SENATOR JAVITS AGREES PART III WOULD TRANSFER CRIMINAL CASES TO CIVIL DOCKET

This seems to be the interpretation of the able junior Senator from New York [Mr. JAVITS], formerly a Member of the House of Representatives, formerly Attorney General of the State of New York, and a very able lawyer. In a colloquy with the junior Senator from Rhode Island [Mr. PASTORE], which can be read on page 12087 of the CONGRESSIONAL RECORD of July 18, the Senator from New York said:

> Mr. JAVITS. Therefore, will the Senator state his question in these terms: If a man is now a party to litigation in which the United States is not a plaintiff, and he violates a decree, and if the court whose decree he violated wishes to punish him—not merely to force him to comply with the decree, but to punish him—and if at the same time the act he has committed is also a crime * * * then he is entitled to a trial by jury.
>
> If on the other hand, in the identical situation, the United States were the party complainant in the original litigation, and the decree ran to the United States, he would not be entitled to trial by jury.

There, Mr. President, is the explicit admission by one of the most able supporters of the bill that by making the United States a party to the action, as set forth in section 121, a criminal case will be taken from the criminal court, where it is triable by a jury, and will be handed over to the equity court, where the person so charged can be punished without a jury. This is a plain, clear violation of the Bill of Rights. It is a violation of the civil rights of citizens of the United States.

Thus, on the testimony of the junior Senator from New York on the floor of the Senate, I charge that part III attempts to transfer the crimes identified by sections 241, 242, and 243 of title 18 from the criminal to the civil side of the court.

The Senator from New York seems to justify this transfer, because, as he puts it—CONGRESSIONAL RECORD, July 18, 1957, page 12087:

> When a local official, and we are dealing with officials—with people who have a great deal of backing, who have State and communities behind them—has the choice between complying and not complying, he knows that all he has to do is to drag his feet until after election day, and then the contempt will not be civil contempt, but criminal contempt, and he will be entitled to a jury trial, in which his own friends will be on the jury.

This "dragging of the feet" is an assumption, an assumption that the judge will issue an order that will be subject to such delay, an assumption that the officials involved will choose to defy rather than to obey the court. Neither assumption is justifiable in the making of a law. The only dragging of the feet

which has been revealed by the testimony with respect to this bill is the dragging of feet of the Department of Justice in its failure to enforce the criminal statutes already on the statute books without seeking the additional remedy asked for in this bill.

The PRESIDING OFFICER. The time yielded to the Senator from Wyoming has expired.

Mr. O'MAHONEY. Mr. President, I ask that I may proceed for an additional one-half minute.

Mr. ANDERSON. Mr. President, I yield an additional minute to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for an additional minute.

Mr. O'MAHONEY. I thank the Senator from New Mexico.

PART III WOULD ADMIT ADMINISTRATION INTO FIELDS HISTORICALLY RESERVED TO CITIZENS AND STATES

Once the right to vote is granted, we need none of the trappings of part III giving the Attorney General the power to bring civil-contempt cases in a score of areas and actions which may be embraced in the phrases "the equal protection of the law," "the privileges and immunities of citizens," and the like. Here we are asked to pass a bill that puts into the hands of this administration and any succeeding administration powers to invade every field which freemen have historically contended to be the domain of the citizens themselves, as well as of the States. This is a bill which could alter this Government from a government of, for, and by the people to a government by temporary occupants of the executive seats of power.

Mr. President, I yield the floor.

Mr. KNOWLAND. Mr. President, I yield 10 minutes to the junior Senator from New York [Mr. JAVITS].

The PRESIDING OFFICER. The Senator from New York is recognized for 10 minutes.

Mr. JAVITS. Mr. President, I have heard with great interest the speech of the Senator from Wyoming [Mr. O'MAHONEY], in which he quoted very liberally from the speech I made in the Senate. I am given point in what I am about to say by that speech, for the reason that it seems to me one of the things from which the Senate has suffered in this debate—and I do not say this invidiously—has been the confusion caused among the majority by the infiltration of the minority. Let me explain that.

It seems to me there is in this Chamber a very clear majority of Senators who wish to have passed an effective civil-rights bill. That was shown by the procedure, which some Members of the Senate considered extraordinary, by means of which the bill was placed upon the calendar. It seems to me that showed very clearly that a majority want to have an effective civil-rights bill passed.

Nevertheless, in the course of the debate, and even in the press, there has been considerable confusion. Even this majority seems to have felt to some extent, at least up to now, some diminution of its purpose and its determination. I think the speech made by the Senator from Wyoming demonstrates what Senators who are against the amendment are faced with. So I think the speech was very valuable from that point of view, for when we analyze the speech of the distinguished Senator from Wyoming, it comes down to this: He is opposed to part III; he is in favor of jury trial in contempt cases where the United States is the complainant and it really is not necessary to include part IV, anyway, because in the Louisiana situation—which was described in detail by the Attorney General before a subcommittee of the Senate—it was possible to have criminal prosecution. Hence, let us forget about the bill.

Mr. President, Senators should understand the situation clearly, so they will understand the position of those who are in favor and those who are opposed.

A good many who are opposed say, "Part III is not needed. Part IV is not needed. There is and should be a provision for jury trial. So let us forget about the bill."

Mr. President, let all Senators understand the meaning of the vote which will be taken today. It will be a supremely important vote. I say that despite the prediction of those who say that Senators against the amendment will lose as a result of that vote. The vote will be supremely important because it will start a process by which the whole ball game can be lost. The vote will be vital from that point of view. Every Senator who votes today will know that it is not the last time he will hear about that vote.

Mr. President, what is the Senate about to vote on? Why is the vote about to be taken? What is the purpose in having the bill before the Senate? Is it because suddenly some Senators have picked out of the air the need for a civil-rights bill which will give an additional remedy of injunction to the Attorney General? Certainly from the speech made by the Senator from Wyoming that point of view is very clearly set forth. Let us look at the bill: No new rights will be given; no rights will be taken away. There will be an additional remedy by means of which the Attorney General can move by way of injunction.

Mr. President, I shall not at this time argue the question of jury trial, because it is hornbook procedure; and the Senate knows very well that it will work its will as regards jury trial, regardless of whether the Senate votes to include part III or votes to strike out the substance of part III. So I shall not use any of the 10 minutes yielded to me to discuss jury trial, there will be opportunity to do that, I am sure.

In summing up—which is all I can do now—I begin by asking why the bill is before the Senate. It is before the Senate because there is a great national welling up of feeling on this subject; and it is sparked by violence, bombings, killings, the calling in of troops, and the trial of persons who come in from the outside areas—such as Kasper—in an attempt to stir up disorder in particular communities; and it is sparked by the fact that at last the Supreme Court has spoken on basic questions of civil rights.

Some Senators may not like the decisions of the Supreme Court, but they certainly like the three institutions of which the Supreme Court is one great part, because those institutions have saved the country before, and they will save the country again. The function of the Court is absolutely indispensable to our government.

So, Mr. President, it seems to me that the situation comes down to this: The arguments against part III are essentially the arguments of interposition which we have heard before, that the States' power may be interposed between that of the Federal Government and the citizen, and that if a State does not like what the Federal Government has a right to do, the State can invalidate it. This is a very, very serious matter; and it goes right back to the situation existing before the Civil War. It is most interesting to me to note that the arguments we hear, like that based upon the position taken by Daniel Webster, hark back to the time before the adoption of the 14th and 15th amendments. But when we consider the situation existing after the adoption of the 14th and 15th amendments, we are compelled by the logic of the Constitution to vote to retain part III.

The second point which has been made by the opposition is really one of the danger of defiance of the law in a certain area of the country; and in that connection reference is made to a statement made many, many years ago by a famous President:

> The Supreme Court has made its decision. Now let it enforce it.

Mr. President, why is the Senate now considering this bill? Would Senators like the Supreme Court to say: "The Congress has passed this law. Now let the Congress enforce it"? Would Senators like the President to say to the Congress, "The Congress has passed this law. Now let the Congress enforce it"? Therefore, Mr. President, do Senators have any right to say the same thing to the courts?

Third, Mr. President, and this is very important, for I believe it goes to the heart of this matter—I would speak of infiltration. Senators on both sides of the issue are frank, Mr. President. Inasmuch as the Senator from Wyoming referred to me and to my honest efforts in favor of enforcement of the Constitution and laws, those of us on this side of the issue have a right to quote what our opponents have said.

The most vigorous opponent says this—and it is very simple. It is also what the majority of this body will have to answer to, depending on whether the majority vote with the opponents or against the opponents of part III—on July 2, the senior Senator from Georgia [Mr. RUSSELL] said, as appears at page 10772 of the CONGRESSIONAL RECORD—and this is the essence of the matter:

> I unhesitatingly assert that part III of the bill was deliberately drawn to enable the use of the military forces to destroy the system of separation of the races in the Southern States at the point of a bayonet, if it should be found necessary to take this step.

The Senator from Georgia is not assuaged by changes which have been

made in the bill, for on July 18 he said—as appears in the CONGRESSIONAL RECORD on pages 12073–12074:

Even with the amendment, part III would authorize the Attorney General, according to his whim or fancy, to use every might of the Federal Government, except the bayonet, to destroy the system of separation of the races in the Southern States, in schools, and in all public places of entertainment operating under State license.

Mr. President, that illustrates what I mean. If part III remains in the bill, it will destroy the system of separation of the races. If part III is stricken from the bill, then something else will destroy the system of separation of the races.

What is it that is sought to be preserved by the opponents who have dug themselves in so deeply? Part III would hope to move toward ending the "system of separation of the races"; and if there is to be a Federal Government and if there is to be a Supreme Court and a constitution, the rest of us cannot tolerate a system of separation of the races; and the courts have said so. The boiling public opinion of the country says so; and those who are being injured say so. So the Senate must do something effective about it.

That brings me to a brief discussion of the bill.

Part III of the bill is the most moderate provision the Senate can make that will be truly effective. It is the most moderate kind of provision because it seeks to give the Attorney General a remedy, whereas before this he has not had an effective remedy. The Senator from Wyoming proved that when he said the Attorney General apparently knew that a crime was committed as to a conspiracy to deny voting rights in Louisiana, but he did not prosecute. Why did not he prosecute? He did not prosecute because he knew it would be a waste of time.

Mr. LONG. Mr. President, will the Senator from New York yield to me?

Mr. JAVITS. Mr. President, I have only 10 minutes. If the Senator from Louisiana will have some additional time yielded to me by the other side, I shall be delighted to yield.

Mr. President, I am a lawyer, and I have a great belief in finality. I say this to the opponents of the bill, as well as to the majority of the Senate which I think favors the bill: If the Senate does not include part III in the bill—and part III does not increase present rights one bit, but gives only added, more effective, means for the enforcement of existing rights—what will happen? Then the Senate will have left out the whole body of civil rights, except—if part IV is retained—the voting right. But a whole body of rights, including the right of jury service, the right to be a litigant, and so forth, will be left out.

That leaves the question boiling in the country, unresolved. It means we shall have to come back here—I, or anyone who succeeds me, and other Senators—time and time again for different types of legislation and it is not going to be weaker legislation. It is going to be stronger legislation because of the determination to refuse to deal with it now by the simple processes of an equity court, with this range of civil rights which urgently need protection throughout the country.

Mr. President, this debate will soon be over, but do you think the excitement in large areas of our country will be over? I think not, for this reason. The opponents of the bill stand on the floor and say we are giving one man tremendous power to do X, Y, and Z. Let us see what they are doing in their own States.

I hold in my hand an excerpt from the July 1957 Southern School News, of Nashville, Tenn. It reads in part, referring to South Carolina:

The general assembly ended its 1957 session on June 21 with a number of prosegregation measures incorporated in its enactments of the current year:

This refers to the South Carolina General Assembly.

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

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

LEGISLATIVE ACTION

The general assembly ended its 1957 session (second longest on record) on June 21 with a number of prosegregation measures incorporated in its enactments of the current year. One of the measures was an act vesting the Governor with considerable emergency authority.

This particular act (S. 197) pulled together in one package the Governor's existing authority over the militia and law-enforcement agencies and added to it new power to discontinue or take over any "transportation or other public facilities" and to secure compliance with his proclamations "by injunction, mandamus, or other appropriate legal action."

In even broader terms, "The Governor is hereby authorized and empowered to take such measures and to do all and every act and thing which he may deem necessary in order to prevent violence or threats of violence to the person or property of citizens of the State and to maintain peace, tranquillity, and good order in the State, and in any political subdivision thereof, and in any particular area of the State of South Carolina designated by him."

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. KNOWLAND. Mr. President, I yield 3 additional minutes to the Senator from New York.

Mr. JAVITS. I thank the Senator.

Mr. President, I should like to read one extract from the excerpt from the Southern School News, referring to one of the acts enacted by the General Assembly:

The Governor is hereby authorized and empowered to take such measures and to do all and every act and thing which he may deem necessary in order to prevent violence or threats of violence to the person or property of citizens of the State and to maintain peace, tranquillity, and good order in the State, and in any political subdivision thereof.

And so forth. Who talks of complete power? That is a law enacted by the General Assembly of South Carolina.

Now, I turn to what happened in the State of Georgia. It also enacted a statute on February 15 giving the Governor the right to control any public utility, any park, any playground, and to direct when people shall use them or not use them.

Mr. President, I ask unanimous consent that the bill enacted early this year by the Legislature of the State of Georgia may be printed in the RECORD at this point as a part of my remarks.

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

House Bill 2

A bill to be entitled an act in aid of existing powers and to confer additional powers upon the Governor of the State of Georgia: to authorize and empower the Governor of the State of Georgia to protect the public against violence, property damage, and overt threats of violence; to issue his proclamation and order; to order and direct any person, corporation, association, or group of persons, to prevent or refrain from causing damage to life, limb, or property, or a breach of the peace; to authorize and direct the State militia, the sheriffs, or the department of public safety, or any State or county official of the State of Georgia to maintain peace and good order, to provide for the enforcement of the Governor's proclamation relating to the same by all the courts of the State of Georgia, providing for the time limit within which this act shall be effective, to provide emergency rules and regulations, and for other purposes

Whereas, the State of Georgia, through its constituted officials under the constitution, statutory law, and policy power of the State, may control violence (threatened or actual against persons or property); and, whereas, the State has the dominant interest in and is the natural guardian of the public against violence and is empowered under the general sovereign authority of the State to prevent violence and overt threats of violence: Therefore

Be it enacted by the Legislature of the State of Georgia and it is hereby enacted by authority of the same:

SECTION 1. The Governor of the State of Georgia is hereby authorized and empowered to take such measures and to do all and every act and thing which he may deem necessary in order to prevent overt threats of violence, or violence to the person or property of citizens of the State and to maintain peace, tranquillity and good order in the State, and in any political subdivision thereof, and in any area of the State of Georgia designated by him.

SEC. 2. The Governor of the State of Georgia when, in his opinion, the facts warrant, shall, by proclamation, declare that, because of unlawful assemblage, violence, overt threats of violence, or otherwise, a danger exists to the person or property of any citizen or citizens of the State of Georgia and that the peace and tranquillity of the State of Georgia, or any political subdivision thereof, or any area of the State of Georgia designated by him, is threatened, and because thereof an emergency, with reference to said threats and danger, exists. In all such cases when the Governor of the State of Georgia shall issue his proclamation as herein provided he shall be and is hereby further authorized and empowered, to cope with said threats and dangers, to order and direct any individual person, corporation, association or group of persons to do any act which would in his opinion prevent danger to life, limb or property, prevent a breach of the peace or he may order such individual person, corporation, association or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb, or property, or cause, or tend to cause,

a breach of the peace, or endanger the peace and good order of society, and shall have full power by appropriate means to enforce such order or proclamation.

SEC. 3. The Governor of Georgia is hereby authorized and empowered to promulgate and enforce such emergency rules and regulations as are necessary to prevent, control, or quell violence, threatened or actual, during any emergency lawfully declared by him to exist. In order to protect the public welfare, persons and property of citizens against violence, public property damage, overt threats of violence, and to maintain peace, tranquillity, and good order in the State, these rules and regulations may control public parks, public buildings, public utilities, or any other public facility in Georgia, and shall regulate the manner of use, the time of use, and persons using the facility during any emergency. These rules and regulations shall have the same force and effect as law during any emergency, and shall remain in effect during a period of time and in such manner, and shall affect such persons, public utilities, and public facilities as in the judgment of the Governor shall best provide a safeguard for protection of persons and property where danger, violence, and threats exist, or are threatened among the citizens of Georgia.

SEC. 4. Whenever the Governor shall promulgate emergency rules and regulations, such rules and regulations shall be published and posted during the emergency in the area affected, and copies of the rules shall be filed with the Secretary of State for public record.

SEC. 5. The Governor shall have emergency power to call upon the military forces of the State or any other law enforcement agency, State or county, to enforce the rules and regulations authorized by this law.

SEC. 6. The Governor of the State of Georgia, upon the issuance of a proclamation as provided for in section 2 hereof shall forthwith file the same in the office of the secretary of state for recording, which proclamation shall be effective upon issuance and remain in full force and effect until revoked by the Governor, and he is hereby authorized and empowered to take and exercise any, either or all of the following actions, powers, and prerogatives:

(a) Call out the military forces of the State (State militia) and order and direct said forces to take such action as in his judgment may be necessary to avert the threatened danger and to maintain peace and good order in the particular circumstances.

(b) Order any sheriff or sheriffs of this State, pursuant to a proclamation as herein provided, to exercise fully the powers granted them (suppress tumults, riots, and unlawful assemblies in their counties with force and strong hand when necessary) and to do all things necessary to maintain peace and good order.

(c) Order and direct the department of public safety, and each and every officer thereof, to do and perform such acts and services as he may direct and in his judgment necessary in the circumstances to maintain peace and good order.

(d) Authorize, order or direct any State, county or city official to enforce the provisions of such proclamation in each and every and all of the courts of the State of Georgia by injunction, mandamus, or other appropriate legal action.

SEC. 7. The Governor of the State of Georgia is hereby authorized and empowered to intervene in any situation where there exists violence, overt threats of violence to persons or property and take complete control thereof to prevent violence, or to quell violence or any disturbance or disorder which threatens the peace and good order of society.

SEC. 8. This act shall take effect immediately upon its signature by the Governor.

Mr. JAVITS. Mr. President, I now quote the Governor of Mississippi. This is the United States of America. He said the following on June 21, 1957, and I read an excerpt quoted from the State Times of Jackson, Miss.:

> I do not think Negroes are ready to vote in Mississippi at this time.

"I do not think," the Governor of Mississippi says, "I do not think," notwithstanding the 14th amendment, and, indeed, the morality of the country:

> I do not think Negroes are ready to vote in Mississippi at this time.

Let us get our sights clear. Let us understand what we are talking about and what we are legislating for, because after the confusion of the debate is over, we are all going to have to face millions of Americans. Those millions of Americans may be confused now, but they are not going to be confused tomorrow when these laws are enforced, when the courts are full of litigation, when there may be more disorder, violence, and confusion. They will say, "You had your chance. Why did you not do something about it?" We shall be back here trying to do something about it. Yet we now have a chance to do the moderate thing by giving the highest legal officer of the United States this very limited authority, a type of authority which from time immemorial has been in our law, which protects any individual who is aggrieved, but which we have shown the private individual cannot make use of because he is intimidated or has no funds or due to antibarratry statutes.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. CASE of South Dakota. May I ask unanimous consent to speak for 1 minute, and that it be charged to the time later to be granted to me by the Senator from New Mexico?

Mr. BIBLE. Mr. President, I am very happy to yield to the Senator from South Dakota 1 minute, to be taken from the time on this side.

Mr. CASE of South Dakota. I wish to speak merely for the purpose of clarifying a point on which there has been some difference. I ask the Senator from New York if he does not agree with me that the phrase "this act" where it appears on page 12, subparagraph (e), applies only to part IV or to the statutes which are amended by part IV, rather than to any other language?

Mr. JAVITS. We have looked into that question, and it does apply to part IV. I will say to the Senator, when we decide as a Senate whether part III shall remain in the bill, I shall have no objection to applying that language to part III as well, and I feel that should be done.

Mr. CASE of South Dakota. However, as the language stands, it applies only to part IV. Is that correct?

Mr. JAVITS. That is my understanding.

Mr. KNOWLAND. Mr. President, I yield 10 minutes to the Senator from Michigan.

Mr. McNAMARA. Mr. President, I rise to speak in support of part III of the pending civil-rights bill.

To my mind, part III is probably the most important part of the entire proposed legislation. It is at least equally important as any other section.

Much has been said that this is simply a right-to-vote bill. Indeed, the opponents of this measure have sought to make it appear that part III was diabolically sneaked into the bill under the cover of a moonless night—a witch riding a bayonet pointed at the heart of the South.

Yet part III, as it stands before the Senate today, is no newcomer to the bill.

It was there when the bill was drafted originally. It was there when the House held its hearings. It was there when the House debated the measure. And it was still there when the House passed this bill by a vote of 286 to 126.

No, Mr. President, part III is no stranger to us. But it is being used as the whipping boy by the opponents of civil-rights legislation.

Should they succeed in stripping the bill of part III, the next step, of course, will be to emasculate part IV, the right-to-vote section. Then they will turn about and have a few whacks at parts I and II for good measure.

The result will be simply a comic-opera version of a civil-rights bill.

It will become a meaningless jumble of words—a pious pronouncement on civil rights—but completely devoid of any strong measures to correct the abuses which make civil-rights legislation so necessary.

For the past few days, this Chamber has been filled with a legal smog. The opponents have stripped down part III to the commas and semicolons. They seemingly have sought to outdo each other in legal pettifoggery.

The object has been to obscure the need for the provisions of part III.

Some—who ordinarily would be on the side of the people—would appear to have fallen for this maneuver. In fact, they seem to be unwittingly helping the outright opponents gut this bill of any effectiveness whatsoever.

They should know by this time that they are being used to destroy this great opportunity we now have of passing a meaningful civil-rights bill. Then, if they continue, they will have to live with their own consciences.

As I said at the outset of my remarks, part III is vastly important.

Of course, the right to vote is also important. And part IV of the bill, which bears on this matter, must remain intact in the legislation when enacted.

But the title of H. R. 6127 now before us reads:

> An act to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

Part III, Mr. President, relates to securing and protecting the civil rights of our citizens.

The original Anderson-Aiken amendment would strike out part III in its entirety.

What would it mean if part III were eliminated? We would be telling a large

number of our citizens that the Senate, in all its wisdom, has only crumbs to offer them this year. We have decided to let them vote—that is, if part IV remains intact. We will tell them to be patient; they have waited only about 90 years for us to give them the right to walk unhindered to the voting booth. Be patient, we will say. In another 90 years or so we may let them have another of the civil rights the Constitution guarantees.

But, in addition to withholding full first-class citizenship, Mr. President, we would do a great amount of actual harm by striking out part III.

We would be telling the world that the Senate of the United States does not support the Supreme Court decision ordering the desegregation of public schools.

Instead of helping to implement the Supreme Court ruling, as we should, we would be helping to destroy the effectiveness of that order.

This would not be a civil rights obstructionist talking, Mr. President—it would be the Senate of the United States.

And the elimination of part III could have the same adverse effect on the decisions permitting the Negro to ride in an unsegregated bus.

Part III gives the people who are wronged, and their Government, an opportunity to correct the abuses.

There would be no need for part III—or this entire bill—if these abuses did not exist.

These abuses are not figments of the imagination.

The fact that great numbers of persons are deprived of their right to vote has been carefully documented already in this debate.

Segregation of children in public schools is an abuse which brought forth the now historic decision of the Supreme Court of the United States.

If we, as the Senate, are content to tell the world that this decision was only a whim on the part of the Justices of the Supreme Court—and not worthy of implementation—then we can strike out part III.

That is what we would be doing, Mr. President. We would not only be telling American citizens that they do not deserve the rights and privileges of the Constitution, but we would be telling the world that America—the land of the free and the home of the brave—does not practice what it preaches.

Let us see how brave we are—as the Senate of the United States—by passing this bill as it stands before us today.

There is no more fervent supporter than I, Mr. President, of the wish that we had universal acceptance of these lines from the Declaration of Independence:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

When those words were written, Mr. President, the people were throwing off the yoke of tyranny. Our ancestors fought a war to secure the rights spelled out in the Declaration of Independence.

The desire for these rights is no less today than it was in 1776.

But, today, we are proposing no war to achieve these rights for all our citizens.

We seek to do it by law—sound law—and part III is a basic part of that law.

The image of troops marching into the South to enforce part III of this bill was a scare tactic, pure and simple. It had no relation to fact.

Yet the opponents of civil rights used it again and again in an attempt to give it the respectability of truth.

I am hopeful that this phony issue is now forever buried as a result of the adoption of the Knowland-Humphrey amendment.

I have said before on this floor, Mr. President, that the pending bill is a moderate one, and that it leaves little or no room for compromise.

I personally feel that the civil rights of all our citizens are so important that legislation guranteeing such rights cannot be too strong.

If part III is stricken from the bill, we will be faced with an all-out attack on part IV.

Those who support this move to gut the bill are helping to drive another nail in the coffin of civil rights.

We are told—indeed threatened—that if part III is included in any civil-rights legislation the South will abolish its public-school system.

Since the Supreme Court issued its decree we have seen some States scratching around for ways to accomplish this.

Who would be hurt by such a move, Mr. President?

Not those of us in Michigan or in the majority of the States of this great Nation.

By seeking to circumvent the law, the Southern States would be hurting only their own people.

That, indeed, is a head-in-the-sand approach to civic responsibility.

We see other attempts to gerrymander the voting districts—in a bold maneuver to strip Negro voters of any effect they may have—that is, should they be given the right to vote.

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

Mr. McNAMARA. Mr. President, will the Senator from California yield me an additional 1½ minutes?

Mr. KNOWLAND. I yield 1½ minutes to the Senator from Michigan.

Mr. McNAMARA. That strange, negative train of thought runs through all the arguments of the opponents to civil rights.

Fearful that some sort of civil-rights bill probably will pass the Congress, their objective seems to be to see that the punishment for violators of its provisions is made as light as possible.

They want jury trials for those who violate the rights of others and who are called to task by the courts in contempt proceedings.

They want to knock out part III, which could be used to enforce the Supreme Court decisions.

In other words, they anticipate—and even invite—violations by the people of their States.

We are also informed that part III is so sweeping that it can be used against any section of the country.

That is fine. It should be used against any section of the country that violates the civil rights of its citizens.

These rights are not arbitrarily halted by State boundaries. They are universal—as universal as our Constitution.

There is absolutely no moral or legal justice in the arguments raised against this bill, Mr. President.

It is high time the Senate proves that it is truly representative of the best interests of all the people of this Nation—and it can do so by defeating the Anderson-Aiken-Case of South Dakota amendment.

It can further prove this by knocking down the other crippling amendments—and passing this moderate bill substantially as it came from the House.

Mr. KNOWLAND. Mr. President, I yield 10 minutes to my colleague, the junior Senator from California.

The PRESIDING OFFICER. The junior Senator from California is recognized for 10 minutes.

Mr. KUCHEL. Mr. President, there is no reason for Senators to be deluded about the basic issue facing us in the pending amendment, although I must confess there has been a mountain of misinformation and misinterpretations heaped into the RECORD these past several days when part III of the civil-rights legislation and the amendment to strike it out have been debated. That need not, however, blind us or confuse us as to what the issue is, or what the judgment of the Senate ought to be.

I think the question for the Senate can be simply stated:

Should the United States Government be authorized by Federal court equitable action to prevent the violation of any person's civil rights? Some of us find that an easy question to answer. We say "Yes." Indeed, it is difficult to imagine why the great majority of Senators should not now join with us in this position. There is nothing strange or novel about it. The House of Representatives overwhelmingly agreed with us on a rollcall vote. It is the position taken by the President and his administration. For what very little it may be worth, I will say it is the position of both the Democratic and Republican Parties in this land of ours, which both promised in their platforms Federal action in the civil-rights field.

The amendment offered by the junior Senator from New Mexico [Mr. ANDERSON] and his cosponsors would answer the basic question in the negative. By striking out title III, they would deny the Federal Government the right to prevent the violation of civil rights through civil action in Federal courts.

Make no mistake about it. If we adopt this amendment we deprive the United States of the opportunity of assisting our people—all our people—in enjoying rights guaranteed to them by the American Constitution. I say, very respectfully, the proposed amendment would destroy the high purpose of the pending bill. It would make a mockery of the high-sounding promises to the American people which the Republican

Party and the Democratic Party both promised less than a year ago. It would emasculate their civil-rights proposal, and reduce constitutional guaranties in some parts of this Nation to a farce.

The right to vote is a precious American right. But I must say it is but one of the many privileges which the fundamental law of this land bestows upon each of our citizens.

The facts are that the 14th amendment to the American Constitution nobly states the American concept of equality on the part of all our people before the law. Let me read the pertinent part of it:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without the due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The facts are that in accordance with the 14th amendment, Congress 85 years ago adopted legislation spelling out the civil rights of citizens flowing from that part of the Constitution. That law is presently comprised of three parts. The first establishes a liability for damages against any person who conspires to interfere with an officer of the United States in the discharge of his duties and as a result thereof injures or deprives another of rights or privileges of a citizen of the United States. The second establishes liability for damages against any person who conspires to intimidate or injure parties, witnesses, or jurors involved in any court proceeding, or who conspires to obstruct the due process of justice in any State court made with the intent to deny to any citizen the equal protection of the laws as the result of the conspiracy for injury or deprivation of another's rights or privileges as a citizen of the United States. The third establishes liability for damages against any person who conspires to deprive another of equal protection of the laws or of equal privileges and immunities under the laws, or of the right to vote in elections affecting Federal offices if the result is to injure or deprive another of rights and privileges of a citizen of the United States.

These are rights guaranteed by the American Constitution and implemented by the Congress of the United States. They have been in effect, as I say, for 85 years. I ask consent that at the conclusion of my comments the text of this law may be set forth in full as part of my comments.

The PRESIDING OFFICER. Without objection, the text may be printed in the RECORD, as requested.

(See exhibit 1.)

Mr. KUCHEL. There, Mr. President, is the basis, constitutional and statutory, for a citizen to receive redress in damages for invasion of his civil rights.

There are two other Federal laws to which I wish to allude. They make it a Federal crime for persons to conspire against a citizen to injure or to threaten or to intimidate him in enjoying the rights and privileges under the Constitution. They make it a crime for one to deny another under color of State law his rights, privileges, or immunities accorded or protected by the Constitution or laws of the United States. I wish to read the text of these two Federal statutes:

CONSPIRACY AGAINST RIGHTS OF CITIZENS

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined not more than $5,000 or imprisoned not more than 10 years, or both (June 25, 1948, ch. 645, 1, 62 Stat. 696).

DEPRIVATION OF RIGHTS UNDER COLOR OF LAW

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or district to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than $1,000 or imprisoned not more than one year, or both (June 25, 1948, ch. 645, 1, 62 Stat. 696).

Thus, Federal law establishes basic constitutional rights of our citizens, and then seeks to protect them—each citizen and all citizens—in the enjoyment of those rights. A person aggrieved has a right to bring a suit for damages against those who have conspired to deprive him of his guaranteed rights. Beyond that, those who conspire against a citizen in this field commit a crime and may be punished accordingly.

But, the violation of a civil right is hardly compensable by a civil judgment in money damages or the fine or imprisonment of the violator. We are interested, at any rate, we ought to be interested in assuring to all the enjoyment of their privileges of citizenship, and that is the reason for title III of this bill.

Title III does not enlarge the field of civil rights which you, Mr. President, and I, and every other citizen are guaranteed. It does not create any new rights, and it does not take any away. Its sole and only purpose is to provide an additional civil remedy by which these rights may be enforced with the assistance of a civil lawsuit filed by the United States. This additional remedy is neither new nor fantastic. Civil suits for preventive relief have been adopted by Congress in many instances in the past. That mode of enforcing the law is on the statute books today in many instances. Action under title III would rest in the sound discretion of the Attorney General, as, indeed, all authority to file lawsuits—civil or criminal—rests today. Where he determined to file such a civil lawsuit, it would be tried before a local Federal judge.

It has clearly been the law ever since the ratification of the 14th amendment that State or local officials may not administer the laws in such a way as to place special burdens upon or deny rights to individuals by reason of their race, color, or creed. In fact, one of the earliest cases of this kind arose in my own State, the case of *Yick Wo* v. *Hopkins* (118 U. S. 356, decided in 1886). The Supreme Court held that it was a violation of the 14th amendment for city officials of a California city to administer an ordinance regulating laundries in such a way as to forbid Chinese laundrymen to operate in wooden buildings while permitting white laundrymen to do so. Problems of this kind can arise in many contexts. A State or local license board, for example, might refuse to license citizens to be barbers or lawyers or doctors by reason of their race. In situations such as these where this is an established pattern of discriminatory conduct equal privileges under law would, as I see it, best be assured by civil proceedings brought by the Government as title III provides.

In this debate I have quoted several times from a letter which Attorney General Brownell wrote to the Senator from New Jersey [Mr. CASE] and me. Let me briefly refer to part of that letter again:

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.

* * * * *

Suits for preventive relief under the proposed legislation will be governed by the traditional rules of procedure which have always applied to such suits. The Government seeks no new or radical procedures to govern injunction suits in civil rights cases. Under the proposed legislation the rules of procedure which have traditionally governed equitable suits in the Federal courts would apply in the same manner and to the same extent that they now apply to other suits by the Government for preventive relief. The defendant in an injunction suit in a civil rights case will have the same rights that the defendant now enjoys in a similar suit under the antitrust laws, the Fair Labor Standards Act, or any other one of the Federal laws mentioned above.

These procedural protections are ample to protect all legitimate rights of the defendant. He gets a full hearing before the court on the question whether his conduct violates Federal law and hence should be enjoined. If he disagrees with the determination of the court, he may appeal the ruling for full consideration by the appellate courts. In most cases this is the end of the matter. The defendant obeys the court order and the public interest in the enforcement of the Federal law has been vindicated. But if the defendant chooses to ignore or defy the court order he may be subjected to punishment for contempt of court. Again he is entitled to a full hearing before the court. He is presumed to be innocent, his guilt must be established beyond a reasonable doubt, and he cannot be compelled to testify against himself. If he is found guilty, he again may appeal. And an examination of the cases in recent years demonstrates that the appellate courts are alert to protect

defendants against any possible unfairness in contempt proceedings.

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

Mr. KUCHEL. Mr. President, may I have 5 more minutes?

Mr. KNOWLAND. I yield 3 additional minutes to the junior Senator from California.

The PRESIDING OFFICER. The junior Senator from California is recognized for 3 additional minutes.

Mr. KUCHEL. Rights of American citizens are of very meager value unless they are enjoyed, and unless they are, or can be, exercised. Equal protection of the law is an exalted American and constitutional doctrine, but if it remains only a theory until put in universal practice and if it is not available to all our people in their lives as they live them, then it is a sham, and of no meaning.

Can any one of us deny that respect for law is an indispensable attribute in the functioning of this Republic? You may quarrel with the law. You may honorably seek—under the law itself—to change it or to repeal it. But to dishonor the law, to sneer at it, to disdain it, to break it, is to undermine the strength of our country.

One may object to the school decisions of the United States Supreme Court. I do not. But they are the law of the land. One may approve the Jim Crow laws, but they have been held in violation of the Constitution. Indeed, one may inveigh against the 14th amendment, the 15th amendment or any other part of the Constitution if you wish. And one has a constitutional right to seek, in a constitutional manner, any change or variation he may desire. But he also has a constitutional duty. He has an obligation to support the Constitution; and I remind my colleagues that each of us took our oath to do just that.

In my view we carry out our oath to support the Constitution by giving the Government the authority to assure that equality before the law is a fact and not a fiction. I shall oppose the pending amendment.

EXHIBIT 1

TITLE 42, UNITED STATES CODE, SECTION 1985—CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS

1. PREVENTING OFFICER FROM PERFORMING DUTIES

If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

2. OBSTRUCTING JUSTICE; INTIMIDATING PARTY, WITNESS, OR JUROR

If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grant or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

3. DEPRIVING PERSONS OF RIGHTS OR PRIVILEGES

If two or more persons in any State or Territory conspire or go into disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or 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; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators. (9 R. S. 1980.)

Mr. ANDERSON. Mr. President, I yield 15 minutes to the senior Senator from New Jersey.

Mr. SMITH of New Jersey. Mr. President, I appreciate the opportunity to speak informally and from my heart on the subject now before the Senate. I wish to address my remarks particularly to my good friends from the Southern States, because I believe we are now in a position to make some progress to insure civil rights for all our citizens. I have been a Member of the Senate for 13 years, and in that time some sort of civil rights bill has been introduced every year, and I have been a sponsor of every one of those bills.

I believe in civil rights. I personally am dedicated to doing all I can, so long as I am a Member of the Senate, to bring first-class citizenship, and all that the term implies, to the Negroes of our country. But, Mr. President, it is my considered judgment that whenever we have offered legislation in this field, we have thought of it first in terms of enforcement, before we have thought of it in terms of what it would accomplish. I have always felt that our consideration of a civil rights bill should begin with what we seek to accomplish, not with what we would try to enforce upon our southern friends. People do not like to be forced to do anything. If we are reasonable with our colleagues from the South, and if we give them the benefit of our faith in them, they will undoubtedly cooperate.

This year is the first year, I remind my colleagues on both sides of the aisle, that we have been able to discuss the merits of this kind of legislation. This is the first time that we have been able to get such a bill on the floor of the Senate. It has been brought before us by the great ability of the Senator from California [Mr. KNOWLAND] and the Senator from Texas [Mr. JOHNSON]. It has also been possible because some of us had indicated our willingness to discuss reasonably the best way to approach this very difficult question.

I made a few notes on what I am going to say, and I should like to ask some questions of my colleagues from the South with reference to the bill. Let me say, first, that I feel deeply in my heart, from my experience in the foreign relations field, that it is absolutely necessary for the North and the South to be united on this subject, as we were united in World War I and World War II. At the present time we are being threatened by the menace of the Soviet Union and it is absolutely necessary for us to stand together and to be consistent in what we do.

The question before us is: Should we adopt part III of the bill? What is it aimed at doing? As has been said, it does not establish any new civil rights. It tries to force something. It is this force part of the bill with which I take issue and which, I am afraid, will render anything to which it applies useless.

I cannot help being in sympathy with my good friends from the South, in their feeling that they do not want the North and the rest of the Nation to tell them what to do. And I share their feeling that, if they are given the opportunity, they will recognize and cooperate in what we are trying to accomplish.

I see on the floor the Senator from Florida [Mr. HOLLAND]. I have always agreed with his desire to remove the poll tax. I hope he will press that proposal, and I shall support it.

Mr. HOLLAND rose.

Mr. SMITH of New Jersey. I would prefer not to yield at the moment. I should like to complete my thought on this phase of the bill first. Then I shall be very happy to yield.

I am sure we have come to agreement in our minds that this bill should assure our Negro people the right to vote. Therefore I have decided to vote against part III of the bill and to vote in favor of the Anderson-Aiken-Case of South Dakota amendment. I feel we should limit the present discussion to the one thing on which we can reasonably agree, and on which I believe we are reasonably agreed, so that we may make real progress in this field in the Senate this year. I think we should do it, and I will therefore vote for the proposal of the Senator from New Mexico and his cosponsors.

My question is: Can we not talk together? Can we not understand each other? Can we not trust each other?

A question has been raised with reference to jury trials. I am not committing myself absolutely on that point at this time, although at present I feel definitely opposed to such a proposal. However, I wish to say that I do trust my southern friends as honest men, and will trust them as much as I trust our friends in any other part of the country. I say that because I believe our southern friends are honest men and because I believe that they are desirous of doing what they can to solve this problem. However, at the same time, I can understand why they do not want to be told: "We will force the law on you, if you do not do thus and so."

I have already expressed my feeling on the segregation decision of the Supreme Court. But the Court itself has indicated that it will take time to carry out that decision. It involves a social readjustment. The decision requires the courts to deal with that matter. It is not something that should be forced by law, particularly by having men from the North go to the South to force, or try to force the people of the South to integrate their schools. Force is not the way to accomplish the objective. I believe we should be fair about it, and I certainly want to trust everyone to be fair and reasonable about it. That is the spirit, I am sure, in which our friends from the South would like to approach this question. I know that the Senator from New Mexico [Mr. ANDERSON], the Senator from Vermont [Mr. AIKEN], and the Senator from South Dakota [Mr. CASE], in offering their amendment, are seeking that approach, in the spirit of trying to work together and of trying to achieve mutually fair and reasonable progress in this vital area.

So I ask this question: Can we substitute reason and understanding and cooperation instead of force in the pending bill? Can we remove from it any suggestion that it is a force bill? There are today a great many laws on the books dealing with the right to vote, and those laws can be used if the people will get into the spirit of properly enforcing them. Every State has such laws on its books, and there are also certain Federal laws in that field.

If we could pass legislation looking toward insuring to the Negro people the right of the vote, and made that achievement the first step in improving the status of our colored brethren to that of truly first-class citizens, we would be doing more this year than has been done since the Civil War. We would also be moving in the directon of obliterating the unfortunate and regrettable events of the reconstruction days, a period which, I believe, represents the darkest chapter in our history.

Mr. President, the various sections of the country have different customs and traditions and family experiences, and therefore it seems to me we must approach this problem with understanding and an appreciation of those differences. We must not use force. The State of New York and the State of New Jersey do not have the problem that our southern friends have. Our people are sympathetic toward the idea of equality of opportunity to work. Even so, in our laws on that subject—both in New Jersey and in New York—nothing can be done until mediation has been resorted to in an effort to bring about an adjustment of the differences involved.

That is the way to achieve progress with civil-rights legislation. It must not be done by way of a force law, which will result only in arousing the resentment of our friends in the South. They are opposed to the suggestion that civil rights should be forced on them by way of drastic Federal legislation.

I am so fearful of any force law, Mr. President, that I must express myself about it, and I appeal to the South to play ball with us, if I may use a slang expression. I certainly have no sympathy for writing teeth into the law, which some of our friends from the South are fearful of, because I do not believe teeth are necessary, except as a last resort; and we have certainly not reached that point. I cannot help but feel that every civil-rights bill introduced in the past 13 years had something of that nature in it. The South can make progress, and I know the South wants to make progress. I know that the South does not want to prevent the Negro race from enjoying full voting rights.

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

Mr. SMITH of New Jersey. I yield.

Mr. HOLLAND. I should like to express my deep personal appreciation—and I am sure I speak also for all southern Senators—for the temperate and moderate and decent and friendly and, I will say also, wholly Christian approach which the distinguished Senator from New Jersey is making in his remarks.

Let me say that I agree whole heartedly with his statement that coercion will not solve the problem. Many of us in the South have been fighting for and taking what we believe to be adequate steps toward assuring civil rights and equal opportunity. The repeal of the poll tax in Florida has been followed by 150,000 of our Negro citizens registering and voting.

We have done away with lynching, not as a matter of pressure from the outside, but because we thought it was the most indecent, inhuman, uncivilized crime which could have affected us. We are moving constructively in other directions. As the Senator from New Jersey has stated, the Senator from Florida will offer a constitutional amendment to remove the poll tax, an amendment which I shall debate later, and which the Senator from New Jersey plans to support. I thank him for that. I think we want to keep things moderate. We want to make progress.

We will never, of course, yield our feeling that there should not be miscegenation, admixture of the races, or a social mingling which leads to that; but when it comes to the enjoyment by citizens of their rights of citizenship, the Senator from New Jersey will find that most Senators from the South and most citizens of the South, of both colors, agree with him that American citizenship should give to American citizens the right to the enjoyment of American opportunities and freedom in every field where the law gives civil rights.

Mr. SMITH of New Jersey. I thank the Senator from Florida for the helpful statement he has made, because I am seeking reasonable assurances of cooperation. We should try to approach the problem from the standpoint of endeavoring to work together, by positive action, to raise the colored people to the position of first-class citizens—which I am sorry to say I do not think they occupy today. I have to hold that ideal before me in what I have to say. I am taking a milder course, a course dictated by my heart and mind. But my life is dedicated to making certain that discrimination against citizens of this country in the enjoyment of their constitutional rights is completely eliminated

As a member of the Committee on Foreign Relations, I have traveled all over the world, especially in the Far East, where many countries are faced with the question of color, and are faced also with the question of equality. The people of those countries are seeking freedom, independence, and self-determination, so that they will not be any longer colonial people; so that they will not have less stature than their fellows. They want to have the same status as others. The world is moving in that direction.

We must move in that direction too. If it must be done gradually, all right; let us do it gradually, but let us realize the importance and necessity of establishing this position for the Negroes of our country.

I am making a plea for them. I have been asked to support the bill in its original form. But I have said I cannot support the bill in its original form, because it will not be possible to enact a bill which compels the South to do something with which they are not totally in sympathy. I told that to my colleague, the distinguished junior Senator from New Jersey [Mr. CASE], who is supporting the bill in its original form. I said, "Cliff, if the bill were to be passed just as it reads, you know how the South would react. If we pass a bill in that form, it will not succeed."

If we are to make a success of assuring civil rights, it will be necessary for us all to work together. Otherwise, we cannot meet with the success for which we hope.

Mr. President, I am not making a prepared speech; I am simply stating some of my feelings. I have referred to what I call the spiritual heritage of our country. We have a spiritual heritage which recognizes, fundamentally, that all human beings are equal. Part of that heritage is reflected in the greatest speech ever delivered in this country, the speech delivered by Abraham Lincoln at Gettysburg. I shall not read the entire speech, but I should like to quote from it. Lincoln opened his speech by saying:

> Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal.

Mr. President, I ask unanimous consent to have printed at this point in

my remarks the full text of the Gettysburg address by Abraham Lincoln, in order to bring out the point I am trying to make.

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

ADDRESS AT THE DEDICATION OF THE GETTYSBURG NATIONAL CEMETERY, NOVEMBER 19, 1863

Fourscore and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of that field as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we cannot dedicate—we cannot consecrate—we cannot hallow—this ground. The brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth.

Mr. SMITH of New Jersey. Mr. President, let me emphasize Lincoln's closing words:

It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this Nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth.

Then, Mr. President, we all recall Lincoln's second inaugural address.

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired.

Mr. SMITH of New Jersey. Mr. President, may I have 1 additional minute?

Mr. ANDERSON. I yield 1 minute to the Senator from New Jersey.

Mr. SMITH of New Jersey. Let me call attention to a memorable part of Lincoln's second inaugural address:

With malice toward none; with charity for all.

That is the spirit in which I hope we can work upon the proposed legislation.

Mr. STENNIS. Mr. President, will the Senator yield briefly?

Mr. SMITH of New Jersey. I yield if I have time.

Mr. STENNIS. I thank the Senator from New Jersey for his very fine remarks. They come from an understanding heart. They come from a Christian man. I think the spirit he has shown is the cornerstone or the landmark concerning these problems and relations. I commend him and thank him most heartily.

Mr. SMITH of New Jersey. I thank the Senator from Mississippi.

Mr. SALTONSTALL. Mr. President, will the Senator from New Jersey yield for a question and a comment?

Mr. SMITH of New Jersey. I yield.

Mr. SALTONSTALL. My comment is that the Senator has approached this problem in the same spirit in which he approaches all the problems which confront him; namely, in the friendly spirit of trying to work things out in an amicable, peaceable way.

The Senator has spoken of the use of force. I oppose part III because, as I see it, it is in direct interference with home rule, local administration, and State administration.

On a practical basis, the Senator from New Jersey has spoken of the problem which is now facing us, the essential problem between the North and the South, if part III becomes law. Part III could be used by the Federal Government, through the Attorney General, in the East, North, and West, just as well with respect to their problems as it could be used in connection with the matter we are now considering with relation to what we believe are the problems of the South.

Mr. SMITH of New Jersey. Yes; certainly; there is no doubt about it.

Mr. SALTONSTALL. The use of compelling force by the Federal Government upon local and State administrations can do more to disrupt our method of life in the United States and our love of home rule than anything else that can be done. Does not the Senator agree with me?

Mr. SMITH of New Jersey. I think the Senator may be correct. I am glad he has made this comment. I thank him.

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired.

Mr. KNOWLAND. Mr. President, I yield 15 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, for several weeks, now—indeed, for several months—the debate on the President's civil-rights program has occupied the attention of Members of Congress. For more than 2 weeks the debate has continued on the floor of the Senate, enduring every parliamentary maneuver and every parliamentary test to which it could be subjected. Today, in a few hours, we shall vote upon the Anderson-Aiken-Case of South Dakota amendment, which would strike part III from the modest bill proposed by the President.

I am sure that there is no Senator who, during the course of the last 3 weeks, has not searched the depths of his soul, not once but many times, and through many sleepless hours, to try to determine for himself the right and the justice of his position. It is appropriate that we should do so, because for the first time in almost 100 years we, upon the floor of the United States Senate are called upon to determine whether the decisions made almost a century ago will be fulfilled this year.

In his book entitled "The Philosophy of Civilization" Albert Schweitzer gave us probably the clearest definition in modern times of the essential word "freedom." He said:

Ethics consist therefore in my experiencing the compulsion to show to all who will to live, the same reverence as I do to my own. It is good to maintain and encourage life, it is bad to destroy life or to obstruct it.

This is the essence of my own philosophy, and it is relevant particularly in the areas we are discussing here: That I have a duty to show to all who will to live the same reverence for all of their rights that I show for my own, and that I would have them show to me. It is an expansion of the Golden Rule, and should indeed be separated from the cynic's philosophy of "do unto others as they do unto you."

We who appear and who speak here today must either expressly, as I have attempted to do, or in the silence of our own minds decide what legislation will most nearly express our concepts and ideals. In that same way must we attempt today to explain why certain legislation will or will not fulfill those ideals.

The Attorney General has very well set out the various civil rights which have been guaranteed to all Americans by reason of the various provisions of the Bill of Rights and the decisions of the United States Supreme Court. Even the temporary disfavor into which the Court may have fallen with some at this particular moment cannot overreach, or override, the great balancing factor it has been in the administration of human justice, and in the development of our individual rights through the course of our national history. Mr. President, I ask unanimous consent that those rights as compiled by the Attorney General may be set forth at length at this point in my remarks, together with the decisions and their citations which have interpreted those rights.

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

SPECIFIC CIVIL RIGHTS PROTECTED BY THE CONSTITUTION AND LAWS OF THE UNITED STATES

The following civil rights have been defined by court decisions wherein the rights were found to have been violated or wherein a pleading was found to sufficiently state a violation. This list is merely illustrative and does not attempt to include all civil rights, nor to include all court decisions growing out of violations of the rights here listed. The categorization of the rights is to some degree arbitrary.

Right to vote in Federal elections:

Swafford v. *Templeton* ((1902) 185 U. S. 487).

Smith v. *Allwright* ((1944), 321 U. S. 649).

Ex Parte Yarbrough ((1884), 110 U. S. 651).

Right of a vote in a Federal election to have his ballot fairly counted:

United States v. *Mosely* ((1915), 238 U. S. 383).

United States v. *Classic* ((1941), 313 U. S. 299).

United States v. *Saylor* ((1944), 322 U. S. 385).

Right to vote in all elections free from discrimination by State on account of race or color:

Lane v. *Wilson* ((1939), 307 U. S. 268).

Davis v. *Schnell* ((S. D. Ala., 1949), 81 F. Supp. 872, affirmed 336 U. S. 933).
Bryce v. *Byrd* ((C. A. 5, 1953), 201 F. 2d 664).
Mitchell v. *Wright* ((C. A. 5, 1946), 154 F. 2d 924).
Hall v. *Nagel* ((C. A. 5, 1946), 154 F. 2d 931).
Nixon v. *Herndon* ((1927), 273 U. S. 536).
Baskin v. *Brown* ((C. A. 4, 1949), 174 F. 2d 391).
Rice v. *Elmore* ((C. A. 4, 1947), 165 F. 2d 387).

Right to inform a Federal officer of a violation of Federal law:
In re Quarles ((1895), 158 U. S. 532).
Motes v. *United States* ((1900), 178 U. S. 458).
Nicholson v. *United States* ((C. A. 8, 1935), 79 F. 2d 387).
Hawkins v. *State* ((C. A. 5, 1923), 293 Fed. 586).

Right to testify in Federal court:
Foss v. *United States* ((C. A. 9, 1920), 266 Fed. 881).

Right to be free from mob violence while in Federal custody:
Logan v. *United States* ((1891), 144 U. S. 263).

Right to be secure from unlawful searches and seizures:
Irvine v. *California* ((1953), 347 U. S. 128, 137).

Right to peaceably assemble free from unreasonable restraint by State or local officials:
Hague v. *CIO* ((1939), 307 U. S. 496).
De Jong v. *Oregon* ((1937), 299 U. S. 353).

Freedom of religion:
Cantwell v. *Connecticut* ((1940), 310 U. S. 296).
Board of Education v. *Barnette* ((1943), 319 U. S. 624).
Murdock v. *Pennsylvania* ((1943), 319 U. S. 105).

Freedom of speech and of the press:
Lovell v. *Griffin* ((1938), 303 U. S. 444).
Myerson v. *Samuel* ((D. C., E. D., Pa., 1947), 74 F. Supp. 315).
Grosjean v. *American Press Co.* ((1936), 297 U. S. 233).

Right not to be purposefully discriminated against in public employment on account of race or color:
Kerr v. *Enoch Pratt Free Library of Baltimore City* ((C. A. 4, 1945), 149 F. 2d 212).
Mills v. *Board of Education of Anne Arundel County* ((D. C. Md., 1939), 30 F. Supp. 245).
Davis v. *Cook* ((D. C. Ga., 1948), 80 F. Supp. 443).
Thompson v. *Gibbes* ((D. C. S. C., 1945), 60 F. Supp. 872).
Morris v. *Williams* ((C. A. 8, 1945), 149 F. 2d 703).

Right not to be denied use or enjoyment of any governmentally operated facilities on account of race or color:
Brown v. *Board of Education* ((1954), 347 U. S. 483; (1955) 349 U. S. 294).
Dawson v. *Mayor and City Council of Baltimore* ((C. A. 4, 1955), 220 F. 2d 386, affirmed 350 U. S. 877).
Holmes v. *City of Atlanta* ((C. A. 5, 1955), 223 F. 2d 93).
Fayson v. *Beard* ((E. D. Tex., 1955) 134 F. Supp. 379).
Williams v. *Kansas City, Mo.* ((D. C., W. D., Mo., 1952), 104 F. Supp. 848).
Easterly v. *Dempster* ((D. C. E. D. Tenn., 1953), 112 F. Supp. 214).
Jones v. *City of Hamtramck* ((D. C. E. D., Mich., 1954), 121 F. Supp. 123).
Vann v. *Toledo Metropolitan Housing Authority* ((D. C. Ohio, 1953), 113 F. Supp. 210).
Draper v. *City of St. Louis* ((D. C. Mo. 1950), 92 F. Supp. 546).
Sweeney v. *City of Louisville* ((D. C. Ky., 1951) 102 F. Supp. 525, affirmed 202 F. 2d 275).

Right not to be segregated under compulsion of State authority on account of race or color:
Browder v. *Gayle* ((D. C. M. D. Ala., 1956), 142 F. Supp. 707, affirmed 352 U. S. 903).
Morgan v. *Virginia* ((1946), 328 U. S. 373).
Fleming v. *South Carolina Electric and Gas Co.* ((C. A. 4, 1955), 224 F. 2d 752).
Shelley v. *Kraemer* ((1948), 334 U. S. 1).
Buchanan v. *Warley* ((1917), 245 U. S. 60).
Valle v. *Stengel* ((C. A. 3, 1949), 176 F. 2d 697).

Right not to be denied due process of law or equal protection of the law in other regards:
Brown v. *United States* ((C. A. 6, 1953), 204 F. 2d 247).
Oyama v. *California* ((1948), 332 U. S. 633).
Takahashi v. *Fish and Game Commission* ((1948), 334 U. S. 410).
United States v. *Gugel* ((D. C. E. D. Ky., 1954), 119 F. Supp. 897).
Burt v. *City of New York* ((C. A. 2, 1946), 156 F. 2d 791).
Cobb v. *City of Malden* ((C. A. 1, 1953), 202 F. 2d 701).
Picking v. *Pennsylvania R. Co.* ((C. A. 3, 1945), 151 F. 2d 240).

Right to be free to perform a duty imposed by the Federal Constitution;
Brewer v. *Hoxie School District* ((C. A. 8, 1956), 238 F. 2d 91).

Right, when charged with crime, to a fair trial:
Moore v. *Dempsey* ((1923), 261 U. S. 86).

Right not to be tried by ordeal or summarily punished other than in the manner prescribed by law:
Screws v. *United States* ((1945), 325 U. S. 91).
Davis v. *Turner* ((C. A. 5, 1952), 197 F. 2d 847).

Right not to be forced to confess an offense:
Williams v. *United States* ((1951), 341 U. S. 97).
Refoule v. *Ellis* ((D. C. N. D. Ga., 1947), 74 F. Supp. 336)

Right to be free from brutality at the hands of prison officials:
United States v. *Jones* ((C. A. 5, 1953), 207 F 2d 785).
United States v. *Walker* ((C. A. 5, 1954), 216 F. 2d 683).
United States v. *Jackson* ((C. A. 8, 1956), 235 F. 2d 925).
McCollum v. *Mayfield* ((D. C. N. D., Cal., 1955), 130 F. Supp. 112).
Gordon v. *Garrison* ((D. C. E. D. Ill., 1948), 77 F. Supp. 477).

Right to representation by counsel at criminal trial:
Powell v. *Alabama* ((1932), 287 U. S. 45).

Right to trial by a jury from which members of the defendant's race have not been purposely excluded:
Smith v. *Texas* ((1940), 311 U. S. 128).

Right of prisoner to protection by officer having him in custody:
Lynch v. *United States* ((C. A. 5, 1951), 189 F. 2d 476).

Right not to be held in peonage:
Pierce v. *United States* ((C. A. 5, 1944), 146 F. 2d 84).
United States v. *Gaskin* ((1944), 320 U. S. 527).

Right not to be held in slavery or involuntary servitude:
United States v. *Ingalls* ((S. D. Cal., 1947), 73 Supp. 76).

Mr. ALLOTT. But above any and all of these rights defined by the Supreme Court is the right of every human being in accordance with his own will to walk as a free and upright individual in dignity as a child of God. This has no relation to his color, to his creed, or to his racial origin.

Within the last few weeks it was my privilege to visit the spot in the State of North Carolina where the Lost Colony of Virginia was located. I cannot forget that those people came to America for the purpose of achieving not only religious freedom, but freedom from tyranny and taxes and the freedom to live the kind of life to which every man is entitled. I cannot forget either, Mr. President, that we of the white race owe to the Negro people a very peculiar and binding obligation. We should recall that it was our forefathers who brought these people to these shores—brought them here against their own will, and retained them in servitude until the War Between the States. But it should be reiterated that the benefits of this bill are not restricted to Negroes. We have many minority groups whose rights are, or have been, infringed. And beyond that, we cannot limit the rights of another without in the long run, limiting our own. John Donne said it better in his Devotions:

> No man is an island, entire of itself; every man is a piece of the continent, a part of the main; if a clod be washed away by the sea, Europe is the less, as well as if a promontory were, as well as if a manor of thy friends or of thine own were; any man's death diminishes me, because I am involved in mankind; and therefore never send to know for whom the bell tolls; it tolls for thee.

With this brief background, Mr. President, I propose to discuss 2 or 3 points in connection with this matter.

The first point I should like to discuss is the apparent attempt of the opponents of the bill to make it appear to the world that the bill is punitive. They imply particularly that part III contains some terrible and awful provisions which would inflict a straitjacket south of the Mason-Dixon line and would place a rope around the necks of the people in the South.

If it were so, Mr. President, I would be the last to vote for it. I know of no one in Congress or in the administration who desires to effect punitive legislation upon the South. We favor only legislation to help people attain and keep the rights to which they are entitled under our Constitution—rights to which they are certainly entitled by the law of God.

We have to remember also that the laws we pass here will have to be administered not only for the people of the South, but also for the people of the West, the North, and the East. If the legislation we pass is unwise, that legislation will come home to plague us in our future days.

I turn next to the assertion that the Attorney General is granted almost unlimited powers by the bill. This I deny. The Attorney General already has very great powers under the laws of our land. I say that the Attorney General is given by the entire bill, including part III, less power than that possessed by any State or district attorney or prosecuting attorney in the whole United States. I say that the powers proposed to be given to him are fewer than those a district attorney is given in our Federal courts.

For example, in most States the district Attorney is, for all practical purposes, sole judge as to whether a grand jury shall be empowered to investigate an alleged crime. In many States the district attorney is the sole judge as to whether an information shall be filed against an individual, charging him with a crime, the mere charge of which may ruin his whole life and happiness. How can we find a greater responsibility than that now vested in our district attorneys? Yet the Attorney General in this bill is given the right only to institute a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order—to do what? To prohibit the things outlined in paragraphs first, second, and third of section 1980 of the Revised Statutes of the United States. What are the things the Attorney General is given the power to prevent by a civil action? In paragraph first, it is forbidden "for any two persons to prevent by force, intimidation, or threat any person from accepting or holding any office, trust, or place of confidence."

Is it wrong that the Attorney General should be able to stop people from conspiring to keep others from holding office or holding a trust or holding a place of confidence in their own community? Is it wrong by a civil action to prevent conspiracy when that conspiracy is to injure an officer in the lawful discharge of the duties of his office, or when the conspiracy is to interrupt, hinder, or impede him in the discharge of his office duties? Is it wrong to restrain parties from conspiring to deter by force, intimidation, or threat, a party or witness in any court of the United States from attending such court or testifying in a matter therein and testifying truthfully? Is it wrong to restrain such persons from conspiring to injure such a party or witness in his person or property because of having so attended and testified, or to restrain such persons from conspiring to influence the verdict or the indictment of a grand jury or a petit jury?

Is it wrong to restrain them from conspiring to impede, hinder, obstruct, or defeat the due course of justice of any State or Territory with an attempt to deny a citizen the equal protection of the laws? Is it wrong to restrain people from going upon the highway in disguise, or on the premises of another, for the purpose of depriving that person or a class of persons the equal protection of the laws or equal privileges and immunities under the law? I ask again whether it is too much to ask that the Attorney General be empowered by a civil action to restrain people from conspiring to prevent a citizen from voting or supporting a legal cause in which he believes?

These, Mr. President, are the actions which the Attorney General would be given power to restrain under part III by a civil action.

What happens when the Attorney General institutes such an action? Will the people against whom he brings such an action immediately be thrown into jail? Not by any means. They will be served with a lawful civil summons—not an arrest, not a criminal warrant. Under the Federal laws, they will have a reasonable time to answer that summons, and they will have a right to be represented by counsel in the trial of the case to determine whether they have actually violated or are about to violate the laws of the United States. Only then, and only after full trial, can an injunction be issued against them. And then are they to be thrown into jail? The answer is "No." That will not happen until they have violated the injunction which has been granted. So the big bogeyman that has been raised repeatedly on the floor of this Senate about people being arrested by the capricious and arbitrary actions of the Attorney General and being summarily thrown into jail simply does not exist.

Yesterday, Mr. President, I presented to the United States Senate, and had printed in the RECORD a condensation of the laws of all of the States, as they relate to jury trials in contempt proceedings.

For example, in my own State, the right to trial by jury guaranteed by the State constitution does not apply to contempt proceedings, either civil or criminal. A defendant who fails to follow an injunctive order cannot claim rights under this section. That was decided in the case of *Wyatt* v. *The People* (28 Pacific 961). When I presented this condensation yesterday, Mr. President I asked that all Senators scrutinize it carefully for errors. I believe it to be a valuable documentation which should be preserved for future reference. It is valuable to anyone who intends to view this matter objectively.

As I read these condensations and as I read the longer reports by the American Law Division of the Library of Congress it appears that very few Southern States, in fact, very few States anywhere in the Nation, provide for the trial of contempt cases by a jury; and those that do have so provided in only limited circumstances.

Mr. President, I should like to point out another very significant factor in this matter. The opponents of this civil rights bill have repeatedly attempted to raise a strawman of fear—fear on the part of the people of the South against the courts. It has perhaps come as a great surprise to many people of our country, and apparently to most of our newspapers, that in the United States there are many instances in which jury trials are not permitted. This is shown very adequately by the brief of the law which I placed in the RECORD.

We have heard it said so often that every man is entitled to the right of trial by jury, that the many have apparently never realized that this right has historically been restricted in the case of contempt proceedings. But we have before us a much more painful example—the millions of Americans who are deprived of the right of trial by jury if they violate the laws of our country or violate the military code; I refer to our people in the military services. Consider the plight of the millions of our young men who have been drafted into the Armed Forces, as well as those who have volunteered their services to our military forces, in the last 25 years. All these citizens immediately lost the right to a trial by jury. So, while it may have been the thought of the average layman that he was entitled in all events to a trial by jury, there are at least these two great fields with which most of us have been very well acquainted—and certainly all lawyers have been acquainted with them all their professional lives—which have not generally given rise to a trial by jury.

Mr. President, I have before me a copy of the New York Times for Sunday, July 14, of this year. I must frankly state that it shows that the number of Negroes voting in the South has increased between 1952 and 1956. But it also shows that in proportion to the white population, less than half as many Negroes register in some of the Southern States. For example, in the State of South Carolina, only 16 percent register; in Louisiana, about 16 percent; in Alabama, 6 percent; in Georgia, 12 percent; in Arkansas, 12 percent; in Virginia, 8 percent; and in Florida, about 8 percent. I use these approximate figures because the graph in the newspaper is not divided into smaller parts.

A reading of the newspapers of this country throughout the last few years and of the hearings held in the House committee will, I believe, convince anyone that there are reasonable grounds for believing that Negroes are not given a reasonable chance to vote and to accept their responsibilities as citizens.

In Life magazine, the July 22 issue, is carried an account of how the Negroes of Tuskegee, Ala., have been deprived of their voting right and their political effectiveness simply by the old-fashioned method of gerrymander.

There is another compelling reason, Mr. President, why each and every one of us must look at this question and decide, once and for all, whether we are going to face the moral issues involved. I have prepared a schedule showing the proportion of voting powers of selected Northern States and seven of the Southern States, and I ask unanimous consent that it may be placed in the RECORD as a part of my statement at this point.

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

Disproportionate voting power of Southern States in Federal elections—Based on 1952 presidential election, a tabulation of actual voters in certain Southern States in relation to electoral votes, contrasted with actual voters per electoral vote in certain Northern States

State	Electoral votes	Popular votes for President	Number of votes per electoral vote
		Thousands	*Thousands*
California	32	5,142	161
Colorado	6	630	105
Connecticut	8	1,097	137
Nebraska	6	610	102
Oregon	6	695	116
Note that all have in excess of 100,000 voters per electoral vote and compare below where the highest ratio is Louisiana with 65,000 voters per electoral vote and Mississippi which has only 36,000 voters per electoral vote.			

Disproportionate voting power of Southern States in Federal elections—Based on 1952 presidential election, a tabulation of actual voters in certain Southern States in relation to electoral votes, contrasted with actual voters per electoral vote in certain Northern States—Continued

State	Electoral votes	Popular votes for President	Number of votes per electoral vote
		Thousands	*Thousands*
Alabama	11	426	39
Arkansas	8	405	51
Georgia	12	646	54
Louisiana	10	652	65
Mississippi	8	286	36
South Carolina	8	341	43
Virginia	12	620	52

Mr. ALLOTT. Mr. President, this statement, as anyone can see who examines it, shows that the State of California, for example—the figures being rounded off to the nearest thousand—has 161,000 votes for each electoral vote. Colorado has 105,000; Connecticut, 137,000; Nebraska, 102,000; and Oregon has 116,000 votes for each electoral vote. It is noted that all of these States have in excess of 100,000 voters per electoral vote, which must be compared with the Southern States, where none have in excess of 65,000 votes per electoral vote, and specifically Alabama with only 39,000, Georgia with 54,000, and Mississippi with 36,000 votes per electoral vote.

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

Mr. ALLOTT. May I have 1 additional minute?

Mr. KNOWLAND. I yield 1 additional minute to the Senator from Colorado.

Mr. ALLOTT. Therefore, Mr. President, while these Southern States are entitled to representation in Congress upon the basis of their population, it is clear from this comparison that the individual voters in the South have vastly stronger representation in Congress, and vastly greater impact on presidential elections, than do the individual voters in the North. For the most part, this phenomenon appears to be the result of the absence of voting Negroes in the Southern States.

These, then, are the compelling reasons which have caused me to reach a decision to support the bill as it passed the House of Representatives, and which will, I hope, persuade my colleagues to do likewise.

There are hundreds of available excuses for compromising on the bill, but none of them will help in the long and painfully slow progress of the human race in attaining the freedom and dignity to which each individual is entitled.

Mr. ANDERSON. Mr. President, I yield 15 minutes to the brilliant Senator, and the youngest Member of the Senate, the junior Senator from Idaho [Mr. CHURCH].

Mr. CHURCH. Mr. President, I should like to address myself briefly to the pending amendment. Until now, I have not engaged in this historic debate. But I have listened to my colleagues, and I have examined the record carefully and at length.

For the first time in almost a century, the Congress has an opportunity to implement the guaranty of civil rights for all citizens, regardless of race or color, contained in the 14th and 15th amendments to our Constitution. We now have the chance to take a great step forward toward the day when every American, in actual practice, rather than in mere legal theory, will enjoy all the rights and privileges intended by the fundamental charter of our liberties. This is our opportunity for action, hard-won. We have waited long for it. Our challenge now, it seems to me, is to use it wisely.

Mr. President, since I took office last January, I have worked consistently for measures which would contribute toward the enactment of a civil rights bill. For this purpose, I voted for the Anderson motion, early in the session, which sought to make it somewhat less difficult to invoke cloture; for this purpose, I joined as a cosponsor of the Johnson-Knowland resolution to amend rule XXII. For the same purpose, I voted more recently to place the House-passed civil rights bill directly on the Senate Calendar; and just a few days ago, again with the same objective, I voted to make that bill the pending business of the Senate, and against its recommittal to committee. Now, finally, a civil rights bill is before us, for our consideration on its merits.

The debate which has thus far occurred has made it clear that this bill, in its present form, will empower the Federal Government to commence and prosecute injunctive actions in any case that may now, or hereafter, come within the scope of the rights conferred by the 14th and 15th amendments to the Constitution. I concur with those who have urged that we ought not to attempt to differentiate among the civil rights conferred by the Constitution, making one type of legal remedy available to enforce the right of vote, but denying that remedy in other civil rights cases. By the same token, I think it necessary and proper that the Federal Government be empowered to use the injunction to better prevent the denial of any civil right to any citizen.

But, Mr. President, the bill before us goes much further than authorizing Government-procured injunctions to prevent the denial of any civil right. The bill before us avoids a jury trial not only in preventive civil contempt cases, but also in punitive criminal contempt cases.

I can support the avoidance of a jury trial in any civil rights case, where civil contempt is involved, and the object of the action is to safeguard the civil right in question by compelling compliance with the court's decree. To be sure such actions may result in punishment by way of fine or imprisonment, but their purpose is to secure the civil right denied. The defendant holds the key to his own cell, and can always go free by complying with the order of the court. Thus the denial of a jury trial is not only consistent with normal injunctive procedures, but works no real hardship beyond the capacity of the defendant to avoid.

I cannot, however, support the denial of a jury trial in cases of criminal contempt. These cases are punitive in nature. They are not directed toward the achievement of any civil right, but rather toward the punishment of those accused of violating a court decree, for past acts that can no longer be rectified. In other fields, under our present Federal law, a man accused of criminal contempt is generally entitled to a jury trial. I see no reason why such a fundamental protection ought to be denied in like cases simply because they may happen to fall within the broad scope of title III of this bill.

At this juncture, Mr. President, no one can foretell whether any kind of jury protection will be written into the pending bill. Therefore, we must judge the merits of the pending amendment against the context of the bill in its present form. As it now stands, the bill involves an impairment of the right to jury trial that is as broad as the scope of titles III and IV combined.

If I must choose between the right to jury trial and the right to vote, as encompassed by part IV of the bill, I shall choose the right to vote, for the right to vote is more fundamental to the processes of a free society. It is the only sure foundation upon which the whole structure of democracy can rest. But I cannot justify the relinquishment of the right to a jury trial in the whole area that either now, or hereafter, may come to be within the scope of part III of the pending bill. Accordingly, I have determined to vote for the Anderson-Aiken-Case of South Dakota amendment.

If this amendment shall be agreed to, we shall have occasion, in our deliberations to come, to make an exhaustive inquiry into the various kinds of jury provisions that might prudently be written into the pending bill. If our efforts are rewarded with the adoption of the kind of jury protection which seems to me to be called for, in accordance with the ancient principles of our legal tradition, the way may then be opened, so far as I am concerned, for the restoration of such part of part III as may prove feasible.

Mr. President, I have no illusions that my reasons for supporting the amendment before us are of any great moment to the Senate or to the country. I have explained them in some detail only out of deference to those among my colleagues who are giving, as they have given for so many years past, such dedicated support to the cause of civil rights. I stand for these rights, even as they, but I feel at this point, after much careful and deliberate study, that the position I am now taking most closely accords with the best interests of the cause of civil rights for all the people.

I have read in this morning's paper with much interest, Mr. President, some news items which seem to me to reveal that yesterday was a very extraordinary day. Yesterday an all-white jury convicted 7 of the 11 defendants in the school segregation case in Clinton, Tenn. Yesterday the school boards in three of the major cities of the State of North

Carolina took the first step toward compliance with the Supreme Court desegregation decision by admitting some colored students into public schools heretofore attended only by white students. Why, Mr. President, I have even noted yesterday a cat saved the lives of seven little birds. What a topsy-turvy day for those who adhere to rigid doctrinaire views on both sides of the question before us. But yesterday was a great day for the people, and it contained a lesson for the Senate to keep in mind in its endeavor to draft a helpful and prudent civil-rights bill.

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

Mr. CHURCH. I yield to the Senator from Tennessee.

Mr. KEFAUVER. First, I wish to congratulate the distinguished Senator from Idaho for making an excellent presentation of his views. I know the Senator has given the subject a great deal of thought. He is a strong advocate of full civil rights for all citizens, regardless of race, religion, or national origin.

Is my understanding correct that the Senator feels that if a jury-trial provision were inserted in the bill, and the Senator could have some assurance there would be a jury-trial provision for criminal contempt cases, such a provision would take away some of the harshness of the bill and give some protection to citizens, under part III of the bill?

Mr. CHURCH. That is correct; and under part IV as well.

Mr. KEFAUVER. If part III of the bill were stricken and a jury trial provision were later added for criminal contempt cases, then the Senator would view with favor, as I certainly would view with favor, certain amendments or compromises to deal with some aspects of the problem which might be presented, would he not?

Mr. CHURCH. I certainly would do that. As the bill now stands, it involves not only an effort to better secure certain rights, but it involves the taking away of another civil right which is very fundamental not only to the traditions of our law, but to our constitutional liberties. I think we should settle the jury trial issue before we determine how broad the scope of the bill shall be.

Mr. KEFAUVER. I wish to say to the distinguished Senator that he has made the best statement I have heard as to the difference between civil contempt and criminal contempt. In the first place, civil contempt proceedings are for the purpose of trying to effectuate or put into operation the decree of a court. In that case a jury is not necessary—or is not so important—as in the case where a person is being tried for a violation of a decree or a flouting of a decree of a court, which is a flouting of the dignity of the court. In that type of case a criminal contempt is involved, and a person should be entitled to a jury trial.

Mr. CHURCH. That is so. I might point out at this time that the distinguished Senator from Tenneessee has submitted an amendmetnt which also makes this important distinction between criminal and civil contempt prosecutions.

Mr. KEFAUVER. I appreciate the fact that the Senator has invited attention to the amendment, which I expect to present at some time, which would make the difference very clear, insofar as civil contempt proceedings are concerned. Where a person is disobeying the mandate or the order of the court, the court can enforce its decree, but the person who is charged with civil contempt has the key to his own freedom in his pocket. He can purge himself of contempt merely by complying with the order of the court.

Mr. CHURCH. I thank the Senator for his participation. I wish to observe at this point that throughout the whole course of the debate I have yet to hear any Senator give a reason why it is necessary to eliminate the traditional jury trial protection in the cases of criminal contempt.

The civil contempt cases are preventive in nature, and are directed toward the securing of the civil rights in question. Why must we go beyond that and eliminate the traditional right of a trial by jury in criminal contempt proceedings, where there is no possibility of rectifying the past act, and where the purpose of the action is not to accord the right but to punish for an act that cannot be rectified?

Mr. KEFAUVER. Is it not true, as the Supreme Court said so well in the Gompers case, that in a civil contempt proceeding a person can be called to testify against himself and he does not have all the guaranties of the Constitution, but when it comes to a question of criminal contempt, then the person cannot be required to testify against himself and is presumed to be innocent until proved guilty, which brings the case in the category where the person is entitled to constitutional rights?

In my belief—and I think the Senator agrees with me—one of those constitutional rights should be the right of trial by jury, when a person is to be tried for criminal contempt under circumstances where he can be sentenced for a definite length of time.

Mr. CHURCH. I agree wholeheartedly with the Senator. I should like to thank the Senator for his participation in the debate, and for the clarity of his remarks.

I wish to say to the Senator from Tennessee particularly that he has very deftly and very lucidly pointed out that the essential character of a criminal contempt action is made no different by cloaking it with equity terms in an injunctive procedure, and the Congress of the United States implicitly recognized that fact when it provided that jury trials should be accorded in cases of criminal contempt, because such cases are essentially criminal in nature. The guaranty of the Constitution for jury trials in criminal cases could be circumvented entirely if we used the device of an equitable proceeding to do the same thing which is normally done by a criminal case, where a jury trial is accorded and guaranteed by the Constitution.

Mr. KEFAUVER. I think the Senator has made a very discerning statement and his address constitutes a great contribution to this subject.

Mr. CHURCH. I thank the Senator very much.

Mr. KNOWLAND. Mr. President, I yield 5 minutes to the junior Senator from Oregon [Mr. NEUBERGER].

Mr. NEUBERGER. Mr. President, I have been interested in hearing on the Senate floor of the very encouraging developments which have taken place in the State of Tennessee with respect to trial by jury, and in the State of North Carolina with respect to the integration of schools. I wish to say that I commend those States in general, and I particularly commend the people in those States who are responsible for these heartening and enlightening occurrences.

However, Mr. President, nothing that occurs anywhere on this planet can be separated from the context of the era and the period of time in which it takes place. I believe that the very existence of this bill which has passed the House of Representatives and is before the Senate for consideration, has had an effect on these events.

At one time the Supreme Court of the United States, the highest tribunal in this land, handed down a long set of rulings adverse to certain New Deal legislation. Later there was pending in the Senate a bill, favored by President Franklin D. Roosevelt, to add additional justices to the United States Supreme Court. All at once the rulings of the United States Supreme Court were reversed, and became in favor of New Deal legislation.

I will say for the record that if we cannot separate holdings of the highest tribunal of the land from the context of the times, which includes legislation which might be pending in the Senate, I think it is reasonable for those of us who favor meaningful civil rights legislation to state on the floor of the Senate that perhaps this very debate has had a helpful, affirmative, and encouraging impact on the fine events that have occurred in the State of North Carolina and the State of Tennessee.

The Anderson-Aiken-Case motion now pending would strike from the bill all substance of part III, entitled "Strengthening Civil Rights." While strong charges have been made against part III, it is a relatively modest provision. This part of the bill, as all other provisions of the bill, does not add any substantive law or extend Federal jurisdiction in the field of civil rights. It merely adds a new procedure to make existing law workable. The fact that the provision is a moderate one does not mean it is not a meaningful provision. While part III adds no substance to the law, it makes the present guaranty of rights meaningful.

The principal attack against part III has centered on the argument that it is impossible to tell what rights would come under the provisions of this bill and therefore there are no limits as to the areas in which the injunctive process might operate. This argument has been answered, time and time again, on the Senate floor, yet it continues to be repeated. The rights protected by this part of the bill are those secured by the 14th amendment. The substance and

meaning of the equal protection clause of the 14th amendment has been spelled out in a long series of court decisions. A list of such cases and the rights protected in them has been made available to the Senate and has been before us throughout this debate. I refer my colleagues to pages 245, 246, and 247 of the printed hearings before the Subcommittee on Constitutional Rights of the Committee on the Judiciary. These hearings were conducted in February and March of this year. I would like to refer to a few of the rights listed in the hearings which would be effectively guaranteed by the provisions of part III of H. R. 6127: the right to testify in Federal court without harassment; the right not to be denied use or enjoyment of any governmentally operated facility on account of race or color; the right not to be segregated under compulsion of State authority on account of race or color; the right to trial by a jury from which members of the defendant's race have not been purposely excluded.

My colleague, the senior Senator from Oregon [Mr. MORSE], presented an able argument last night on behalf of part III. I could add little to his thorough presentation, but, there has been one argument advanced against part III which I feel requires specific response here in the Senate. My friend the senior Senator from Massachusetts [Mr. SALTONSTALL] told the Senate on Monday:

"To solve the problem of civil rights for the individual in a sound manner we must balance these two fundamental concepts of government—the rights of the individual versus the principle of keeping the government close to the people" (p. 12283, CONGRESSIONAL RECORD, July 22, 1957).

The Senator from Massachusetts went on to state that part III violates "one of the cardinal principles upon which our Government is founded, namely, the principle of home rule or government close to the people." I believe, Mr. President, that all Senators would like to see the individual citizen do for himself without Government interference all that he can do effectively. And where there must be governmental action, I think all Senators would support the principle that the closer the Government can be to the people, the better it is. But, Mr. President, we are not operating in a vacuum when it comes to the question of civil rights.

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

Mr. NEUBERGER. I wonder if the distinguished Senator from California can yield me 3 additional minutes?

Mr. KNOWLAND. I yield 3 additional minutes to the junior Senator from Oregon.

Mr. NEUBERGER. To leave equal protection of the laws and the guaranty of equal rights to the States and local communities, we must asume that the governments of these States and local communities are representative of all the people. But we know that a major segment of the population is excluded from participation in State and local governments in large areas of our country. We also know that citizens of the United States are denied equal protection of the laws. As Senators who have taken an oath to uphold the Constitution of the United States, we can best carry out our obligation under that oath by voting down the Anderson-Aiken-Case motion to strike part III. The question before the Senate is whether we are to breathe life into this provision of the 14th amendment, 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.

I favor local government and local responsibility. But I recognize my obligations as a Member of the Senate of the United States, and I would not be doing my duty if I were to vote to strike part III from the pending measure.

In conclusion, I wish to emphasize the fact that the thoroughly documented speeches delivered earlier in this debate by the Senator from Illinois [Mr. DOUGLAS] have emphasized two cardinal facts before us. One is the undeniable circumstance that vast numbers of colored citizens in many States of this Nation are today unable, for one reason or another, to exercise their inalienable right as Americans to vote.

The second fact brought out in documented material and statistics is the fact, in many areas, colored citizens are excluded from jury duty. These facts are fundamental parts of this debate.

I wish to add this further thought: I hope there will emerge from the Senate a bill which those of us who favor real civil-rights legislation with all our hearts and souls can support. Speaking only for myself, because I have no right to speak for any other Senator, I believe in civil rights for all people, regardless of race, creed, color, religion, or economic status.

I do not intend to vote for a bill which I regard as a sham and a deception. I do not intend to vote for a toothless bill which has the title of "Civil Rights," but none of the substance of civil rights. Naturally I am not passing any judgment in advance, because we have not yet voted on the pending amendment, or on many others which undoubtedly will be offered. But I trust and hope that a majority of the Senate will allow to prevail in the Senate a civil-rights bill which has meaning and substance, and which longtime supporters of civil rights can vote for with the conviction that they are putting on the statute books a law which will work.

Mr. KNOWLAND. Mr. President, I yield 10 minutes to the junior Senator from Michigan [Mr. POTTER].

Mr. POTTER. Mr. President, as we come to the final hour before the debate closes on the question as to whether the main features of part III shall be stricken from the bill, I should like to comment on the pending amendment.

During the course of the debate there have been many fine legal arguments, both pro and con, relative to this amendment. We tend to forget and overlook the fact that we are not dealing with a document. The proposed legislation deals with people. It deals with more than 15 million human beings, 15 million American citizens. If part III is stricken, we shall be saying to those 15 million people, "We believe that you should have unhampered voting"; but by the same token we shall be saying that we intend to sweep under the rug other rights guaranteed to those 15 million people by a constitutional amendment. We shall close our eyes to rights such as the right to serve as a juror, the right to use the courts for litigation, and rights which we like to refer to as human rights, such as the right to utilize public facilities which they, as taxpayers, pay for in the same way as do other citizens.

Mr. President, as the result of this very learned and legalistic discussion, there has appeared a tendency on the part of many of us, I am fearful, to forget the human element involved. Are we, as the Senate, to abandon one constitutional amendment in favor of another?

Are we to downgrade a fundamental area of protection for our citizens? Do we sacrifice all other vital rights to the voting right? If we strike section III of this bill, we are doing just that.

We must not be fooled by the move underway to jettison this part of the bill. If we strike out part III, we are walking right down a street paved by our astute southern friends. We are helping them to establish the foundation for their next move, which is obvious. With all other obstacles cleared away, they will then turn their big guns on the right to vote. If we are foolhardy enough to cooperate in any move to downgrade the civil rights guaranteed by the 14th amendment, we are giving the foes of civil rights the ammunition to attack the voting rights guaranteed by the 15th amendment.

Let us remember that we are talking of human beings. We are talking of American citizens. Our law guarantees, among other rights, the right to hold public office, the right to an education, the right to live in dignity.

Both the Republican and Democratic Party platforms reinforce the principles of civil rights in their broadest sense. President Eisenhower's statement of July 16 reinforces the broad area of civil rights. Not one of these documents limits civil rights to the right to vote, or sets up the right to vote as the primary right.

I say to my good friends on this side of the aisle that we have heard a great deal said about the position of the Republican Party and the position of President Eisenhower on this vital question. We have heard the statement made, "At one of the President's press conferences such-and-such was said or inferred. We do not believe the President wants to have anything more than part IV, together with parts I and II, and he does not really care about part III."

Let us see what the President wants. In a statement issued by the White House on July 16 of this year, the President said:

I am gratified that the Senate, by a vote of 71 to 18 has now made H. R. 6127 the pending business before that body.

He congratulates the Senate for having made the bill the pending business. That emphasizes President Eisenhower's interest in having the bill taken up.

Then he goes on to say:

This legislation seeks to accomplish these four simple objectives—

He then lists the four objectives. The first objective is:

1. To protect the constitutional right of all citizens to vote regardless of race or color. In this connection we seek to uphold the traditional authority of the Federal courts to enforce their orders. This means that a jury trial should not be interposed in contempt-of-court cases growing out of violations of such orders.

That deals with the right to vote. What about his second point? It is this:

2. To provide a reasonable program of assistance in efforts to protect other constitutional rights of our citizens.

The President speaks of other constitutional rights. He does not say, "We will limit the bill to voting rights." He says "other constitutional rights." Elimination of part III of the bill would strike out that provision.

Therefore my colleagues should not be impressed by those who say, "Yes, I am for civil rights. I am a supporter of President Eisenhower. However, I think this bill should be limited to voting rights."

How can we say that one constitutional right shall have priority over another constitutional right? I grant that the right to vote is a very important right of all citizens. However, it is not one iota more important than the rights guaranteed by the 14th amendment. Therefore, I say, let us not be led down a blind street, as some of our friends would lead us, or yield to them when they say, "If you scrap part III, we will go along with you."

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

Mr. POTTER. Mr. President, may I have 5 additional minutes?

Mr. KNOWLAND. I yield 3 additional minutes to the Senator from Michigan.

Mr. POTTER. Mr. President, some of those to whom I refer say, "We will go along with the bill, if you will strike part III and then you will have a bill guaranteeing the right to vote." I believe we would be very naive, indeed, if we listened to our good friends from the South, who are the most astute parliamentarians in the Senate, because if we scrap part III there will be very little left of the bill. Their next effort will be to jettison part IV. The result will be that we shall wind up with nothing more than a title and the Lord's Prayer.

Those who claim to favor civil rights, those who want to see civil rights become a reality rather than simmer as a political issue, and those who sincerely believe in the constitutional guaranties of the 14th and 15th amendments cannot support the Anderson-Aiken amendment to strike the heart of part III from the bill.

Mr. President, I have before me a column written by Jay G. Hayden, and published in the Detroit News of July 18, 1957. Mr. Hayden is one of the deans of the Washington press corps. In his article he refers to a book written by C. Vann Woodward, entitled "The Strange Career of Jim Crow." Mr. Hayden describes the so-called tradition of racial prejudice in the South, which is not indigent to the South but rather has been manufactured by southern politicans. After the Civil War and the Reconstruction period, there was a time, lasting from 10 to 20 years, when the South lived without the so-called Jim Crow laws, when segregation was practically unknown, when southern political leaders sought and secured the votes of Negroes in their communities, and when the white citizens of those communities aided and helped the Negroes to run for public office. This, I repeat, was just after the Civil War at a time when one would expect the South to be most bitter. It covered the years from 1880 to 1900. This was the period after the Federal troops had left.

The Jim Crow actions of the South did not arise because of the social problem; they came as a result of the Populist movement, when people moved into the South for political reasons.

So when I am told, "You do not understand the problems we have. Equality can never be achieved in the South"; I say it has been achieved in the South, where the two races once lived together without enmity. It could happen again.

I sincerely hope that the pending amendment will be rejected.

Mr. President, I ask unanimous consent that the article by Jay Hayden be printed in the RECORD at this point in my remarks.

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

WASHINGTON, July 18.—President Eisenhower, in his seeming recognition of voting equality as the opening wedge to establishment of all civil rights, is bolstered by a highly interested intellectual study.

Back in 1955 C. Vann Woodward, Alabama born and North Carolina graduated professor of history at Johns Hopkins University, produced a thesis establishing that legalized separation of the races scarcely began until the late 1890's and then because of fear of rising voter combination of Negroes and poor whites.

In a book entitled "The Strange Career of Jim Crow," Professor Woodward asserts and thoroughly documents that from the end of the Reconstruction period in 1877 Negroes in the South for 2 decades voted and acted legally like white people.

During that period Negroes and upper class whites got along with hardly a ripple of conflict; but with continuing antagonism between Negroes and poor whites.

Then came the Populist Party, with its leaders in the South, especially Tom Watson, United States Representative and Senator from Georgia, urging that if poor folks white and colored, would just get together they could take over everything.

REACTION RAPID

Scared to death by that movement, established Democratic politicians and property owners throughout the South decided their best way out was to fan the fires of racial hatred.

In pursuance of that theory, they enacted within a span of very few years every law they could think of to separate and degrade the Negro race.

Mississippi very early set up literacy, property, and poll tax requirements for voting, designed to bar Negroes. But these were not copied in South Carolina until 1895, Louisiana 1896, North Carolina 1900, Alabama 1901, Virginia 1902, Georgia 1908, and Oklahoma 1910.

The popular primary, which quickly became the real final election throughout the South, with Negroes generally excluded in toto, was adopted first by South Carolina in 1896. Arkansas followed in 1897, Georgia 1898, Florida and Tennessee 1901, Alabama and Mississippi 1902, Kentucky and Texas 1903, Louisana 1906, Virginia 1913, North Carolina not until 1915.

Says Professor Woodward:

"The effectiveness of disfranchisement is suggested by comparison of the number of registered Negro voters in Louisiana in 1896, when there were 130,334, and in 1904, when there were 1,342. Between the two dates the literacy, property, and poll tax qualifications were adopted."

A recent compilation shows 510,000 Louisiana Negroes qualified but only 161,000 voting. Other States as follows:

	Eligible	*Voting*
Mississippi	497,000	18,000
Alabama	516,000	53,000
Arkansas	233,000	68,000
Virginia	423,000	85,000
South Carolina	390,000	99,000
Florida	367,000	149,000
Georgia	634,000	163,000
North Carolina	550,000	102,000
Tennessee	371,000	149,000
Texas	551,000	209,000

Laws restricting Negroes in other lines proceeded apace.

Up to 1900 the only Jim Crow-type law adopted in a majority of Southern States applied to passengers aboard trains, and even that did not apply in South Carolina until 1898 and Virginia 1900. Only 3 States up to 1899 had separate waiting rooms in railway stations.

But from that time forward the whole region went mad. A 1915 South Carolina code prohibited persons of different color from working together in the same room or using the same entrances, pay windows, exits, doorways, stairways, or windows at the same time, or the same lavatories, toilets, drinking buckets, pails, cups, dippers, or glasses at any time. Exceptions were made only as to firemen, floor scrubbers, and repair men, who were permitted racial mixing on a strictly emergency basis.

There never had been racial mixing in the South up to very recently in elementary schools. But up to 60 years ago there were hardly any facilities in that line for Negroes on any footing.

Mr. ANDERSON. Mr. President, I yield 10 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, a long time ago, when I was a boy attending a small town high school, there was an occasion when I felt terribly let down concerning a man for whom at that time I had a profound respect in a kind of youthful hero worship. The man was George Washington. But I felt terribly let down toward him when I read some lines about him in a text by Edward Everett. Everett began his text in this way:

Washington—

He said—

was preeminently a man of commonsense.

Naturally, as a boy, I had thought of Washington in terms of the famous

painting of Washington Crossing the Delaware. There he stood, cloaked and determined looking, in a small boat crossing the broad river, amid cakes of ice, on his way to destroy the Hessians on the other side of the Delaware. Now. I was told that this hero of mine, this fighter, this dashing soldier, was distinguished primarily by commonsense.

It was only years later that I began to understand the significance of Everett's text. It was only later that I began to understand that without Washington's balance—indeed, his commonsense—it is probable that this great country of ours might never have been founded as a democracy. And it was only later that I discovered that among men commonsense is a most uncommon quality.

I say all this by way of prelude to a few simple remarks I should like to make now on the debate that has engaged our attention some days. I should like, if I may, to say something with deference not only to the constitutional authorities among us, but also with respect for the views of men whose views are not my own, and with due regard also for those men whose nobility of spirit and idealistic aspirations are, I freely admit, greater than my own.

I should like to express, first, my own fear and terror of absolutism. Some of the most appalling crimes known to the bloody annals of humanity have been committed in the name of righteousness. I have only to remind my colleagues of the centuries-long crimes committed by the Inquisition. But men who have committed the crimes did not do so because they were cruel. They did not split the throats of heretics or burn others at the stake to harm them. On the contrary, they did all this, as they thought, to help them, and to point out through condign punishment the error of their ways.

It is not given to men to look into the hearts of other men. But one may believe that the bloody Stalin was in his own way sincere when he killed millions of Russians so that the surviving Russians might come into what Stalin took to be the heaven of Russian communism. It may also be that the bloody and satanic Hitler also believed that he was benefiting mankind when he destroyed millions of inoffensive Jews and also destroyed hundreds of thousands of Slavic peoples, including Russians and Poles.

What I am trying to say here is that I myself am fearful of men who are absolutists; men, that is, who might cut your throat, not to harm you, but to do you good.

It is also noteworthy that absolutists, in order to have their way, constantly charge their intended victims with being in league with the devil. They charge whole races or groups or regions with diabolism. One has heard the extremists make charges of diabolism all through history. It is not surprising, therefore, to hear the charges we have heard being hurled against the South on the floor of the Senate. According to those who make these charges, the South is a region inhabited by white people who are hopelessly indifferent to their civic responsibilities, who, when they are not committing crime, are engaged in conspiracy to commit it against their weaker neighbors, who, in this case, are Negroes. But how often throughout history has one heard the same charges made against other groups.

Thus, in the eyes of the greatest modern absolutist, Hitler, the Jews of the entire world were combined in a conspiracy of the press, of finance, and of politicians whom they controlled to bring the whole world under their domination. So, too, in a similar way, the charge has repeatedly been made against Catholics and the Catholic Church, both abroad and in this country, that the Catholics and the Catholic Church are in a ruthless and subtle conspiracy to bring at least the Christian world under their total and tyrannical domination.

We see, then, that the ends to which absolutism leads may prove cruel and bloody beyond calculating. I would say, then, if I may, a few things in the name of commonsense. I would say, first of all, to quote the words of the late Dr. Robert Park, the eminent sociologist of the University of Chicago, "that before men know what they ought to do, they must know what they can do."

I would say to that that the whole history of mankind is replete with illustrations of this fact, namely, that every government or organized church that men have ever had has had at some time to compromise the logic of its own institutionalism.

I would suggest that where men depart from the processes of compromise they depart also from the processes of democracy, and they are then likely either to fall into civil war as we did in 1861 when the processes of compromise were ended, or to fall into absolutisms such as communism or fascism, when dictatorship takes the place of persuasion in the councils of the Government, or perhaps, in the United States, to batter down the walls of our Federal system.

I would also like to note that difficult social and economic questions are not capable of solution in the sense that a sovereign remedy may be found which will forever dispose of them. This is a notion, unfortunately, to which we are much addicted. But, as we all know, it is contrary to the history and experience of all mankind. The reality is that men do not solve these difficult questions in the sense of finding a pill or a foolproof remedy which will forever clear them away. On the contrary, they do very well indeed if they find a way to ameliorate the problems, to find a way to live and let live.

This is not, of course, a counsel of perfection. It is not absolutism. It may not be in accord with the ultimate limits either of pure Christianity or of pure democracy.

But since, as was said, men are a little lesser than the angels, it is likely that few of us live our lives in accord either with the dictates of pure Christianity or pure democracy. But this does not mean that most of us do not strive to do the best we can, according to the light that is given us.

I would say, finally, that it is quite possible, too, that by the exercise of power, there may be forced upon the South measures obnoxious, at least to its 40 million white people. Nothing that men possess is so headily dangerous as power and nothing so tempts men to employ power as the possession of power. Since it is a heady possession and since it proceeds more by the methods of force and compulsion than by the methods of reason and persuasion, its use is often a confession not only of spiritual bankruptcy but of intellectual impotence.

Its use, moreover, may be worse than a crime because it is a blunder. For example, suppose that when a husband or wife applied for a divorce our courts had the power to order them to live together and thereafter to be nice to one another and considerate of one another in all their relations. Does anyone think that, although the court might have the power to compel the couple to live together, it could compel them to live amicably together, to live in such a way that their children would come up in a healthy atmosphere, and that husband and wife would discharge their responsibilities in their individual personalities or in their community life?

I would ask what risks might be run of having sullen communities in this country forced, so to speak, to live together in peace and amity simply because of fear of injunctions and jails and punishment of all kinds. I would ask what risks are run in such a community of a total lack of cooperation among the members of the community, a cooperation which now makes communities at least livable, but which, in the absence of such cooperation, would make them at best sullen and hard-eyed groups looking at one another with fear and suspicion.

By the use of force, as provided in part III, it may appear that a victory has been achieved over the South, but in substance, it will prove to have been a defeat for the free society the essence of which is persuasion and commonsense, not absolutism and naked power.

I urge the Senate to reject part III, as is proposed to be done by the Anderson-Aiken-Case of South Dakota amendment.

Mr. KNOWLAND. Mr. President, I yield 7 minutes to the distinguished junior Senator from Pennsylvania [Mr. CLARK].

The PRESIDING OFFICER (Mr. SCOTT in the chair). The Senator from Pennsylvania is recognized for 7 minutes.

Mr. CLARK. Mr. President, I, too, would like to make an appeal to the commonsense of the Senate. I believe it is most important that commonsense should govern the decisions of the Senate, but I think it should be the commonsense of the 20th century, not that of the 18th century. In contradistinction to the point made by my good friend, the distinguished Senator from Arkansas [Mr. FULBRIGHT], I suggest that commonsense would impel the Senate to reject the Anderson-Aiken amendment.

Mr. President, as the Senate approaches a vote on the Anderson-Aiken amendment, I submit that it is important that Senators and the country at large should know exactly what is proposed. The amendment would strike out section 121 of the civil-rights bill.

The rest of part III would thereby be rendered meaningless, as a practical matter.

This amendment is not a compromise. It is an abandonment by the Senate of the United States of all effort to assist in the enforcement of the equal protection of the laws clause of the 14th amendment.

If adopted, the amendment will be a determination that the Senate of the United States is content to have the equal protection clause returned to the condition of innocuous desuetude in which it lingered from the time of its adoption until the Supreme Court breathed new life into it in 1954.

The adoption of this amendment will mean that the United States Senate will give aid and comfort to the legislatures of the Southern States that are restricting the ability of Negro citizens of the United States to secure their constitutional rights, and thus are thwarting the decisions of the Supreme Court of the United States.

Already Virginia, Georgia, South Carolina, Arkansas, and Tennessee have passed antibarratry laws prohibiting organized citizens' groups from assisting persons desirous of protecting their civil rights. These laws prohibit such persons from retaining counsel unless they are able to pay their lawyers without outside assistance.

Every Member of the Senate knows that the typical aggrieved Negro citizen whose civil rights are being infringed lacks funds and legal knowledge to protect himself. Thus, if the Anderson-Aiken amendment is adopted the Senate will have abandoned all effective efforts at the Federal level to enforce the rights of our Negro citizens, other than the right to vote, to the equal protection of the laws.

This will mean inevitably that the Senate will turn its back on recent decisions of the United States Supreme Court in the same manner that certain of the Southern States have already done.

If this is what the Senate wishes to do, that, of course, is its privilege. But Senators should, I submit, take a look at what this action will do to the position of the United States as a world power and to the position of the Senate itself as an institution. There is not a Member of the Senate who does not know that the Communist press, as well as the European, Asiatic, and African press, is following this debate with great care. If this amendment is adopted, word will be flashed around the world that so far as the Senate is concerned, the 14th amendment to the Constitution of the United States does not mean what it purports to say.

Word will be flashed around the world that we are unwilling to mold our domestic institutions to fit our global protestations. Word will be flashed around the world that the Senate of the United States is unwilling to move forward to meet a critical challenge to the integrity of our foreign policy. We shall have served notice that, while we oppose colonialism abroad, we favor it at home.

One can imagine the embarrassment of our representatives abroad in the diplomatic service, the USIA and the ICA as they attempt to explain to potential allies in North Africa, the Middle East, Pakistan, India, Southeast Asia, Taiwan, and Japan why we believe there should be no second-class citizens abroad, but are unwilling to apply that precept at home.

Mr. President, the adoption of the Anderson-Aiken amendment, in my judgment, will convict the foreign policy of the United States of hypocrisy.

Finally, let us consider what the amendment does to the status of the Senate as an institution.

We are all familiar with the old cartoon, now become a popular phrase: "Everybody was out of step but Johnny." The House of Representatives, the Supreme Court of the United States, and the overwhelming majority of the American people are prepared to take a modest step forward to eliminate second-class citizenship and to enforce the equal protection of the laws in all 48 States of the Union. With the exception of the Union of South Africa and the Soviet Union, racial equality without discrimination by reason of race or color is a fundamental concept of government throughout the world.

The PRESIDING OFFICER. The time yielded to the Senator from Pennsylvania has expired.

Mr. CLARK. Mr. President, will the Senator from California yield an additional minute to me?

Mr. KNOWLAND. I yield 1 additional minute to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 1 additional minute.

Mr. CLARK. I thank the Senator from California.

Mr. President, if the Anderson-Aiken amendment is adopted, the Senate of the United States will have given notice that it, and it alone, of the governmental institutions of the United States of America is out of step with the country, is out of step with its allies, and is out of step with the ethical and moral concepts of our time.

Mr. President, I hope the amendment will be rejected; and I hope that the Senate of the United States will not subject itself to this humiliation before the public opinion of the world.

VISIT TO THE SENATE BY MISS LORRAINE KICKASOLA

Mr. KNOWLAND. Mr. President, I yield one-half a minute to the distinguished senior Senator from New Jersey [Mr. SMITH].

The PRESIDING OFFICER. The Senator from New Jersey is recognized for one-half a minute.

Mr. SMITH of New Jersey. Mr. President, I rise to a matter of personal privilege: The Senate is honored today by having in the gallery a young lady from the State of New Jersey. My colleague [Mr. CASE] and I desire to ask her to rise and be greeted by the Senate. She was elected the Vegetable Queen of New Jersey, at a recent conference of all the vegetable growers of the State.

So, Mr. President, I ask the Senate to extend its greetings to Miss Lorraine Kickasola; and I ask that she rise.

(Miss Kickasola rose, and was greeted with applause.)

CIVIL RIGHTS ACT OF 1957

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

The PRESIDING OFFICER. The question is on agreeing to the Anderson-Aiken-Case of South Dakota amendment to strike out section 121 of the bill.

Mr. ANDERSON. Mr. President, I yield 5 minutes to the Senator from Iowa [Mr. HICKENLOOPER].

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. HICKENLOOPER. I thank the Senator from New Mexico for yielding to me; and I assure him that in making my statement, I shall not ask to be yielded to five times. [Laughter.]

Mr. President, I wish to point out some of what I believe to be fundamental and controlling reasons why the Anderson-Aiken-Case of South Dakota amendment should be agreed to.

Senators can talk a great deal about civil rights and equal rights as a matter of principle. I assume that no one has a strict monopoly on the desire to be fair to all Americans; that desire is quite inherent in our attitude and it is quite inherent in our system.

Mr. President, I wish to state that section 121 suggests to me one of the most dangerous steps this country could take. In fact, it is a step away from the trend which most of us have hopefully expected to be taken in the past several years. It is a step away from the decentralization of government in the United States, and is a long step toward the further concentration of autocratic and bureaucratic authority in the central Government at Washington, and, for that general reason, is fundamentally one of the most dangerous steps which could be taken.

I could imagine nothing that would lend itself to more versatile use by a public official for persecution than the unlimited and uninhibited power of discretionary assault on individuals provided for in section 121; and please bear in mind, Mr. President, I am not referring to any particular Attorney General; I am referring to the office of the Attorney General, whether it be one who previously occupied that office or the one who occupies it now or one who may occupy it in the future.

We have all lived through the days of a few years ago, but we sometimes tend to forget them. I remember them very well. I recall that in the OPA days and in the days of labor relations controversies in my part of the country hordes of strange characters came from the ooze of someplace in the eastern seaboard and inflicted themselves like locusts on our businessmen. These characters had no sympathy whatsoever with the areas on which they were inflicting their arbitrary regulations and rules,

under which the people of my State suffered for several years, and were constantly subjected to harassment, either for political or for ideological reasons.

The pending bill is the same kind of measure, Mr. President, and a principle is here involved. I want to see less concentration of arbitrary power and bureaucracy in Washington. I want to see more and more power reassumed by the States and the local communities. I do not say that in no place in this country has there ever been any injustice in connection with human rights. Of course there have been periodic instances and occasions, and they are regrettable when they occur; but we have State responsibility, we have local community responsibility; and we have the responsibility of the individual in the American citizen, who is likewise admonished, under our system, to fight vigorously for the preservation of his own rights, and not to expect some government to take him under its wing and permit him to become weak in the assertion of his rights.

In this country those rights have been gained not from government, but rights and progress have been gained because of the tenacious insistence on certain privileges which an individual thought he had and defending which he was prepared to die.

The PRESIDING OFFICER (Mr. MONRONEY in the chair). The time of the Senator has expired.

Mr. HICKENLOOPER. I ask that I may have 2 additional minutes.

Mr. ANDERSON. I yield 2 additional minutes to the Senator from Iowa.

Mr. HICKENLOOPER. I wish to call to the attention of my brethren in the Senate one very serious threat that has been hanging over us for a substantial period of years. I have had something to do with stopping it, and I am going to continue to do what I can to stop it. I have been a member of the Foreign Relations Committee for a number of years. I was on the first subcommittee when the genocide convention was submitted for the advice and consent of the Senate of the United States. At that time I said it was one of the most potentially dangerous proposals that ever came before the Senate, because, by treaty, power over criminal jurisdiction in this country would be concentrated in the hands of the Central Government, a power which has always heretofore been enjoyed by the States.

In passing, I wish only to say that treaty is still in such shape that it could be advised and consented to by an uninformed Senate, though I do not think the Senate need ever be uninformed as to that situation. But other attempts have been made to place in the Central Government what amounts to criminal jurisdiction over local acts which ought to be within the responsibility of the States, local communities, and individuals whose duty it is, as much as it is that of the Central Government, to protect their own rights.

Citizens are handicapped on occasion, yes. The question involved is one of evolution. I call attention to the fact that, from apparently reliable statistics, more than a million and a quarter Negroes in the South voted in the last election.

If one compares those statistics with those of a few years ago, I think it will be admitted that great strides have been made in the mutually accepted readjustment of manifestly difficult problems in that section of the country.

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

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

Mr. ANDERSON. I yield 1 additional minute to the Senator from Iowa.

Mr. HICKENLOOPER. If we limit the bill to a voting-right measure, if we attempt to aid rather than coerce and force, I think, step by step, year by year, a solution will be arrived at in a manner which will be acceptable to any group or any people.

We have civil-rights problems in my State, too. We want to solve them in our own way. We want to solve them under our own jurisdiction and under our own sovereignty as a State and as communities.

For the reasons I have stated, and because I think the enactment of part III would result in a dangerous concentration of power, and the enlargement of a whimsical opportunity, if you please, afforded to a bureaucratic Government, regardless of the individual in the Attorney General's office, I believe the section under discussion should be eliminated from the bill, in the interest of our American system of government, and the responsibility of local areas and individuals themselves.

Mr. KNOWLAND. Mr. President, I yield 6 minutes to the distinguished Senator from Minnesota.

Mr. THYE. Mr. President, I rise for the purpose of stating my objections to the Anderson-Aiken-Case of South Dakota amendment.

For more than 2 weeks the Senate has engaged in debating a bill designated as the Civil Rights Act of 1957. I would rather refer to the bill as the human-heritage bill, because it involves every human being and the basic rights granted to all human beings under the Constitution and the laws of the United States. The bill goes to the heart of a great heritage of rights which our Founding Fathers passed on to us, and it seeks to extend an even greater heritage to future generations.

From the first day the white man set foot on American soil, the history of the United States has been that of a long and sincere struggle for freedom. The early settlers of the United States sacrificed families, loved ones, and homelands so that they might be free and could cast off the yoke of oppression. These people laid the foundation for the growth and development of industry, agriculture, and our system of representative government. This struggle for freedom found expression in our Constitution and our laws.

Our Nation was founded upon the underlying principle that all men are created equal and that they are endowed by their Creator with certain rights spelled out in terms of "life, liberty, and pursuit of happiness."

The bill before the Senate at this time seeks to implement the principles expressed in our Declaration of Independence and guaranteed by our Constitution. It is a further step to achieve the historic goal which the founders of this Nation established as a precious heritage.

It is a bill which affects every section of the United States and every person. It is not a bill designed to legislate against any one section of the Nation. It is designed to eliminate discrimination wherever it may occur in our country, and for whatever reason it may exist.

The bill seeks to give meaning to the rights established in the 14th amendment. The 14th amendment may mean different things to different people or different sections of the country. To me it means the right of everyone living in our country to live in a free society, to grow and prosper in a free economy, to enjoy moments and hours of relaxation and recreation without discrimination. It represents life itself as it is lived in our great Nation.

It has been said in the heat of debate that the current bill can be likened to a bayonet placed at the heart of our Southern States. To me the bill does not represent a bayonet, but rather it seeks to take away the spears of discrimination that are sometimes placed at the hearts and minds of human beings as they seek to enjoy the rights which they deserve and which were intended for them.

I rise to speak my convictions and conscience today in opposition to the pending amendment to H. R. 6127. This amendment would strip from the civil-rights bill a section which seeks to further achieve to a greater extent the rights of freedom and equality for American citizens.

If this amendment shall be agreed to, the Senate of the United States will have created by its action a simple right to vote bill. This right of franchise is guaranteed to citizens by the Constitution. If we adopt the amendment and deal only with voting rights, we will in one sense recognize that a valuble right has been denied to deserving citizens and that Senate action is required to further establish that right. But, in another sense we will tell the world that for some reason the right to vote is more important to the individual than the right to enjoy equality, the right to life, liberty, and pursuit of happiness, the right to own property, the right to equal protection of the laws, and the right to live without discrimination. This I cannot sustain.

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

Mr. KNOWLAND. Mr. President, I yield 1 additional minute to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. THYE. Mr. President, I cannot support the proposition that a right which a person exercises once every year, every 2 years, or every 6 years, is more important than the rights which a per-

son should fully enjoy every day of his life.

The Senate today stands at a decisive moment in history in an era when people throughout the world are seeking freedom from oppression and discrimination. The United States holds a position in the world as a leader in the continuing fight for freedom and liberty. If we are not willing to release the tentacles of discrimination from all our citizens, our call for freedom for people in other parts of the world becomes more hollow than hallowed.

During the past 5 years we have witnessed a steady march of progress along the road to the guarantee and protection of individual rights.

The PRESIDING OFFICER. The time of the Senator from Minnesota has again expired.

Mr. THYE. Mr. President, may I ask the minority leader to yield me 1 additional minute.

Mr. KNOWLAND. I yield 1 additional minute.

Mr. THYE. I thank the Senator.

The administration by executive action has opened freedom's door to many, and has erased discrimination because of race from many aspects of our social and economic life. The Supreme Court of the United States has spoken in clear and decisive terms for the guaranty of individual rights. The House of Representatives has taken action by passing H. R. 6127, a bill designed to protect and guarantee individual rights.

Each branch of our Government has taken action, with the exception of the United States Senate. The Senate is recognized as the most deliberative body in the world today. By adopting the pending amendment, the Senate will place a roadblock in the path of freedom and individual rights which it may take years to remove.

It is my hope that the Senate today will reject the Anderson-Aiken-Case of South Dakota amendment, and by that action speak in behalf of millions of individuals who seek to enjoy the freedom and basic rights which were intended for them by our Constitution and the laws of this great land.

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

Mr. ANDERSON. Mr. President, I yield 7 minutes to the Senator from Florida [Mr. Holland].

The PRESIDING OFFICER. The Senator from Florida is recognized for 7 minutes.

Mr. HOLLAND. Mr. President, I strongly support the pending motion, offered by the distinguished Senator from New Mexico and the distinguished Senator from Vermont.

However, before I state, briefly, my reasons for so doing, let me reply to two of my friends who have spoken in opposition.

The Senator from Minnesota said it would be most unfortunate for us to take action protecting voting rights, when there were civil rights of greater importance which we would not be protecting. I think the Senator will agree, as he must, that we have never tried to deal with thievery and murder in the same act when trying to punish crimes, and the Senator should realize that it is not good judgment or good law to try to mix up together all the various classes of civil rights, as is attempted in the pending bill.

The Senator from Pennsylvania in his remarks stated, in substance, that by agreeing to the motion to strike out part III of the bill we would give aid and comfort to those extremists who do not want Negro citizens to have any civil rights. Mr. President, the Senator could not be more in error.

On the contrary, adoption of the pending amendment and the striking out of the shotgun approach which is embraced in part III would furnish great comfort and aid to the moderate people of the South, whether they be white or colored, and there are millions of both races who are trying to solve this grave problem by cordial understanding and by mutual give and take.

Mr. President, there never has been given in the course of this debate any adequate recognition of the fact that most of the good citizens of the South—millions of people, who can be found anywhere—both white and colored, have been making great progress in this field in the South.

The elimination of any poll-tax requirements for participating in any election in all of our Southern States but five, is a clear showing of progress. The complete elimination of lynching, which used to be so prevalent in the South—and certainly it was detestable to all good people of both colors in the South—is another evidence of it. The strengthening of the education program is yet another evidence of it.

Mr. President, while we were discussing in the course of this debate the issues involved, we observed the outcome of a jury trial at Knoxville yesterday in the field of education, and we have observed this morning in the newspapers of the Nation a report to the effect that in three cities of North Carolina—the splendid cities of Charlotte, Winston-Salem, and Greensboro—12 Negro pupils, the first in the recent history of that State, if not ever, have been admitted to the public white schools by operation of the State law.

Mr. President, those zealous people who want to use, instead of reason and mutuality and a solid approach by well-intentioned citizens of both colors, coercion through law, are just as wrong as they could be. If those overzealous people want to discourage the approach by moderate people who have made so much progress, let them keep part III in the bill.

Mr. President, how illogical it is to try to deal with all civil rights at one time.

Mr. President, I ask that there be printed at this point in my remarks the first eight amendments to the Constitution, which provide for various kinds of civil rights.

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

Amendment I: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II: A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

Amendment III: No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment 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; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment 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.

Amendment VII: In suits at common law, where the value in controvesy shall exceed $20, 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.

Amendment VIII: Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Mr. HOLLAND. Mr. President, I also ask unanimous consent that there be printed in the RECORD at this point in my remarks the ninth amendment to the Constitution, which reserves to the people all civil rights that are not particularly dealt with in the Constitution.

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

Amendment IX: The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Mr. HOLLAND. Mr. President, I invite attention to the fact that in the original Constitution in many places civil rights are recognized, and in various later amendments—such as, for instance, the 14th, 15th, and 19th amendments—other civil rights are given.

Mr. President, it simply is not reasonable and is not good judgment or commonsense to approach this question by including in the scope of 1 bill 100 or more different kinds of civil rights and proposing that 1 remedy, coercive in nature, shall be used in all those cases. There could be nothing more destructive of the calm, deliberate, dispassionate, and harmonious approach

which now is being made to these problems in the South.

Mr. President, it is for the continuance of that approach that I plead. When North Carolina and Louisiana adopted anti-poll-tax laws they had great effect on us in Florida, and we adopted an anti-poll-tax law. So it has been with one State after another, until now there are only five States with such poll tax laws. Some of those five States have largely cut out the harmful effects of the poll taxes by many exemptions in their laws.

So it is in other fields of civil rights. We shall see how those processes work, and how wrong it would be just now to deprive us of the opportunity to observe what happens in the cities of North Carolina, what happens in the districts in Texas and Arkansas, and what happens in other places, where, by geographical districting or by classification of students, or by one approach or another, it is sought to find some peaceful and reasonable way to comply with the Supreme Court's decision in the school cases.

The worst thing that could happen to the country, particularly to that part of the country which I love most intensely, the Southland, would be to have the rest of the Nation assume the position of dictator, saying to us, "You must do this, or you must do that. Unless you do we will not regard you as good citizens."

I have seen how this psychology works. I have been up in the night many times trying to avert lynchings in the old days. Perhaps Senators would be surprised to know that the hardest fight I ever had in my life in that field was an effort to avert the lynching of 2 white men. For when there is disrespect for the law and a breakdown in the legal processes, there is no limit beyond which such actions may go.

We are working moderately, kindly, and with good will, to bring about the solution of these difficulties; and we have come a long, long way.

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

Mr. HOLLAND. Mr. President, may I have 2 more minutes?

Mr. ANDERSON. I yield 2 more minutes to the Senator from Florida.

Mr. HOLLAND. It is a good thing to have zealots in the world. We have always had them. We have them in this particular case, urging the passage of this very revolutionary far-reaching, and coercive bill. It is a good thing to have them, because they spur on the rest of us. But they are not the ones who should dictate the policy. It should be determined by the level-headed, commonsense people who are living day by day with these problems, and who are finding more and more peaceful solutions of them and working out those solutions in such a way as to do good to both races in the South, where 45 million people live and move and have their being.

It is a good thing to give that peaceful process a little time to work. It is a good thing because we have made such great advances in the South toward the solution of these problems. It will be a good thing to confine the bill entirely to protecting the voting process.

I hope the pending amendment will be approved, to eliminate the "shotgun" approach.

As a boy I learned that when one goes hunting for big game, or with big objectives, he does not take along a shotgun loaded with mustard seed shot. That is exactly what is happening here. The bill includes within its four corners everything in the nature of civil rights throughout all the Nation; and it is proposed to adopt one coercive, legalized process to solve them all when this problem must be solved in men's hearts, through moderation, prudence, and mutual respect and affection. Otherwise it will not be solved.

I think we should wholeheartedly approve the pending amendment and strike from the bill the approach of the zealots. We should go back to the commonsense, middle-ground basis, upon which we shall have some chance to succeed. The South has already gone far in the direction of solution of this problem. In my State 150,000 colored citizens are registered and voting. That is typical of what has happened in all the Southern States except five. Mr. President, I hope we shall adopt the pending motion.

Mr. KNOWLAND. Mr. President, I yield 8 minutes to the distinguished junior Senator from New Jersey [Mr. CASE].

Mr. CASE of New Jersey. Mr. President, I rise in support of part III of the civil-rights bill. The difference between a bill with part III and one without part III is the difference between a civil-rights bill and a simple voting-rights bill—a voting-rights bill which, as the Senator from Oregon [Mr. Morse] pointed out yesterday, would be shorn of much of the strength which would be afforded the right to vote, as well as other civil rights, by the provisions of part III.

Surely the rights of the 14th amendment to the Constitution of the United States, which part III seeks to protect, are no less precious than the 15th amendment voting rights, which are embraced in part IV of this measure. Our Constitution makes no provision for second-class rights. All of the rights guaranteed by the Constitution are of equal standing—the right to equal protection of the laws in the 14th amendment no less than the voting rights of the 15th amendment.

Much of the debate upon the civil-rights bill—and particularly part III—has proceeded from a kind of Alice in Wonderland reasoning which has effectively obscured the real issues at stake.

Here is a situation in which the Government already has available to it rather extreme criminal remedies to punish civil-rights violations. This bill proposes to permit the United States to seek, instead, equitable relief to prevent such violations from occurring. Opponents of the bill give the impression, however, that the proposed noncriminal remedy is worse than the already existent criminal statutes.

We are told, in effect, that it is far better to allow our citizens to violate the law and be criminally prosecuted than to seek to prevent such violation by giving advance warning of the kind of behavior which the courts deem unlawful.

I recognize, of course, that much of this argument is rooted not in Lewis Carroll but in a kind of pragmatism in reverse. The present criminal procedure appeals to the civil-rights opponents simply because it does not work.

Stripped of all irrelevancies, what the opponents of the bill are really contending for is the right to violate the law with impunity. The fact is that experience has demonstrated that the punitive approach results, not in enforcement of the law, but in its frustration.

And criminal prosecution is, I submit, peculiarly ill-fitted to the delicate task of resolving conflicts in this area of passionate controversy. To me it is utterly degrading to our system of justice and to the dignity of those who participate in it—whether as counsel, juror, or defendant—to await the commission of a crime and then try the case in an atmosphere of rancor and fear with the harsh dictates of the criminal law on one side and emotional appeals to racial supremacy on the other.

Part III of the bill would make it possible to litigate these issues calmly and reasonably in advance, or even after a violation had occurred. If the court found that a given course of action, whether threatened or already consummated, would deprive an individual of his constitutional rights, such action would merely be enjoined in the future.

But, opponents argue, under present law, that the individual whose rights have been denied can on his own behalf seek an injunction or bring suit for damages. Both such private remedies are, I submit, inadequate. Surely a damage suit is inappropriate as a device for enforcing civil rights. Who can measure in terms of dollars the injustice done to a child who is denied the right to attend a nonsegregated school?

The individual who has been denied equal protection of the laws, whether by State officials or by a conspiracy of individuals acting under color of State authority, is frequently unable to seek an injunction in his own behalf. Financial inability or community pressures, economic or otherwise, frequently prevent him from claiming his constitutional rights.

The defendants in these civil-rights cases can normally rely upon the legal resources of the local or State governments to assist in their defense. But the individual plaintiff cannot at the present time look even to his friends and relatives for financial assistance in prosecuting his case. What a travestry on justice. As the distinguished senior Senator from Illinois pointed out some time ago on the Senate floor, barratry statutes in a number of Southern States, recently strengthened to the point of ridiculousness, make it nearly impossible for any individual or organization to furnish financial assistance to help in the prosecution of private lawsuits.

Do these opponents of civil rights legislation come to the Senate with clean hands, in the light of everything we know about, including this particular kind of operation?

Under these circumstances, it is both necessary and proper that provision be made for the United States to seek injunctive or other civil relief to protect these constitutional rights. I respect States' rights very deeply; and I firmly believe in our Federal system; but no valid system of States' rights exists that I know about under which the Federal Government may not enforce Federal law, and may not protect rights guaranteed by the Federal Constitution. It is its legal duty, as well as its legal right, to do so in the instances we are discussing in connection with the debate on the bill, in which deprivation of such rights is brought about by State action, or under color of State authority.

I have every confidence that the decent, law-abiding people in the South and elsewhere—for this problem is only more dramatically apparent in the South—will respect the law when it has been clearly and fairly set forth by court decree. If this be so—and I firmly believe it will be so—then it seems only fair that these good people be given an opportunity to determine the limits of lawful behavior without risking criminal prosecution.

As Mr. Bookbinder, legislative representative of the AFL–CIO, has pointed out in a letter to the editor which appeared in yesterday's Washington Post, part III has been an integral part of this proposed legislation since it was introduced. Attorney General Brownell discussed it fully and forthrightly before both the Senate and House Judiciary Committees. To argue at this late date that this aspect of the bill was somehow hidden from view is simply to ignore the facts.

Unless we are prepared to consign the 14th amendment to the Constitution to second-class status, we must pass a meaningful provision along the lines of part III. I urge, therefore, that the Senate reject the Anderson-Aiken-Case of South Dakota amendment.

I ask unanimous consent to have printed at this point in the RECORD the letter by Mr. Bookbinder, and another, published in the New York Times, by Mr. Norman Thomas.

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

It is difficult, indeed, to understand the argument that the civil-rights bill now pending before the Senate has been improperly characterized as a mere right-to-vote bill instead of the much broader bill that it really is.

It is being suggested that even the President was kept from knowing the full truth about the bill. But the President, in his state of the Union message early this year, must have known what he was recommending when he urged, as part of a four-point program, "Amendment of the laws so as to permit the Federal Government to seek from the civil courts preventive relief in civil-rights cases."

Could anything be clearer than the fourth point of the President's recommendations as summarized above?

But, up to the present time, the opposition chose to make the trial by jury issue the principal basis of attack. Perhaps because the House so overwhelmingly rejected this attack, the opposition now is trying to rally allies around a new battle cry.

Attorney General Brownell was entirely frank and accurate about the full force of the proposed legislation before the committees of Congress. Senator ERVIN, who now makes much of the new issue, himself questioned Mr. Brownell about the new powers to be granted the Attorney General in areas other than voting rights.

The general public, too, should not have been misled, and I believe for the most part was not. H. R. 6127 is a moderate, minimum civil-rights package. It is, to start with, a great compromise over what has been advocated in this field for many years. To talk of compromise now means to give up the little substance that is in the bill.

HYMAN H. BOOKBINDER,
Legislative Representative, AFL–CIO.
WASHINGTON.

CIVIL RIGHTS BILL BACKED—ITS PASSAGE WITHOUT SUBSTANTIAL AMENDMENT FAVORED

To the EDITOR OF THE NEW YORK TIMES:

Some of us are deeply concerned at the impression apparently made on public opinion by Senator ERVIN's—and James Reston's—juxtaposition of right to trial by jury and the right to vote. Which, he suggests, is the more precious?

The answer ought to be easy. In Anglo-American law there is no right to jury trial in most contempt cases; no southern leader proposes to institute it in the courts of his own State and, what is far more important, no southern leader is asking or willingly accepting a right of trial by jury in the only sense in which it has value; that is, by a jury of one's peers.

Federal juries by law are selected as are State juries, and in the Deep South that means all-white juries, before which Negro complainants or the Government on their behalf must come. Most jury panels are drawn from voters' lists which, for example, include only 8,000 Negroes in Mississippi and proportionately as few in very many counties in other States. (See the full statistics on this and other pertinent matters in Senator PAUL DOUGLAS' speech of June 10.)

There are other devices for keeping Negroes off juries, with the result in recent cases that any white man who can somehow connect his offense in the jury's mind with opposition to school integration or Negro rights has gone unpunished. We have yet to see what will happen in Tennessee—one of the better States.

SOUTHERN FEARS

The outraged southerners who so fear judicial power in contempt cases when injunctions are violated cast aspersions either on the justice of their own case or the character of the distinguished southerners who sit as Federal judges and presumably understand the feelings of their fellow citizens.

The whole of this moderate bill should be passed without substantial amendment. It gives the President no more power to enforce Federal law than Presidents have legally had since the Whisky Rebellion. It provides legal civil proceedings to carry out the law of a land committed to equality of right for citizens and this is offers as an alternative to the unthinkable imposition of Federal troops on any State, a horror which Senator RUSSELL has conjured up.

If the time unfortunately should come when the price of passing any bill is to confine it to protecting the right to vote, so important is that right that the amended bill might be better than nothing. But if that protection to Negro voters is rendered hollow by imposition of trials of court orders before all-white juries it should be resoundly defeated. It will be far easier to pass a decent law in a later Congress than to amend this hypocritical affront to ouf patient Negro fellow citizens, our Federal courts, and our democratic honor.

NORMAN THOMAS.
NEW YORK, *July 17, 1957.*

Mr. JAVITS. Mr. President, will the Senator yield, if he has the time to do so?

Mr. CASE of New Jersey. I yield.

Mr. JAVITS. I wish to commend the Senator from New Jersey for his fight on this matter, and I should like to ask him a question about what he said on the subject of first- and second-class citizenship. I should like to ask him what he thinks about the question of first- and second-class rights, with respect to voting, and other rights, as contrasted with first- and second-class citizenship, and whether there is any difference between them.

Mr. CASE of New Jersey. I am very grateful to the Senator from New York, who has been a leader in the fight for civil rights both in the Senate and throughout his career. I may say that there is no difference, under our American custom and under our American form of democracy, between the various rights of citizenhip guaranteed by the Constitution. The answer is obvious that these rights are all on a parity and all of equal importance. As the senior Senator from Oregon stated yesterday, none can really be enforced or enjoyed without all of them being enforced and enjoyed.

Mr. ANDERSON. Mr. President, I yield 10 minutes to the able senior Senator from South Dakota.

Mr. MUNDT. Mr. President, I rise in support of the Anderson-Aiken-Case of South Dakota amendment. It provides one of the important recommended changes which I proposed in my speech of July 13, when I undertook a full dress discussion of my position on civil-rights legislation. I said then, as I say now, that it seems to me the power inherent in the relevant portions of part III of the bill represents the yielding of more autocratic authority and more police power to the Attorney General of the Federal Government than any good man should want or any bad man should have.

It seems to me that it changes the approach to the solution of the civil-rights problem, which we are endeavoring to solve, from one in which we seek to provide the vote for our colored citizens, so that they may, with that power, bring about the necessary reforms which remain to be made in various areas of our country—which are powers of persuasion and in the direction of which great progress is being made from the standpoint of civil rights—to an approach which represents an effort to prod and push American citizens around in order arbitrarily to bring about a determination, which will evolve if we use reason and good sense, instead of the police power of the State.

We Americans do not like prodders and pushers. We are not a nation of prodders and pushers. We resent a pushy form of government. A pushy form of government is not the handmaiden of the representative form of government that has been developed here in the Western Hemisphere.

I am convinced now with Walter Lippmann, along with the New York Times, along with David Lawrence, along with Fulton Lewis, Jr., along with the Washington Evening Star and along with a whole array of writers and commentators and students and observers in this field, that by giving citizens of the colored race the power and the right and the opportunity to vote, we will have made tremendous progress in the direction in which we are seeking to move.

Mr. President, the power to vote is the power to bring about reforms, and it is the power to attain the objectives which are sought by all of us. Give the colored man the unrestricted power and opportunity to vote, and the desired changes will come about more rapidly than the most sanguine of us will predict. It will mean that those who run for office will have to consider the needs and aspirations of the colored citizen, as they now consider those of the white citizens in their neighborhood.

It will mean that the white people of the South will be as interested in securing better education, better economic opportunity, and better integration for their colored neighbors—as are the white people of the North—because those colored people will be voting constituents, whose determination at the polling place will determine not only the response the South makes in national elections, but, increasingly, the kind of government which they will have at the local level.

Along with other Members of the Senate, I have carefully studied not only the provisions but also the implications of the controversial features of part III of the pending bill. It is my serious conviction that this adventure in autocracy is not characteristically American; it is not the approach we should make in this Republic to the solution of a problem of this kind.

What I have called an adventure in autocracy under part III opens up opportunities for the exercise of the Federal police power in an autocratic manner in a wide area of human activity which is entirely unrelated to the civil-rights issue as we recognize that issue in this historic debate.

It involves rights of all citizens in all States under all sections of the Constitution of the United States. It is a vague delegation of authority over a wide area of activity, which is so large that no speaker has been willing, up to this late hour in the debate, to catalog the rights involved and it is a delegation of such authority to one individual in the executive branch of the Government.

Instead of that, we should confine this legislation to a voting bill which is effective, and which is candid and concise and enforceable. If we assure all the voters of our country in every area, the capacity and the opportunity to use the franchise to bring about other reforms which are admittedly needed, and reforms which are taking place now throughout the length and breadth of this land, the remaining discriminatory evils which will not be covered by the police power of the act will disappear like a snowman in the July sun of a Washington summer afternoon.

The voters will then have the capacity and the opportunity and the power to bring about what remains to be done in the whole reform procedure.

It seems to me that, with a few minor amendments to part I, and by providing that the right of trial by jury be protected where the right of trial by jury is desirable, we will have produced a bill through this historic debate of which we can all be proud. Every Senator from every section of the country will be able to rejoice in our common achievement. For the first time in almost a century, Congress will have acted to guarantee colored citizens the right to vote, which is guaranteed to them under the Constitution, and that right will be implemented by procedures of enforcement which will give them, along with that right, the opportunity, which sometimes has been denied, and the privilege, which has sometimes been denied.

It will become a right implemented by the authority of action. We will have made progress in this area of civil rights—and it will be substantial progress—and we will have made it in a form which is compatible with our American custom and our American procedures.

The bill contains more than the right to vote. It contains a commission procedure. A wise commission, properly staffed with the proper individuals, can do a tremendous good in the area of recommendation, because it will have the responsibility to recommend to whatever governmental source to which such recommendation may seem required—local government, State government, Federal government—such other steps of policy that seem to be required and needed.

We have heard it said, "Do not strike out part III, because to do so would be to compromise."

Mr. President, I am not afraid of the word compromise. I think it is a great American term. It describes the great American formula, by which we have always made progress in the legislative halls. It describes the great American formula by which the Republic was born and the Constitution itself was adopted.

I have before me an editorial entitled "Rights Bill Compromise," published in the Washington Daily News, a Scripps-Howard newspaper on July 22. Along with other newspapers, commentators, observers, and writers whom I have cited, the Scripps-Howard newspapers also point out that by enacting a right-to-vote law, great progress will have been made. Everybody can take a full share of the credit and can be happy in his part of the achievement. I quote a portion of the editorial:

> There is genuine desire to have the Negro achieve full rights of citizenship, North as well as South. The question is not whether but how. We strongly support any measure which actually will aid that cause. But motives on neither side are entirely humanitarian. There are strong ulterior political motives which are not at all concerned with civil rights and with these we have so sympathy.

The PRESIDING OFFICER. The time of the Senator from South Dakota has expired.

Mr. ANDERSON. Mr. President, I yield 4 additional minutes to the Senator from South Dakota.

Mr. MUNDT. Mr. President, as a politican, I have sympathy with the political motivations which cause Members of the Senate to feel one way or another about the pending question. I think that a part of the whole concept of representative government is that political pressures grow up from within the several States. They do tend to color our judgment on some points.

On the particular issue now before the Senate, however, I can talk from a neutral corner, because this is not a problem which, in one way or the other, operates particularly in the State of South Dakota. The editorial continues by saying, and rightly:

> It is to the political advantage of southern Senators to fight any bill by the name of civil rights, regardless of contents. Similarly, many northern Senators can gain votes back home by a blind fight against any modification of the bill as it now stands.

I see nothing iniquitous about that. It is a part of the American pattern. Senators are expected at times to reflect the ideas of their constituents in a representative form of government. I continue to read from the editorial:

> Compromise thus may involve some sacrifice of personal political advantage to promote a greater measure of national unity and a greater degree of actual progress in civil rights.

That is what we want. We want progress in civil rights; not the perpetuation of a political issue; not something which tears us apart and leaves the issue to be debated in every Congress and in every campaign. We must find a common meeting ground, so that we can move through the legislative machinery in the direction in which we want to go. So the editorial says:

> From the standpoint of national interest it is admirable—

That is, that progress be made in civil rights.

> The heart of the bill is the protection of voting rights and this much apparently can be passed—over southern votes, it is true, but without stirring vast actual resentment.
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> * * * * * *
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> Other aims of the civil-rights bill are highly desirable but we are inclined to take half a loaf at this time, rather than none at all. These goals will tend to be served automatically, anyhow, once the voting right is firmly established.

Mr. President, I defy anyone, from a reading of sections 1, 2, and 3 of section 1980, to define exactly where we would go in this adventure in autocracy as set up in part III.

Supplement those sections with a fourth section, which would be added—part III of the bill.

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

The acts are not defined; they are simply hinted at. They cover a whole area. They cover the exercise of any right or privilege of a citizen of the United States.

Who is to determine in this great area of conjecture when some group of citizens, as the bill proposes, unless we strike out part III, are about to engage in any such acts? Is the Attorney General to consult a spiritualist in the District of Columbia? Is he to use a Ouija board? Is he to ask Dr. Gallup to conduct a poll? Will he gaze into a crystal ball?

Who will be able to predict what the people are thinking in their own minds concerning one of these indefinable sections? A competent Attorney General need not be a clairvoyant or a mind-reader. He cannot gaze into a crystal ball. I do not think the great Senate of the United States now wants to delegate to any central authority in the Government such vast, poorly defined powers, through which the Attorney General can take people into court and, without a trial by jury, get a conviction simply because he has acted on suspicion that perhaps they might want to do something in the future that the Attorney General might conceive to be unconstitutional.

I suggest that part III be deleted from the bill.

Mr. KNOWLAND. Mr. President, I yield 4 minutes to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, throughout all my participation in the discussion on the civil-rights bill, I have stated and restated that I firmly believe that every citizen of our country ought to be provided with the opportunity fully to enjoy his civil rights.

Throughout my life, and I am certain throughout the life of practically every other Senator, each of us has repeatedly, especially on days like the Fourth of July, spoken about the grandeur and the spirit of our Constitution. I know that I have done so. Time and again I have spoken about the gratitude which should be in our hearts for the opportunity to live in a country where the individual is supreme. I have made the statement that our Government was instituted not to make the individual a subject, but to place him on a pedestal, and to make plain that in the American system of government the human being stands first.

Why does the human being stand first? Because we recognize that it is by the human being that government is created and develops.

Having in mind that I view every American citizen in that way, and having in mind that I have spoken on the subject, I cannot come before the Senate and say that I will oppose a measure which contemplates assuring to every American citizen his constitutional rights. I do not mean that my colleagues are in substance and deliberately arguing to the contrary. I cannot, however, help feeling that the net result of the failure to pass a bill which will make available to every American citizen his constitutional rights constitutes a contradiction of that for which we stand.

Practically every Senator to whom I have listened concedes that the right to vote ought to be granted. There may be some Senators who feel that that matter can be taken care of on the State level. But I cannot divide civil rights. I cannot place one civil right in a position superior to another civil right. To me, all civil rights occupy the same level—the right to vote, the right to trial by jury, the right to worship God in accordance with my conscience. They are equal in sacredness.

If we protect the right to vote, we are then choosing one of the rights and dismissing from our minds the others. I think we have to deal with them as a whole. Otherwise, we shall have to say that it is proper to guarantee the right to vote and not to guarantee other rights by Congressional action. I cannot subscribe to such a statement. To me, all rights have equal sanctity, and all of them are entitled to equality of treatment by the Congress.

The PRESIDING OFFICER. The time of the junior Senator from Ohio has expired.

Mr. KNOWLAND. I yield the Senator 1 additional minute.

Mr. LAUSCHE. It is for the reason I have stated, Mr. President, that I shall vote against the amendment. But I repeat what I said yesterday: In my estimation the right to a jury trial is equal to every other constitutional right.

It is my hope that before we conclude, we shall have created a situation reaffirming the constant declarations which have been made that, in America, even in the face of the mighty Government, the individual stands supreme; that the right to a jury trial shall be his in cases involving criminal prosecutions or in cases having the characteristics of criminal prosecutions.

In conclusion, I wish to say that I intend to vote on the floor of the Senate to insure for every American the equal and full enjoyment of all constitutional rights.

The PRESIDING OFFICER. The time for the junior Senator from Ohio has expired.

Mr. KNOWLAND. Mr. President, I yield 5 minutes to the distinguished Senator from Kentucky [Mr. COOPER].

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes.

Mr. COOPER. Mr. President, I shall vote against the amendment offered by the Senator from New Mexico [Mr. ANDERSON], the Senator from Vermont [Mr. AIKEN], and the Senator from South Dakota [Mr. CASE].

The central issue at stake in the approaching vote is whether the Congress of the United States will take cognizance of the national interest in rights, other than the voting right. That is the real issue. Senators may talk about the right of trial by jury and about the great powers which will be conferred by this section of the bill upon the Attorney General. But, as I pointed out yesterday, the same arguments will be raised, against part IV of the bill and arguments against part IV.

If section 121 is retained, and if the Senate desires to make provision for trial by jury in certain cases, that can be done. The Senate can limit the powers of the Attorney General; the Senate can define more accurately the limits of the section, if it desires.

But if the Senate agrees to the pending amendment, the Senate will be doing something much more significant; it will be expressing its decision that rights, other than the voting right, are not at this time a matter of national interest as far as legislation is concerned.

I may say that I have had, as have other Senators, questions about part III of the bill. I have made that known in debate during the past few days. However, I cannot escape the fact that the Senate is about to decide, in its vote on this section whether it will limit this bill to right to vote bill. But there are other rights—constitutional rights, legal rights, the rights of human beings, that also deserve consideration.

I shall speak specifically about an issue, implicit in the bill; which addresses itself to our thinking as we approach this vote. I refer to the decision of the Supreme Court a few years ago—the Brown case—concerning desegregation.

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

Mr. COOPER. Mr. President, will the Senator from California yield additional time to me?

Mr. KNOWLAND. Mr. President, I yield one additional minute to the Senator from Kentucky.

Mr. COOPER. Will the Senator from California yield 2 additional minutes to me?

Mr. KNOWLAND. If I were to do so, I would be overdrawing on my time account.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 1 additional minute.

Mr. COOPER. I thank the Senator from California.

Mr. President, as the senior Senator from Florida has said, many communities in the South are moving toward desegregation. I am happy that my State has done so. But other sections have not. It is reasonable to believe that the Attorney General would not concern himself with communities which are following the decisions and methods prescribed by the Supreme Court. But this section of the bill would give to the National Government authority to assist in cases in which the law is defied. I can see wrong in assistance. The decision is the law of the land, and is in accord with the spirit of our democratic system, which we proclaim.

I have made up my mind that, as a Member of the Senate, I shall vote to help secure the rights which are guaranteed by the Constitution to every citizen of the United States.

Mr. KNOWLAND. Mr. President, I yield 8 minutes to the able junior Senator from Colorado [Mr. CARROLL].

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

Mr. CARROLL. Mr. President, I should like to join in the views expressed

by the distinguished Senator from Kentucky [Mr. COOPER].

Mr. President, I believe the Senate should move to the heart of the issue before it.

There has been much criticism of the decision of the Supreme Court in the Brown against Topeka Board of Education case, which was the school-desegregation decision. I wish to discuss that decision, because I believe it is one of the issues involved in the pending amendment.

The decision of the Supreme Court in the Brown case came in 1954, following a series of civil-rights decisions by lower courts and also by the Supreme Court itself.

As a matter of fact, Mr. President, in 1950 I had the privilege of being in the Supreme Court of the United States, where I moved the admission of a member of the Colorado bar. At that time I saw there the then Attorney General of the United States, a Democrat, Howard McGrath, fighting for the same basic constitutional principle which was involved in the Brown case. There were several important Supreme Court civil-rights decisions preceding the school-desegregation case.

The Henderson case was a transportation case. A colored man was asked to sit behind a rope, if he wished to dine in a railroad dining car. In 1950, the Supreme Court of the United States said that that practice violated a Federal statute. There were a series of other civil-rights decisions preceding the Brown case. As a matter of law the Supreme Court stated in the Brown case—and let me say that during the past 3 weeks of debate, in my opinion, there has been too little defense of the Supreme Court's decision.

I quote:

> In approaching this problem, we cannot turn the clock back to 1868 when the 14th amendment was adopted, or even to 1896 when *Plessy* v. *Ferguson* was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation.

That was part of the decision of the Supreme Court in May 1954, Mr. President.

One year later, after calling in all the attorneys general of the States where racial discrimination in the field of education was practiced, the Supreme Court, in accordance with the power given by the Constitution under article III, section 2, invoked its equity jurisdiction. Here is what the Supreme Court said in a supplemental decision in 1955, in which it referred to its traditional equity power—and the Supreme Court was speaking to all the courts of the land and to all the enforcement agencies—

> In fashioning and effectuating the decrees—

And of course the Court referred to the cases before it—

> the courts will be guided by equitable principles. Traditionally, equity has been characterized by a practical flexibility in shaping its remedies and by a facility for adjusting and reconciling public and private needs.
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> But it should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them.

Mr. President, it is to that point that I should like to speak in the few minutes remaining.

In the debate on the floor of the Senate I have heard it stated that within this Nation there are certain States which have said, "We do not intend to integrate the public-school system."

The Supreme Court of the United States, in pursuance of its equitable powers, has said, "We are going to be patient and moderate; we are going to examine into each local school condition. But the constitutional principle is so clear, that there must be integration."

Mr. President, what does the pending bill deal with? Let me say this is one of the reasons why I shall vote against the Anderson-Aiken amendment. It is proposed that the Attorney General, the chief legal officer of the United States, be given statutory power to go into a court of equity—that is all, into a court of equity—in order to facilitate the employment of the traditional principles of equity set forth in the Constitution for the purpose of securing and protecting constitutional rights of American citizens.

There are those who say we should not deprive a defendant of a right to a trial by jury. That is not an issue at this moment. The issue of trial by jury does not arise until a criminal complaint is instituted. We can meet that question at the proper time. We will have an opportunity to consider the O'Mahoney amendment and the Kefauver amendments. But to strike out all of part III in my opinion places the stamp of disapproval upon the Supreme Court decision in the school desegregation case and on the civil rights decisions preceding the school case.

Is this proposed legislation concerned only with the South? We are here today passing upon a bill that will affect millions of citizens other than the Negroes of the South. Let me cite a 1954 Supreme Court decision concerning a civil-rights case in Texas, Hernandez against Texas, where the Court moved again to protect the rights of a group of citizens, the Spanish-American citizens in Texas. The Supreme Court invoked the equal protection clause of the 14th amendment to protect Hernandez. Why? Because a system was practiced in a locality in Texas whereby a certain group, the Spanish-Americans, were excluded from serving on juries. The Supreme Court said that Hernandez, a Spanish-American, could not be tried before a jury which was convened under discriminatory conditions. This was a denial of civil rights of a group of citizens other than Negroes.

I come from the State of Colorado, where there is no large colored population. But I do represent 150,000 Spanish-speaking citizens in Colorado and they have the same rights under the Constitution as all the other citizens of Colorado. I am not afraid to have the Attorney General assert their constitutional rights, in the Federal courts of Colorado if the need arises.

Let us talk about another group of American citizens. I now refer to a 1948 case which arose in Arizona. In Arizona certain people did not want the Indians to vote, and under the State constitution American citizens of Indian descent who lived on reservations were denied the right to vote because they were not residents of the State of Arizona and could not pay taxes. The Supreme Court of Arizona said there could not be discrimination against a group of citizens because of their failure to pay taxes. The court said:

> Suffrage, in a democracy, is the most basic civil right, and denial of right to one legally entitled thereto violates principles of freedom and equality.

This is what we are talking about today. This is why I am seriously concerned with keeping part III in this bill. Part III implements and strengthens the constitutional decisions of the Supreme Court. All of us understand the voting right. We are all in favor of everybody having the right to vote. But as Mark Twain said: "Everybody talks about the weather, but nobody does anything about it." Here is an opportunity to do something, an opportunity to implement constitutional decisions and constitutional principles on all basic civil rights and I have a deep conviction that we ought to take a proper step forward. The way to take the step forward is to reject the Anderson-Aiken-Case amendment which will gut the real civil rights provided for in this moderate civil rights bill.

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

Mr. ANDERSON. Mr. President, I yield 8 minutes to the Senator from Vermont [Mr. FLANDERS].

Mr. FLANDERS. Mr. President, I am supporting the pending amendment to the civil rights bill. I appreciate and share the sentiments expressed by other Senators that this amendment is necessary if we are to get a bill. In other words, it meets certain conditions within the Senate itself which a practical legislator must consider.

However, my own reasons for supporting this amendment go deeper. To explain what they are, I wish to refer briefly to our country's experience with the 18th amendment, which made possible the passing of a law controlling the production and use of alcohol. This amendment went commonly by the name of "The Prohibition Amendment."

That amendment, adopted in January 1920, was immediately effective. The sale of distilled liquors at once ceased, and the brewers altered their process to produce a beer which was of the required low alcoholic content. But soon a spirit of opposition to law enforcement began to be manifested. The amendment and the law were not in accordance with a large body of public opinion. First home brewing made its appearance. Then the bootleggers appeared with supplies of illegally distilled spirits. Then the rum runners began bringing in their loads of whiskey from across the border. Then the speakeasies opened up. The last development was that of the hijackers, who waylaid and captured loads of illegal liquor coming from Canada and appropriated it to their own illegal purposes.

Then State governments found such difficulty in enforcing laws against liquor sales and drinking that they gave up the task, and on the Federal Government alone devolved the burden of enforcement. This task proved practically impossible.

A predecessor of mine in the office of United States Senator from Vermont was shot and fatally wounded in an exchange of gunfire between bootleggers and enforcement agents in a public restaurant.

The amendment was finally repealed on December 5, 1933. It lasted for 14 years, lacking a few weeks. This is a short period in the life of a Nation, but a momentous one in the social history of the American people.

What was the net result of this "experiment noble in purpose," as President Hoover called it? The net result was that it delivered a staggering blow to the cause of temperance. It introduced women to the drinking of hard liquor, a social custom which continues, and which was unknown among respectable women until the days of the bootlegger and the speakeasy.

It is easy enough to say that the failure of prohibition was a moral failure of the American people, but that is not all there is to say about that incident in our history. The underlying fact has been brought out by Dr. Northrop, professor in philosophy of law at Yale Law School, who has written a number of widely read books. In one of them he makes the distinction between "living law" and "positive law." The prohibition amendment was positive law. It failed because it ran counter to a widespread tenet of living law in the lives and customs of an important sector of the American people. When positive law meets widespread living law, it is defeated.

We face the same situation, Mr. President, if we endeavor to make this bill so stringent that it meets the resistance of the living law in the hearts and minds of the people of a large section of our country. It faces, in fact, a living law in the hearts of many colored people as well as many white people. It runs into difficulties in Detroit and Chicago, as well as in Tennessee and Alabama. It would be a tragedy if a stiff bill with teeth in it were passed by the Senate at this time. It would be tragic in view of the progress which has been made to date, slow indeed but continuous in improving the race relations of the South. We have on the floor of this body many Senators who have made their own contributions to this improvement in relations. We have witnessed in the last days a measure of success in the moderate and slow acceptance of the Supreme Court's decision on school segregation.

Mr. President, by unwise endeavors to compel positive law to overrun living law, a staggering blow can be dealt to any reform. Because I feel deeply the difficulties under which our colored brothers are living in many places and in many ways, it is my considered judgment that this bill should take cognizance of the necessity for moderate but continuous and fundamental improvement in their relations. In my view, that is best accomplished by supporting and voting for this amendment.

Mr. President, this is not the only thing that can be done to preserve the rights of the colored people. Last year the distinguished majority floor leader, the Senator from Texas [Mr. JOHNSON], proposed that the Constitution be amended so as to abolish the poll tax as a requirement in voting for Federal office. He comes from 1 of the 5 States in which the poll tax requirement still exists. I understand he is to introduce such an amendment this year if the situation and the general sentiment on this floor is such as would support it and assure its passage. I understand that the Senator from Florida [Mr. HOLLAND] has a similar amendment. This, Mr. President, is another evidence of the possibility of moderate but continuous movement in the right direction. I trust that this body will be guided by wisdom and that, in my judgment, requires the adoption of the pending amendment.

Mr. KNOWLAND. Mr. President, I yield 10 minutes to the distinguished junior Senator from Minnesota [Mr. HUMPHREY].

The PRESIDING OFFICER. The junior Senator from Minnesota is recognized for 10 minutes.

Mr. HUMPHREY. Mr. President, I wish to speak in opposition to the Anderson-Aiken motion to strike part III from the pending Federal civil rights bill now before the Senate of the United States—H. R. 6127. I consider striking section 121 from the bill as the same as deleting all of part III, because all that would then be left in the emasculated part III would be chapter headings and punctuation which add nothing to existing law.

Before I go into a discussion of the provisions of part III, I should like to mention, briefly, why I voted against the Bricker amendment yesterday. That amendment would have required a decision on the part of the President of the United States before the Attorney General could institute the civil proceedings called for in part III of the bill. Perhaps, as was mentioned in the debate yesterday, this is a mere distinction without being a real difference. If so, then it was not needed; it would, in that case, have added nothing of meaning to the actions contemplated.

But I am afraid it could have been interpreted as something more: an interference with the chief legal officer of the United States—the Attorney General—by the chief political leader, the President. That would not only be unwarranted but would be undesirable in our system of government and law enforcement. The President under the Constitution has many expressed powers. I have supported his right to conduct the foreign affairs of our Nation free of unnecessary interference. But, since we are dealing here with protection of American constitutional rights, with domestic courts and domestic law, there is no justification for authorizing the President to decide in which cases the chief law officer of the country should act. He does not give clearance in other cases to the Attorney General before the latter can act, and he should not have to make a prior decision in civil-rights cases. In fact, it has occurred to me that a proposal to require the President to make a decision before the Attorney General would be authorized to commence preventive proceedings, could have the practical effect of delaying action until it would be meaningless. Therefore, I voted against the Bricker proposal.

When I speak now in support of part III of the pending bill, I do so without animosity for or condemnation of any area of our great country or any particular group of States of the United States. There is no bitterness in my heart, although I share the feeling of national shame that we have been so remiss in providing adequate protection to all persons for the rights guaranteed without reservation or restriction in our national Constitution.

I wish to underscore what has been said here by the distinguished junior Senator from Ohio, that we are talking about and are attempting to make more secure the rights which are guaranteed by the National Constitution.

With all respect, Mr. President, I have the feeling that in recent days on the Senate floor some of our colleagues, themselves representing immoderate positions, have accused others of us of being immoderate. We have heard allegations of cunning plots and deliberate deceit raised against the proponents of this legislation.

Mr. President, in the New York Times this morning there appears a letter from a man who has a right to be immoderate, if anyone has. The writer is Mr. Roy Wilkins, the executive secretary of the National Association for the Advancement of Colored People. Yet, in the civil-rights debate, in which our country has been engaged during these past few weeks, I have seen no contribution more balanced, persuasive, and to the point than Mr. Wilkins' letter. In measured, sober, and direct tones he states the case for part III of the bill. I ask unanimous consent that his letter be printed at this point in my remarks.

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

TO ENFORCE CIVIL RIGHTS: PENDING BILL CONSIDERED MODERATE MEASURE LONG OVERDUE

To the EDITOR OF THE NEW YORK TIMES:

In recent editorials the New York Times indicated that part III of the pending civil-rights bill might well be eliminated.

There is the inference also that this section, designed to empower the Government to act to preserve the right to equal protection of the laws (basis of the Supreme Court ruling in the school-segregation cases) was somehow sneaked into the bill and was discovered only because of the extraordinary perspicacity of Senator RICHARD B. RUSSELL, of Georgia.

Senator RUSSELL professes to see a cunning plot in the language of the pending bill. He is in error. The bill is straightforward in language and intent. It is now what it was last year when it was passed by the House, and what it was this year when passed by the same body. It is now what it was when it was dissected, sentence by sentence, in lengthy House and Senate committee hearings.

USE OF INJUNCTIONS

It is a bill to empower the Government, through the additional weapon of civil injunctive procedure, to protect the civil rights of citizens. It does not select which rights

are to be validated and which are to be ignored or nullified. Such a proposal would be repugnant to every American tradition of equality before the law.

Certain States and localities may seek to forget, ignore, or nullify (as they have done these last eight decades). But the Federal Government, speaking in its majesty in behalf of all its citizens, cannot delineate on pain of stultifying itself and the democratic process as well.

The opponents of part III are in the curious position of maintaining that the Attorney General, the chief law-enforcement officer of the Nation, shall not be armed with all available legal weapons to enforce the laws of the United States. They do not wish the Government to assist citizens in securing their constitutional rights.

It should be noted here that several of the Southern States have passed laws recently which are designed to hamper, if not completely block, Negro citizens in appealing to the courts for redress of grievances. These new statutes provide that financial and legal assistance may not be offered by attorneys or by associations of citizens such as the NAACP. The citizen is thus left entirely on his own resources, moral and financial.

Come now Senator RUSSELL and his helpers in the Federal legislature with hysterical objection to affirmative action by the Federal Government to assist citizens. It would seem to be plain that certain of the southern political power structures and their spokesmen wish the already hapless Negro citizen to be left completely at their whim and mercy, without hope of succor from either his fellow citizens or from his Government. If there is a cunning plot, this is it.

JURY TRIALS

The other principal position of the opponents of this bill that there must be a jury trial for those adjudged to be in contempt of an equity court order, is merely clamor for the status quo. There are now grand jury indictments and jury trials in criminal proceedings involving denial of the right to register and vote. They have been ineffective.

Convictions have not resulted and the deprivations have continued. Knowing this full well, Senator RUSSELL'S contingent wishes to attach a jury trial amendment to a proposed injunctive action so that the civil as well as the criminal procedure will be rendered harmless.

The National Association for the Advancement of Colored People and cooperating groups believe the civil-rights bill should be enacted without amendment. It is a mild and moderate measure and is more than two generations overdue.

ROY WILKINS,
Executive Secretary, National Association for the Advancement of Colored People.
NEW YORK, *July 23, 1957.*

Mr. HUMPHREY. Mr. President, in the face of all the abuse, the vilification, the intemperance, the accusations directed toward the National Association for the Advancement of Colored People by the opponents of this bill, I marvel at the patience, the moderation, and the sober constructiveness of spokesmen like Roy Wilkins. I admire him and his organization for these qualities, and I urge them to persevere in the faith that these qualities will, in the last analysis, demonstrate to all concerned precisely where, and among what groups, immoderation lies.

Coming to a consideration of part III itself, I recognize that it has been described in frightening terms by opponents of Federal civil-rights legislation. The Federal law to be amended by part III of the bill, H. R. 6127, is section 1980 of the Revised Statutes of the United States, also classified as section 1985 of title 42 of the United States Code. Provisions of this law were enacted in the civil-rights acts of 1861 and 1871; thus, we have had these basic laws for nearly 100 years.

For emphasis, it may be necessary to repeat here and now that the bill before us does not create any new rights. Individual citizens of the United States now have the rights, under the Constitution and laws of the United States, to sue for money damages and for injunctive relief for violations of the rights guaranteed to them in our national Constitution.

Also, the United States has statutes for criminal prosecutions against those persons who violate the constitutional rights of other Americans. So no new rights are created—either for individual citizens or for the Government. All that is provided for is an additional procedure: the Attorney General may institute for the United States civil actions and other proper proceedings for preventive relief.

This is not a new right.

This is simply an additional remedy. It is in addition to present procedures and remedies—it is not a replacement for any of them. Thus, the individual may maintain his own suit for preventive relief or an action for money damages; the Government may still prosecute criminals for breaking the criminal law.

However, in this field it has often been theoretical to say that an individual may maintain his own legal and equitable remedies. Practically speaking, this is no longer true in several States which, through action of their legislatures in the past few years, have imposed severe restrictions upon the rights of individuals to maintain actions in courts of law in protection of their constitutional rights. State legislatures have enacted what are known as antibarratry statutes which prohibit assistance by third persons or organizations to individuals in civil-rights cases. Since so many of the individual aggrieved citizens are poor or otherwise without adequate means of maintaining costly, long-drawn-out lawsuits in their behalf, it is true that they have been aided, in many instances, by the legal services and financial resources of public-interest groups. This is a far cry from the ancient English practice of barratry—of stirring up trouble, of financing unwarranted lawsuits, or surreptitiously taking a percentage of the money judgments rendered.

In other words, the State antibarratry statutes now leave the individual aggrieved American citizen, of little or no funds, in a worse position than he was a few years ago—and therefore these State laws increase the need for the Federal Government to be able to enter civil suits for the protection of the Federal rights which are being infringed.

That is a part of the realistic picture.

I repeat that a citizen of this Nation is not only a citizen of a State wherein the State laws prevail, but he also has a superior loyalty, a superior citizenship, a superior obligation, and a superior protection to which he is entitled, namely, those of a citizen of the United States.

Nevertheless, had the State legislatures done nothing to hobble an individual's own lawsuits, the Attorney General would still have a stake—as the chief legal officer of the Federal Government—in the protection of Federal rights. And so we wish to provide him with authority to seek injunctions and court orders, not to punish wrongdoers, but to obtain compliance to the end that equal protection of the laws will have genuine meaning for all our citizens and not merely be chiseled phrase carved over the doorways of public buildings.

Since part IV of the bill deals only with protection of Federal voting rights, it is in part III that we must look in the pending legislation for protection of other civil rights. What other civil rights are we concerned about?

There are many civil rights—we could discuss categories and classifications for days, and never obtain complete agreement on which interests to include and which to exclude. And I want to be as polite as possible, in saying to my distinguished opponents of this legislation that I do not think it is up to them to say which rights are to be recognized, or how broad or how narrow definitions should be. In the final analysis, it is always up to the Federal courts to say what interests are valid constitutional rights and what are not.

In a general way, though, I think it is fairly safe to say that the proponents of this legislation—part III—are in favor of Federal action against discrimination based on grounds of race, color, religion, or national origin. Historically, this has often been called discrimination because of "race, color, or creed." "Previous condition of servitude" seems no longer necessary since it applied to actual slavery.

To my mind, part III would permit the Attorney General to seek appropriate civil proceedings in situations in public transportation, public recreation facilities and public schools, where individuals are being denied the equal protection of the laws, because of their race, color, religion, or national origin.

I want to make it crystal clear why I support part III of the pending bill. I believe that its central provisions are indispensable if we are to protect important constitutional rights now denied to some of our fellow-citizens. These denials go far beyond the denial of the right to vote, important as that is. They involve discrimination, as I have mentioned, in public transportation, recreation facilities, and schools, on the basis of race, color, religion, or national origin. Such discrimination in public facilities and institutions is consistent with our basic American traditions and with our Constitution itself. The courts have declared segregation practices to be unlawful and, as national legislators, we will be negligent in our constitutional obligations if we fail to implement these decisions in practice.

It should be understood by everyone that we are not invading States rights since the rights we are seeking to give greater protection to are national rights—they are rights to which every

American is entitled because he is a citizen of the United States, as well as of the State in which he resides. We are aiming to bring the authority of the United States Government into operation so that "equal protection of the laws" has real life and practical meaning for all our people.

For a while, a bogey-man was injected into these debates, which have otherwise in the main been conducted on a high plane and on legitimate differences of opinion and interpretation. The devil thrust forward was the President of the United States using Federal troops to enforce school integration. I am happy to have been a cosponsor of the amendment passed Monday by a 90 to nothing vote in the Senate repealing an old Reconstruction period force act. I sponsored this move, not to render the President powerless to assist the courts in enforcing lawful judicial orders, but for two positive reasons: One, to show complete good faith to the opponents of the measure before us that the civil rights proponents mean what we say: We are not seeking punishment legislation, we are in favor of this additional civil remedy and authority for the United States to protect recognized constitutional rights of our people; and two, because the President has sufficient authority aside from the old force act. So let us be done with this political witchcraft and oratorical bugaboo.

Incidentally, speaking of Federal troops, I am reminded of the fact that American Negroes have served valiantly in our Armed Forces in all the wars the United States has fought. So the natural thought occurs: If we have no hesitation about asking our Negro fellow citizens to risk their lives, even to die for us or suffer lasting pain and injury from war wounds, why should we hesitate to grant the United States civil procedures to extend to Negroes a more meaningful participation in the rights guaranteed to all of us in our national Constitution? This hesitation just does not even begin to make sense.

Frightening things are said about part III—that it is severe, that it would penalize one region of the country, and so on, and so on. Yet, the truth of the matter is that this really is a moderate bill. Part III applies to all sections, all people, all violators of the equal protection of the laws. It applies not only to the rights of Negroes, but it applies to the rights of every American citizen, regardless of his origin, his color, his creed, his religion, or his political persuasion.

Part III is moderate in comparison with civil-rights bills reported in the 84th Congress by the Senate Judiciary Subcommittee on Constitutional Rights. It does not contain anything on FEPC; it does not contain anything on antilynch; it does not contain anything on the poll tax—items which, by the way, are needed.

The bill does not affect the criminal laws. It would not rewrite the criminal laws. The proposed legislation is aimed simply at providing additional civil remedies—it is preventive in approach, not punitive.

It is not directed toward punishment. I say to the people within the range of my voice that there is no desire to punish. There is only a desire to prohibit actions which are illegal, actions which are undesirable, and which have been proclaimed by the court to be unconstitutional. The bill is preventive in approach. It is not punitive.

If part III is dropped out of the bill, we shall then have only provision for civil proceedings by the Attorney General in voting cases. This is very important, but I hope that my colleagues will join with me in voting to preserve the broader bill, encompassing protection for the other important civil rights often threatened today in public institutions, facilities, and accommodations.

This bill is reasonable, moderate, temperate, sensible. It will be administered by reasonable men—and should be supported by men of good will.

Mr. ANDERSON. Mr. President, I yield 7 minutes to the distinguished Senator from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. President, in the time available to me I should like to do three things.

First, I wish to speak about the development of the amendment, for the purpose of legislative history.

Second, I wish to take up the question of whether rights are all the same, and whether we are speaking of the same thing when we speak of civil rights and voting rights.

Third, I should like to say a little about what the bill would do.

With respect to the amendment itself, during the early debate on H. R. 6127 I had expressed the thought that if the purpose was to strengthen the power of voting, we might clarify the bill in that respect. I indicated that I might offer an amendment to that effect.

I did not submit the amendment, however, until the day when House bill 6127 was made the unfinished business. On the same day the Senator from New Mexico [Mr. ANDERSON] and the Senator from Vermont [Mr. AIKEN] submitted an amendment identified as "7–16–57–D," to strike from the bill all of part III.

My original amendment, submitted the same day, would have stricken all of part III, but it would have transferred what was section 122 over to part IV and reinserted it in the bill.

On further reflection and examination, it seemed to me that it could well stand alone as a continuation of part III. Therefore I submitted the amendment identified as "7–17–57–A," which would have done exactly that. It would have stricken out section 121, and left section 122 standing, but renumbered as section 121.

Following a conference with the distinguished Senator from New Mexico and the distinguished Senator from Vermont, it was agreed that we should pool our points of view, so to speak; and the amendment which is now pending is the amendment to strike all of section 121 and renumber the succeeding sections. The amendment is identified as "7–22–57–D." I say that for reference, in case anyone wishes to run down the chronology, in determining the meaning of the amendment.

My intent in proposing the idea of leaving in the bill section 122, renumbered as section 121, was to strengthen the so-called right to vote. The section would amend existing law so as to clarify the jurisdiction of the district courts in the entertainment of suits to recover damages, or to secure equitable or other relief under any act of Congress providing for the protection of civil rights, including the right to vote.

I think it is interesting to note that both the distinguished Senator from New York [Mr. JAVITS], and the distinguished Senator from North Carolina [Mr. ERVIN], hold that at the present time the courts, under title 42, section 1971 of the United States Code, provide a qualified person with the right to vote, and that under title 42, section 1983, every person who has any rights under constitutional law may bring a suit in equity to enforce such rights.

I say that advisedly, because the Senator from North Carolina has provided me with a brief memorandum on that point, in which he makes both those citations.

The Senator from New York [Mr. JAVITS], following a colloquy which I had with him on the subject, prepared a memorandum brief, which was inserted in the RECORD on July 23, at page 12453.

It should be noted in passing, however, that the addition of a subparagraph 4 in section 1343 is not limited by the clause "under color of any statute, ordinance, regulation, custom, or order of any State or Territory," to which the preceding paragraph is subject.

So in that sense the new subparagraph 4, which would be left in part III, is complementary to, and is perhaps somewhat broader than existing law. So it does not limit the suit to recover damages to a case in which the injury occurs under color of law.

My interest in protecting the right of citizens to vote is nothing new. I hold in my hand a photostatic copy of two pages from the CONGRESSIONAL RECORD for April 11, 1940. At that time the House of Representatives was considering the requirement for reapportionment following the census of 1940. In South Dakota, following the census of 1930, we lost a Member of Congress because of a loss in population, comparatively. It occurred to me that had our Indians been counted, we might not have lost that Representative.

The PRESIDING OFFICER. The time of the Senator from South Dakota has expired.

Mr. CASE of South Dakota. Mr. President, may I have 2 additional minutes?

Mr. ANDERSON. Mr. President, I yield 2 additional minutes to the Senator from South Dakota.

Mr. CASE of South Dakota. I brought up the question on the floor of the House of Representatives, and pointed out that the constitutional requirement for taxation had been met, because Indians were being taxed. Following that action, the Indians were counted.

I ask unanimous consent that my remarks on that occasion be printed in the RECORD at this point as a part of my remarks.

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

Mr. CASE of South Dakota. Mr. Chairman, I wish to address myself to the question of the counting of Indians in Congressional apportionments. The phrase used in the Constitution and in the amendment to the Constitution excludes Indians "not taxed." The language of section 2, of the 14th amendment, is:

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed."

I have given some study to the effect of that language and have consulted authorities on Indian legislation, officials of the Indian Office, and officials of Census Bureau. It is my conclusion and, I believe, the conclusion of those I have consulted that the Indians not taxed today are nonexistent. I know of none such. Certainly they are of a negligible number within the meaning of the Constitution, and, therefore, the provision in question has ceased to be operative for all practical purposes.

Today what Indian is not subject to taxes—taxes used to defray governmental expenses? Even though an Indian may have some property held in the name of the United States in trust for him and which is not taxed, the Indian himself is subject to a great many taxes—gasoline taxes everywhere, cigarette and tobacco taxes everywhere, sales taxes in many States, income taxes on income from lands held in trust, such as oil-land royalties, even taxes on property bought with restricted funds in many cases, taxes on any property not held for him in trust by the Government under special legislation.

No one who is familiar with the facts in the matter will disagree with the commonsense attitude of the distinguished chairman of the Census Committee, the gentleman from Pennsylvania [Mr. Dunn], when I asked him his thought in the matter a few minutes ago. He agreed with my observation that to be subject to taxation is to be taxed within the meaning of the Constitution.

It will interest Members of this body, perhaps, to know that this opinion is fortified by a decision of the Supreme Court of the United States. The question was passed on in the case of *United States* v. *Kagama* (118 U. S. 378), in which the Court said:

"In declaring the basis on which representation in the lower branch of the Congress and direct taxation should be apportioned, it was fixed that it should be according to numbers, excluding Indians not taxed, which, of course, excluded nearly all of that race, but which meant that if there were such within a State as were taxed to support the Government, they should be counted for representation, and in the computation for direct taxes levied by the United States."

Such there be today. Indeed, what Indian is not subject to Federal gasoline taxes that go into the Federal Treasury and are there expended for the support of the Government?

For a time there was another question which it seemed necessary to decide—the question of citizenship. In a case before the Supreme Court, *Elk* v. *Wilkins* (112 U. S. 102), the Court had said:

"Indians not taxed are still excluded from the count, for the reason that they are not citizens."

But that matter was taken care of by an act of Congress, the Indian Citizenship Act, signed by President Coolidge June 2, 1924, 43 Statutes 253, the first paragraph of which reads as follows:

"All Indians born within the territorial limits of the United States are declared citizens of the United States. The granting of citizenship to Indians shall not in any manner affect the right of any Indian to tribal or other property."

Today Indians are citizens, and citizenship and total exemption from taxation are mutually inconsistent.

So the two constitutional questions involved have been settled by decisions of the Supreme Court and the act of citizenship.

The only question remaining to be settled, then, is the question of fact. In a given case, as a matter of fact, is this Indian taxed or is he not taxed? The State of Washington has a constitutional provision which uses the same phrase with respect to the right of suffrage. It denied the ballot to Indians not taxed. The interpretation given there is in point here. The attorney general of that State in an official opinion, No. 4086, dated April 1, 1936, stated:

"The payment of sales taxes and gasoline tax is a sufficient qualification on the part of an Indian offering to vote to comply with the provisions of article VI, as amended."

Since Indians are subject to the Federal gas tax throughout the United States, it follows then that they cannot be excluded from counting in apportionment as being "Indians not taxed."

Within the last few years the Supreme Court of the United States has also held that the income of an Indian, in the form of royalties from oil lands, even though the land itself be exempt, is taxable under the income-tax laws of the United States.

I might point out further that in most States where the sales tax exists it is a lieu tax levied in place of property taxes, and the receipts from that go into the general fund of the State treasury and are used for the payment of the general expenses of the State government. That is the situation in my own State of South Dakota. We abolished the State levy on real estate and established a 3-cent sales tax, which is paid by the Indians as well as the whites. The proceeds go into the State treasury and are used to pay the running expenses of the State government—old-age assistance, bond issues, and every other purpose for which State revenues are spent. Obviously these Indians are all taxed and should be included in the enumeration on which the number of representatives is based.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Montana.

Mr. O'CONNOR. I wish to thank the gentleman for his splendid presentation of this matter that affects the Indians. It is inconceivable under our present setup, considering all of our taxation evidence, to think of an Indian who is not taxed today. Is that not correct?

Mr. CASE of South Dakota. That is right. They all do pay taxes, and I may say they all serve in case of war.

Mr. O'CONNOR. They pay taxes in some form or other.

Mr. CASE of South Dakota. Yes.

Mr. O'CONNOR. They are citizens of the United States and, as the gentleman has just said, they serve in the Army in time of war.

Mr. CASE of South Dakota. Yes; the gentleman certainly knows that to be the truth. He knows that our Indians in the Northwest are a brave people and he always fights for them.

Mr. MURDOCK of Arizona. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. Is it not true that at the time the Constitution was framed 150 years ago most of the Indians of this country were not within the reach of our taxing power? They were men without property, and many of them were in the distant wilderness, where they could not be reached even if we had attempted to tax them.

Mr. CASE of South Dakota. Yes. Of course, there has been a good deal of change in conditions and in statutory law since that time. [Applause.]

[Here the gavel fell.]

Mr. CASE of South Dakota. In the time remaining to me, I should like to say something with respect to the play on the words "right to vote" and "civil rights." There is a definite difference between the right to vote and other civil rights. The Declaration of Independence recognizes that difference. It refers to certain unalienable rights, and following that it says:

To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

Civil rights might exist under a benevolent dictator; but such rights could be withdrawn by a succeeding dictator. If, however, the people had the right to vote, and had the power to vote, they could recapture those rights. There is a very definite difference between having the right to vote and having other civil rights.

It is a play on words to say that the right to vote is the same as other civil rights. The right to vote is the power to vote. It is the power to secure, maintain, and protect other civil rights. So the power to vote is different, in the nature of things, from other civil rights. It exists in the very character of what it is, namely, a part of government of the people, by the people, and for the people. If we have government of the people, by the people, and for the people, buttressed by the weapon of voting, the people can have the rights they want.

In conclusion, Mr. President, I shall only mention the third topic at this time, namely, the affirmative things which the bill would do.

It would create a Federal Commission on Civil Rights, with very real duties, which will be further elaborated as we proceed in consideration of the bill.

It would authorize an additional Assistant Attorney General, whose special responsibility would be the direction of the civil-rights section in the Department of Justice.

Finally, it would protect the power which rests in the right to vote. Passage of the bill would be a landmark in United States history.

Mr. KNOWLAND. Mr. President, I yield 4 minutes to the distinguished Senator from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. President, everywhere in the world people are restive and stirring. In Vietnam the people have finally, after 90 years, thrown off the domination of the French. The distinguished Vice President only recently witnessed the birth of a new republic on the west coast of Africa. Where ancient Carthage once stood, a leader by the name of Bourguiba has wrested Tunisia from France. Everywhere in the world there is this striving, this restlessness, and this march of color, as people move forward to something which comports with their dignity as human beings.

It is for that reason that what goes on here today is like a stone flung into a placid pool. The waves will be noted in

all sections of the world. As we make our pretentions and assertions about democratic processes, people everywhere in the world will want to know whether we exemplify them in deeds as well as state them in words.

Behind it all is what is probably the greatest of all rights, the right of people to participate in the making of the laws, and in the shaping of the conditions under which they must live. Along with it all there are the assertions of those rights that go along with the dignity of human beings.

Mr. President, the reaction is not provincial, and it is not limited to the floor of the Senate. The waves will lash into every corner of the earth. What we do here will be measured by the humble people of color in all sections of the globe.

I had hoped, as a member of the Committee on the Judiciary, that this minimum, at least, could be accomplished.

First, the establishment of an effective enforcement agency in the Department of Justice.

Second, the establishment of an objective Commission, to serve for 2 years, with the direction to report on policies and to do a truly objective job in that field.

Third, to retrieve those rights which have been languishing for so long, and to give them some decent enforcement by means of civil remedies.

Fourth, and finally, to make the right to vote very meaningful, where it has not been meaningful heretofore.

Mr. President, that is the very minimum the President of the United States could ask, and that is the minimum that this lawmaking body under our Constitution should do.

I earnestly hope that the bill as it came from the House, and in the form in which it might have come from the Committee on the Judiciary, will be kept intact, and that part III of the bill will not be stricken. That is the least we can do, Mr. President, in the greatest and finest country on the face of the earth, of whose free processes we are so justly proud.

Mr. ANDERSON. Mr. President, I yield 4 minutes to the junior Senator from Florida.

Mr. SMATHERS. Mr. President, I was born in the North. I was born in the great State of New Jersey. My father had the distinct privilege of serving as a judge in that State. He managed Woodrow Wilson's campaign for governor. My uncle had the great privilege of serving in this body, first as the junior and then the senior Senator from the State of New Jersey.

Therefore, my first impression of life was as a northerner, rather than as a southerner. I can speak with some objectivity since I have spent portions of my life in both sections of the country—North and South. Certainly, I speak from firsthand information and observation about the facts and conditions as they exist in the South today. I do not speak from hearsay alone, nor from the information supplied me by some special-interest organization.

There is no doubt that the provisions of the pending bill, particularly section 121 of part III, are based either on a wrong assumption of facts, or else on an assumption that the people of the South need to be punished, both of which assumptions, of course, are incorrect.

We do not deny that we have problems in the South. Certainly, we do and we are desperately trying to solve those problems ourselves. We have made great progress in recent years with respect to our schools. For example, in my State we appropriate as much money for a colored student in our public schools as we appropriate for a white student. We spend more on school rooms for colored children than we do for those for the white children. We have 1 teacher for every 16 colored students, where the ratio in the white schools is 17 students per teacher. There has been a great deal said about the jury system. On county juries, State juries, and Federal juries, Negroes today serve with the same facility and the same opportunity as do the white citizens.

With respect to voting in Florida, according to the Southern Regional Council, in 1956, 70.6 percent of all registered Negroes voted. That is a higher percentage of voting than is shown for the whites.

Therefore, this particular bill, as it pertains to voting, does not make any great difference so far as we in Florida are concerned, except that we do not need it.

I have told my people that under no conditions would I defend any public official who sought to deprive any citizen, regardless of his race or color or creed, of his right to vote. Voting belongs to all qualified Americans.

I can tell Senators that I believe that position was approved by the people of my State.

I am satisfied that if the Negro citizens in any Southern State could speak here today they would say to the Senators who have appointed themselves defenders and self-appointed Messiahs: "Do not spend your time talking about us as poor benighted, backward people who need your unsolicited help." Rather, I think they would say, "Start spending your time in passing legislation which will be of real benefit to us."

They would say, "Do something about housing. We need more and better homes. Do something with respect to the public school construction program. We need more and better classrooms." They would say do something about the farm problem, because many small farmers in the South are Negroes. They would say that something should be done with respect to small business, because in the South many of the Negroes engaged in business are primarily small-business men. They need credit and encouragement to modernize and advertise and expand, in order to compete against the chainstore operations.

Mr. President, I do not believe that any Negro citizen of the South has ever asked for such a provision as section 121 of part III, or ever asked any self-appointed defenders to speak for them.

I compliment the able Senator from New Jersey [Mr. SMITH], who spoke earlier today, when he said that the answer to this racial problem is understanding and education and tolerance. This section under consideration does not provide for these elements. On the contrary, it divides us, it creates distrust and doubt; it will result in fear and intolerance; it will stop the progress now being made, and set us back in our efforts to solve our problems. Mr. President, I certainly hope that the Senate will adopt the Anderson-Aiken-Case of South Dakota amendment.

Mr. KNOWLAND. Mr. President, I yield 10 minutes to the senior Senator from Illinois.

Mr. DOUGLAS. Mr. President, I should like to say, that as a practical matter, section 121 of part III has absolutely nothing to do with the jury trial amendment.

As a matter of fact, most every contempt prosecution under section 121 of part III, would necessarily be for civil contempt, because the schools would continue, the buses would continue to run, and the parks would still exist; therefore, if anyone were to violate an order of the court in such matters, and a contempt order were entered to compel his compliance, he could always free himself from the punishment by the simple act of compliance.

Therefore, the question of criminal contempt, which may possibly arise under part IV of the bill, would almost never arise under part III.

Of course, the right to vote is important, and, if effectively granted and used, will, over the course of a generation, improve conditions for the next generation of our minority groups.

Part III, however, will do something for this generation. It will make it more possible for children of the present generation to go to a public school without discrimination on account of race or color. It will prevent them from being segregated in buses and in parks. And it will give to them greater dignity as human beings in this generation.

I submit that we should not sacrifice this generation merely for the slow, permeative influence of another generation. I think we should know precisely what we are doing.

The issue before the Senate now is a very simple one; namely, are the colored people in our country—and, as the Senator from Colorado has reminded us, the Spanish-speaking people and the Indians, as well—are all these citizens of our country to be denied the protection of those rights which are guaranteed to them and to all of our citizens under the Constitution of the United States, and more particularly by the 14th amendment, as interpreted by the Supreme Court?

If a Senator believes Negroes should be shoved to the back of public buses, let him vote to strike out section 121, for that is the effect of his vote.

If a Senator believes that Negroes should be herded into separate and most often unequal cars on our railroads, let him vote to strike out section 121, for that is the effect of his vote.

If a Senator believes that Negroes should be denied equal access to public parks, paid for in part by them, let him

vote to strike out section 121, for that is the effect of his vote.

If a Senator believes that Negroes should be segregated in theaters and movie houses and other places where the public gathers, let him vote to strike out section 121, for that is the effect of his vote.

If a Senator believes that Negro children in the schools should be segregated forever and that a State has no duty even to begin compliance with the law of the land, let him vote to strike out section 121, for that is the effect of his vote.

If a Senator believes that States should, with impunity, create and sustain a climate of massive resistance to the laws of the land, let him vote to strike out section 121, for that is the effect of his vote.

If a Senator believes that Negroes have no right to serve on juries in certain areas of our land, let him vote to strike out section 121, for that is the effect of his vote.

If a Senator believes that Negroes should be denied recourse to financial or other aid when his rights are denied by economic pressure, intimidation, or even physical coercion, let him vote to strike out section 121, for that too is the effect of his vote.

If a Senator believes that when Negroes are intimidated by State and local authorities and denied their rights under the Constitution of the United States, they should have no opportunity to seek the helping hand of their Government against such intimidation, let him vote to strike out section 121, for that is the effect of his vote.

A vote to strike section 121 is a vote against the enforcement of the basic civil rights guaranteed by the Constitution in the very areas where those rights are most flagrantly abused and denied.

Mr. President, our deliberations and our vote on this and succeeding amendments will be watched not only all over this country, but all over the world as well. Not only in Europe, but also in India and Asia. And, in particular, in Africa will it be noted.

In that continent which is stirring into life, two sharply differing experiments in the relationships between the races are being carried out. One is the experiment by Albert Schweitzer and a few heroic souls in south Africa who are seeking the reconciliation of the races by justice, self-sacrifice, and loving service. The other is that of the strident advocates in south Africa of white supremacy who wish to fasten upon the Negroes ever more firmly the open badges of shame and of inferiority and who wish to deny to them both human dignity and the chance to develop.

If the Anderson-Aiken amendment carries, there will be gleeful pleasure among the advocates of apartheid and white supremacy, but deep sadness amongst those who are struggling for a better way for men to live together. And there will be similar reactions all over our own country. As the Scriptures have said, "We are like a city on a hill. The eyes of all men are upon us."

It is for us to determine just what it is that mankind will see.

Mr. ANDERSON. Mr. President, I yield 10 minutes to the Senator from Vermont [Mr. AIKEN].

Mr. AIKEN. Mr. President, I am speaking solely in the interest of a good civil-rights bill, one which will give all people, regardless of race, creed, or color, the right to vote, and which will provide enforcement power to protect that right.

This position is not new for me. I have supported civil-rights legislation as long as I have opposed the granting of extraordinary powers to the Federal Government.

Parts I, II, and IV of the bill are proposed civil-rights legislation. After 90 years we are now in a position to correct an injustice of long standing.

Part III, however, conveys unusual powers to the Federal Government and would, if enacted, represent a long step away from democratic government. How far part III would go, no one knows, for its limitations of power have not been defined.

On the floor the other day the junior Senator from Pennsylvania [Mr. CLARK] said:

> Let me say that part III is also difficult for a Philadelphia lawyer.

Mr. President, if a Philadelphia lawyer cannot understand part III, are we to assume that only a New York lawyer knows what is in part III, and why it was put there?

No doubt part III can be used to enforce integration in the public schools. The junior Senator from New York made that plain in his discussion last week. But how far beyond that point would it go?

If part III is approved and becomes law, the Attorney General must then determine his own power under it. How would he do this? He would interpret the wording of the act; he would consult the testimony before the committees; he would read the arguments and the debates on the floor of the House and Senate.

The opponents of part III in the House and Senate and in committee have charged, and the charge has not been clearly denied, that part III powers could be used not only to force public-school integration, but could be used also to set aside State laws and local regulations in that field, labor laws, and housing laws, including those pertaining to cooperative apartments. They could be used, furthermore, to set aside State and local social-security measures, State laws and local regulations pertaining to certain trust funds, social-security payments, private schools and colleges, hospitals, cemeteries, business, trade, transportation, taxes of all kinds, including the sales tax, which is clearly discriminatory, and all other matters committed to State control.

It has been claimed, and I believe it to be true, that part III could be used to supersede the Taft-Hartley Act and, instead, could make possible arbitrary findings in labor disputes.

The Attorney General could assume almost any kind of power and use the arguments of the opposition to prove his case in assuming such power.

The proponents claim that part III could be used to protect the individual; but the same power which could be used to protect the individual could be used to crush him, as well, depending on the whim of the Federal officials.

What chance would a $40-a-week man with 5 children at home, who was charged with contempt, have against the power of the United States Government? He would go to jail and stay there. In a little while, he would find that criticism of the Government could become very unhealthy.

State and local government officials could be whipped into line by the Federal Government.

The real issue in part III is not voting rights; it is the preservation to the States and communities of their constitutional rights of self-government.

The proposal to approve part III is amazing. It goes against everything that the Republican Party has stood for. It proposes to inject Federal authority into all phases of the life of the individual.

I read from the Republican platform of last year:

> We hold that the strict division of powers and the primary responsibility of State and local governments must be maintained, and that the centralization of powers in the National Government leads to expansion of the mastery of our lives.

Mr. President, this proposal in part III is all the more amazing, incongruous, and inconsistent, because it comes at a time when the President has just appointed a committee of seven to recommend means of returning more responsibility and authority to the States.

Mr. President, the Republican Party cannot ride a horse in two directions at the same time; and what I say about the Republican Party applies to the Democratic Party, as well. It is impossible by means of legislation to get rid of discrimination, no matter how hard we may try, because so long as there are three people on the earth, there will be discrimination to a certain degree.

By avoiding the inclusion of extraneous provisions imposing Federal controls over the people, as provided in part III of the bill, the Senate can pass a voting-rights bill during this session of Congress. Let us take that long step forward, but let us not venture into the field of Federal controls over all people and all things.

Mr. ANDERSON. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER (Mr. STENNIS in the chair). The Senator from New Mexico is recognized for 3 minutes.

Mr. ANDERSON. Mr. President, at the end of this long debate, further argument is of very little use. It has been a thoughtful debate, participated in by thoughtful men.

Mr. President, I will not make a legalistic argument. I am not a lawyer. Even if I were, I would not participate in legalistic argument on this issue.

I am sorry that earlier in the debate it was stated that on our side there have been many dramatics but there has been little analysis. I regret that the Senator who made that statement had not lis-

tened to the presentation, lasting 40 minutes, on our side of the issue, in which the Senator from Wyoming [Mr. O'MAHONEY] entered into a careful analysis of the bill from a legal standpoint, and pointed out that part III would take away civil rights guaranteed by the Constitution, and pointed out that in many cases a jury trial is an absolute civil right.

I am sorry that some Senators on the other side did not hear the fine statement made by the Senator from Idaho [Mr. CHURCH] in which he pointed out the differences between civil contempt and criminal contempt, and in which he stated his reasons for supporting this amendment, which would strike portions of part III out of the bill.

I am sorry that some Senators on the other side of the issue did not hear the statement made by the able Senator from Iowa [Mr. HICKENLOOPER] in the course of which he pointed to instances where the Executive had moved in, such as the case of the OPA controls and other controls, and in which the Senator from Iowa also pointed out that he does not believe in the constant encroachment of the Executive upon the rights of individuals.

Mr. President, I leave the legalistic arguments to the Senators who today made those fine statements on the floor of the Senate.

Neither do I make a political appeal, Mr. President. I am happy to state that when I first came to the Senate, I joined with the able Senator from Vermont [Mr. AIKEN] in trying to place farm legislation on a nonpartisan—yes, on a nonpolitical—basis; and it was on that basis that I crossed the aisle and asked him to join me in sponsoring the pending amendment.

There have been times, in connection with the consideration of proposed agricultural legislation, when I have seen the Senator from Vermont [Mr. AIKEN] and the Senator from Iowa [Mr. HICKENLOOPER] join with the Senator from Florida [Mr. HOLLAND] and myself on agricultural policy. Yet we have had a nonpolitical Committee on Agriculture and Forestry, and on that basis we have handled the matters relative to the farmers of the country. Although my views have differed from those of many other Senators, I have felt that all through that work the members of the committee were not acting on a partisan basis.

I believe that the debate and the proceedings of the Senate today should not be on a partisan basis, either. Neither do I believe they should be on a sectional basis.

I was interested in the comment made about the fact that certain suits had to be entered into in the State of Arizona, and that certain ones had to be entered into in the State of Texas, because of the position in which the Spanish-American people of those States have found themselves. But the Senator who made that statement did not refer to a single case coming from the State of New Mexico; and that is so because the Spanish-American people of New Mexico have steadily been protected in their right to vote, and they have been the fullest participants in the right to vote. When given the right to vote, they take care of their other rights; and I point out that that situation can help in the case of the issue now confronting the Senate.

Mr. President, I do not desire to have our country have a government by injunction. That is why I shall try to have the Senate strike section 121 from the bill.

However, I wish to see a civil-rights bill passed by the Senate. This may be the last clear chance the Senate will have in a long time to pass such a bill. I believe the Senate should make certain, by striking out section 121, that the bill will be passed by the Senate and become law.

Mr. KNOWLAND. Mr. President, I yield myself 8 minutes.

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

Mr. KNOWLAND. Mr. President, today the Senate will vote on the question of eliminating section 121 of part III of House bill 6127. This is an important issue, and action on it should not be lightly taken.

Mr. President, the efforts of Senators of the United States should always be directed to appeals to the reason of their colleagues and to the reason of the American people, and should not be directed to appeals to their prejudices or their passions.

Under our constitutional system, as I have understood it, article I places all legislative power in the Congress of the United States. Article II places the executive power in the President. In article III, the judicial power is placed in one Supreme Court and in such inferior courts as the Congress may establish. These are the coordinate branches of our constitutional Government. None is subordinate to the others.

The Federal Government is one of limited and specified powers; and, in my opinion, it should so remain. Under the Constitution, all other powers are reserved to the States or to the people thereof.

The proponents of the pending legislation are not seeking to eliminate one set of civil rights, in order to gain another. We are not seeking to undermine one part of the Constitution, in order to make effective another part. Where unneeded power was proposed in the bill, we have sought to remedy the situation—as has been done in the case of the use of the armed power of the Federal Government.

A public policy question has been raised regarding the wisdom of employing volunteers—who might be prejudiced—to work for the Commission, which should be unprejudiced, and we are prepared to join with other Senators in correcting that provision.

We only regret that some of our colleagues in the opposition have not used their great talents to help devise acceptable language which would, within our constitutional legislative power, help to implement the 14th and 15th amendments to the Constitution. If the energy which has been devoted to outright opposition had been used in an effort to find an acceptable alternative, constructive results might have been achieved.

It is not necessary, I believe, to charge——

Mr. JOHNSON of Texas. Mr. President, at this point will the Senator from California yield to me?

Mr. KNOWLAND. At this time I am not able to yield.

Mr. President, it is not necessary, in my opinion, to charge that the legislative opponents of the bill are motivated by partisan politics. This problem is not a partisan one. It is a constitutional problem.

It is not necessary, it seems to me, to charge that the Attorney General of the United States seeks to become a 20th century American Caesar, when he is merely seeking to implement the 14th and 15th amendments to the Constitution of the United States. Nor is it necessary to imply that the President would be guided by political motivations, rather than by his high oath of office.

On July 16, the President of the United States said that this proposed legislation, as he understood it—

> Seeks to accomplish these four simple objectives:
>
> 1. To protect the constitutional right of all citizens to vote regardless of race or color. In this connection we seek to uphold the traditional authority of the Federal courts to enforce their orders. This means that a jury trial should not be interposed in contempt of court cases growing out of violations of such orders.
>
> 2. To provide a reasonable program of assistance in efforts to protect other constitutional rights of our citizens.
>
> 3. To establish a bipartisan Presidential commission to study and recommend any further appropriate steps to protect these constitutional rights.
>
> 4. To authorize an additional Assistant Attorney General to administer the legal responsibilities of the Federal Government involving civil rights.

Certainly, it is not necessary to undermine confidence in the Supreme Court of the United States, in order to build up confidence in the Congress of the United States. Each has its place in our Federal structure. Each has contributed throughout our history to our way of life. And at various times each has reached heights of public approval or periods of public criticism.

If the Supreme Court is not to interpret the Constitution and the effect of statutes upon fundamental constitutional rights, what agency is to do it?

In Britain, there is no written constitution, and there the Parliament can, in effect, amend constitutional rights at will. No such power exists, or should exist, in our legislative arm of the Government.

By the same token, the Court should avoid the tendency, if one indeed exists, to write judicial legislation. The legislative power, all of it, is in the Congress.

I am deeply troubled lest the interpretation may be placed on this motion to strike the core of part III as a decision by the Senate to subordinate the 14th amendment or to lessen its effectiveness.

We must never weaken, nor abandon, the position of America in the eyes of

our own people or of the world that the American Constitution contains guaranties to all our citizens, not merely some of them, in all areas of our Nation—North, South, East, and West.

Mr. President, at this point in my remarks I wish to read into the RECORD the 14th amendment to the Constitution, or at least a part of it. This is what it says:

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.

Section 5 of the 14th amendment reads:

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The 15th amendment is short, and reads as follows:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

Those who have the power to strike from the bill section 121 or other sections have a heavy responsibility. All areas of the Nation have an obligation to demonstrate that the letter and the spirit of the 14th and 15th amendments are implemented, are effective, and are enforced.

I shall vote against the pending Anderson-Aiken amendment, which completely strikes section 121 from the bill.

Mr. JOHNSON of Texas. Mr. President——

Mr. ANDERSON. Mr. President, I yield the time remaining to me on the amendment to the able majority leader.

The PRESIDING OFFICER. The Senator from Texas has 5 minutes.

Mr. JOHNSON of Texas. Mr. President, this is one of the most basic decisions we shall make on the entire civil-rights bill. Under the agreement which the Senate entered into on yesterday, in a matter of minutes, we will be called upon to cast our vote on part III.

Mr. President, that vote may very well be the deciding factor on whether this Congress will pass any civil-rights bill at all.

I desire to express my appreciation and pay my tribute to the Members of the Senate on both sides of the aisle for the manner in which they have conducted the debate during the past 2 weeks. I think the Senate has operated in its finest great traditions.

The issue before the Senate today is simple. We can write an adequate bill to safeguard the right of all citizens to vote. We can create a commission which can study the overall problems, and submit to the Congress its recommendations.

Or we can attempt here, on the floor of the Senate, to write into law new and drastic and far-reaching enforcement procedures to cover a wide variety of vaguely defined so-called civil rights.

Mr. President, so far as I am concerned, I am ready and willing to vote for and support an adequate right-to-vote bill, with proper safeguards.

I am ready and willing to support a commission which will make reasoned, studied, fair, impartial and thorough inquiries into this most serious problem.

Mr. President, I believe we can, here in the Senate, work out a measure which will be accepted by the people of the country, provided we do not clutter up the bill with other issues.

The right to vote is the basic right, without which all others are meaningless. It gives people—people as individuals—control over their own destinies.

Mr. President, the vote on part III is of crucial importance. It can well make the difference between achievement and futility. I do not share the views expressed by the earnest and able minority leader, who has worked long and eagerly but unsuccessfully to devise some substitute language, that those who oppose the bill have the responsibility of devising alternatives.

Mr. President, the Attorney General, in making his recommendations in April, 1956, said then to the Congress that part III should and could and ought to be studied by a commission, and then the commission could make its recommendations.

The PRESIDING OFFICER. The Senator has used his time.

Mr. JOHNSON of Texas. Mr. President, I hope the Senate in its wisdom today will strike from this measure part III, which never should have been in it.

Mr. KNOWLAND. Mr. President, I yield back all the time remaining to me.

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

Mr. BRICKER. Mr. President, will the Senator yield, so that I may ask unanimous consent to have printed at this point in the RECORD a statement I have prepared on the amendment?

Mr. JOHNSON of Texas. I yield for that purpose.

The PRESIDING OFFICER. Is there objection?

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

STATEMENT BY SENATOR BRICKER ON THE ANDERSON-AIKEN-CASE OF SOUTH DAKOTA AMENDMENT TO THE CIVIL RIGHTS BILL

I shall vote for the Anderson-Aiken amendment to strike part III from the pending civil rights bill.

As a practical matter, no civil rights bill containing part III or similar language can be passed by this Congress. We can have legislation more adequately protecting the right to vote, or we can have no civil rights legislation at all.

Therefore, I shall vote for part IV of the bill, protecting the right to vote, and for part II, providing for an additional Assistant Attorney General to direct prosecutions of those who unlawfully interfere with the right to vote. By assuring every individual the right to vote we give him power to vindicate through the ballot box many other constitutional rights to which he is entitled. This form of political self-help will safeguard the fundamental human rights of all our citizens far more effectively than punitive Federal intervention in local cases and controversies.

I shall also vote for part I of the bill. It may well be that basic civil rights, in addition to the right to vote, should be protected by the enactment of new laws, although, as a matter of principle, I cannot vote for part III as written. After the Commission on Civil Rights has completed its study, we will be in a better position to decide what type of civil rights legislation is necessary or desirable.

I hope I shall never again see an Attorney General of the United States request power so unlimited in scope as that which resides in part III of the pending bill. In a few superficially innocuous sentences, there is power given to dictate conformity on a wide range of social and cultural matters; to invade powers reserved to the States and to the people by the 10th amendment; and which, in my judgment, is clearly unconstitutional.

In conclusion, I hope that no future civil rights legislation will be keyed to archaic legislation of the Reconstruction era. Some of this legislation is of doubtful constitutionality. Because these old statutes have long been dormant, their meaning is unclear. We shall never advance basic civil rights by allowing the Attorney General to initiate star chamber proceedings to enforce laws that are unknown and unknowable.

Mr. JOHNSON of Texas. Mr. President, on the question of agreeing to the pending amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Fulbright	McNamara
Allott	Goldwater	Monroney
Anderson	Gore	Morse
Barrett	Green	Morton
Beall	Hayden	Mundt
Bennett	Hickenlooper	Murray
Bible	Hill	Neuberger
Bricker	Holland	O'Mahoney
Bush	Hruska	Pastore
Butler	Humphrey	Potter
Byrd	Ives	Purtell
Capehart	Jackson	Revercomb
Carlson	Javits	Robertson
Carroll	Jenner	Russell
Case, N. J.	Johnson, Tex.	Saltonstall
Case, S. Dak.	Johnston, S. C.	Scott
Chavez	Kefauver	Smathers
Church	Kennedy	Smith, Maine
Clark	Kerr	Smith, N. J.
Cooper	Knowland	Sparkman
Cotton	Kuchel	Stennis
Curtis	Langer	Symington
Dirksen	Lausche	Talmadge
Douglas	Long	Thurmond
Dworshak	Magnuson	Thye
Eastland	Malone	Watkins
Ellender	Mansfield	Wiley
Ervin	Martin, Iowa	Williams
Flanders	Martin, Pa.	Yarborough
Frear	McClellan	Young

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the Anderson-Aiken-Case of South Dakota amendment to strike out section 121 of the bill. All time for debate on the amendment has been exhausted. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

The Senator from West Virginia [Mr. NEELY] is absent on official business.

I further announce that if present and voting, the Senator from Missouri [Mr. HENNINGS] and the Senator from West Virginia [Mr. NEELY] would each vote "nay."

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

If present and voting, the Senator from Maine [Mr. PAYNE] would vote "nay."

If present and voting the Senator from Kansas [Mr. SCHOEPPEL] would vote "yea."

The result was announced—yeas 52, nays 38, as follows:

YEAS—52

Aiken	Frear	Mundt
Anderson	Fulbright	Murray
Barrett	Goldwater	O'Mahoney
Bennett	Gore	Robertson
Bible	Green	Russell
Bricker	Hayden	Saltonstall
Butler	Hickenlooper	Scott
Byrd	Hill	Smathers
Case, S. Dak.	Holland	Smith, N. J.
Chavez	Johnson, Tex.	Sparkman
Church	Johnston, S. C.	Stennis
Cotton	Kefauver	Talmadge
Curtis	Kerr	Thurmond
Dworshak	Long	Williams
Eastland	Malone	Yarborough
Ellender	Mansfield	Young
Ervin	McClellan	
Flanders	Monroney	

NAYS—38

Allott	Ives	Morse
Beall	Jackson	Morton
Bush	Javits	Neuberger
Capehart	Jenner	Pastore
Carlson	Kennedy	Potter
Carroll	Knowland	Purtell
Case, N. J.	Kuchel	Revercomb
Clark	Langer	Smith, Maine
Cooper	Lausche	Symington
Dirksen	Magnuson	Thye
Douglas	Martin, Iowa	Watkins
Hruska	Martin, Pa.	Wiley
Humphrey	McNamara	

NOT VOTING—5

Bridges	Neely	Schoeppel
Hennings	Payne	

So the Anderson-Aiken-Case of South Dakota amendment was agreed to.

Mr. ANDERSON. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. AIKEN. Mr. President, I move to lay on the table the motion of the Senator from New Mexico.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Vermont to lay on the table the motion of the Senator from New Mexico.

The motion to reconsider was laid on the table.

Mr. JOHNSON of Texas. Mr. President, the Senator from Wyoming [Mr. O'MAHONEY] has at the desk an amendment designated "7-17-57-B," which I ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. At the end of the bill, it is proposed to add the following:

PART V—JURY TRIALS IN CERTAIN CONTEMPT CASES

SEC. 151. In any proceeding to impose criminal penalties for contempt of any injunction, restraining order, or other order issued in an action or proceeding under this act, the accused, upon demand therefor, shall be entitled to trial by jury which shall conform as near as may be to the practice in other criminal cases.

This section shall not apply to any proceeding for civil contempt to enforce compliance with or remove obstruction to the carrying out of any injunction, restraining order, or other order issued by a court under this act; but any person adjudged in civil contempt shall be entitled to be freed from detention upon giving an appropriate undertaking that he will in good faith comply with and not obstruct the carrying out of such injunction, restraining, or other order.

Mr. JOHNSON of Texas. Mr. President, the distinguished Senator from South Dakota [Mr. CASE] has at the desk an amendment to correct certain typographical errors in the bill. The amendment is designated "7-16-57-D."

I think it would be advisable to consider that amendment now. On page 2, line 3, the word "President" is misspelled; on page 11, line 3, the word "three" should be stricken out, and "four" inserted; and on page 12, line 10, it is proposed to strike out *"Provided,* That any" and insert "Any."

I therefore ask unanimous consent that the pending amendment of the Senator from Wyoming be temporarily laid aside, and that the Senate proceed to consider the amendment of the Senator from South Dakota, designated "7-16-57-D", with the understanding that as soon as action is completed thereon, the Senate will return to the pending amendment.

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

The amendment of the Senator from South Dakota will be stated.

The LEGISLATIVE CLERK. On page 2, line 3, it is proposed to strike out "Preident" and insert "President."

On page 11, line 3, strike out "three" and insert "four."

On page 12, line 10, strike out *"Provided,* That any" and insert "Any."

Mr. CASE of South Dakota. Mr. President, these corrections are either typographical or clerical. The first one is purely a typographical correction, in that the word "President" is misspelled.

On page 11, line 3, the language refers to 3 new subsections, whereas actually there are 4.

The next correction, on page 12, line 10 is to strike out the words *"Provided,* That any." Those words should be stricken and the word "Any" inserted in lieu thereof," because the words *"Provided,* That any" do not relate to or hinge on anything in the bill.

Since it is conceivable that the bill may be adopted by the House through the concurrence by the House of the Senate amendments, these corrections should be made at this time.

The VICE PRESIDENT. The question is on agreeing to the amendments offered by the Senator from South Dakota [Mr. CASE].

The amendments were agreed to.

The VICE PRESIDENT. The question recurs on agreeing to the amendment of the Senator from Wyoming [Mr. O'MAHONEY].

Mr. JOHNSON of Texas. Mr. President, does the Senator from Wyoming desire to address himself to his amendment, which is the pending question?

Mr. O'MAHONEY. I should like to inquire of the Senator from Texas what the plan of procedure is likely to be. It is now 20 minutes to 5 o'clock. I would prefer not to proceed with my discussion this evening, but to do so tomorrow. There are some procedural matters which might be taken care of at this time. Has the Senator from Texas reached any conclusion?

Mr. JOHNSON of Texas. I had hoped that the Senate would remain in session a little longer this evening. Of course we have had a very good day today. If the Senator from Wyoming is in a position to speak now, I do not know when he will have a better opportunity to address more Senators on his very important amendment than he has now. Perhaps he could make a brief explanation of the amendment, even though we do not vote on it this evening.

The PRESIDING OFFICER (Mr. SCOTT in the chair). The question is on agreeing to the amendment offered by the Senator from Wyoming.

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

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today, it stand in recess until 12 o'clock noon tomorrow.

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

ORDER FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that after the approval of the Journal tomorrow, there be a period for the transaction of routine business only, with a limitation on statements of 3 minutes.

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

ORDER OF BUSINESS

Mr. JOHNSON of Texas Mr. President, I am informed the distinguished and able Senator from Wyoming will address himself briefly to the amendment which is now pending, and at the conclusion of the address by the Senator from Wyoming, Senators will have an opportunity to make insertions in the RECORD. I do not anticipate any more quorum calls this evening. I do not anticipate any more votes this evening. I should like all Senators to be on notice that the Senate will convene at the regular time tomorrow, 12 o'clock noon.

I now yield the floor to my friend from Wyoming.

Mr. O'MAHONEY obtained the floor.

Mr. SYMINGTON. Mr. President, will the Senator yield, so that I may make some insertions in the RECORD?

Mr. O'MAHONEY. I yield for that purpose.

KANSAS CITY BUILDS GOOD WILL IN LATIN AMERICA

Mr. SYMINGTON. Mr. President, this morning I should like to pay tribute to a patriotic group of 100 leading Kansas City citizens who, instead of talking about improving our relations with Latin America, are doing something constructive about it.

Representatives of this fine group were in Washington recently to report to the State Department and other interested agencies of their activities and their travels during the past year.

On March 28, 1956, I gave the Senate an outline of the Kansas City idea on how to improve foreign relations with our neighbors to the south. At that time, some 31 members of the newly formed Kansas City Commission for International Relations and Trade had just returned from a highly successful 3-week good will trip to 8 Latin American countries. The immediate success of that was not only abundantly demonstrated by the warm hospitality accorded them in Latin America, but also has had a continuing impact on United States-South American relations.

As an example, in May 1956, at the invitation of the Kansas City Commission, Brazilian Vice President Joao Goulart, his wife, and some 20 Brazilian officials paid Kansas City a week's visit. This was the first time a South American Vice President had ever made such a visit.

The Brazilian delegation was entertained with a series of gala receptions, luncheons, dinners, tours, and informal meetings. The success of their visit was evidenced when Vice President Goulart announced at the final banquet that he was appointing himself Kansas City's Ambassador to Brazil.

The next month, a group of 10 Latin American editors from countries visited by the commission, also came calling. After 3 busy days of sightseeing, receptions, and a meeting with former President Truman, these newsmen returned to their homes to write glowing accounts of American hospitality and welcome.

Also in June of last year, the commission sponsored a highly successful 2-week exhibition of Chilean art at the Kansas City Art Institute. This exhibit, viewed by several thousand people, was another fine step toward creating a better understanding with our friends to the south.

In July, Mario Lopez Villatora, Guatemalan Presidential press secretary, was a week's guest of Kansas City, and made many new friends for himself and his country.

During all this period—from the time of the commission's original trip to late spring—its members spoke to various groups about the problems and resources of Latin America. In all, more than 300 such appearances were made, and the commission's story was told to more than 300,000 persons in the Kansas City area alone.

Everywhere the commission went, they found an enthusiastic response for their direct approach to creating better inter-American relations. As a result, the commission decided to incorporate as a nonprofit educational association.

Official purpose of the association is development of better understanding of the countries and people of Latin America, encouragement of more commerce between Latin America and the Midwest, and informing Latin American citizens of the commercial, cultural, and social advantages of our part of the United States.

After incorporation, the association decided to expand its membership to 100 members, with dues of $100 a year. In a short time the roster zoomed to 106, and a waiting list was established.

Mr. President, I ask unanimous consent that an editorial, which appeared in the June 2, 1956, edition of the Kansas City Star, describing the incorporation and purposes of the association, 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:

THE GOAL IS FOREIGN TRADE

The decision of the membership of the Kansas City Commission for International Relations and Trade to incorporate as a nonprofit association is a forward step in building on the good-will foundation laid by the group on its Latin American factfinding tour last February.

Mayor H. Roe Bartle and the commissioners are demonstrating vision and initiative. As a result of their trip Kansas City has reaped a bountiful harvest of national and international press acclaim. In an era of far-reaching developments among our neighboring American Republics, the action of Mayor Bartle and the commission is highly important.

By incorporating as a nonprofit group, members of the commission and those in our trade territory who will join their ranks as the new association blossoms to membership of 100 will be able to accumulate funds for programs to improve our foreign-trade position. They also plan to implement a scholarship program for Latin American students to attend schools in this area. Both objectives should improve hemispheric understanding and solidarity.

It is interesting that the commissioners have voted to name as the first associate member of the new association a citizen of Junction City, Kans. Additional members from our trade territory should strengthen any long-range program to bolster foreign trade and relations in this area.

Mr. SYMINGTON. Mr. President, in September, at the suggestion of Hal Hendrix, Latin American editor for the Kansas City Star, the association invited all Latin American Ambassadors to visit Kansas City for the opening of the great American Royal Livestock and Horse Show.

Seventeen Ambassadors accepted the invitation.

Mr. President, the success of this visit is attested by the response of the Ambassadors themselves. That response is well described by John R. Cauley, in a news story which appeared in the Kansas City Star on October 24, 1956. I ask unanimous consent that this story be printed in the RECORD as a part of my remarks at this point.

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

LATIN ENVOYS PRAISE CITY WARMLY—THE MAIN REACTION OF DIPLOMATS AFTER AMERICAN ROYAL VISIT IS ONE OF INCREASED GOOD WILL

(By John R. Cauley)

WASHINGTON, October 23.—The character of a great city—its vision and vigor, its progressive spirit, its alert leaders, and its hospitable people—came vividly alive for the 17 Ambassadors and chiefs of mission from the American republics who visited Kansas City over the weekend.

That was the dominant reaction today of the diplomats who have returned to their chanceries here, almost overwhelmed by the spirit of Kansas City and the reception they received at the American Royal festivities.

STRENGTHEN THE TIES

There was immense satisfaction, too, that the visit further cemented friendly relations among Kansas City and the Latin American countries. Ralph Hilton, a State Department official who accompanied the group, said "It was a tremendous experience and a most impressive example of civic enterprise in the field of inter-American relations."

Jack Neal, another State Department official on the trip, said "Kansas City was a real host. They certainly know how to put it on. From the standpoint of inter-American relations they generated something in 3 days that it would be difficult to do in years. Kansas City sure opened my eyes."

IMPRESSED BY BEAUTY

The comment that Kansas City has beautiful women and an enchanting residential section is one invariably made by visitors to the city, but it's always pleasant to have the fact confirmed by foreign diplomats, all of whom were lyrical about these two facets.

There was praise, too, for what the diplomats called the city's progressive leaders and among them most often mentioned were Mayor Bartle, Roy A. Roberts, and Louis B. McGee.

Victor Andrade, ambassador from Bolivia, said he not only was fascinated by the Royal parade and the accompanying social events but found the Mission Hills golf course to his liking where he shot an 82.

PLANS TO RETURN

Kansas City is so attractive to Monclair Zephirin, the ambassador from Haiti, that he plans to go back on his own and spend a weekend some time.

"Your city is much bigger and more beautiful than I thought," he said. "I would like to have one of your mansions for my residence here. The women in Kansas City are beautiful and elegantly dressed."

Manuel Tello, ambassador from Mexico, said "I never saw such a demonstration of civic spirit. All the people were so hospitable. I particularly enjoyed visiting the art gallery. The 3 days in Kansas City were so marvelous that I plan to take my wife and children back for a visit."

NOTES THE FRIENDLINESS

Ambassador A. Vicchi, of Argentina, said of his visit:

"Wonderful, wonderful. Kansas City people are friendly, the parade was excellent, and the entire city progressive, rich, and important."

He said the visit was extremely useful for strengthening the ties between Latin America and the heart of America.

"I came away from Kansas City enchanted," Miguel Angel Campa, Ambassador from Cuba,

said. "The mayor and his wife, with them it is 'simpatico,' that means 'likable' in English. They could be mayors any place they want."

Jose Luis Cruz-Salazar, of Guatemala, said the thousands of waving hands along the parade route epitomized the fact that Kansas City realizes that Latin America exists.

"Kansas City really opened my eyes," Mario Rodriguez of Chile said. "We hope the people of Kansas City realize that they have friends south of the border. Your mayor, he is quite a guy, you have lovely women and the Star is an outstanding newspaper. It was a happy experience."

AWED BY PARADE

Ambassador Gonzalo Facio, of Costa Rica, said, "I liked Kansas City very much. It is progressive, clean and has a beautiful residential district. The American Royal parade was fantastic."

Facio said most of the Ambassadors had seen only Miami, New York, Los Angeles, and San Francisco and that they welcomed the opportunity to visit the heart of America.

Ambassador Francisco Urrutia, of Colombia, also was impressed by the beautiful homes. He said it was stimulating to get such a warm welcome and that "It is important for Kansas City to know us and for us to know Kansas City."

"We are still talking about Kansas City," Julio Morales, Chargé d'Affaires of Nicaragua, said. "It is a progressive city with fine citizens and a fine newspaper."

Ambassador Fernando Berckemeyer, of Peru, said he was thrilled by the warm reception the group received and the knowledge that Kansas City realized that Latin America is important.

Mr. SYMINGTON. Equally enthusiastic was the response of the people of Kansas City. That feeling was well set forth in an editorial which appeared in the Kansas City Times of October 24, 1956. I ask unanimous consent that this editorial be included as a part of my remarks at this point.

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

RETURN, FELLOW AMERICANS

Kansas City, through its youthful Association for International Relations and Trade and its zestful American royal, last weekend made a major contribution to inter-American solidarity by playing host to 17 Latin-American Ambassadors.

The diplomats, properly referred to as fellow Americans by their collective hosts, left here highly enthusiastic over midwestern hospitality.

Before leaving, the visitors had many pleasant reflections. They were impressed by tremendous ovations they received standing before their national flags at the royal coronation ball (and the surprise of Mrs. H. Roe Bartle's gracious response in Spanish for a bouquet of roses). The royal parade and the livestock and horse show, the William Rockhill Nelson Gallery of Art, the colorful and informal brunch at the Saddle and Sirloin Club, the jet scramble at the Grandview Airbase and the beauty of the city itself provoked many exclamations in Spanish, Portuguese, and English.

Nothing like the Kansas City weekend ever had happened to these chiefs of mission before in this country.

By the same token, Kansas City never before had played host to such a large group of foreign diplomats. The hosts found their visitors to be delightfully engaging and interesting guests, quickly adaptable to our flavor of informality. They were the kind of guests you would like to have return—the kind to whom Latins say, "My house is your house."

Henry F. Holland, former Assistant Secretary of State, who accompanied the official party, commented at the chamber of commerce luncheon that "no nation in the American Hemisphere needs to worry about the dangers Satan has placed in other parts of the world if the Americas rely on mutual cooperation and understanding."

The Kansas City visit helps promote such understanding.

Mr. SYMINGTON. Mr. President, as a further tribute to the countries of Latin America, on January 20 of this year, the Kansas City Philharmonic Orchestra, under the baton of Hans Schwieger, presented a Sunday afternoon TV concert of Latin American music, which was carried on all Kansas City TV stations.

On March 19, the association made its second official visit to Latin America, visiting Guatemala, Cuba, Jamaica, Haiti, the Dominican Republic, and Puerto Rico. As on the 1956 trip, each man paid his own expenses. Some 50 members made the trip.

A major project now being planned is the establishment of an International House in Kansas City. When this idea comes to fruition, the House will serve as the international trade hub for all the Midwest and Mississippi Valley area.

Also under consideration is the establishment of a scholarship program for Latin American students and the promotion of an international trade exposition.

Mr. President, in closing this second account of the accomplishments of a fine group of patriotic and unselfish men, I should like to say that I am sure all America wishes them continued success in efforts to promote better understanding among all people. What better way to promote world peace than this Kansas City idea for spreading friendliness and good will among our neighbors?

Mr. President, I ask unanimous consent to have included, at this point in the RECORD, the report of the Kansas City Association for International Relations and Trade, Inc., on the Guatemala-Caribbean factfinding trip, March 1957.

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

REPORT OF THE KANSAS CITY ASSOCIATION FOR INTERNATIONAL RELATIONS AND TRADE, INC., GUATEMALA-CARIBBEAN FACTFINDING TRIP, MARCH 1957

FOREWORD

Many outstanding events and developments of significance have occurred during the time between the first report of the Kansas City Commission for International Relations and Trade and the second trip to Latin American nations during the period, March 19 and April 3, 1957.

Our first report covering the 1956 trip was made a part of the CONGRESSIONAL RECORD of March 28, 1956 (pp. 5716 to 5720). Several news articles commending the work of the commission accompanied the report into the RECORD as did the comments of Senator STUART SYMINGTON, who made the presentation to the United States Senate.

Interest has grown to such an extent that the original commission of more than 30 men has formed a nonprofit corporation—Kansas City Association for International Relations and Trade, Inc. Membership of the corporate body is presently 100, and from this group came the commissioners who made the second trip.

Interest in establishing an International House in Kansas City commanded the attention of the association during the interim period defined by our first and second trips and a special committee journeyed to New Orleans, La., for the purpose of gathering information and data from such an organization in that city. The Kansas City Southern Railway provided transportation for the group and we are grateful to President W. N. Deramus for the arrangements. The managing director of the New Orleans International House was a guest of the association and informal discussion coupled with a speech at a dinner in his honor permitted an insight into that type of operation.

The association was host to a number of official visitors from foreign countries during the time between the first and second trip projects.

The Vice President of Brazil, mayors, and other city officials from some 20 cities in the State of São Paula, Brazil, the Italian Ambassador to the United States and the Ambassador to the United States of 17 Latin American Nations were received in Kansas City with appropriate functions. The group of Ambassadors was in Kansas City October 19 to 21, 1956, and participated in many American Royal events.

The 1957 trip was made by 47 duly qualified commissioners while but 30 constituted, the group in 1956. Interest is growing as the results of our efforts become known by business and professional men throughout the trade territory of Kansas City.

THE 1957 TRIP PROJECT

This report follows and covers the second factfinding tour of the Kansas City Commission for International Relations and Trade. During the 16-day trip we visited Guatemala, Cuba, Jamaica, Haiti, Dominican Republic, and Puerto Rico.

The rule governing expenses on the first project prevailed during this trip and each member of the commission defrayed all of his own expenses. The commission is a part of the government and the city of Kansas City, Mo., but no taxpayers' funds were spent to meet any item of cost.

During this trip the commission extended the hand of commercial, cultural, and social fellowship to all peoples of the countries visited. This fulfillment of the resolution under which the association was formed was made possible through the hospitality and official welcome that we experienced at every port of call.

Not only did city and national representatives of the six countries visited exhibit the ultimate in courteous hospitality, but the embassies of the United States therein were cooperative and helpful in fulfilling our plans and meeting schedules. We feel that our Government is being represented by men of outstanding diplomatic ability.

Briefings by United States Ambassador Edward J. Sparks and his Embassy staff while in Guatemala City and by Ambassador Arthur Gardner and his Economic Counselor Clarence A. Boonstra, and others of the Embassy staff in Habana fully acquainted us with the political, economic, and cultural phases of life in these countries.

Mr. Paul Barranger, Chargé d'Affaires, United States Embassy, presided over an informal discussion of like phases of life in Haiti and Ambassador William T. Pheiffer and his staff held a briefing session in Ciudad Trujillo.

We were fully acquainted with the industrial program of Puerto Rico by the Economic Development Administration and chamber of commerce, and Gov. Luis Muñoz-Marín amplified the information during a reception at the Presidential Palace. Here the State Department welcomed us with a luncheon and the acting mayor, Senor Jose

Garcia, received the commission in the council room.

In addition to all the foregoing, we collectively and individually conferred with scores of businessmen in every country. We attended council meetings, signed the council registers and discussed economic, educational and professional problems with civic leaders both in and out of governmental positions.

As we approached the end of the trip it was realized that the following words of welcome, advanced in Jamaica, were generally appropriate:

"The visit of your group is a good-neighbor gesture which we deeply appreciate. We sincerely trust that it will result in a strengthening of cultural and economic ties between our two communities."

Because no member of the commission exerted effort to sell his wares and because the atmosphere of meetings transcended commercialism and entered the realm of closer cooperation that we might all enjoy a better way of life and living, we were frankly and courteously welcomed. For this we are appreciative and believe a strengthening of the social and economic ties may result. In this respect, the commission fully realizes that it is but a small factor in the effort that must be perpetually exerted. Our satisfaction comes from the mustard seed type of strength, properly planted and nourished the ultimate result will be strong and healthy.

While differences of language, climate and customs create types of personalities peculiar to the countries visited, we found a consistent friendliness toward all from the United States and a desire to cooperate in establishing a solid front to maintain peace and freedom from any form of iron-hand oppression.

We found a desire to trade, visit and exchange ideas with this country. (Much to our surprise, we learned that Cuba spends more tourist dollars in the United States than we spend in Cuba.)

We found need for further industrialization in some countries and saw what such effort can accomplish when applied. Operation Bootstrap has added some 400 factories to the island of Puerto Rico since its beginning in 1948. Labor is available, at a comparatively low figure, if capital could be put to work in the establishment of places where human effort is needed.

There are United States business organizations operating in most of the six countries visited but more would help the economic situation. In this respect, the laws and practices of some of the countries could be altered to make more attractive the investment of business capital. A closer cooperation, for example, between the Dominican Republic and our own country, should be mutually beneficial.

Agricultural products peculiar to the tropical countries form the greatest source of income in the countries visited. Aparently the income from such products is enjoyed by comparatively few.

We were the guests of J. A. Folger Coffee Co. while in Guatemala and thereby learned much about coffee plantations and this important industry of that country. The trip to Antigua in the State of Sacelepequez permitted an insight into labor conditions of the mountainous coffee-growing land. Wages are low, but each worker usually is allotted a small piece of land for personal use in providing food for himself and family.

Some observed that a larger middle class should be created, but a long-range program of economic adjustment will be needed to elevate large masses from a level which, in many instances, approaches poverty. Our Government may assist through appropriate channels and technical assistance.

We noted, however, programs for better living conditions in the form of slum clearance and modern-type housing construction in many places. More is needed.

Tourism throughout the area chosen for the second trip of the commission plays an important part in the economics of the island countries particularly. The weather is generally favorable during the winter months in the United States and many thousands of travelers spend periods of time in the Caribbean. If better facilities were made available by the expenditure of private capital, more money would enter the smaller countries.

Some exporters from the United States have misgivings relative to establishing a large trade volume with Latin American countries due to credit risks.

Some members of the commission strongly advocate enactment of legislation that would authorize Government export credit insurance or export credit guaranties. Nothing of this character is now available to American export business and we recognize the necessity for such a system particularly in the light of the availability of insurance of that character to exporters in other countries.

We encountered political unrest in Cuba and Haiti. Before arriving in Cuba, the situation arose to a point of bloodshed but we were welcomed to the Presidential Palace by President Batista. This reception and the extending of our hand of fellowship and good wishes was not to place our stamp of approval or disapproval upon any political power or group but to greet the peoples of the country through the person then occupying the highest office of the nation. We were appreciative of the privilege and hope our visit to Cuba may have added a link to the chain of friendship that has always bound the two countries, together.

President Batista, in an address of welcome delivered in the beautiful palace at Habana, uttered words exemplifying the impression apparently made upon representatives of every country visited. In fact, he said:

"How stimulating it is to meet and chat with men who dedicate their time and their energy to the welfare of their communities, and who, in doing so, rise above the limiting restrictions of self-interest and contribute substantially to the progress of their community and their Nation. I congratulate you from the bottom of my heart. To me, your mission represents a fine example of democracy at work. You have put aside your business problems, left your families and the comforts of your homes, and gone out to meet and know your good and friendly neighbors of Latin America. And your mission could not be more timely. Let those who, at this very moment, are trying harder than ever to destroy our democratic way of life, take note. Let those who today are trying to discredit, or even destroy, those of us who stand up to defend the democracies, understand that missions such as yours, give clear evidence that the ties that bind together the free peoples of the Americas are more than geographical, more than economic, more than political. We in the Americas, who share a common destiny, stand together as friends and neighbors, prepared to defend the institution and the blessings which are ours under our democratic system of life."

Cuba is thriving, modern and aggressive. No doubt the $750 million invested in that country by private parties of our country is a factor.

Haiti was in the process of registering all women of voting age, for the first time preparatory to an election to be held shortly after our departure. The country is having its political problems and it is our observation that strong leadership, having greater knowledge of the democratic way of governmental operation is needed. Less than a week after our departure from Port-au-Prince, Haiti, the then President resigned under pressure of a nationwide sit-down strike. We believe this unrest might be due to a low per capita income and lack of industrialization in a country relying upon agriculture where land is not highly productive and population is heavy and either unwilling or financially incapable of employing modern methods of working the soil.

In the Dominican Republic we saw a modern way of life. The country is progressive and there is little or no evidence of poverty such as observed in other countries. The International Peace and Progress Fair was open and we saw the result of long range planning in the erection of buildings—functional as a part of the fair yet adapted for use when the venture is over. We were told that $30 million was spent in completing the beautiful grounds and buildings.

This country has no external or internal debt but widespread, adverse comment on the Republic's political set-up is apparently a factor against outsiders entering the business and professional fields of the country.

The Island of Puerto Rico was our last port of call and was of great interest because of the attractive industrial program. The people of the island are fast becoming well educated, modern in thought and action.

The commission had a number of lawyers as members and in every country, effort was made to meet judges and justices of the highest courts of the land. In each instance, they found fair and equitable systems of trials prevailed, and in most countries, the political situation had no effect upon the courts.

Three members of the commission were physicians and they learned that in most countries visited, the hospitals were manned by doctors trained in the United States. More were needed and in some instances, the rural sections of the countries did not have adequate nor quickly available medical care. The commission believes more assistance might be given natives desirous of obtaining medical training in the United States.

SUMMARY

The general objectives of this association is to supplement governmental, commercial, and cultural relations already existing between the United States and the Latin American countries. More specifically to create a basis for enduring and effective friendly relationship between those of the Kansas City trade territory and the people of the 20 republics constituting the Latin American group. We feel that the Guatemala-Caribbean factfinding trip has strengthened the existing solidarity of the Western Hemisphere and particularly the common purposes of the United States and the six countries recently visited.

Each commissioner deems it a privilege to serve in fulfilling the mission of the association. Additional friends were made in every country and we learned that personal contact is the best way of not only establishing mutuality of purpose but in developing good will that may be effective in maintaining future peace and understanding.

Respectfully submitted,

The commission: C. Earl Hovey, president; Cliff J. Kaney, vice president; Louis B. McGee, vice president; Eugene F. Stanton, vice president; Nathan Rieger, treasurer; John O'Keefe, secretary; Arnold V. Arms, M. D.; Dutton Brookfield; Dudley C. Brown; Forrest D. Byars; W. R. Cumerford; James Daleo; J. Roger DeWitt; Richard H. Dierks; Lawrence P. Engel, M. D.; Hubert Eversull; A. A. Fowler, Sr.; Ed C. Goodman; Edward C. Gosnell; Adolph W. Hebrank; Hal Hendrix; Fred R. Heryer; John D. Hilburn; August L. Huber, Jr.; Gordon W. Johnson; Lloyd Kissick, Jr.; Ray E. Lawrence; Phillip E. McCarthy; Robert H. McDonnell; William E. Maurer; Ralph G. Martin; Mario Molina; Walter A. Reich; Dick Richardson;

George W. Ryan; Karl J. Schroer, Sr.; Eugene L. Selders; C. E. Shepherd, Jr.; John L. Sheridan; Fred R. Suddarth; Ralph W. Timberlake; Earl J. Thomson; R. Carter Tucker; Lancie L. Watts; Mont Wickham, M. D.; Robert D. Youker; Mayor H. Roe Bartle, ex officio.

CORDINER COMMITTEE REPORT

Mr. SYMINGTON. Mr. President, I ask unanimous consent to have printed in the RECORD another one of the growing list of editorials appearing in newspapers throughout the country on the Cordiner Committee report. This one is from the Northern Virginia Sun of July 18.

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

WHAT ABOUT ENDING THE DRAFT?

Over a year ago President Eisenhower appointed the Defense Advisory Committee on Professional and Technical Compensation. The Chairman of this Committee was a distinguished industrialist, Mr. Ralph Cordiner, president of the General Electric Co. Among its members were recognized experts in the field of manpower. In May of this year, after 14 months of work, the Committee issued a report proposing a modern compensation plan designed to attract and retain the competent personnel required by our defense activities.

The report made clear that the great problem of maintaining an adequate Defense Establishment today is the fantastically rapid turnover of military manpower. Hundreds of thousands of young men leave the services upon the expiration of their enlistment period. Most significantly reenlistments are lowest among the men who have been given the highest technical training since such men can most easily command higher paying jobs in private industry. Yet, as the report points out: "The modern military manpower problem is not merely a matter of the total number of people on hand but * * * the level of competence, skill, and experience of these people."

The Cordiner report is a careful, well-documented review of this whole problem. Pentagon experts have estimated that if the integrated program recommended by the report were put fully into effect, the Government would by 1962 save more than $5 billion, measured in increased combat effectiveness.

But so far the President has obdurately refused to adopt more than a small part of this report, in spite of strong urging from such an authoritative legislator as Senator SYMINGTON and even from members of his own party, such as Senators GOLDWATER and JAVITS. He has stated as his principal reason for refusing to support legislation implementing the report that it would add to the inflationary spiral. This is denied, however, by the Cordiner Committee.

For weeks there have been rumors in Washington that the administration's coolness toward the Committee's recommendations was motivated by another consideration—that if the Cordiner report proved out the draft would clearly become unnecessary. The administration, so the rumor goes, has wanted to avoid having to face the termination of the draft. It has been afraid that this would require it to eat the contemptuous words with which it attacked the Democratic candidate during the last presidential campaign for suggesting that the draft could be ended by a compensation system such as that which the Cordiner Committee has since proposed.

Because of administration silence and inaction, this rumor has continued to gain currency. It was given substantial additional support when Mr. Cordiner appeared on Meet the Press last Sunday afternoon. In response to a question as to whether the draft could be ended if his report were adopted, Mr. Cordiner stated that in his personal opinion "there would be more than a likely chance." If the report were fully implemented, Mr. Cordiner said, "you could take about one-tenth, about 10 percent, of the people off the payroll that are now in the Military Establishment; that's 280,000. Presently there are 305,000 people that are put there by conscription."

Many people, of course, may argue that the threat of the draft is necessary to support the present necessary rate of voluntary enlistments. But, taken together with the 100,000-man reduction in the Armed Forces which Secretary Wilson announced on Tuesday, the incentives offered by the Cordiner recommendations may well be sufficient to maintain necessary force levels without conscription.

The possibility of ending the draft through the adoption of the Cordiner proposals has so far received little public discussion, and on this question the administration has maintained a studied silence. Meanwhile, the draft continues as a troublesome anomaly for an America no longer engaged in a shooting war. It operates in a highly accidental and discriminatory fashion. In many sections of the country selective service boards have not drafted anyone for a long time—but this is highly classified information, and the public is not told.

Hasn't the time come when the administration should take a fresh and unprejudiced look at this whole question? If the draft is really required, then the public should be informed how and where it is operating and why it is necessary. If it can be eliminated by the adoption of the Cordiner report, then the administration should face up to that problem.

LETTER TO EDITOR OF ARKANSAS GAZETTE

Mr. KERR. Mr. President, a few days ago there appeared in the Arkansas Gazette a letter written to the editor by a son of the soil who has a high appreciation of things earthy, a sense of values developed in the hard and rugged ways that have been imposed upon the common people by this administration, and a sense of high good humor almost as keen as he gives the Senator from Oklahoma credit for in certain exchanges of remarks and opinions that took place on the floor of the Senate a few days ago. I ask unanimous consent that the letter may appear in the body of the RECORD at this point as it came from the pen of this son of the soil in the Southwest.

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

FROM THE PEOPLE: DOES IKE NEED AN ANEMOMETER BETWEEN EARS?

To the EDITOR OF THE GAZETTE:

When I visited the feed store last week, Timothy Peckworthy was reading his newspaper and laughing—a rare combination these days. I was scarcely seated before he gasped out a final laugh and garnished it with a good-natured oath.

"I will be damned," he said.

I got up and started for the door.

"Timothy," I complained, "I'm too old a man to spend my time in such company. Here I am staring, almost, into the pearly gates or the fires that burn, as the case may be, and I can't afford to * * *."

"Sit back down, Horace," he urged, "and tell me what you know about this fracas between KERR and CAPEHART."

"It started," I told him, "when Senator KERR tossed off an unappreciative comment about Ike's brains. HOMER CAPEHART jumped to his feet, shocked and outraged. Homer has a low shocking point. On a damp day, you can raise him 3 feet in the air with a 1-cell flashlight battery. He read KERR a stern lecture on senatorial proprieties and the kind of behavior he expected from the opposition party. Unfortunately, the whole experience left KERR filled with high animal spirits instead of remorse.

"But I think Homer was right. All criticisms of our President can be divided into two kinds: Those which are permissible, although ill founded and perhaps unpatriotic; and those which are so offensive to the public taste that no decent man can hear them without protest. When KERR moved into Ike's head and began to make surveys of unoccupied territory, he went entirely too far. If the President is dumb, it's because the Lord made him that way for purposes which have not yet been disclosed. To criticize this natural failing is discourteous, if not blasphemous. It's like poking fun at a man who was born with 1 eye or 3 ears.

"We Republicans know how an opposition party ought to act, for we were out of office for 20 years. But KERR and most of his Democratic friends are mere beginners at this game, and they haven't learned the rules we laid down. We never criticized a natural frailty that Roosevelt couldn't help, but we considered it a solemn duty to expose and condemn any voluntary weakness or acquired iniquity. With that innate sense of decency that marks a true gentleman, we never called him a cripple, except during campaigns and then only in whispers. We contented ourselves with calling him a traitor to his class and, after his death, a traitor to his country. KERR and that pack of jackals he runs with are old enough to remember all this. Since we didn't talk about Roosevelt's legs, they ought to be courteous enough to keep their mouths shut about Ike's head."

"I wonder what the President thinks about all this," Timothy mused.

"Oh, he probably thinks it's much ado about a small matter," I replied.

HARDSCRABBLE.

CONWAY.

THE RISING COST OF LIVING

Mr. GORE. Mr. President, I call attention to the deplorable fact that the Bureau of Labor Statistics has announced that the cost of living has again risen, and that this is the 10th consecutive month during which the cost of living has risen.

The principal reasons and causes for this rise in the cost of living are the spiraling interest rates which are being pushed higher and higher, faster and faster, by the deliberate policies of the administration.

Let every housewife know, as her money buys less to eat, to wear, and to use, that one of the principal causes is the higher and higher interest rates brought about by the administration, in conjunction with its tight money policy.

CIVIL RIGHTS ACT OF 1957

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

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming [Mr. O'MAHONEY], which has been stated.

Mr. O'MAHONEY. Mr. President, I am speaking at this time only because it seems advisable that there should be an explanation made in public this evening of the amendment which has been made the pending question, as compared with the amendment which I submitted on the 8th of July, when I first called attention in this body to the necessity for jury trial in cases of contempt when material facts were at issue.

Immediately after this amendment—the second amendment—was made the pending question, I was called to the press room outside the Chamber, and there several newspaper men and women queried me about this amendment and about the procedure which was to be followed. So, in order that the amendment may be clear to all who are concerned, and may be made a part of the RECORD, I shall undertake to make a brief explanation.

It will be recalled that the debate on H. R. 6127 began, so far as the contents of the bill are concerned, after the Senate by a heavy vote decided to make the bill the unfinished business of the Senate without reference to the Committee on the Judiciary, to which committee, in my opinion, the bill should have gone.

The Committee on the Judiciary, in considering the Senate bill which was before it, had in its conferences already adopted several amendments, but of course, had not reported the bill to the Senate. One of the amendments which was adopted in the Committee on the Judiciary was an amendment providing for trial by jury.

Trial by jury is a preponderant question in the whole debate. I am sure the country wants to know about it and of course, all of us who support the idea want the country to know about it.

On the 8th of July, carrying out the intent of the vote which I had cast in the committee, I filed a modified amendment. In my remarks on that day I invited my colleagues to give the amendment consideration and to suggest any changes in form or substance which might occur to any of them.

The amendment, which is designated "7–8–57–C", was written at a time when I did not entertain the hope that part III would be, in effect, eliminated from the bill. Therefore, the amendment was drawn with specific reference to certain sections of the Revised Statutes which were mentioned in the House bill. These two sections were section 1980 of the Revised Statutes and section 2004 of the Revised Statutes.

Section 1980 of the Revised Statutes is the section which was revised, extended, and enlarged to provide for the substitution of equity procedure instead of criminal procedure for violations of certain old laws which have been upon our statute books since Reconstruction days.

By the vote today section 121 of part III was eliminated from the bill. Therefore, the amendment which I originally offered was drafted in a form that would not be applicable to the bill in its present condition, with part III almost wholly eliminated from the measure. The amendment which was offered on July 8, for printing, read in part as follows:

PART V—JURY TRIALS IN CERTAIN CONTEMPT CASES

SEC. 151. In any proceeding for contempt of any injunction, restraining order, or other order issued in an action or proceeding instituted under the fourth paragraph of section 1980 of the Revised Statutes—

I stop there to point out that section 1980 of the Revised Statutes is no longer mentioned in the pending bill and, therefore, there can be no proceeding for contempt instituted under the fourth paragraph of that section, as was provided in the bill.

After the debate had proceeded for less than a week, from what was being said upon the floor, from what was being written in the mail I received, and from what was being communicated to me by other Senators, I came to the conclusion that there was a good chance part III would not remain in the bill. Because I wished to offer an amendment to provide for a jury trial in any event, particularly with reference to part IV, which has some criminal aspects, I drafted a new amendment designed to have the same effect as the first amendment, except that it was drawn in language which had no reference whatsoever to the eliminated section 1980 of the Revised Statutes. By the vote which was taken today, a very large majority of the Senate voted to eliminate certain provisions of part III.

The second amendment which I filed for printing on July 17, 1957, was at the time of the vote, on the desk waiting to be called up. The majority leader, after the announcement of the vote on the Anderson-Aiken-Case of South Dakota amendment, had the amendment stated. It reads as follows:

PART V—JURY TRIALS IN CERTAIN CONTEMPT CASES

SEC. 151. In any proceeding to impose criminal penalties for contempt of any injunction, restraining order, or other order issued in an action or proceeding under this act, the accused, upon demand therefor, shall be entitled to trial by jury which shall conform as near as may be to the practice in other criminal cases.

This section shall not apply to any proceeding for civil contempt to enforce compliance with or remove obstruction to the carrying out of any injunction, restraining order, or other order issued by a court under this act; but any person adjudged in civil contempt shall be entitled to be freed from detention upon giving an appropriate undertaking that he will in good faith comply with and not obstruct the carrying out of such injunction, restraining, or other order.

Many inquiries have been directed to me with respect to the meaning of civil contempt and of criminal contempt. This is a legal question.

Mr. KEFAUVER. Mr. President, will the Senator yield before he enters upon a discussion of the difference between civil contempt and criminal contempt?

Mr. O'MAHONEY. I am very happy to yield to the Senator from Tennessee.

Mr. KEFAUVER. As Senators know, I have had pending since July 17 an amendment with relation to the jury trial provision. I should like to state my intention in the matter, and the chronology of what has happened, and ask the Senator if my understanding of what has happened is correct.

On July 8 the Senator had presented his amendment 7–8–57–C, which undertook to grant a jury trial where there were one or more questions of fact to be determined. If there were questions of fact there would be a jury, and if there were not, a judge might try the case alone.

I had prepared an amendment which I thought was carefully drafted. It is dated July 17, 1957. I advised the Senator from Wyoming that I intended to submit the amendment. It was based upon a different approach to the problem of jury trial than the amendment of the Senator from Wyoming at that time. The approach was that in a civil contempt case there would not be a jury, and that in a criminal contempt case a jury trial would be provided. I made it clear that I was not submitting the amendment in conflict with the amendment of the Senator from Wyoming. I know that we could arrive at an arrangement so that the Senate could consider both amendments.

Whereupon I presented an argument at some length in support of the amendment which I had prepared. It was submitted on July 17, the same day the second amendment of the Senator from Wyoming was submitted.

I have no pride of authorship. Substantially, I think the two amendments mean the same thing. The amendment which I have submitted contains a limitation upon the punishment for criminal contempt. I think the last paragraph of my amendment is clearer than the last paragraph of the Senator's amendment.

It also contains a provision giving the court the right to handle, without a jury, contempt committed in the presence of the court, or so near thereto as to interfere with the administration of justice. It also refers to section 1980 of the Revised Statutes, as well as section 2004. I think there is some value in continuing to have a provision for a jury trial in criminal contempt cases under section 1980, because private individuals can come in. My amendment certainly would give assurance that in criminal contempt cases there would continue to be the right of trial by jury.

I ask the Senator if he is willing to look my amendment over and consider whether certain sections of my amendment, which deal with the same general principle as does the Senator's second amendment, might be preferable. I wonder whether the Senator might feel inclined to accept my amendment as a substitute for his, or whether certain provisions in the amendment which I have submitted might be considered by the Senator from Wyoming to be more desirable than some of the provisions in his amendment.

Mr. O'MAHONEY. Like the Senator from Tennessee, I have no pride of authorship, because several persons consulted with me in drafting both amendments offered by me. I have not had an opporutnity to examine the Senator's amendment. I heard his speech. As I stated to him, at the time I submitted the original amendment on July 8, I is-

sued on the floor an invitation to all my colleagues to consider suggestions for modification and improvement of that amendment. I stand exactly in that position now. That was my thought then, and it is my thought at this moment.

I shall be very happy to examine the Senator's amendment with the greatest of care. I have no doubt that we shall be able to reach an agreement as to the language of the amendment which would best serve the single objective to which we are both devoted, namely, to provide trial by jury. I am very glad to assure the Senator now that I shall take a copy of this amendment with me this evening, and I shall be very glad to study it in every respect.

I express my appreciation of the fact that the distinguished senior Senator from Tennessee has lent all the force of his personality and influence to the developing of a realization of the justice of having the right of trial by jury preserved, with the civil right of voting. I think we both stand together as supporters of the civil right of voting and of the civil right to trial by jury.

Mr. KEFAUVER. Of course, we both stand together on the idea of wanting to protect the court, and to enable it to put into effect its own decrees and orders.

At the same time, when it comes to criminal contempt, involving the punishment of an alleged offender, we wish to guarantee him a trial by jury. I think the Department of Justice ought to be happy with such a provision, and that it should embrace it.

As I understand, the Senator's second amendment deals with the question of civil and criminal contempt, and bases the trial by jury, or the absence of trial by jury, on the difference between civil and criminal contempt. Does that mean that the other amendment will not be brought up for consideration? I refer to the amendment which bases the trial by jury or absence of trial by jury on whether or not a question of fact is in dispute. I understand that the Senator's first amendment is now out of the way, and that we can proceed with the Senator's second amendment, together with the amendment which I have submitted. Both of them are along the same line.

Mr. O'MAHONEY. Mr. President, I am advised that many Members of this body desire to discuss this question. I think some of them have amendments in mind. I do not know what will be done by our colleagues, but I am sure that both the Senator from Tennessee and I wish to work together to bring about a satisfactory and understandable jury-trial amendment. I shall be very happy to cooperate toward that end.

Mr. President, if I may proceed with a brief discussion of what I conceive to be the difference between civil and criminal contempt, a phase of the misunderstanding as to what criminal contempt is arises from the fact that when the United States Code, as it is now written, was presented in codified form, the editors who had charge of codifying the law went through all the statutes which had not been repealed and grouped them together in the form which seemed to be most useful for those who found it necessary to consult the statutes.

There was an old law, sometimes known as the Buchanan-Webster Act, which was enacted in 1831, for the purpose of eliminating any misunderstanding which might have arisen from the fact that a few days before the bill was passed, in 1831, the Senate had acquitted a Federal district judge for the State of Missouri who had been impeached by the House of Representatives. The offense charged against him was that he had exceeded the authority of the court to punish for civil contempt.

The incidents which led to the impeachment were, briefly, these. After the judge had ruled in the case, after the decision had been made, and, indeed, after it had been appealed to a higher court, the lawyer of the defeated litigant wrote and published a severe criticism of the judge's decision. It offended the judge. The statement in the article was not uttered in the presence of the judge. It was not made in the courtroom. The article was not written or discussed until long after the case had been decided and when it was before the appellate court. However, the judge who had decided the case, Judge Peck, felt offended, and he haled that lawyer into court. He found him guilty of contempt of court, and sentenced him to imprisonment and disbarment from the bar of the district court of Missouri.

That was regarded by the House of Representatives as an abuse of the power of the court to punish for contempt. The old judge, advanced in years and almost blind, won the sympathy of 21 or 22 Senators. I forget whether it was 21 or 22. In any event, he won the sympathy of a number of Senators, and he was acquitted by a very narrow margin.

Daniel Webster and James Buchanan, one sitting in the Senate and the other in the House, one a Whig and the other a Democrat, agreed that that acquittal should not be regarded as a license for other United States judges to punish offenses that were not committed in their presence, or did not interfere with the processes of the court, or did not involve disobedience of a court order.

The Buchanan-Webster Act of 1831 is now a part of title 18 of the United States Criminal Code. It is found on page 2355 of title 18 of that code. It reads:

> A court of the United States shall have power to punish by fine or imprisonment, at its discretion, such contempt of its authority, and none other, as—
>
> 1. Misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice;
>
> 2. Misbehavior of any of its officers in their official transactions;
>
> 3. Disobedience or resistance to its lawful writ, process, order, rule, decree, or command.

It will be observed that this language gives the court unlimited power to punish by fine or imprisonment, at its own discretion. Nothing is said about a criminal act. The only things that are mentioned fall into three categories. They are: Misbehavior of any person in the presence of the court, or so near at hand as to obstruct the administration of justice; misbehavior of any of its officers in their official transactions, and of course that includes clerks and other employees of the court, and lawyers, who are officers of the court; and disobedience or resistance to the court's lawful writ, process, order, rule, decree, or command.

There is not one word in the statute naming any act a crime. However, because that statute gives the court the power to fine or imprison a person, the codifiers of the United States Code put this section in title 18 of the Criminal Code. That is the only basis I can find for the misconception which so many people seem to have—and it is a misconception, as I see it—that criminal contempt can be identified by punishment. It cannot. A crime can be defined only by a statute which states what the crime is, in words that are clear and not subject to misunderstanding. That is the ambit of civil contempt.

In a voting case, it would be quite possible for a person who believed himself to be justly qualified to vote, but who was unjustly denied the right to register and vote, or unjustly intimidated or prevented from becoming a voter, to go into an equity court and ask for an injunction.

During the debate there has been complete agreement about that.

When such a person would go into court, he would show his qualifications to the court, and the court could issue an order, on the basis of the qualifications, to the registrar of voters, to show cause why he should not be ordered to register that person. There would be no plea of guilty or not guilty in that proceeding. In that kind of proceeding the registrar would come into court and attempt to set forth the reasons why the person had not qualified. Then the court would decide that case without a jury. It would be wholly within the judge's competence as a judge in a civil-injunction case. There would be no contempt, of course, until there was disobedience. If the judge was satisfied that the petitioner was a qualified voter and was entitled to registration, he would issue a mandate to the registrar to place such person upon the roll. If the registrar refused to obey the order of the court, given as a judgment or decree by the court, it would be within the power of that court, under section 401, to issue an order fining or imprisoning the registrar until the order was obeyed.

That would be civil contempt, and there would be no need of a jury trial. That was exactly the situation which would have applied under my original amendment. But because of the debate about what constitutes criminal and civil contempt, and when I saw that reference to section 1980 was likely to come out of the bill, I redrafted the amendment and offered it for printing. It was lying on the desk. In it there is an attempt to go into the matter of prosecution for contempt.

Let it be understood that in both of these amendments——

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

Mr. O'MAHONEY. Yes; indeed.

Mr. CARROLL. If a court has issued its mandate to the registrar and demands that the registrar register a qualified voter, do I understand that if there were noncompliance the court would have the right to put the registrar in jail until he complied with the court's order?

Mr. O'MAHONEY. Absolutely.

Mr. CARROLL. And that is civil contempt?

Mr. O'MAHONEY. Yes.

Mr. CARROLL. Let us assume that election day passes, and the registrar——

Mr. O'MAHONEY. I will not make that assumption, I may say to my friend, the Senator from Colorado, because I do not believe that a court would be so naive as to create such a situation that a registrar to whom the court had issued an order would delay, postpone, hinder, obstruct, and let the day of voting pass. No.

The court, in issuing the order, would say, "Carry out this order by such and such a date." If the order were not carried out by such and such a date, there would come into play fully the provision of category 3 of section 401, pertaining to the disobedience or resistance to the court's lawful writ. The court under existing law could fine or imprison such a person.

So in the substitute amendment which I have drafted, and the one which is now pending, I provide, after a paragraph devoted to criminal penalties:

> This section shall not apply to any proceeding for civil contempt to enforce compliance with or remove obstruction to the carrying out of any injunction, restraining order, or other order issued by a court under this Act; but any person adjudged in civil contempt shall be entitled to be freed from detention upon giving an appropriate undertaking—

That is, a bond—

> that he will in good faith comply with and not obstruct the carrying out of such injunction, restraining, or other order.

All of this could be done without a trial by jury.

Mr. CARROLL. Assuming, again, a situation concerning a registrar and a qualified voter, the registrar having failed to comply with the order of the court, and the court having inflicted punishment or fine, does not the civil contempt become a criminal contempt?

Mr. O'MAHONEY. It does not.

Mr. CARROLL. I was under the impression, from reading the Michaelson decision in the Supreme Court of the United States, that the Supreme Court made the distinction that in order to persuade or to compel——

Mr. O'MAHONEY. The Senator is anticipating my explanation.

Mr. CARROLL. I come back to the question whether or not when the punishment is imposed, it then becomes a criminal contempt.

Mr. O'MAHONEY. Not when the punishment is imposed; no. It takes place when the disobedience is willful.

Mr. CARROLL. I understand that.

Mr. O'MAHONEY. That is a different thing.

Mr. CARROLL. Is it not true that when there is willful disobedience, the normal practice is that the United States attorney in the area in which the violation takes place, under rule 42 of the Federal code of procedure——

Mr. O'MAHONEY. The Senator is a lawyer, and he knows this just as well as I know it, of course.

Mr. CARROLL. That is criminal contempt.

Mr. O'MAHONEY. It is criminal contempt at that point if the act or omission is also prohibited by Federal or State statute. "If" is the word. If the Senator will bear with me a little, I do not wish to enter into an argument on the merits until tomorrow; I simply wish to explain to the ladies and gentlemen in the press gallery what I am trying to do.

Mr. CARROLL. That is a different situation. I thought the RECORD might be read by some Senators, and I wanted to draw the distinction between civil and criminal contempt.

Mr. O'MAHONEY. That is what I am trying to do.

Mr. CARROLL. I shall be very happy to listen.

Mr. O'MAHONEY. I have read section 401 of title 18 of the criminal code, misplaced, I believe, in the criminal code, because it is the authority which is given to the courts to punish, by fine or imprisonment, civil contempt manifested by disobedience or resistance to the lawful writ, process, order, rule, decree, or command of the court.

Because of the way that sentence is written, it has been recognized always that the person against whom the order is issued may purge himself from the contempt action by performing the order of the court. That is the general rule of civil contempt.

When we come to understand criminal contempt, it is necessary to go to section 402. There is no reason for any lawyer to misunderstand this, because the two sections are printed together in chapter 21 of the code, under the heading "Contempts." Section 401 is entitled "Power of Court"; section 402, "Contempts Constituting Crimes."

This is what constitutes a crime. I read from section 402:

> Any person, corporation or association willfully disobeying any lawful writ, process, order, rule, decree, or command—

It will be observed that the word "willful," which does not appear anywhere in section 401, appears for the first time in section 402—

> of any district court of the United States or any court of the District of Columbia, by doing any act or thing therein, or thereby forbidden, if the act or thing so done be of such character as to constitute also a criminal offense under any statute of the United States or under the laws of any State in which the act was committed, shall be prosecuted for such contempt as provided in section 3691 of this title and shall be punished by fine or imprisonment, or both.

It will be observed that this section does not give to the court the power to punish by fine or imprisonment; it merely is a directive to the law enforcement officers in the Department of Justice. Such person:

> Shall be prosecuted for such contempt as provided in section 3691 of this title and shall be punished by fine or imprisonment, or both.

If we turn to section 3691, this also is a part of title 18. It is a part of chapter 233 of the Criminal Code and Criminal Procedure. The title set forth in the Code is "Jury trial of criminal contempts."

It is that jury trial of criminal contempts and of criminal offenses which those who deny the right of trial by jury want to eliminate, and that is what they will eliminate unless we add this trial by jury amendment or an amendment reasonably similar thereto:

> Whenever a contempt charged shall consist in willful disobedience of any lawful writ, process, order, rule, decree, or command of any district court of the United States by doing or omitting any act or thing in violation thereof, and the act or thing done or omitted also constitutes a criminal offense under any act of Congress, or under the laws of any State in which it was done or omitted, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice in other criminal cases.

There is the clear declaration of existing law regarding a criminal contempt which appears to be a gesture of willful disobedience of the court and is also an act which has been defined as a crime, either by Federal statute or by the law of the State in which the act or omission to act took place.

The second amendment which I have offered today—which I presented on July 17, and which is now the pending question—contains two simple sentences. The first one deals with the criminal penalties, and the second deals with the proceedings for civil contempt. Here I tried to make clear a distinct difference which I thought was implicit in the original amendment. This is the way that is done in the amendment, which is the pending question:

> SEC. 151. In any proceeding to impose criminal penalties for contempt of any injunction, restraining order, or other order issued in an action or proceeding under this act, the accused, upon demand therefor, shall be entitled to trial by jury which shall conform as near as may be to the practice in other criminal cases.

Mr. President, there is a condensation of the first paragraph of section 3691 of the Criminal Code, which I read a moment ago; and this part of the amendment provides exactly the same protection of the right of a citizen of the United States to have a jury trial, when charged with committing such an offense. That is preserved in this paragraph.

I have already referred to the second paragraph of the amendment; it is the one which deals with civil contempt, and reads as follows:

> This section shall not apply to any proceeding for civil contempt to enforce compliance with or remove obstruction to the carrying out of any injunction, restraining order, or other order issued by a court under this act; but any person adjudged in civil contempt shall be entitled to be freed from detention upon giving an appropriate undertaking that he will in good faith comply with and not obstruct the carrying out of such injunction, restraining, or other order.

The amendment deals with precisely the situation which has been referred to

over and over in court decisions and during this debate, namely, that in a case of civil contempt, the defendant has within his own possession the key to open the door of the jail or to have a remission of the fine, because he can comply with the lawful writ. If it were not a lawful writ, of course he would have right to appeal.

Mr. SPARKMAN. Mr. President, will the Senator from Wyoming yield to me?

The PRESIDING OFFICER (Mr. THURMOND in the chair). Does the Senator from Wyoming yield to the Senator from Alabama?

Mr. O'MAHONEY. I yield.

Mr. SPARKMAN. Mr. President, I wish to say that I think the distinguished Senator from Wyoming has given a very clear explanation of his amendments; and I have followed his explanation quite well, particularly as regards his distinction between civil contempt and criminal contempt.

I believe everyone recognizes that there is a very definite and needed field within which a judge can function in order to make certain that the operations of the court are not interfered with by acts or failures to act which fall within the classification of contempt of court.

I should like to ask this question of the Senator from Wyoming; I do not know how other States operate, but in my own State, the registration of voters is carried on by a board of registrars, and in the smaller communities the registrars meet periodically throughout the year.

By the way, there is a period before an election during which the registrars do not meet. Several days ago I received from a member of a registration board a letter stating that the preceding Monday was the last registration day for a county election which was to be held on August 13. So apparently the period is 30 days.

Mr. O'MAHONEY. In my State of Wyoming the clerk of each county announces the days on which the registration books will be open.

Mr. SPARKMAN. In my State it is required that local notice be published.

Mr. O'MAHONEY. Precisely.

Mr. SPARKMAN. But everyone knows that on certain days the board of registrars will be sitting.

Mr. O'MAHONEY. That is correct.

Mr. SPARKMAN. In my State the board of registrars in each county has certain duties to perform in order to determine whether a person is qualified to vote. For instance, in Alabama a person who has been convicted of a felony and who has not had his citizenship rights restored is not qualified to vote; and I believe that is true in most of the other States.

Mr. O'MAHONEY. I believe it is.

Mr. SPARKMAN. In my State a person must be able to read and write and to show a reasonable degree of intelligence, before he can be registered to vote.

By the way, I have seen Negroes go through the registration proceedings; and I know that in the cases I have observed exactly the same test is applied.

Of course, there comes a time when there are borderline cases, and in such cases the board, by majority vote, must determine whether the person is qualified as an elector.

Is a judge to have imposed upon him the job of making that determination himself?

Mr. O'MAHONEY. I think a judge is entitled to, under the law. When a person alleges in a court of equity that he has been wrongfully deprived of the right to register, and when he states the facts upon which he bases his contention that he is qualified, and when the court orders the registrars to come into court and show cause why the person should not be registered, I think the case will be tried right there, without a jury.

Mr. SPARKMAN. But that will be an issue of fact, with both sides allowed to appear; is that correct?

Mr. O'MAHONEY. Certainly.

Mr. SPARKMAN. And it will not be an ex parte proceeding.

Mr. O'MAHONEY. Of course it will not.

Mr. SPARKMAN. The judge must decide the issue of fact that is stated in the application for the injunction; is that correct?

Mr. O'MAHONEY. Exactly.

Mr. SPARKMAN. I wish to say to the Senator from Wyoming that, as I stated in my argument several days ago, I go along with the statement of the great Senator George W. Norris, who said that he believed that, in every case involving contempt proceedings in which facts were involved, the defendant should be entitled to a jury trial.

I desire to compliment the Senator from Wyoming for offering the amendments. Certainly they are a tremendous improvement over what was sought by means of the bill as it was brought before us.

Mr. O'MAHONEY. I thank the Senator from Alabama.

Mr. President, I yield the floor.

DEDICATION OF PLAQUE PLACED WHERE CHARLES A. LINDBERGH COMMENCED HIS TRANSATLANTIC FLIGHT

Mr. HRUSKA. Mr. President, earlier today there occurred ceremonies at which there was dedicated a plaque marking the spot on Roosevelt Field, on Long Island, N. Y., from which Charles A. Lindbergh started his famous solo trans-Atlantic flight to Paris in 1927. The ceremonies were a part of the program of the Woodmen of the World Life Insurance Society of Omaha, Nebr., which is undertaking to place similar markers at appropriate spots in the Nation.

The ceremonies held at Roosevelt Field were participated in by Howard Lundgren, president of the society, and also by former Gov. E. D. Rivers, of Georgia, who is chairman of the board of the society.

On that occasion the dedicatory address was delivered by Gen. A. C. Wedemeyer, United States Army, retired. It was my pleasure to introduce General Wedemeyer, who is a native Omahan, and who has had a long and illustrious career in the military service.

I ask unanimous consent, Mr. President, that his comments and remarks on that occasion be printed in the RECORD at this point.

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

REMARKS OF GEN. A. C. WEDEMEYER, UNITED STATES ARMY, RETIRED, AT DEDICATION OF LINDBERGH PLAQUE, ROOSEVELT FIELD, LONG ISLAND, N. Y., JULY 24, 1957

Mr. Chairman, ladies and gentlemen, I welcome this opportunity of paying tribute to a great American. There is a relevancy between his life and the life of our times. Thirty years ago the "Lone Eagle" flew the Atlantic, landing at Le Bourget. All Paris was there. And Paris was symbolic of a world that needed a hero. Someone to admire, respect and to provide inspiration. His youth, his daring, his skill, his success. Here was another Perseus, another Odysseus. Not since Benjamin Franklin was an American so honored in France. His fame, of course, was worldwide, but Paris—the city of light—had the privilege and the sensitivity to receive and recognize a hero in its midst. I think it was partly intuitive—that sixth sense—that some people and some nations possess.

The roads to Le Bourget were jammed with pedestrian and vehicular traffic. It was more than an emotional response; it was essentially spiritual. Those who drove and those who walked—prayed.

I would like to try and convey the spirit of that night in May 1927. Long before the *Spirit of St. Louis* settled on the unlighted runway and its weary pilot had run the gamut of welcome, an English poet, Rudyard Kipling, had expressed the quintessence of France, which was never more evident than on the night of "Lindy's" landing. I quote:

"Broke to every known mischance, lifted over all
By the light sane joy of life, the buckler of the Gaul;
Furious in luxury, merciless in toil,
Terrible with strength that draws from her tireless soil;
Strictest judge of her own worth, gentlest of man's mind,
First to follow truth and last to leave old truths behind,
France, beloved of every soul that loves its fellow-kind."

Into such an atmosphere, Charles A. Lindbergh, hitherto unknown, came from the skies over Paris and into world renown.

There is an old saying, that prosperity is harder to take than adversity. General Lindbergh has had more of both than most men in our times. He has not only survived mass adulation, tragedy in his personal life, but the obloquy cast upon him when he tried to warn our Nation's leaders about German airpower.

Let's look at the record and then make the appraisal. Lindbergh's world fame had been diminished by time; the loss of his child was a blow, that no one could take in his stride: The savage attack by President Roosevelt struck not only at his person, but also at his honor as an American.

Many men would have quit. But Lindbergh didn't. He didn't retire to write bitter memoirs or seek seclusion. He continued to work for his country and for mankind.

Only a few people know what he accomplished during the years when he was officially "blacked out." And this knowledge is largely confined to the Armed Forces and the aviation industry.

I think the American people are entitled at least to some of the unpublicized contributions in the Lindbergh odyssey.

When the Japanese hit Pearl Harbor, Colonel Lindbergh found it impossible, because of the political climate, to participate

in the war as a member of the Armed Forces. So he went to the war as a technical representative of the aircraft industry. He flew many missions with Corsairs, he took part in strafing raids, he flew cover for bombers and did some special bombing, to prove what the Corsair could do in actual combat.

Early in the war the aviation industry had begun to see a lot of him. He had never lost his interest in fighter planes. In Europe in the thirties he had flown the best of British and German ships and in his reports to the late General Hap Arnold, he warned of the defects and comparative weaknesses of our fighter planes.

"We wanted him to join the Marines and come right out to the Pacific with us," said the famous Marine ace, Maj. Joe Foss, who is now Governor of South Dakota.

When Lindbergh wanted to go to the Pacific as a technical representative for Vought, the Navy was more than willing. His mission was to study the performance of fighter planes under combat conditions with a view to improvement in design and the design of new types. And he did just that. To his logical mind, there was only one way to study a fighter plane under combat conditions and that was to fly on combat missions.

All pertinent facts are on the record, but that closely guarded Government record is unavailable to the public. Let me push aside the plush curtain of bureaucracy for a moment and talk about the man and the facts.

By most standards, especially the official ones, Lindbergh was too old to participate actively in the war in the Pacific. Too old to fly in combat, and discredited by Roosevelt, but here are some of the things that happened:

On September 13, 1944, he took off from an airbase in the Pacific with a 9-knot cross wind, carrying one 2,000-pound bomb and two 1,000-pound bombs, probably the heaviest bomb load ever carried up to that time by a single-engine fighter. Setting his course for Wotze atoll, he climbed at full power to 11,500 feet. There were ominous thunderheads along the route. One of the two squadrons turned back because of the gathering storm. Lindbergh went through and found the target clear. He started his dive from 8,000 feet at 65 degrees, the steepest angle he had ever used with a heavy bomb load, the heaviest bomb load that this type of plane had ever carried.

The two 1,000-pound bombs were controlled by manual release. The force of the powerdive and the tail weight froze the mechanism. Lindbergh was in a "gray out" from the gravitational pull. But the other bomb—the big 2,000 pounder was electrically controlled. He did not have the physical strength to pull the levers that would release the smaller bombs. But he pushed the button on the stick and the big bomb obliterated the target—an important enemy gun installation.

Lindberg found other ways to be useful. After one of his first combat missions in New Guinea, mechanics checking planes discovered that he had more fuel left than any of the other ships in the squadron. This happened so often that ultimately the information reached the high command. General MacArthur requested his services, and Lindbergh was moved from group to group, instructing in fuel conservation and illustrating his method dramatically by flying with the several squadrons. Prosaic, utilitarian efficiency, but unique.

There were other jobs to be done. There were Jap bombers to intercept, Jap shipping to sink, truck convoys and runways to strafe, powerdives within feet of the ground. Once, flying with a group of fighters, who were escorting a bombing mission to Amboima, a Sonia-type Jap fighter picked Lindbergh as his quarry. Lindbergh's laconic report read thus: "The enemy plane banked right to attack me head on. I fired a burst of several seconds, observing numerous hits. The Sonia then flew under me, almost colliding, rolled over and crashed into the water."

Lindbergh spent 6 months in the Pacific flying 50 combat missions; chalking up 178 combat hours. Then he returned quietly and without publicity to his home in Connecticut. He now had a wealth of experience with fighter planes, their performance, and their problems, which he made available to the aviation industry.

After the German surrender, Lindbergh, under Navy auspices, went to Germany and spent months studying German aviation developments. When he came home, he was looking forward to a quiet life. But he was asked to serve as special consultant to the Chief of Staff of the Air Force. And, of course, he accepted.

To the great credit of President Eisenhower, Lindbergh's patriotic services were recognized and he was nominated for a commission as brigadier general in the Air Force Reserve in 1954. Congress unanimously confirmed the nomination. In the same year Lindbergh received the Guggenheim International Aviation award for pioneering achievements in flight and air navigation, and also won the Pulitzer Prize for his autobiography Spirit of St. Louis. This latter award was for teaching patriotic and unselfish services to the American people.

The Warner Brothers moving picture, Spirit of St. Louis, is a popular movie.

Today, he is associated with Pan American as a technical adviser. But he is also serving the cause that has always been primary—his country. He has just been in Europe. I believe that the results of this visit will eventually add yet another glorious chapter to the Lindbergh saga.

The Lindbergh story cannot be compressed into the confines of a short salutation. But, on the other hand, it cannot be suppressed. Brigadier General Lindbergh is still serving his country. I have mentioned only a few of his achievements and tried to give you something of the man. I admire him greatly for his accomplishments and perhaps more for the underlying spirit that neither fame, nor tragedy, nor infamy could destroy. It is a privilege to have the opportunity of giving this short summary of the life and works of Charles A. Lindbergh. The plaque we dedicate today is a recognition of genius, courage, and spirit. I am completely confident that the day will come when Lindbergh's contributions to our country, our great American heritage—the hope of the future—will give him a place among the immortals of our Nation. He would be the first to disclaim that he is entitled to such an honor. But the record speaks eloquently.

Mr. HRUSKA. Mr. President, a response was made to General Wedemeyer's talk by Maj. Gen. Roger J. Browne, of the United States Air Force, and the acceptance of the plaque was on behalf of the Long Island community. I ask unanimous consent that his remarks likewise be published in the CONGRESSIONAL RECORD.

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

REMARKS OF MAJ. GEN. ROGER J. BROWNE, USAF, AT LINDBERGH PLAQUE DEDICATION, JULY 24, 1957

General Wedemeyer, Mr. Lundgren, Senator Hruska, Mr. Silverson, distinguished guests, ladies and gentlemen, the First Air Force feels honored to participate in this dedication of the Lindbergh commemoration plaque presented to Roosevelt Field and the people of Long Island, by the Woodmen of the World.

This plaque commemorates one of the many significant events in aviation which took place here, and pays tribute to the traditions and the spirit which has made aviation history. This event, itself, is a signpost marking the progress of flight.

Only a short time ago, the airplane was considered little more than a contraption for the adventurous and the foolhardy. Today, a product of the highest scientific and engineering skill, the airplane is an instrument of vital importance to every person in the world.

Man's urge to fly is as old as man, himself. Realization of his dream, however, has been comparatively recent. The history of aircraft is brief. Roosevelt Field has borne many of the memorable incidents in this history.

This site played an outstanding part in the development of aviation, and has been appropriately named "the cradle of international aviation."

From this ground, men and airplanes often met the challenge of distance and elements in long range flight.

Most familiar of these men was, of course, Charles A. Lindbergh—30 years ago he accomplished the almost impossible and spanned the Atlantic—alone and nonstop. In this gruelling test of man and flying machine his flight over the vastness of an ocean became a reality.

In 1927, crossing an ocean was considered a great feat. In 1957, great courage, hardship, and endurance are not requisites of transoceanic flight. Huge planes, approaching the ultimate in ease, comfort, and luxury, carry us across oceans in a matter of a few hours.

The airplane—continually growing in speed and range—has drastically reduced the globe. It has pulled together continents and made closer neighbors of nations and peoples. The result is we have a backyard relationship with people who were formerly distant acquaintances. Living in such close contact, we must make every effort to exist harmoniously in our large international community.

The basic ingredient for peaceful coexistence is understanding. To understand each other, people must become well acquainted. The easiest way of doing this is to give them common ground on which to meet and freely exchange ideas.

From the days of its infancy—the airplane has provided this common ground for many. Interest, respect, cooperation—the spirit contained in the air-minded, has always hurdled the social barriers of nationality, religion and race. With awareness of this spirit in aviation and in common peaceful coexistence we are gathered here today.

This morning, we are here to assist in carrying out the long-range program of the airplane as a means of creating world peace through aviation.

First the dedication of the international flight mall here at Roosevelt Field and now this wonderful plaque—presented by the Woodmen of the World—is tangible proof of the good will, the friendship, and the brotherhood that aviation has brought about.

It is with this thought in mind that I accept this plaque on behalf of the people of Long Island, and I want to thank the great and respected fraternal organization of the Woodmen of the World for making this possible, having this plaque here for future generations to see, and to thank Mr. Silverson and the management of Roosevelt Field for allowing this plaque to be placed here.

STATE LAWS ON TRIAL BY JURY

Mr. SPARKMAN. Mr. President, on yesterday the distinguished Senator from Colorado [Mr. ALLOTT] placed in the CONGRESSIONAL RECORD a study that had been made relating to the right of trial by jury in the several States of the Union. He invited Senators to check the statement with reference to their own States.

I have checked it with reference to the State of Alabama. The only reference I have seen to Alabama is found under this statement:

States having limited requirement for jury trial in certain types of contempt proceedings, either by statute or case law.

Under "Alabama" it states as follows:

The right to a jury trial does not apply to civil contempt cases. *Ex parte Hamilton* (51 Ala. 66, 68). Jury trials in criminal prosecutions are a right only where prosecution is by indictment. Constitution, article 1, section 6. *Tims* v. *State* (26 Ala. 165, 167). Contempt proceedings do require indictment.

As a matter of fact, in the State of Alabama, in every trial, regardless of whether it is criminal or civil, the defendant is entitled to a trial by jury if he asks for it. He is given 30 days in which to ask for it. The trial courts in the State of Alabama are circuit courts, and it is written plainly in the statutes of Alabama that in every proceeding, whether civil or criminal, regardless of what is involved, the defendant has a right to a trial by jury. If the case is set within 30 days, the right is automatic. If it is set beyond 30 days, the defendant has the right, within 30 days' time to demand a trial by jury, and that jury trial must be given. It is not discretionary with the court; it is mandatory.

I think the statement prepared with reference to jury trials, certainly so far as it pertains to Alabama, is extremely misleading. For that reason, I felt I ought to make this statement. I hope tomorrow, during the morning hour, to present the code citations, and perhaps some quotations, in order to verify what I have said in this brief statement.

RECESS

Mr. JOHNSON of Texas. Mr. President, if no Senators desire to address themselves to the pending subject, I am prepared to suggest that the Senate take a recess.

Pursuant to the order previously entered, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 15 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until tomorrow, Thursday, July 25, 1957, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 24 (legislative day of July 8), 1957:

UNITED STATES ATTORNEY

William B. Bantz, of Washington, to be United States attorney for the eastern district of Washington for a term of 4 years. He is now serving in this office under an appointment which expires August 5, 1957.

UNITED STATES MARSHAL

Harold Sexton, of Oregon, to be United States marshal for the district of Oregon for a term of 4 years. He is now serving in this office under an appointment which expired July 17, 1957.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JULY 24, 1957

The House met at 12 o'clock noon.

The Reverend Adiel Jarrett Moncrief, First Baptist Church, St. Joseph, Mo., offered the following prayer:

Eternal God, our Father, we lift up our hearts to Thee and acknowledge Thy majesty and power in all the earth. We remember that "The earth is the Lord's and the fullness thereof, the world and they that dwell therein."

Grant us a fervent spirit of devotion to the everlasting ideals which have blessed our land with freedom and righteousness and keep us steadfast in the faith of our fathers. Deliver us from all pretense, falsehood, and selfish pride. Renew a right spirit within us, and lead us in paths of righteous service.

Grant, O Lord, to Thy servants assembled here the wisdom and ability needful for high service in our Nation's welfare and in the welfare of all mankind. Grant to each Member of this House the wisdom and vision to perform tasks which will be worthy of remembrance on the land and a source of glory to Thy name.

May the words of our mouths and meditations of our hearts be always acceptable in Thy sight, O Lord, our strength and our Redeemer. Through Jesus Christ, our Lord. Amen.

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

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1958

Mr. MAHON. Mr. Speaker, I call up the conference report on the bill (H. R. 7665) making appropriations for the Department of Defense for the fiscal year ending June 30, 1958, and for other purposes, and 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.

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

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 841)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7665) making appropriations for the Department of Defense for the fiscal year ending June 30, 1958, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, 10, 12, 13, 14, 16, 18, 20, 21, 22, 23, 24, 26, 27, 32, 33, 35, 36, 37 and 38.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 8, 25, 30 and 34, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,215,000,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$333,800,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$250,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: Restore the matter stricken by said Amendment, amended to read as follows:

"PROCUREMENT AND PRODUCTION, ARMY

"Funds under this head shall be available for the purchase of thirteen passenger motor vehicles at not to exceed $3,000 each and fifteen at not to exceed $2,400 each, for replacement only."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: Restore the matter stricken by said Amendment, amended to read as follows:

"MARINE CORPS PROCUREMENT

"Funds under this head shall be available for the purchase of not to exceed two hundred and seventy-six passenger motor vehicles, of which one hundred and seven shall be for replacement only (including three at not to exceed $2,400 each)."

And the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,837,000,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,584,000,000"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$5,886,000,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,171,500,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,092,120,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 3 and 11.

GEORGE MAHON,
HARRY R. SHEPPARD,
ROBERT L. F. SIKES,
W. F. NORRELL,
GEORGE ANDREWS,
JOHN J. RILEY,
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ERRETT P. SCRIVNER,
GERALD R. FORD, Jr.,
EDWARD T. MILLER,
HAROLD C. OSTERTAG,
JOHN TABER,
Managers on the Part of the House.

DENNIS CHAVEZ,
CARL HAYDEN,
RICHARD B. RUSSELL,
LISTER HILL,
HARRY F. BYRD,
ALLEN J. ELLENDER,
LEVERETT SALTONSTALL,
MILTON R. YOUNG,
WM. F. KNOWLAND,
RALPH E. FLANDERS,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7665) making appropriations for the Department of Defense for the fiscal year ending June 30, 1958, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

DEPARTMENT OF DEFENSE

Title III

Department of the Army

Amendment No. 1—Military personnel: Appropriates $3,113,000,000, as proposed by the House instead of $3,123,000,000 as proposed by the Senate. It is the intent of the committee of conference that $1,500,000 be made available to carry out the proposed aviation training program.

Amendment No. 2—Operation and maintenance: Appropriates $3,215,000,000 instead of $3,145,200,000 as proposed by the House and $3,291,356,000 as proposed by the Senate. The committee of conference is agreed that of this amount $20,000,000 shall be allocated for National Guard and reserve activities.

Amendment No. 3—Operation and maintenance: Reported in disagreement.

Amendment No. 4—Reserve personnel: Appropriates $197,000,000 as proposed by the House instead of $217,000,000 as proposed by the Senate. It is the intent of the committee of conference that the Army Reserve be maintained at not less than 300,000 personnel, and in the event that the amount made available proves inadequate to carry out this objective the committee of conference is agreed that full and sympathetic consideration will be given to a supplemental request for this purpose, either during the current or succeeding session of the Congress.

Amendment No. 5—Army National Guard: Appropriates $333,800,000 instead of $320,000,000 as proposed by the House and $360,000,000 as proposed by the Senate. It is the intent of the committee of conference that the National Guard be maintained at a minimum strength of 400,000 personnel. In the event that the amount made available proves inadequate to carry out this objective the committee of conference is agreed that full and sympathetic consideration will be given to a supplemental request for this purpose, either during the current or succeeding session of the Congress.

Amendment No. 6—Research and development: Appropriates $400,000,000 as proposed by the Senate instead of $392,000,000 as proposed by the House.

Amendment No. 7—National Board for the Promotion of Rifle Practice: Appropriates $250,000 instead of $225,000 as proposed by the House and $300,000 as proposed by the Senate.

Amendment No. 8—Alaska communication system: Appropriates $5,500,000 as proposed by the Senate instead of $5,000,000 as proposed by the House.

Amendment No. 9—Procurement and production: Deletes language as proposed by the House, but restores that portion of the language inadvertently stricken by the Senate providing authority for the purchase of passenger motor vehicles for replacement.

Title IV

Department of the Navy

Amendment No. 10—Military personnel, Navy: Appropriates $2,295,000,000 as proposed by the House instead of $2,307,000,000 as proposed by the Senate.

Amendment No. 11—Military personnel, Navy: Reported in disagreement.

Amendment No. 12—Navy personnel, general expenses: Appropriates $87,000,000 as proposed by the House instead of $88,000,000 as proposed by the Senate.

Amendment No. 13—Military personnel, Marine Corps: Appropriates $630,000,000 as proposed by the House instead of $634,600,000 as proposed by the Senate.

Amendment No. 14—Reserve personnel, Marine Corps: Appropriates $23,200,000 as proposed by the House instead of $23,500,000 as proposed by the Senate.

Amendment No. 15—Marine Corps procurement: Deletes funds for Marine Corps procurement as proposed by the Senate and restores language for the purchase of passenger motor vehicles as proposed by the House.

Amendment No. 16—Marine Corps troops and facilities: Appropriates $178,000,000 as proposed by the House instead of $182,500,000 as proposed by the Senate.

Amendment No. 17—Aircraft and related procurement: Appropriates $1,837,000,000 instead of $1,812,000,000 as proposed by the House and $1,912,000,000 as proposed by the Senate.

Amendment No. 18—Aircraft and facilities: Appropriates $853,500,000 as proposed by the House instead of $868,500,000 as proposed by the Senate.

Amendment No. 19—Shipbuilding and conversion: Appropriates $1,584,000,000 instead of $1,534,000,000 as proposed by the House and $1,609,000,000 as proposed by the Senate.

Amendment No. 20—Ships and facilities: Appropriates $820,000,000 as proposed by the House instead of $823,000,000 as proposed by the Senate.

Amendment No. 21—Procurement of ordnance and ammunition: Appropriates $176,000,000 as proposed by the House instead of $211,000,000 as proposed by the Senate.

Amendment No. 22—Ordnance and facilities: Appropriates $164,000,000 as proposed by the House instead of $166,000,000 as proposed by the Senate.

Amendment No. 23—Medical care: Appropriates $85,200,000 as proposed by the House instead of $86,700,000 as proposed by the Senate.

Amendment No. 24—Civil engineering: Appropriates $134,630,000 as proposed by the House instead of $136,630,000 as proposed by the Senate.

Amendment No. 25—Research and development: Appropriates $505,000,000 as proposed by the Senate instead of $495,000,000 as proposed by the House.

Amendment No. 26—Servicewide supply and finance: Appropriates $300,000,000 as proposed by the House instead of $306,000,000 as proposed by the Senate.

Amendment No. 27—Servicewide operations: Appropriates $107,000,000 as proposed by the House instead of $108,000,000 as proposed by the Senate.

Title V

Department of the Air Force

Amendment No. 28—Aircraft and related procurement: Appropriates $5,886,000,000 instead of $5,846,000,000 as proposed by the House and $6,126,000,000 as proposed by the Senate.

Amendment No. 29—Procurement other than aircraft: Appropriates $1,171,500,000 instead of $1,146,500,000 as proposed by the House and $1,246,500,000 as proposed by the Senate.

Amendment No. 30—Research and development: Appropriates $661,000,000 as proposed by the Senate instead of $649,000,000 as proposed by the House.

Amendment No. 31—Operation and maintenance: Appropriates $4,092,120,000 instead of $4,062,120,000 as proposed by the House and $4,193,993,000 as proposed by the Senate.

Amendment No. 32—Military personnel: Appropriates $3,801,600,000 as proposed by the House instead of $3,836,600,000 as proposed by the Senate.

Amendment No. 33—Reserve personnel: Appropriates $55,000,000 as proposed by the House instead of $57,000,000 as proposed by the Senate.

Title VI

General Provisions

Amendment No. 34: Limits the availability of funds for public information and public relation activities to $3,000,000 as proposed by the Senate instead of $3,300,000 as proposed by the House.

Amendment No. 35: Deletes provision of the Senate dealing with administration of noncombatant activities. The subject matter of the proposed amendment is currently under study by the legislative committees having jurisdiction, and it is expected that needed legislation will be proposed.

Amendment No. 36: Deletes provision of the Senate providing for competitive bidding. This matter also is now under study by the legislative committees. The committee of conference strongly feels that competitive bidding should be required whenever practicable for more effective and economical procurement.

Amendment No. 37: Deletes provision of the Senate pertaining to the procurement of commercial transportation. The committee of conference emphasizes the importance of the Senate committee report on Use of Commercial Carriers and calls on the Department of Defense to carry out the full intent. However, it is realized that the procurement of commercial transportation must be made in accordance with existing law.

GEORGE MAHON,
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EDWARD T. MILLER,
HAROLD C. OSTERTAG,
JOHN TABER,
Managers on the Part of the House.

Mr. MAHON. Mr. Speaker, this conference report on the Defense Appropriation bill speaks for itself. It actually

means that in broad outline there is little change in the bill since the House passed it a few weeks ago. It is above the House figures in the sum of about $197 million. There have been a few changes but, relatively speaking, the changes are not significant.

In the Army there is some change upward in the National Guard and Reserve programs. There is some additional money for operations and maintenance, and less money for procurement.

In the Navy, there is additional money above the House figures for major procurement, that is, procurement of aircraft, and for an additional ship.

In the Air Force, there is additional money for procurement, including aircraft, and for major procurement other than aircraft; and some additional money for operation and maintenance, However, generally speaking, the House figures were more or less agreed to in the conference report. The full amount of the budget for research and development in all the services is provided in the conference report. The House figures in this area were raised by 2 percent.

I personally feel that the funds are reasonably adequate to carry on the program and that some of the funds provided in this bill will not be needed and will probably be impounded later by the Defense Department. We do not want to see any essential defense program jeopardized.

I would also like to call attention to a change to section 607 of the Defense Appropriation Act which was originally included in the bill as reported by the House committee. This change, which would provide for the insertion of the word "minor" before the word "dependents," was designed to insure that none of the funds appropirated to the Defense Department could be used for the cost of educating minor dependents other than the minor children under the age of 21, notwithstanding any interpretative decisions of the Comptroller General. The committee wishes to emphasize that this provision now authorizes the use of Defense appropriations only for the costs of educating minor children and hereafter funds may not be used to reimburse educational institutions including those maintained by other Federal agencies—such as the Panama Canal—for cost of educating any dependents other than minor children.

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

Mr. MAHON. I yield.

Mr. BASS of Tennessee. I would appreciate it if the distinguished gentleman from Texas would inform the House what the cut actually amounts to from the original request in the budget to the actual appropriation as agreed to by the Senate and the House.

Mr. MAHON. The actual reduction in the budget is $2,368,150,000. But perhaps I should use a lower figure. Let me add that the bill carries $600 million in transfers from funds appropriated in prior years making the reduction in funds available for obligation in the programs presented in the 1958 budget $1,768,150,000. This latter figure is technically correct.

Mr. BASS of Tennessee. I thank the gentleman.

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

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

Mr. GROSS. How do the figures compare with the expenditure last year or the money appropriated last year?

Mr. MAHON. The figure is about $938 million less than was appropriated last year. I will say that the funds appropriated in this bill will be less than were expended in the fiscal year which ended on June 30, and that the funds appropriated will be less than the sums estimated for expenditure for the fiscal year 1958, which is the present fiscal year.

Mr. GROSS. And that despite the fact, if I heard the gentleman correctly, that this provides for $197 million more than the House originally authorized?

Mr. MAHON. That is correct. And that House figure had been increased by the other body by approximately $1 billion.

Mr. GROSS. How much did the gentleman say?

Mr. MAHON. Approximately $1 billion over the House figure, but the House position was substantially agreed to.

Mr. CURTIS of Missouri. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield.

Mr. CURTIS of Missouri. Mr. Speaker, I would like to ask the gentleman to state what happened to what has been referred to as the second O'Mahoney amendment which had to do with the unification of supply procurement of the three services, particularly the common use items. Then I want to ask the gentleman a couple of questions after he has stated what happened to that amendment.

Mr. MAHON. I believe that is amendment No. 35 and I will read from the statement of the managers on the part of the House:

> Amendment No. 35: Deletes provision of the Senate dealing with administration of noncombatant activities. The subject matter of the proposed amendment is currently under study by the legislative committees having jurisdiction, and it is expected that needed legislation will be proposed.

We did not feel in conference that we should agree to legislative proposals that were under study by the House Committee on Armed Services. We believe that there is much room for improvement in the field of procurement and in the field of management. I think we are all favorable toward any improvement that can be made, but we did not feel that without hearings and without any testimony from witnesses and without any opportunity to hear from the officials of the Department of Defense and others that we should agree to the so-called O'Mahoney amendment.

Mr. CURTIS of Missouri. Might I say to the gentleman the original O'Mahoney amendment, which was put in on an appropriation bill in 1952, was the result of the fact that the legislative committees were, although they promised to go ahead with these studies, actually not going ahead with these studies and we have exactly the same situation at this very time where bills have been for several years now pending before the Committee on Armed Services of the House and no hearings have been held on it. As near as I can gather, there is no real intention, furthermore, to call these hearings. I might call the gentleman's attention to the fact that in the CONGRESSIONAL RECORD, volume 98, part 6, page 7543, the chairman of the Committee on Armed Services, at that time, that is the Committee on Armed Services of the House, when asked on the floor the same question that I have been asking here stated, "I can assure the gentleman that this subject matter will receive prompt consideration." Here we are no further along in this area of trying to bring about unification of the three services, not in military items, and the Lord knows I think that we need it there too, but we are talking about common use items. Even today, and I put this 16-page letter in the RECORD about 3 years ago directed to Secretary Wilson calling his attention to the fact that the present O'Mahoney amendment, which is still law, was not being carried out and that the services were not unifying in this area and still nothing is being done in the Committee on Armed Services. That is the reason, it seems to me, that we have to go to the Committee on Appropriations. I am sorry to see that the committee has not seen fit to include the second O'Mahoney amendment in the report.

Mr. MAHON. The O'Mahoney amendment was modified, I believe, while it was under discussion on the floor in the other body. What was inserted was not in adequate form. Furthermore, the conferees were under the impression that the House Committee on Armed Services was conducting hearings on this issue, although I have not personally investigated the matter.

Mr. CURTIS of Missouri. I wonder if I might ask the gentleman if anyone from the Committee on Armed Services, particularly the chairman, although I do not see him on the floor—but if anyone from the Committee on Armed Services can answer the question as to whether anything is being done in that area.

Mr. MAHON. I am not in a position to speak for the Armed Services Committee, but it is true that from time to time legislation is attached to an appropriation bill. However, whenever possible we try to abstain from that practice because it is not good practice. We felt that this was of sufficient importance to require detailed hearings and presentation to the House of a bill by the appropriate committee of the Congress. I am sure that such legislation is pending. I hope the whole issue will be thrashed out to the best interests of the taxpayers and the Department of Defense.

Mr. CURTIS of Missouri. I thank the gentleman. I agree with him that except in extreme cases, of course, the Appropriations Committee should not go into this area. I do think we are in an extreme situation where no action has been taken, and I hope that sometime today, or very soon, someone from the Armed Services Committee, preferably

the chairman, will state for the record just what they are doing in this area and whether they are going to continue to drag their feet as they have in the past.

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

Mr. MAHON. I yield to the distinguished majority leader.

Mr. McCORMACK. If the gentleman would permit, I would like to ask a question of the gentleman from Florida [Mr. SIKES].

Mr. MAHON. I yield to the gentleman to answer any such question.

Mr. McCORMACK. I join with the gentleman from Missouri in what he said. I have felt that way for many years, and I think that the unification along the lines of the O'Mahoney amendment would have been desirable and would have saved tens of millions of dollars if it were effectively put into operation.

I wish to call attention to the language in Conference Report No. 841 with respect to the administration of noncombatant activities.

The Senate debated for 2 days what became known as the second O'Mahoney amendment, section 633, of the defense appropriation bill and passed it unanimously on July 2, 1957. The amendment directed the Secretary of Defense to eliminate overlapping, duplication, and waste in the noncombatant supply and service areas and authorized him to take such implementing actions as were needed to carry out the directive.

The amendment received wide support from many sources. A large group of big-business men who had worked with various Hoover Commission task forces strongly supported the measure. The conferees, however, considered this amendment to be the proper subject for legislative committees who are currently studying the subject matter and who are expected to propose needed legislation.

It is gratifying that the conferees confirm the need for action in these important activities. Numerous Congressional committees, investigating groups, and the President himself have indicated the need for improvement in these overlapping areas where billions are expended annually. The House Armed Services Committee recently reported on the loose and wasteful military buying procedures by negotiation. The House Government Operations Committee has, within the month, reported on the belated recognition of the Congressional mandate to standardize military-supply items. These examples are symptomatic in the judgment of those who have made intensive studies of the supply and service systems for the past 10 years.

Many people, myself included, await with anticipation the action indicated by the conferees.

Now I would like to ask the gentleman from Florida in relation to the Murphy Army General Hospital at Waltham, Mass. As I understand it, the money is carried in this bill to keep this hospital open during the present fiscal year beginning July 1.

Mr. SIKES. May I say to the distinguished majority leader, as I pointed out at the time this bill was under consideration by the House, there was carried in the bill these amounts of money for the Murphy Army Hospital in Massachusetts, for operation and maintenance, $1,142,000; for military personnel, $735,500; a total of $1,877,500.

May I further state to the distinguished majority leader there has been no change, there has been no action taken which would affect those amounts. It is the expectation of the majority of the Army panel that this money, which is still carried in the bill, will be used to operate the hospital during fiscal 1958.

Mr. McCORMACK. And if any action is taken to close the hospital it is not due to the lack of appropriations, because we have made the appropriation, but it will be due to administrative action?

Mr. SIKES. That is correct.

Mr. McCORMACK. I thank the gentleman.

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

Mr. MAHON. I yield.

Mr. FORD. May I help to clarify the point which has just been discussed by the gentleman from Massachusetts [Mr. McCORMACK] and the chairman of the panel [Mr. SIKES] with reference to the Murphy Army Hospital at Waltham, Mass.? The budget was submitted for fiscal 1958 to include funds for the continued operation of the Murphy Army Hospital, because in fiscal 1957 the Congress by law directed the Army to continue the operation of that hospital. It was the feeling of the Department of the Army, and it will be shown in the hearings, that they included the money only because in the previous fiscal year the Congress had directed them to do so. The hearings show, however, that it is the recommendation of the Department of the Army, from Secretary Brucker down through the Surgeon General, that this hospital should be closed.

In the fiscal 1958 the Department of Defense appropriation bill there is no language in the bill which will become law which requires the Department of Defense to continue the operation of that hospital in fiscal 1958. It is true that if the hospital is continued in operation, and believe me I hope it is not, it is purely and simply an administrative decision. If the Army continues its operation without the requirement that it be so done by law the Army will not be consistent with what Secretary Brucker personally recommended to the Committee on Appropriations. The decision is theirs, and I hope and trust that they will be permitted to make that decision solely on the basis of the facts and on no other consideration.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield further on that point?

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

Mr. McCORMACK. May I say that we all know the history of this, that the gentleman from Michigan [Mr. FORD] made the point of order which struck the language out of the bill as reported by the committee. We all know the matter was not in conference. There was nothing the conference committee could do because they would be exceeding their authority.

The only difference was between no express language in relation to the hospital in Arkansas and the one in Massachusetts in the bill as it passed the Senate provided language in relation to the hospital at Hot Springs, Ark.; so there was nothing the conference committee could do.

Mr. MAHON. Is it not correct that the matter now is wholly up to the administration, wholly up to the Department of Defense? There are many, of course, who feel that the hospital should continue to operate. The decision, however, will be made by the administration.

Mr. McCORMACK. But these facts do exist, the hospital is in existence and the money has been appropriated. Obviously if it is closed it will be by administrative action and not in accordance with the action of Congress. Administratively they could continue the hospital in operation; so the administrative act will be not in continuing it but in closing the hospital.

Mr. SIKES. Mr. Speaker, will the gentleman yield to me at that point?

Mr. MAHON. I yield to the gentleman from Florida.

Mr. SIKES. May I reiterate the fact that the committee put this money in the bill so that the hospital might be operated. The money still is in the bill for the purpose of operating the hospital.

Mr. MAHON. We debated this issue at great length when this matter was before the House previously. We have other important legislation following this.

Mr. MILLER of Maryland. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield.

Mr. MILLER of Maryland. I think in fairness to the majority leader it ought to be mentioned also that our committee has urged very strongly that the Department of Defense and the Army should economize wherever they could, and this is one place where they could economize.

Mr. McCORMACK. That is a very serious question of fact.

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

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

Mr. DONOHUE. The gentleman from Michigan stated that it would be inconsistent if they kept the Waltham Hospital open, in view of their recommendation to close it, presented before the Committee on Appropriations. Might I point out to the gentleman that within 3 days after the members of the Surgeon General's office appeared before your committee and recommended its closing they appeared before the Armed Services Committee and recommended the building of 25 new Army hospitals, 1 within 12 miles of the place where the Waltham Hospital is now located. Is it economy to close an existing hospital, and build a new one at three times the cost?

Mr. FORD. The gentleman is not entirely accurate as to what transpired. The Army does have a long-range pro-

gram for the replacement of several hospitals in post camps and stations where troops are actually stationed. Fort Devens in Massachusetts is the place to which he undoubtedly refers, and that is in the long-range building program.

The Army has not gone before the legislative committee and asked for authorization to replace the existing facilities at Fort Devens. It is in the long-range program. However, the Army has not asked for authorization or appropriation.

Mr. DONOHUE. If the gentleman will read the hearings, they recommend that the existing hospital, which is a barracks-type hospital at Fort Devens, be torn down because it is dilapidated. It has deteriorated to the point where it is of no further use. Murphy General is where most of the chronic cases were taken care of since the war and they are now recommending that Murphy General be abandoned.

Mr. FORD. They have not recommended to any committee of Congress that they want a replacement for the Fort Devens barracks-type hospital. The plan is on the shelf for a long-range building program. If you want to let the troops stationed at Fort Devens continue to be hospitalized in a barracks-type hospital, that is one decision. If you want to replace that run down hospital at Fort Devens with a modern up-to-date hospital in the years ahead, the Murphy Hospital should be closed. I think that makes sense, but it does not make sense to keep open 2 barracks-type hospitals within 12 miles of each other.

Mr. DONOHUE. Is it not wise to keep the more modern one operating than the one that is not so modern, and the more modern is the Murphy General?

Mr. FORD. The Murphy General Hospital is 12 miles away. It is an off-base hospital. Fort Devens is a station hospital where the troops are located. If you are going to replace one of the two, where will you make the replacement—where the troops are stationed or at a place 12 miles away?

Mr. DONOHUE. The chronic cases from Fort Devens are now being taken care of at Murphy General. It is only an infirmary type now at Fort Devens.

Mr. FORD. The hospital at Fort Devens is approximately a 1,000-bed hospital which is being utilized to the extent of about 300 beds. Murphy Hospital is being utilized on a partial basis, about 97 beds out of over 400. Patients are kept there only because Congress so directed. This is bad hospital management and in addition is wasteful and uneconomic. Consequently I emphatically urge the Army to close Murphy Hospital in fiscal year 1958 and use the facilities for the Corps of Engineers and Air Force.

Mr. MAHON. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. WIGGLESWORTH].

Mr. WIGGLESWORTH. Mr. Speaker, the picture can be summarized, I think, by stating that the original budget request was for $36,128,000,000. The House reduced that figure to $33,562,000,000, about $2½ billion, of which about $1.4 billion was in terms of cuts that had relatively little effect on the Department and which for lack of a better term may be called paper cuts. The balance of about $1.1 billion may be called real reductions. The Senate increased the figure to $34,534,000,000, or $971 million above the House figure. On that basis the bill went to conference.

About the time of going to conference, we were informed by Secretary Wilson of the decision to effect a reduction in the Armed Forces during the balance of the calendar year, a reduction of 100,000 men, making possible a reduction in pay or in maintenance and operation of $142 million. If we deduct this figure, we can say that the Senate and House conferees were about $829 million apart.

The House receded on amendments increasing the House figure to the extent of $284 million.

It also receded on two amendments aggregating $87 million which effected reductions, leaving, as the report indicates, a net increase of about $197 million.

I point out in passing, however, that the reductions aggregating $87 million will be offset by moneys available out of fiscal 1957 funds, for use in fiscal 1958, not anticipated at the time the House considered the bill, so that in effect there is a cancellation, leaving the money available to the Department of Defense, $284 million above what it was before the bill went to conference.

The total carried in the bill is $33,759,850,000, which is a reduction of $2,368,150,000 below the budget, if we consider the overall picture, or a reduction of about $900 million if we consider the field of real reductions.

I may mention in passing, Mr. Speaker, that last year the Department of Defense was compelled to accept some $900 million that it never had asked for. This year it is compelled to accept a reduction of about $900 million if we consider the field of real reductions.

Mr. Speaker, I have signed the conference report not because I am satisfied with the result, but because, as in every conference, a settlement is necessary and because, from whatever point of view, this settlement appeared to be the best obtainable.

When the bill was before the House, as the House will recall, I took the position that the cuts recommended, in my judgment, were too deep.

I take the same position today with respect to the bill as reported in the conference report.

I think some of the cuts are too deep, and I think this is particularly true in the field of procurement both for the Air Force and for the Navy.

The Members will recall, that the House reduced the appropriation for aircraft and related procurement for the Air Force, an appropriation dealing with planes, guided missiles, spare parts, and the modernization of all of them, by $354 million, bringing that appropriation down $1 billion as compared with last year. On the floor I offered an amendment to restore $175 million. That amendment was defeated. The bill went to the Senate where $280 million was added. The conference report before you today provides for an increase of $40 million.

Similarly, for the Navy, as you will recall, the House made a reduction of $120 million in aircraft and related procurement. The gentleman from New York [Mr. OSTERTAG] endeavored by an amendment to raise the figure by $50 million. That amendment was also defeated. The bill went to the Senate, and the Senate restored $100 million. The conference report before you provides for an increase of $25 million, and the Navy reports that as the result of the very great increase in prices in respect to airplane production, it is of the opinion that it will be only possible to order 1,000 planes in fiscal 1958 as compared with the figure of 1,220 planes in its original program.

Mr. Speaker, I think what we are doing in the procurement field is to deny the authority to enter into essential contracts in the field of airplanes, guided missiles, and other long lead items.

In my judgment we are compelling the Department of Defense to slash its programs in this field.

Obviously we cannot operate a program without the necessary obligational authority.

Speaking for myself, I regret very much that the cuts finally made in this bill are as deep as they are. The damage to our national defense program can only be dealt with by subsequent action of the Congress.

Mr. MAHON. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. SCRIVNER].

Mr. SCRIVNER. Mr. Speaker, I feel that all of the actions taken by the House, and the House Subcommittee on Appropriations for military spending were well considered and well reasoned and sound cuts. Had we known in advance that there was to be a reduction in the military strength we would have been justified in reducing the appropriation another $250 or $300 million.

As I pointed out during the debate on the bill when it was before the House, we would have been justified in reducing at least another $150 or $250 million for "Aircraft and related procurement," especially in view of the large buildup of spare parts and the huge inventory of them now on hand.

I think that the House Committee on Appropriations and the Subcommittee on Military Appropriations, the House and the House conferees are to be commended on a job well done.

Mr. Speaker, the President's budget request was for $36,128,000,000.

The House of Representatives appropriated $33.5 billion. The Senate raised this figure $1 billion. The conference reduced this to a little over $200 million.

The net result is: The House reduced the budget request $2.6 billion, the Senate reduced the request $1.6 billion. The conferees bring a bill which has reduced the budget request for defense $2.4 billion.

Mr. MAHON. Mr. Speaker, there has been considerable discussion of the Reserves and the National Guard and the impact that this legislation will have upon them. I yield 2 minutes to the gentleman from Montana [Mr. ANDERSON], a distinguished division commander in the Reserve Forces, who wants to propound some questions on this matter.

Mr. ANDERSON of Montana. Mr. Speaker, I thank the distinguished chairman of the Appropriations Subcommittee for Military Appropriations for this opportunity to point out to the Members of the House the serious situation which faces the Army Reserve as a result of a shortage of funds that is going to arise because of the failure of the conference committee to leave in the $20 million for Reserve training under RFA 55, which was put in by the Senate.

Previous sessions of Congress have adequately provided funds for Reserve training but never previously have we had the number of participating reservists that the Congress wanted. RFA 55 changed this picture. In April of this year not only did we have many reservists we had so many that the Army was forced to cut out all further recruiting of RFA 55 reservists because of lack of money. Candidates were waiting then to enlist in the Army Reserve; they are still waiting now, and most of them will still be waiting next Christmas if they have not given up in disgust. Our Army Reserve program of recruitment has ground to a halt and the machinery of recruitment for the Army Reserve is rusting. This coming at a time when the draft is being cut back may well spell a permanent setback to the Reserve.

I am sure I express the feeling of almost all of the senior commanders of the Army Reserve when I say that manpower ceilings for the Reserve probably will not be met in the year ahead under the conditions that now face us, and we will not have replacements in the Army Reserve for those now on the rolls who should be replaced if we are going to have a virile, strong, and ready Army Reserve.

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members have permission to extend their remarks at this point in the RECORD; and that all Members who have spoken on the conference report or the amendments have permission to revise and extend their remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SIKES. Mr. Speaker, considerable concern has been expressed by a number of Members of the House regarding the adequacy of funds for the National Guard and Reserves. Let me state that the members of this committee are equally concerned and anxious to insure that sufficient money is appropriated to carry on the National Guard and Reserve programs at a proper level during fiscal year 1958. It is the expectation of this committee and of the conferees that the strength level of the National Guard should not drop below a minimum figure of 400,000 for fiscal year 1958 and that the strength level of the Reserves be maintained at a level not below 300,000 as specified in the justifications presented to Congress by the Department of the Army and supported by the Bureau of the Budget.

It has been difficult for the committee and the conferees to determine precisely the amount of money needed by the Reserve components. In previous years we have found the Department of the Army overoptimistic in its expectations regarding the scope of the National Guard and Reserve programs, particularly the Reserves. In fiscal 1957, which has just ended, this pattern was repeated despite a very appreciable buildup in the 6-month training program. Both the Guard and the Reserves ended the fiscal year with unexpended funds. The National Guard had $14 million remaining and the Reserves had $25 million. Both, however, have recruited a considerable number of young men who have entered upon the 6-month training program or signed up for 6 months' training and the greater part of the costs connected with this particular group will have to be borne out of fiscal year 1958 funds.

Realizing that an unusual problem had developed by the rapid buildup of the 6-month training program, our committee attempted to determine the extent of the justification for appropriating money in addition to the budget estimate during the time the House had the bill under consideration. We were unable to get justification substantiated by Department of Defense and Budget estimates for appropriations beyond the original budget recommendations. Consequently, we appropriated those amounts.

It should be interesting to note that in the Senate the Office of the Secretary of Defense authorized submission of an additional request for $13.8 million for the National Guard, although this was not backed by budget approval. The Department of the Army did not initiate a request to the Office of the Secretary of Defense for increased funds for the Reserves. Actually, the Senate allowed additional money for both; $40 million for the National Guard and $20 million for the Reserves. The conferees agreed to approve the additional $13.8 million requested for the National Guard by the Office of the Secretary of Defense. We had no basis whatever on which to approve additional funds for the Reserves.

I would like to state very definitely there is a possibility that there will be a shortage of funds in both programs. The National Guard should be able to provide an additional 14,000 6-month trainees for their program and the Reserves should be able to train 32,900 6-month trainees of whom 12,900 can be new enlistments.

The amounts provided, however, are intended to be adequate to insure that strength figures in both the Guard and Reserves will be maintained at the levels set forth in our hearings. To insure this the conferees have inserted language in the report found on page 4 in amendments 4 and 5, in which it is clearly stated that it is the intent of the committee of conference that the Army Reserve be maintained at strength not less than 300,000 and the National Guard at a minimum strength of 400,000 and in the event that the amount made available proves inadequate to carry out this objective, the committee of conference is agreed that full and sympathetic consideration will be given to a supplemental request for this purpose either during the current or succeeding session of the Congress. In other words, Mr. Speaker, if there are reductions in the Reserve components programs, they will come from the Office of the Secretary of Defense and not as a result of the action of Congress.

PROCUREMENT AND PRODUCTION APPROPRIATION

There is another phase of the Army's funding which I must call to the attention of the House. The procurement and production account has, in my opinion, been reduced to an amount which is altogether too small for sufficient and proper operation.

The unobligated balance in the procurement and production account at the end of fiscal year 1958 is $428 million. This takes into account the decrease in the program of $74 million in fiscal year 1957 brought about by the Secretary of Defense's directive of June 3, 1957. It also includes the $67 million of new obligational authority for fiscal year 1958.

This stated balance of $428 million has to be reduced by $34 million due to an overstatement of $34 million in the MAP common item orders for fiscal year 1957.

The balance should further be reduced by $154 million to provide for apportionment to the Army of that amount to provide for replacement of orders already in process for offshore deliveries to MAP and Federal Republic of Germany.

The deductions of the $34 million and the $154 million from the $428 unobligated balance shown in the latest financial plan leaves an unobligated balance of only $240 million, against which there is a planned commitment of $300 million. While restrictive, this balance could be lived with.

A further reduction of $67 million by the cancellation of the new obligational authority for fiscal year 1958 would reduce the unobligated balance to $173 million for commitments. This is the actual result of the Senate action which was approved by the conferees.

It must be noted that the fiscal year 1958 MAP common item orders are not included in the planned obligational program of $1.544 billion. With an estimated added MAP fiscal year 1958 program on the order of $300 million, the total obligational program will approximate $1.9 billion.

It is my belief that the $67 million new obligational authority in the bill as passed by the House, but eliminated by the Senate, should have been restored in order to provide the minimum working balance of approximately $240 million which would be committed but unobligated at the end of fiscal year 1958.

Mr. SHEPPARD. Mr. Speaker, funds made available to the Navy as a result of the conference report on the Defense Department appropriation bill for fiscal year 1958 total $9,866,355,000, an in-

crease of $65 million in the amount as passed by the House and $187,900,000 below the amount approved by the Senate. The approved amounts represent a reduction of $620,645,000 in the budget estimates submitted by the President.

The increase of $65 million above the House-approved amount includes $25 million for aircraft and related procurement, $50 million for construction of a guided-missile frigate, $10 million for research and development, and a decrease of $20 million in the amount allowed by the House for Marine Corps procurement.

Mr. MAHON. Mr. Speaker, I should like to put in the RECORD at this point a portion of page 4 of the conference report, where there is a very clear statement with respect to the Reserves and the National Guard. I should like to read those brief paragraphs:

Amendment No. 4—Reserve personnel: Appropriates $197 million as proposed by the House instead of $217 million as proposed by the Senate. It is the intent of the committee of conference that the Army Reserve be maintained at not less than 300,000 personnel and, in the event that the amount made available proves inadequate to carry out this objective, the committee of conference is agreed that full and sympathetic consideration will be given to a supplemental request for this purpose, either during the current or succeeding session of the Congress.

From time to time we have given the Reserves and the National Guard even more money than these forces have utilized. The Appropriations Committee has always been generous with these programs. If the Bureau of the Budget will send us a request for the additional funds that are required, we stand ready to provide all funds required. We have made that very clear by the language in our report.

Now I should like to read this from the conference report:

Amendment No. 1—Military personnel: Appropriates $3,113,000,000 as proposed by the House instead of $3,123,000,000 as proposed by the Senate. It is the intent of the committee of conference that $1,500,000 be made available to carry out the proposed aviation training program.

Amendment No. 2.—Operation and maintenance: Appropriates $3,215,000,000 instead of $3,145,200,000 as proposed by the House and $3,291,356,000 as proposed by the Senate. The committee of conference is agreed that of this amount $20 million shall be allocated for National Guard and Reserve activities.

The last sentence I want to stress.

Now I should like to read the comment about amendment No. 5 with respect to the National Guard, in which all of us are interested:

Amendment No. 5—Army National Guard: Appropriates $333,800,000 instead of $320 million as proposed by the House and $360 million as proposed by the Senate. It is the intent of the committee of conference that the National Guard be maintained at a minimum strength of 400,000 personnel. In the event that the amount made available proves inadequate to carry out this objective the committee of conference is agreed that full and sympathetic consideration will be given to a supplemental request for this purpose, either during the current or succeeding session of the Congress.

In the conference report we have already approved more money for the National Guard than has been requested by the Bureau of the Budget and approved the full amount requested in the budget for the Reserves. We want these programs to go on, as stated in this conference report, and we want them to have all the money they require, but we do not see any use of appropriating money that will be impounded or not be utilized.

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

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

Mr. FORD. I think it was the unanimous opinion of the conferees, emphatically their view, that the program should be 300,000 for the Army Reserves and 400,000 for the National Guard. It is our feeling that that is a sound program. That is what they requested and justified, manpowerwise. If the money made available is not adequate, we recommend a request from the Army for what is needed.

Mr. MAHON. With respect to the National Guard, we say that is a 400,000 minimum, not a 400,000 ceiling.

Mr. FORD. Is it not also true that historically the money made available for the Army National Guard and the Army Reserve has been more than they have actually been able to obligate during any one of the recent fiscal years?

Mr. MAHON. That is correct.

Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Louisiana [Mr. BROOKS], who is chairman of the Subcommittee on Armed Services which has principally to do with legislation in this field.

Mr. BROOKS of Louisiana. Mr. Speaker, let me say this first, and then I want to ask the gentleman some questions. The thing at stake now in this program is the 6-month training program for the National Guard and the Reserves. I recognize this. For 20 years some of us have been here battling to build up the enlisted strength of the Reserves. For the first time in the history of this country, we now have available ycung men offering themselves for the Army Reserve and the National Guard Reserve program, and we are not able to take them in on account of lack of funds.

I know the gentleman is sincere and I know his committee is sincere in its desire to build up the Reserve program, but when sufficient funds are not provided to take care of the training of those men in the 6-month program, what will be done? We might maintain our Army Reserve at the strength of 297,000, which is the strength we in the Congress have said it should be to be maintained but at the same time this may be done at the expense of the training of 6-month Reserve personnel. That is where it is going to hurt. Likewise, we are doing this same thing with the Army National Guard. So I say, just at a time when we have available young men who want to come in, we do not have available money to use to train them. I want to ask the gentleman who is the able chairman of the subcommittee and his colleague from Florida [Mr. SIKES] who is so much interested in the Reserve program, what real effort was made to get that money for these reserves and National Guardsmen?

Mr. MAHON. As the gentleman knows, we are engaged in the battle of the budget. The people of the Nation are interested in more economy and efficiency in Government. We are interested likewise in the Reserve program and in the National Guard program and in defense generally. We have been assured by the officials of the Department of Defense that the funds provided here are adequate for their program—and we have gone above the budget estimates for the National Guard. We feel that additional funds should be requested, if required, and we have laid down the minimum standards which, as I understand it, are acceptable to the National Guard people and to the reservists. We hope this program will be carried out in keeping with the wishes of the Congress, and I think the record being made now is perfectly clear to the Pentagon and to the administration as to the wishes of the Congress in this matter.

Mr. BROOKS of Louisiana. May I say to the distinguished gentleman, some representatives of the Guard and the Reserves have come to me, and they are authorized officials for the Guard and the Reserves, and they have told me that this was not adequate for their needs.

The subcommittee in its wisdom has left the door open, and if the subcommittee will avail itself of the suggestion that you have placed in your report later on to ask for more money when the proper showing is made, the Reserves may still be able to go ahead with the program without serious curtailment.

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

Mr. MAHON. Mr. Speaker, I yield 2 additional minutes to the gentleman.

Mr. Speaker, will the gentleman yield?

Mr. BROOKS of Louisiana. I yield.

Mr. MAHON. May I say this, if further funds are required, the door is open. There are funds in this bill now for pay of personnel that would not be required and will not be required, in my judgment, on account of the reduction of 100,000 men in uniform this year. Pentagon officials can come in and ask for a transfer of those funds to those areas where funds may be needed in the Reserve program and in the National Guard program. Congress is going to be in session for some time, and after we adjourn the Congress will reconvene in January.

Mr. BROOKS of Louisiana. The gentleman does not believe that the guard and the Reserves are going to be reduced in personnel; does he? The gentleman surely does not understand that; does he?

Mr. MAHON. I am talking about the normal pay of the Army, Navy, and Air Force. I say, in some instances, the services have more money in this bill than is required. We could not in conference cut below the House figure. But these funds can be reprogramed by permission of the Congress to the National Guard and to the Reserves. If needed funds could not be provided by transfer, I would favor a direct appropriation.

Mr. BROOKS of Louisiana. I think the gentleman is very sympathetic to our

problem. May I yield now to the distinguished gentleman from Florida [Mr. SIKES].

Mr. SIKES. I would like to comment on the question that has been raised by the distinguished gentleman from Louisiana who has done such great work here in behalf of the Reserve components. Our difficulty has been to determine the amount of money actually required year after year. In the efforts of Congress to insure that America has a sound and strong National Guard and Reserve program we frequently have appropriated more money than the services have been able to use.

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

Mr. MAHON. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. SIKES].

Mr. SIKES. I would like to continue my discussion with the gentleman from Louisiana. At the end of the fiscal year 1957 on June 30, the National Guard had $14 million in unused funds and the Reserves had $25 million which had not been expended. That is indicative of the problem we are confronted with. I realize that the Reserve components program has been enlarged considerably in recent months due primarily to emphasis on the six-month training program. As a result, there are good reasons to believe that the amounts appropriated may not be adequate for fiscal 1958. At the time this bill was before the House there was conflicting evidence about many requirements for the Reserves. We attempted to make it clear that we wanted no cuts in the program and we emphasized the fact that we expected the picture to be clarified during discussions of the bill in the Senate. Now the bill was increased considerably in the Senate for both the National Guard and the Reserves, however, the only request for increased funds from the Office of the Secretary of Defense was for $13,800,000 for the National Guard which we promptly agreed to in the conference.

Mr. BROOKS of Louisiana. That was over and above the budget estimate.

Mr. SIKES. Over and above the budget estimate. The Reserves, however, did not even initiate a request to the Office of the Secretary of Defense for additional funds, although they told us they might need it. In the Army Reserve program the freeze on new enlistments was removed on July 1. A six-month training program will be conducted with 32,900 trainees. Of these, however, only 12,900 will be new recruits. Twenty thousand were recruited during the latter part of fiscal 1957 and will complete their training in fiscal 1958. I think the significant thing is that we have placed in the conference report language which states specifically that we want a strong National Guard and Reserve program carried on and we want a minimum of 300,000 in the Reserve program and we want a minimum of 400,000 in the National Guard program. If at any time it is necessary, we invite the Department to come back for a supplemental appropriation.

Mr. BROOKS of Louisiana. I think that is an important statement in your report. I want to compliment you and your subcommittee for having left the door open, and inviting the services to come back and ask for more money if they need money to keep this program going up to the strength the Congress requires.

Mr. MAHON. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. FORD].

Mr. FORD. Mr. Speaker, I would like to compliment the able and distinguished gentleman from Texas for his handling of this problem in the conference. The House should be proud of his advocacy of the House views.

In addition I would like to say that my views as to the amount included in the military budget for fiscal year 1958 conform to the remarks made by the gentleman from Massachusetts [Mr. WIGGLESWORTH].

Mr. MILLER of Maryland. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield.

Mr. MILLER of Maryland. Being a member of this conference committee also, I would like to say that the remarks made by the gentleman from Massachusetts [Mr. WIGGLESWORTH] about the sum-up of the situation.

Mr. FORD. If I may take a minute to say a few additional words about this Murphy hospital situation in Massachusetts. There is money here if the Department of the Army wishes for sound reasons to continue the operation of the hospital in fiscal 1958. However, the Army, in the hearings, stated they did not wish to do so in fiscal 1958. They are no longer required to do so by law. I would suggest to the Army that in its determination as to whether or not to continue the operation of this hospital they should be guided by the very profound and sound recommendations of the Mahon Subcommittee on Military Appropriations in the Department of Defense Appropriations committee report. I refer to page 16, where that report says under the title "Closing of Installations"—and this is the unanimous recommendation of the Mahon subcommittee. It says:

> Another great opportunity for large savings is, it would seem to the committee, in the reduction in the number of installations, both major and minor. It is understood that a study is now in progress within each of the services to determine which installations can be closed, not only for economy reasons, but for greater efficiency of operation. This study is long overdue.

Then, on page 17, the report states:

> Admittedly there would be some political repercussions in the event decisions were made to close military installation. But if all three services should carefully study the problem and come up with a solution on a nationwide basis, such a program should be successful if decisions were carefully and accurately made.
>
> Such programs of reductions in installations have succeeded in the past. The problem is, of course, not an easy one and some difficulties would be anticipated.

In other words, this subcommittee according to its report is recommending to the Army, Navy, and Air Force: You have too many installations including hospitals; you should for economy and efficiency close some of them. Murphy Army Hospital is a good example of what the committee intended.

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

Mr. FORD. May I just finish this thought. Again, the Mahon subcommittee, on page 19 of its report for fiscal 1958, said this:

> The committee does not feel that military hospital and medical facilities are utilized to the maximum and most efficient degree. Recommendations for improving the situation are made under the heading "Dependent Medical Care." In addition, it is requested that the Office of the Secretary of Defense furnish the committee, beginning with the quarter ending March 31, 1957, a quarterly report on vacancies of bed spaces and other areas in military hospitals.

In other words, it would seem to me that the Department of the Army and the Department of Defense now that they have complete freedom themselves to make the Murphy Hospital decision, bearing in mind the need for good medical care and considering economy and efficiency should follow the guidelines recommended by the Mahon subcommittee which I believe are sound and justified.

Mr. MAHON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mr. McCORMACK. Mr. Speaker, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. Yes; but I have only 2 minutes.

Mr. McCORMACK. The gentleman from Michigan quotes from the Mahon subcommittee report. The subcommittee kept this Army hospital open.

Mrs. ROGERS of Massachusetts. Now I have only 1 minute remaining, but I think there is very obvious feeling on the part of the House regarding the Murphy Hospital and the Arkansas hospital that both should be kept open. The Arkansas hospital is kept open and I am glad under the language of the Senate; the Murphy Hospital is not, yet it is desperately needed, and, as I have said so many times, there is no economy in closing it, it would be just a transfer of funds but I am not going into that again. The money is in the bill to run the hospital, I feel the Army will heed our wishes.

I thank the Members of the House sincerely for their interest and support.

Mr. MAHON. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. GROSS.]

Mr. GROSS. Mr. Speaker, I take this time to point out the difficulty that a Member of the House who is not also a member of the Conference Committee, has in trying to get something tangible out of the conference report dealing, as it does, in tremendous amounts of money.

One of the committee members kindly handed me a table of figures which very

well sets forth what was accomplished, or what happened in conference with the Senate. I would like to suggest to the chairman of this subcommittee and to other chairmen who have bills dealing with so much money, that in the future a table of this sort be printed as part of every conference report so that all Members may have it and know what transpired with respect to total figures.

Mr. MAHON. I may say to the gentleman from Iowa that I think the gentleman is right. We will insert the table in the RECORD after we receive permission to do so.

H. R. 7665

	Budget	House	Senate	Conference	Conference compared with—		
					Budget	House	Senate
Office of the Secretary of Defense	$17,175,000	$16,350,000	$16,350,000	$16,350,000	−$825,000		
Interservice activities	687,825,000	682,375,000	682,375,000	682,375,000	−5,450,000		
Army	8,465,000,000	7,239,425,000	7,397,156,000	7,264,550,000	−1,200,450,000	+$25,125,000	−$132,606,000
Navy	10,487,000,000	9,801,355,000	10,054,255,000	9,866,355,000	−620,645,000	+65,000,000	−187,900,000
Air Force	16,471,000,000	15,823,220,000	16,384,093,000	15,930,220,000	−540,780,000	+107,000,000	−453,873,000
Total	36,128,000,000	33,562,725,000	34,534,229,000	33,759,850,000	−2,368,150,000	+197,125,000	−774,379,000

By way of explanation of the figures in the table it should be pointed out that the figures for the Army as approved by the House reflected the transfer of $410 million, from funds otherwise available to the Department, as an offset against the budget request, and that the figures for the Navy as approved by the House reflected similar transfers of $190 million. These transfer provisions totaling $600 million were not changed in subsequent action on the bill. Therefore the specific reduction in the new obligation authority requested for these appropriation items in the budget was $1,965,275,000, as the bill passed the House. As the bill was agreed to in conference, the net specific reduction in new obligational authority for these items was $1,768,150,000. Of course the actual reduction in funds available to the Department of Defense is $2,368,150,000 as indicated in the table. The point I am making is that the reduction in the new 1958 budget requests is $1,768,150,000.

Mr. GROSS. I thank the gentleman.

Mr. MAHON. Mr. Speaker, I yield to the gentleman from California [Mr. HOSMER].

Mr. HOSMER. I just want to point out in connection with the Army Murphy General Hospital in Massachusetts that there is a naval hospital being closed out in Corona, Calif., which now requires a round trip of 70 miles for people to utilize, but with its closing they will have to make a round trip of 140 miles to utilize the next nearest hospital. I think in comparison the California situation is much more severe than the Massachusetts situation. The Army certainly should take such facts into consideration in deciding whether or not to close these hospitals.

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

Mr. HOSMER. I yield.

Mr. BALDWIN. I would like to state also in connection with this hospital situation that they are closing down the hospital at Mare Island. That means that ships that go into this great naval base will not have adequate naval hospital facilities at their disposal.

Mr. HOSMER. I know what that means because I have sailed in and out of there myself.

Mr. MAHON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 3: Page 7, line 23, insert *"Provided,* That during the fiscal year 1958 the maintenance, operation, and availability of the Army-Navy Hospital at Hot Springs National Park, Ark., to meet requirements of the military and naval forces shall be continued."

Mr. MAHON. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 11: On page 12, line 18, insert *"Provided,* That no part of this or any other appropriation shall be used to pay any officer, while on active duty as Governor of the Naval Home, any amount in excess of the maximum pay and allowances of a rear admiral, upper half."

Mr. MAHON. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate and concur therein.

The SPEAKER. The question is on the motion offered by the gentleman from Texas that the House recede and concur in the Senate amendment.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

PERSONAL PRIVILEGE

Mr. H. CARL ANDERSEN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The Chair will hear the grounds.

Mr. H. CARL ANDERSEN. Mr. Speaker, a personal privilege arises from the headline on a newspaper article which appeared in yesterday's Washington News. I quote the headline in question and the first paragraph of the newspaper article.

The headline reads: "Alleged Conflict of Interest Case Against Representative ANDERSEN."

The first paragraph of the article reads as follows:

The House has an ill-kept secret—a case of alleged conflict of interest involving one of its own Members.

Mr. Speaker, I make the point that this publication involves personal privilege under the rules of the House and that the circumstances back of it which I shall detail in my remarks involve the general privileges of this entire body and I therefore ask to be recognized on the point.

The SPEAKER. The Chair has read the headline, to which the gentleman refers, and it does, in effect, accuse a Member of Congress of selling his vote, and this is carried forward in the second paragraph.

The Chair thinks the gentleman has stated a question of personal privilege and, therefore, recognizes the gentleman from Minnesota [Mr. H. CARL ANDERSEN].

Mr. H. CARL ANDERSEN. Mr. Speaker, my immediate concern is for the integrity of every Member of this body and my purpose is to protect insofar as possible the integrity of our legislative proceedings. That is the reason for this point of personal privilege. The Administrator of the Veterans' Administration advises me that the Committee on Veterans' Affairs on July 5 and again on July 8 called upon that agency to speedily prepare and submit to the committee information regarding my brother, my guardianship of his person and property, and other data. That confidential information thus obtained has been used in an attempt to influence my official actions and also to impeach my personal integrity.

There are two important points at issue, Mr. Speaker. First, whether the gentleman from Minnesota was in fact influenced in his legislative judgment by personal considerations. Second, and, in my judgment, of far greater significance, is the question whether this body will permit practices by one of its committees whereby confidential information obtained solely by reason of that committee or any other committee's official responsibilities shall be used to intimidate and then to besmirch the reputation of other Members.

Mr. Speaker, it is with a heavy heart that I come to the well of this House today. I have been a Member of this body for 19 years, and regard the reputation which I have built over the years as the greatest possible reward for the service I have been able to give the people of my district and the Nation. Those of you who know me best realize, I am sure, that I would not make this request for personal privilege, my first in 19 years, for any frivolous reason, but, Mr. Speaker, when the integrity of any Member of this House is reflected upon, the entire membership suffers. Mr. Speaker, my integrity has been reflected upon very seriously, and I feel that it is my duty to protect the reputations of the Members of this House, as well as my own, since the experience I have suffered could well be suffered by any Member of this body if this unfortunate occurrence were permitted to go unchallenged.

On June 25, as shown on page 9204 of the RECORD, I engaged in a colloquy with the distinguished majority whip, the gentleman from Oklahoma [Mr. ALBERT], relative to the programing of H. R. 72. I called to his attention that this bill was very controversial and asked that consideration be put off until after the July 4 week as many of us opposed to the bill planned to be out of town. Personally, I had planned a trip home to make a survey of damages resulting from severe floods. The Speaker pro tempore, Mr. MCCORMACK, suggested that I take the matter up privately, so that evening I telephoned the gentleman from Texas [Mr. TEAGUE] to ask of him that action on the bill be delayed until the week following the Fourth of July. I told him that I had considerable personal knowledge of the effects of this legislation by reason of the fact that I had for many years been the guardian of my own mentally incompetent brother, a service-disabled combat veteran of World War I. The gentleman from Texas [Mr. TEAGUE] agreed to my request, advising that the bill would not be brought up until the week after the Fourth. He lived up to the letter of this agreement.

The General Counsel of the Veterans' Administration advises me that on July 5 a Mr. Patterson, on the staff of the Committee on Veterans' Affairs, called him to request an immediate report as to whether my brother was hospitalized, where he was hospitalized, how long he had been hospitalized, the amount and nature of his compensation, and certain other information. This data was requested by teletype from the Twin City office of the Veterans' Administration.

The General Counsel further advises that, on July 8, Mr. Patterson of the Committee on Veterans' Affairs staff called again to urgently request an analysis of my brother's estate, under my guardianship, and a breakdown of the funds to indicate the amount that would be affected by H. R. 72 in the event it became law.

Mr. Speaker, may I ask at this point to what purpose the Committee on Veterans' Affairs had in requesting the Veterans' Administration for full details relative to my guardianship of my brother. Had they come to me, I would have gladly turned over my files containing full details of my guardianship of my brother for the past 35 years, a guardianship of which I am proud. I hope that there was no intent on the part of any member of the Committee on Veterans' Affairs to utilize information obtained to discredit my debate against H. R. 72.

Bluntly, Mr. Speaker, it appears to me that this was a case of attempted intimidation especially since word was relayed to me that the committee did have full knowledge of my guardianship in their hands.

May I say, also, that the General Counsel of the Veterans' Administration advised that he would not under any circumstances have released this confidential information to the committee had he known that a Member of Congress was directly involved. However, he was not informed of this fact.

For reasons which I will explain in their proper order, I called the General Counsel of the Veterans' Administration on July 18 requesting a duplicate of the information furnished the Committee on Veterans' Affairs. The following letter from Mr. G. H. Birdsall, General Counsel, contains the information given to the committee in response to its two urgent requests:

VETERANS' ADMINISTRATION,
Washington, D. C., July 18, 1957.

Hon. H. CARL ANDERSEN,
House of Representatives,
Washington, D. C.

DEAR MR. ANDERSEN: Pursuant to your request the following information is furnished concerning the case of Walter G. Andersen, C–1237552:

1. Veteran's compensation and pension status—100 percent disabled.

2. The diagnosis—dementia praecox, service connected since 1922, incompetent since February 1922.

3. Is the veteran hospitalized now and at whose expense—hospitalized at Government expense at the Veterans' Administration Hospital, St. Cloud, Minn., since 1924.

4. The length of time of this hospital care—since 1924.

In accordance with Public Law 662, 79th Congress, as amended, the veteran is not drawing any compensation at this time because he is incompetent, has no dependents, and his estate is in excess of $1,500 (the estate actually amounts to $42,000). Compensation payments were stopped in 1932. He is receiving insurance in the amount of $57.50 monthly which must be paid to him by law and cannot be withheld.

Of the $42,000 estate accumulated to date, about $4,500 represents compensation payments. The difference represents insurance payments to date and interest on that money in Government securities and bonds. The difference represented by insurance payments would not be affected by the provisions of H. R. 72, 85th Congress, "A bill to amend section 21 of the World War Veterans' Act, 1924, to provide for the disposition of certain benefits which are unpaid at the death of the intended beneficiary." In other words, no part of the accumulated insurance payments would revert to the Treasury under the provisions of H. R. 72, if enacted in its present form.

Very truly yours,

G. H. BIRDSALL,
General Counsel.

Note, Mr. Speaker, that the information requested relative to the place of my brother's hospitalization, length of time in the hospital, and so forth, has no significant relationship to the bill in question, H. R. 72. However, the latter information in response to the second request has a direct bearing and I intend to refer to that again in a few moments.

To keep the chronology in order, Mr. Speaker, after the Committee on Veterans' Affairs received this information, word came to me that the chairman of the committee had discussed the status of my brother's financial affairs and had said that he intended to discuss it with me. However, no communication of any kind was had from the committee chairman other than his remarks on the floor on July 11 in reference to myself in which the gentleman said:

> My only answer to him is that he just does not know what he is talking about.

On the day following, the gentleman from Texas [Mr. TEAGUE] very courteously asked unanimous consent to strike that sentence from the permanent RECORD.

We debated the bill on July 11 and July 12, and the Members of the House in the exercise of their usual good judgment voted by a substantial 30-vote margin to recommit the bill for further study. It should be noted at this point, Mr. Speaker, that I disqualified myself and voted "present" on that vote in light of the very minor and remote financial interest I personally had involved.

It should be noted also, Mr. Speaker, that early in the debate I put the House on notice of the fact that I was personally the guardian of an incompetent veteran brother and that my guardianship of that brother was directly affected by the provisions of the bill before us. This followed my having given similar notice to the chairman of the Committee on Veterans' Affairs, the ranking minority member of that committee, and some 30 or more Members who were interested in the legislation.

Let me quote from my remarks on the floor on July 11—the first day of debate on this bill. These remarks may be found on page 11421 of the CONGRESSIONAL RECORD and they clearly reflect my announcement of my own individual interest in the legislation:

> If this bill passes, Mr. Chairman, it will mean that practically every one of these guardianships will have to go through tedious courses in the courts of the land. I, as administrator of my brother's estate, for example, could not, according to law, turn over a large portion of his estate to the Veterans' Administration without being assured that I would not be held liable personally for any claims against me for that estate which I have administered for 35 years.

Let me quote another statement with relation to the responsibility of the fiduciary. This is by Mr. McClive, Chief Attorney of the Veterans' Administration Regional Office at Buffalo, N. Y. I am quoting from page 1312. He states:

> No fiduciary worthy of the name would turn over the assets until it had accounted to and been discharged by the court, particularly where there are private assets, other benefits, insurance, and earnings or investments to be segregated.

Subsequently, a prominent and distinguished member of the Committee on

Veterans' Affairs came to me to advise that the chairman of that committee had said that the gentleman from Minnesota should have refrained even from debate on the bill because of his personal interest. I will have more to say on that in a moment, but first let me complete the chronology of these unfortunate events.

On July 18 a very well known newspaperman telephoned me to request information regarding my personal interest in this legislation. I asked him to come to my office in order that I might give him all of the details, and he did so. In the course of our conversation, he advised me that a Member of Congress had brought to the attention of several members of the press corps the fact that my brother was involved in the consideration of H. R. 72 and suggesting that they make a story out of it. Hence this request for details.

Also on July 18 I received a letter from the chairman of the Committee on Veterans' Affairs advising that hearings had been rescheduled on H. R. 72 for July 25, and urging that I appear to testify. The following language was used:

> I feel that it is particularly incumbent upon those who participated in the debate and who took exception to the approach of the committee to present their views.

Mr. Speaker, in view of the efforts that were made to discourage my participation in the floor debate on this bill, in view of the efforts that were made to impeach my personal and official integrity because I did engage in the debate, and in view of the remarks that have been made to representatives of the press by another Member of Congress whose name, I thank God, I do not know, I shall decline to appear before the Committee on Veterans' Affairs unless and until I receive an official apology from that committee.

Then, on July 22, a representative of the Scripps-Howard newspapers called me off the floor to discuss the matter with me. The principal point of his interest was the recurrent report in press circles that the gentleman from Minnesota was alleged to have improperly engaged in debate on H. R. 72 because of some question of personal interest. The article referred to in my opening remarks was the result of this particular interview.

Now, Mr. Speaker, I think that if these newspapermen are entitled to the full facts, the Members of the House and other representatives of the press are equally entitled. Here, briefly, is the extent of my own personal interest in the provisions of H. R. 72, as it came before us.

You will note that in his letter of July 18, the General Counsel of the Veterans' Administration points out that the estate of my brother now consists of a total of $42,000. Of that amount, only about $4,500 represents compensation payments which would be subject to the recapture provision of H. R. 72. Note, also, that compensation payments were stopped in 1932 and under the law no further payments would be made subject to the recapture provisions of H. R. 72 unless and until the total estate dropped below $1,500.

Under present law, my brother has seven lines of descent, including brothers, a sister, and the children of deceased brothers. In other words, of this total amount of $4,500 affected by H. R. 72, if I lived long enough to ever inherit from my brother who is in excellent physical health, the very most I could possibly inherit would be one-seventh of that amount or about $650. As has been pointed out, Mr. Speaker, the balance of his estate would not be in any way affected by the terms of H. R. 72.

As I said in the beginning, I have no heart for this type of discussion. It shocks me completely to think that any Member of Congress, after my 19 years in this body, would even entertain the thought, let alone imply to the press, that H. CARL ANDERSEN could be swayed in his legislative judgment for any amount.

Why, Mr. Speaker, if the Committee on Veterans' Affairs, while it was obtaining the information from the Veterans' Administration regarding my guardianship of my brother had likewise obtained my income-tax returns for last year they would have found that I contributed a total of $1,051 to my church during the tax year. Even though I am personally of very modest means, I would not for any price let my service in this distinguished body be influenced by any personal consideration. Certainly, it should be beyond any man's comprehension that I would be influenced by the remote possibility of perhaps some day inheriting $642.85 if a certain bill was not enacted.

The claim has been made, Mr. Speaker, that I should have refrained from debate on H. R. 72 because of personal interest. Certain of our colleagues have directly quoted another Member as having made that charge. Additionally, most of the members of the press corps with whom I have talked have advised that a Member of Congress brought this to their attention and laid heavy stress upon the question of propriety of my participation in the debate.

It may be true that my opposition to the bill was responsible for its recommittal, although I would not claim such influence in this body. But I cannot agree that a Member must refrain from debate on any measure solely because he may have a minor or remote personal interest involved. Such a rule would silence virtually every authoritative voice on most of the legislation coming before us for consideration. We would be denied the invaluable voices of experienced men and women whose personal lives and interests equipped them to make their greatest contributions to our debates. If such practices prevailed, no Member could ever speak—or vote—for improved office facilities, increased clerk hire, Congressional retirement, or any other such benefit.

If this was our rule of conduct, no farmer like myself could ever serve on an agricultural committee or enter into the debate on price support or other farm legislation.

No lawyer could serve on the Committee on the Judiciary or debate its bills because legislation before that committee would bear upon his practice of the law.

No taxpaying Member could serve upon the great Committee on Ways and Means because his own taxpaying interests were involved.

No Member with banking interests or experience could serve on the Committee on Banking and Currency because of such a rule.

No Member with stock holdings could debate the merits of any bill which might directly or indirectly affect the value of his stocks or their earnings.

I must say in defense of the integrity of every Member of this House, Mr. Speaker, that if such a policy prevailed we could not have as a member of our Committee on Veterans' Affairs any service-disabled veteran because his own compensation would be involved in the legislation he would be called upon to judge and debate.

The truth is, Mr. Speaker, that our greatest and best authorities on the legislation coming before us are the men and women who have been personally interested or engaged in the activities involved in such legislation. I have said repeatedly that my interest in H. R. 72 grew out of my experience as the guardian of my brother's estate. I have I hope, made it clear that my vigorous opposition to the bill as it came before us was not lightly taken but was based on the certain knowledge that it was in fact a defective bill. That knowledge was based in a large measure upon my experience of guardianship extending over a third of a century, and I feel the House is entitled to any contribution I can make to the consideration of such a measure. What I bitterly resent, and I know that every Member of this body shares that resentment, is the implication that my actions might be influenced by the remote possibility that I might if I lived long enough some day inherit $650.

No Member, whether this be his first term in the House or his 19th year, as in my case, should be subjected to such an unwarranted reflection upon his personal or official integrity.

We have in the past left, and properly so, to the honor and judgment of each individual Member the decision as to the propriety of his own conduct on legislation involving his own personal interests. Hardly a bill of major importance comes before us which does not in some way affect us personally as citizens of the Republic, and I think each of us is charged with the responsibility for determining the propriety of his or her participation in the proceedings of this body when a certain bill is before us.

Reversing the picture, Mr. Speaker, we have the question of a Member refraining from debate on an important measure he knows to be defective because of his own timidity or fear of just such an attack as has been made on me in this instance. I think we will all agree that such failure on the part of any Member to speak up when he feels compelled to do so would constitute a gross neglect of duty. In all my years in the Congress I have never personally failed to do my duty as I say it, even to the extent of

bringing down the wrath of the high and mighty upon my own head. When my duty is clear, I face up to it without regard to partisan, personal, or other considerations. If I had this to do over again, there is no question in my mind but what I would be morally bound to oppose certain features of H. R. 72 even as I did when the bill was before us. The knowledge that I would be attacked for doing so would not in the least deter me in my determination to live up to the high responsibilities of my office.

The whole point remaining at issue, Mr. Speaker, is not whether the gentleman from Minnesota was influenced in his legislative judgment by personal considerations as I trust that my detailed report here today sets that question at rest. The important point, Mr. Speaker, is whether this body will permit such practices as I have recited by one of its standing committees whereby confidential information obtained solely by reason of that committee's unique responsibilities shall be used to intimidate and then to besmirch the reputation of other Members.

Every day of the year I find that my experience in farming and my present ownership of a farm in my home county helps me to better represent the agricultural interests of my district. I have debated vigorously farm legislation, as every Member of this House knows, and it has never occurred to me that the great Committee on Agriculture would ever ask the Department of Agriculture for a report on the number of bushels of corn my partner and I put under loan under the price-support program. I know that would never enter the minds of those distinguished members of that committee, but even if it did I know they would never use that information to try to first silence me in debate and then to discredit me after I had stood firm in the face of their threats and had my say.

No, Mr. Speaker, never to my knowledge in my 19 years here have I known of a committee of Congress going to the lengths the Committee on Veterans' Affairs has gone in this instance. It has been a painful ordeal for me to come into this well and bring to the attention of the House what has transpired, but I felt morally bound to do so in order to protect the future integrity and freedom of action of the Members of this great legislative body.

It is my most earnest hope, Mr. Speaker, that from my remarks today the unusual tactics employed to influence the course of important legislation by a standing committee of this body have been made clear. I hope also that as a result there will not now or in the future be a repetition of such unorthodox and shameful conduct by any Member or any committee. If so, my trip to the well of the House this day may be one of my most notable contributions to legislative integrity in this Nation.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. H. CARL ANDERSEN. I am happy to yield to the ranking minority member of the Committee on Veterans' Affairs.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I was profoundly shocked by the statement of my distinguished colleague from Minnesota in his personal privilege statement. I feel sure that most of the members of the Committee on Veterans' Affairs have not the faintest idea of what was going on. I feel that during the debate on the bill, H. R. 72, the gentleman from Minnesota [Mr. H. CARL ANDERSEN] made an extremely valuable contribution. He knows what it means to have a near and dear relative in a mentally incompetent state since World War I. He knows the agony and distress of mind of the family. He knows of the desire of the family to care day by day, week by week, month by month, and year by year for that individual. No one knows better than he what it means or what a terrible thing it would have been if the bill, H. R. 72, had been passed by the House in the form it was in when recommended to the committee. It was his duty as one fully informed concerning the legislation to give the House the benefit of that knowledge.

Personally, I am very grateful to the gentleman from Minnesota [Mr. ANDERSEN] for the splendid part he took in that debate, his very illuminating part in that debate and the courage that it took. But he comes of a family of courage. He has courage himself. He truly said that every Member of Congress might well be under the fire of criticism for some vote he or she has cast in the past if the gentleman from Minnesota can be criticized for what he did in helping to send back to the committee this bill, H. R. 72, for further study. That bill would have caused much harm and much suffering and the litigation involved would be endless. I believe the people who have not worked day by day with these incompetent cases in and out of the hospital fail to realize entirely what it means and what the problems of the guardians are. I am sure that the gentleman from Minnesota has spent much of his own money to help his incompetent brother. He spoke for other guardians and the incompetent veterans who cannot speak for themselves.

I am deeply grateful to the gentleman from Minnesota for his great contribution as a veteran and patriot, for the contribution that his family has made as patriots and his great contribution as a Member of this House.

Mr. H. CARL ANDRESEN. I thank the gentlewoman from Massachusetts.

Mr. TEAGUE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, first, I sincerely regret that the gentleman from Minnesota has been embarrassed.

Second, the record of exactly what part the Committee on Veterans' Affairs and the staff of the Committee on Veterans' Affairs played in this whole situation is open to any Member of this body who wants to see it.

Third, I believe I am aware of exactly the part the Committee on Veterans' Affairs and the staff of the Committee on Veterans' Affairs played in this matter. I am aware of the part that the gentleman from Minnesota played in recommitting this bill.

As far as I am concerned, it is my personal belief in all honesty that the embarrassment the gentleman has suffered was caused by his own doing and not by the Committee on Veterans' Affairs and for that reason I sincerely regret we will not have the gentleman appear before the Committee on Veterans' Affairs.

COMMITTEE ON RULES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

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

There was no objection.

OPPOSITION TO CIVIL RIGHTS LEGISLATION

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

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

There was no objection.

Mr. HOFFMAN. Mr. Speaker, it may be helpful to some who are opposed to civil-rights legislation, and to what may be helpful but unnecessary legislation, the enactment of which will give us an increase in the cost of living and, perhaps, disastrous inflation, to read an editorial from the Dowagiac Daily News of July 5, 1957. It indicates that our home people do their own thinking, reach their own conclusions.

[From the Dowagiac (Mich.) Daily News of July 5, 1957]

EDITOR'S NOTEBOOK

Our Representative CLARE HOFFMAN, who has never been known to tip-toe across a political battlefield, has some definite views on the new civil rights bill to protect civil rights, which comes up for debate Monday.

Purpose of the bill obviously is with a view toward securing the Negro vote in the 1958 and 1960 elections. As Mr. HOFFMAN points out, existing laws take care of the situation. He also points out—that additional unnecessary. Federal employees and the needless spending of additional tax dollars will be required through passage of the bill.

The sooner vote-minded Congressmen get it through their thick skulls that the Government needs less Government employees and has to spend less money the closer the Government will get to solvency.

Mr. HOFFMAN'S views on the civil rights bill, which should entitle him at least to another purple heart for his already growing list, follow:

"The bill was wholly unnecessary. We have a statute (Revised Statutes 2004 et seq.) which makes it a criminal offense to deny to any person his right to vote at any election because of race, color, or previous condition of servitude. We have a crime-detecting organization—the FBI—unsurpassed. We have a Department of Justice with an Attorney General and United States district attorneys and district and appellate courts with authority and the means of enforcing that statute.

"Nevertheless, though not needed, to curry favor with minority groups, along came this so-called civil rights bill. It created a new Commission which was empowered to employ an Advisory Commission with authority to make investigations, subpena witnesses, hold hearings, and make recommendations. A new snooping agency. This though the regular standing committees of the Congress have like authority, and upon these standing committees is imposed the same duties delegated to the Commission.

"The bill also authorized the appointment of a new Assistant Attorney General and provided authority to employ an unlimited number of assistants to the assistant. The Congress was given not even an estimate as to the cost which would be incurred by the Commission, its employees, the Assistant Attorney General and his assistants and employees, but the bill did contain a provision authorizing the appropriation of 'so much as may be necessary to carry out the provisions of this act.'

"The foregoing is an illustration of the way the Congress, under the guise of a worthy purpose, in my judgment, needlessly authorizes the wasteful expenditure of your tax dollars. It is an example of how an economy drive is halted.

"To further insult the intelligence of the average citizen, the bill, while purporting to protect civil rights, took from the citizen his established constitutional right to a trial by jury when charged with a criminal offense.

"I did not vote for the bill because (a) there is now on the books ample legislation to protect the right to vote; (b) we have an FBI second to no agency in the wide, wide world capable of detecting criminal activities; and (c) we have a United States Attorney General backed by able, vigorous United States District Attorneys, plus United States district and appellate courts capable of seeing that the present law protecting the right to vote is enforced.

"And because, most important of all, the bill deprived a citizen of his basic, fundamental, constitutional right to trial by jury."

SCHOOL CONSTRUCTION ASSISTANCE ACT OF 1957

Mr. BARDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H. R. 1) to authorize Federal assistance to the States and local communities in financing an expanded program of school construction so as to eliminate the national shortage of classrooms.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 1), with Mr. WALTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the gentleman from North Carolina [Mr. BARDEN] had 46 minutes remaining, and the gentleman from Pennsylvania [Mr. MCCONNELL] had 42 minutes remaining.

The Chair recognizes the gentleman from North Carolina [Mr. BARDEN].

Mr. BARDEN. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. DIES].

Mr. DIES. Mr. Chairman, I am opposed to this legislation for a number of reasons. First, I do not believe that our Government can financially afford to embark upon this program. I know that there are those who seem to be under some sort of an illusion that the Federal Treasury is an inexhaustible reservoir; that all you have to do is to tap it for every real or fancied need, and yet the basic economic facts of life should teach us that there is a very definite limitation to Federal spending.

Mr. Chairman, we have passed through a period of reckless spending unequaled in the history of our country, and much of it can be attributed to the fact that many people do not understand the limitations of Federal taxing. I know that there are people in the State of Texas and in every State of the Union whose ideas about the Federal Government are quite different from their attitude toward State and local governments. They are very careful about local expenditures. And if there is extravagance in the administration of local affairs, they hold their public officials accountable. Many times bond issues are defeated after heated debate. But we have come up in an era in which the Federal Government symbolizes to many people some sort of a Santa Claus and, as a result, we have been borrowing the purchasing power of future generations. That is all that long-term debt represents. You are simply using today the purchasing power of future generations and, of course, you have to pay for it through interest charges which eventually approximate the principal, and through inflation. You pay for it not by direct taxes, but you pay for it by indirect taxes, because all of the taxes levied upon your manufacturers and your producers are passed on promptly to the consumers. If that were the only taxes that you paid, it would be bad, enough; but unfortunately you have to pay a tax which is known as inflation. And every government which pursues unsound and dishonest fiscal policies inevitably is confronted with inflation, because inflation is a form of taxation. It is the cruelest form, because it confiscates the savings of the thrifty people of every generation and puts a premium upon speculation.

There are many danger signals which every American should recognize in our present situation. As I have pointed out before, we have a serious problem with inflation today. As a matter of fact, month after month, with the exception of 1 month in 1956, but during every month of 1957 the purchasing power of the dollar has fallen. In view of that situation, how can we afford to embark upon a program which will cost $2.5 billion to begin with and which will never end?

I came to this Congress first in 1931. We had a national debt then I think of about $19 billion. The first proposal that came to us was that of providing a form of dole which would cost a few hundred million dollars. We were astonished at that. Members talked about it to each other. We were not accustomed to that sort of expenditure. But as we began to spend money, it became infectious, and now it is like a disease. It is very much as Pope says about sin. At first it is repugnant but after you become accustomed to it, it becomes attractive.

We have accelerated our process of spending since that day until now we have a national debt of $275 billion of direct obligations and around six or seven hundred billion dollars of indirect obligations. And I see no prospect of stopping it unless public sentiment demands economy and sound fiscal policy.

I have made a sincere effort to be consistent about Government expenditures. I voted to sustain cuts in appropriations. I voted against the foreign-aid bill. I voted against the postal pay-raise bill, which was not a very pleasant thing to do. But I think the most imperative need of our country today is to restore it to sound fiscal policies. If you do not do it, no one will profit and eventually everyone will suffer.

Let us take the condition the Federal Government is in. It has reached the limit of its taxing ability. I do not know where we can get any more taxes. As a matter of fact, people are pleading for tax reduction. At the next session of Congress one of the big political issues will be tax reduction. But how is the Government going to finance this enormous expenditure? We cannot do it through taxation because we have reached the point of diminishing returns. Do you think we are going to be able to borrow it? You know, we are in very grave danger that the patriotic, decent people who have been buying our bonds may become discouraged. All you need do is take the statement of the Bureau of Labor Statistics and read what has been happening to the people of America who have invested in any form of fixed obligation. They are the people who must support this Government if you are to refinance your debt and maintain the solvency of your country.

Month by month and year by year the purchasing power of their money has been impaired until today we are paying them back with less than a 50-cent dollar, and then we tax what interest has accumulated on their Government bonds, with the result that a man is lucky if he gets back 30 or 35 cents of the dollar he invested. What will that mean when the people stop buying your bonds? Then you are driven to the desperate course of going to the Federal Reserve Board, as you did for 7 or 8 years, and printing credit money. That is all it was, a form of inflation because you floated your bonds through the banks, used compulsion to require the banks to take your bonds, and then you said to them, "In consideration of taking the bonds you can go to the Federal Reserve System and get credit on the basis of the bonds." You could have done it directly and it would perhaps have been a little more inflationary but the principle would have been the same. But when you do that, you see, the inexorable laws of economics will require you to pay up just the same, because your money depreciates still further.

Think of it. Here are the States of our Union that are in far better shape financially than we are. They have been better managed, their legislatures are more careful about the expenditures

of the people's money than we are because we are far removed from local inspection. That is the reason the pressure groups descend upon us and want power concentrated in Washington. They have discovered that they can get more out of Washington than they can out of the local government or out of the State government.

Mr. Chairman, I think the States are in far better shape to build their schools than we are. They want to do it. In the 9 months ending March 31 they spent $1,500 million for that purpose. I think the Federal Government is in such a serious financial plight, that it would be reckless in the extreme for us to undertake this program. As a matter of fact, if I had my way I would reduce the expenditures of this Government not less than 10 percent and I would put this house of ours in order. If we do not do it, you are going to have another depression such as we went through in the thirties. I remember the period before 1929, the reckless speculation, the effort of everyone to obtain security through speculation, people who went to the stock market and thought that they had finally reached Utopia, and then suddenly they discovered that the economic laws which underlie the whole system cannot be suspended or set aside.

Mr. McCONNELL. Mr. Chairman, I yield such time as he may require to the gentleman from Ohio [Mr. SCHENCK].

Mr. SCHENCK. Mr. Chairman, it is always a great honor and high privilege to serve in the Congress of the United States and it has been especially so under the administration of our great President, Dwight D. Eisenhower. I have vigorously supported the programs of President Eisenhower when I have felt he has been right and this has been true a very high percentage of the time. On the other hand, I have not hesitated to vote against some measures when I felt he had been ill advised. I am very sure I shall not be criticized for this, because I am sure that neither President Eisenhower nor my constituents, in the very important Third District of Ohio, neither want nor expect me to be merely a rubber stamp.

Mr. Chairman, I know this great Committee on Education and Labor has spent a great deal of time on this legislation during the past several months. I want to most sincerely commend my personal friend and valued colleague, the Honorable SAM MCCONNELL, senior Republican Member of this great committee, not only for his many years of service on this committee, but also for his outstanding service to our Nation during his nearly 14 years of membership in this House of Representatives. He has always fought for what he has believed is right—he has always been most courteous to all Members of this House and we shall all miss him when he leaves us to take up his chosen duties elsewhere. I am sure I speak for all of us in wishing him every success, happiness, and good health during the many years he will serve his new responsibilities.

Mr. Chairman, a few weeks ago when it was my privilege along with some of my distinguished colleagues to have breakfast with President Eisenhower, we discussed this legislation with him. The President is deeply interested, as we all are, in the proper training and education of all youngsters, because our youngsters are our most precious and important national as well as personal assets. The President feels, as I am sure each of us feels, that each and every youngster in our great Nation must have adequate educational opportunities. We are all in agreement on that position and our only differences here in this House of Representatives stem from our points of view as to how these proper and adequate educational opportunities can be achieved.

Mr. Chairman, it has been my privilege to have had close personal contact with many of the problems which have long faced our public schools. It was my privilege to be a high school teacher for more than 9 years. Later it was my privilege to serve as a member of the Dayton Board of Education for nearly 10 years, during almost 7 of which I served as its president. I also served 2 years as president of one of the largest PTA organizations in Ohio before becoming a member of the Dayton, Ohio, Board of Education. Therefore, Mr. Chairman, in all modesty and humbleness, I feel I have a great background of personal experience to help me in the consideration of this proposed legislation and to do so in the best public interest.

Therefore, Mr. Chairman, after the most thorough and earnest consideration of this legislation and all the debate we have heard, I have come to the firm conviction that I must oppose the passage of this legislation. Permit me, Mr. Chairman, to point out just a few of my reasons for reaching this conclusion:

First, Mr. Chairman, our Federal Government has no magic source of money for its vast operations. Hence the money for each and every appropriation we authorize and make here in the Congress must first come from the taxpayers themselves. Thus each and every grant-in-aid program or public-works program is and must be paid for by the taxpayers themselves. Every taxpayer is already overburdened and instead of adding further to that burden we should be cutting expenditures rather than increasing them.

Second, Mr. Chairman, it is estimated by reliable and well informed experts that the Federal taxes alone, Federal personal income taxes, Federal corporation taxes—which after all are paid by the individual customers—and Federal excise taxes—also paid by the customers—collected in the Third Congressional District of Ohio, just 2 counties, amounts to more than $330 million annually.

Third, Mr. Chairman, I, along with all of my colleagues here in the Congress, and every other thinking person, am firmly and fully convinced that every youngster must have a proper, equal, and adequate opportunity to obtain an education. This becomes more true and necessary every day, because living and earning a living becomes more complicated every day. We cannot declare a moratorium on the living and growth of our children and, therefore, they must be given these opportunities daily not only for their own sake, but in the national interest as well. I have dedicated many years of my life to these important policies and I have the further responsibility of being deeply interested in three wonderful grandsons, the oldest of whom starts to school this fall.

Fourth, Mr. Chairman, adequate and proper school facilities are important and they are also expensive. I am told that the average schoolroom in our area with the necessary equipment now costs about $30,000. Instead of getting less expensive they are becoming more expensive and boards of education all over the Nation are studying how these rooms can be used more efficiently so that more people, adults included, can use them to advantage so that the cost may be better justified. Most classrooms are now being used from 30 to 40 hours per week and from 36 to 40 weeks out of the year. As important as these classroom facilities are, Mr. Chairman, there is another even more important factor—only well trained, dedicated, sincere, and properly paid teachers can bring real meaning and value to these classrooms. Our Nation is deeply indebted and thankful for the millions of dedicated teachers we now have, but our real need is for many more of them to meet the need of fast-growing enrollments. The students of a good teacher are indeed fortunate, because they can grow in knowledge and ability each day regardless of the quality of the facility. Students, on the other hand, in the most modern and fancy classrooms will not develop much knowledge and ability under an inadequately trained teacher and, therefore, while we are deeply concerned about proper facilities we must also do all we can to obtain better qualified teachers who should be adequately paid.

Fifth. Mr. Chairman, no one could be more fully aware than I am that our Nation must have equal educational opportunities everywhere and we should all work toward that end. Ohio is a great State and a wonderful place in which to live, but even in my own home county, Montgomery County, Ohio, we do not have equal educational opportunities. There are 19 school districts in Montgomery County. Ohio schools are financed by funds from three main sources: First, real-estate taxes; second, taxes on intangibles; and, third, appropriations by the Ohio Legislature. Some schools also, of course, receive added help from Public Law 815 and Public Law 874 in certain areas which have impaction from a Federal installation. The value of the real estate in a given school district depends, of course, on the type of real property in the school district. By taking the total real-estate tax duplicate in each school district and dividing it by the number of pupils in that district, the amount of taxable real estate per pupil is easily determined. Among these 19 school districts, Mr. Chairman, I find they vary greatly from a low of $4,411 per pupil to a high of $20,884 per pupil. Now, by multiplying these various amounts of taxable real estate per pupil by the

school tax rate in each given instance, I find that in one school district, the board of education will receive $92.40 per pupil and from that amount upward to the highest where that board of education will receive $470.25 per pupil from those real estate taxes. This represents an extremely wide range of income and very naturally the board of education with the highest per pupil income can afford the highest teacher salary schedule and, hence, has little difficulty in hiring well-trained teachers and better facilities. The boards of education from the lowest per pupil income up to the highest, of course, have many difficult problems. The State of Ohio, recognizing these problems, appropriates money so that under a recent law a board of education will receive approximately $1,425 annually for each teacher classroom unit that has 30 or more elementary school pupils or 28 or more high school pupils. There are also other provisions where additional State funds may be received under certain specified conditions. While these additional State funds are of great help and are very necessary, there are still not equal educational opportunities even within the counties of Ohio and much remains to be done to work toward that objective.

Sixth. Why, then, Mr. Chairman, should the taxpayers of Ohio be required to pay additional new taxes in excess of $25 million annually, plus all the added "freight charges" referred to by President Eisenhower, as being the cost of collecting, administering, and distributing Federal funds and receiving in return some $15 million or so for Ohio schools?

Seventh. During the debate yesterday, Mr. Chairman, someone read from a report that Ohio is now some 4,000 classrooms short of its needs. I do not agree that such a shortage exists, because the citizens of the many school districts in Ohio have always shown their understanding and support of school needs. Why only last year, in the period between July 1, 1956, and July 1, 1957, citizens of my third district, according to the official records in the office of the secretary of state, voted additional school bonds in the amount of $16,520,000. This is considerably more than the annual amount proposed under this bill to be allotted to the entire State of Ohio. Assuming, Mr. Chairman, for the moment and for illustration, although I do not agree with the figures, that Ohio needs 4,000 classrooms—these facilities at the going rate of average cost would cost something like $120 million. Sponsors of this legislation say the need for these facilities is urgent and that this proposed legislation should be a one shot affair, not to be renewed. The figures I have indicated as an illustration, conclusively show there is no intention of making this a short-lived emergency measure, but on the contrary admit this is just another plan to make our Federal Government even more powerful in matters of State and local responsibility and thus continue such unjustifiable Federal bureaucracy for years and years to come, until the Federal Government will collapse from its own weight or we have a centralized dictatorship. History has shown that dictatorships have grown and developed by the controls exercised over the minds of growing children through the schools.

Eighth. If, Mr. Chairman, it is deemed necessary and proper for Ohio to contribute some $11 million annually toward the support of needy school districts in other areas, then why shouldn't that amount be levied against Ohio taxpayers so that they would not be bothered with the added expense of paying in and receiving back the $15 million or so to which I referred before? Collection and disbursement costs—freight charges—would be saved on this $15 million.

Ninth. It would be much cheaper and more efficient, Mr. Chairman, for Ohio to do it on that basis and then levy, collect, and disburse its own funds in each Ohio school district plus, of course, its own Ohio school program as decided upon by the people of Ohio.

Tenth. It would also be inexcusable and irresponsible, Mr. Chairman, for us here in the Congress to levy taxes on the taxpayers of this Nation and then dole them out in grants-in-aid programs without proper safeguards, rules, and regulations. Therefore, Mr. Chairman, Federal controls administered by an expanded and costly Federal bureaucracy is inescapable. From my own personal experience as a member of a board of education, Mr. Chairman, I do not want Uncle Sam sitting on our local school boards.

Eleventh. It is also my understanding, Mr. Chairman, that at no time in the hearings on this legislation did any official of any State or any school official testify that they either wanted or needed this legislation. On the contrary, Mr. Chairman, it is my understanding that the officials of State after State have stated that not only is their State able and willing to take care of their school facilities and needs, but also that they want no Federal assistance because they want no Federal control or interference.

For all of these reasons and others which I do not have the opportunity to discuss in the time allotted to me, I shall vote against this bill and I urge its defeat.

Mr. McCONNELL. Mr. Chairman, I yield such time as he may require to the gentleman from Illinois [Mr. McVEY].

Mr. McVEY. Mr. Chairman, it has not been my practice in the past to frequent the well of this House. We have numerous committees which spend a great deal of time in holding hearings on bills that appear before the Congress. It is not my practice to question unduly the legislative decisions which come from these committees. In the discussion of H. R. 1, however, we are dealing with the field of education, in which I have spent most of my career. I believe I have given more years to the study and implementation of educational problems than any other Member of this body. I have administered all levels of education—from the kindergarten to the graduate school of the university.

I know what it means to have a shortage of classrooms, and the difficulties we encounter with the high pupil-teacher ratio. There are those, however, who approach this problem as though it is a new one. Shortage of class rooms is not new to anyone who has spent considerable time in administering educational programs. I cannot recall when there has not been a shortage of classrooms. It is true that this problem is more acute at present than formerly, but I think it is well to remember that even if H. R. 1 is passed by both Houses of Congress and signed by the President, there will still be a shortage of classrooms when 5 years have expired.

It is well to remember, too, that it is not possible to have Federal aid to education without some measure of Federal control. We have had many legislative measures which have been passed for the purpose of aiding the schools, going back for almost a century. It was my privilege to administer an educational program when it participated in some of these benefits. Take, for example, the Smith-Hughes Act, which was passed by the Congress in 1918. That act provided assistance to schools which undertook to promote the Smith-Hughes program of vocational education. This bill provided that the Federal Government would pay one-half of the salaries of vocational teachers in the school. This, too, was a bill that was supposed not to carry with it Federal control. The curriculums of all schools participating in the provisions of the Smith-Hughes Act, however, were closely regulated by the Federal Government. We were told what subjects pupils had to take and, in many cases, the actual size of the classes to be maintained. This is only one of many attempts which the Federal Government has made to assist the schools.

The total amount appropriated for Federal school aid during the 8-year period from July 1, 1949, to July 1, 1957, was $1,997,606,731. It was expended as follows:

School-lunch programs	$569,542,600
Grants to colleges for agricultural and mechanical arts	140,306,000
Grants to States for vocational education	224,699,961
School construction grants to local school districts in federally impacted areas where Federal activities have overloaded the regular school accommodations	593,406,019
Grants to local school districts for maintenance and operation of schools in federally impacted areas	469,652,151
Total	1,997,606,731

The nature of H. R. 1 is not new to those of us who have spent many years in the field of education. We have known many Federal grants for educational purposes. We have had one bill after another, but this one is different from any we have received in the past. It provides for a type of Federal aid to education which many of us feel is more dangerous than anything we have had in the past. There is the feeling, too, that many States in the Union prefer to finance their own school systems without any interference from the Federal Government. It is the belief of many that the Federal Government is already taking too much money from the States and not leaving enough in the way of funds to support schools and local governments. The total indebtedness now of all the States is slightly more than $13

billion, while the indebtedness of the Government is more than $271 billion. Formerly, the Federal Government took about 25 cents of each tax dollar, and now there is paid into the Federal Treasury approximately 75 cents of each tax dollar. Our trouble rests in the fact that there is an insufficient amount of the tax dollar remaining at home to support schools and other responsibilities of local governments.

It is my feeling that the 1-percent withholding of the Federal income taxes paid by any State to the Federal Treasury would constitute a program that is much superior to that outlined in H. R. 1. This money would be left in each State to be spent as the school agency of that State thinks best. This program would not involve any type of Federal control. The States would be allowed to spend their own money. I believe this system is far to be preferred by the majority of the States. The drain upon the Federal Treasury would compare very favorably with the drain that would be caused by the implementation of H. R. 1. Many States, of course, would receive more in funds, and others would receive less. However, it is my feeling that every State in the Union is capable of supporting its own schools if given that opportunity. The State of Illinois, for example, under the 1-percent withholding plan, would receive $52,029,000 for 1 year. Under H. R. 1, it would receive $36,682,000 during 3 years. Illinois, of course, is one of the favored States under a program of this character. However, the support of this provision does not rest alone with the State of Illinois. For example, the Sumter Chamber of Commerce, located in Sumter, S. C., states that that organization is definitely opposed to Federal aid to education as provided in H. R. 1. South Carolina is one of the States that would profit considerably by the provisions of H. R. 1. However, notwithstanding this fact, we find throughout the United States many organizations that are opposed to Federal aid to education. The plan providing for 1-percent withholding of the Federal income taxes meets the objection of many of those who are opposed to Federal aid to education. It does furnish, however, an excellent plan to aid the educational program of this country. In my opinion, it is superior to the provisions of H. R. 1.

Mr. McCONNELL. Mr. Chairman, I yield such time as he may require to the gentleman from Indiana [Mr. BROWNSON].

Mr. BROWNSON. Mr. Chairman, I am taking this opportunity of speaking, today, in an honest attempt to clear up a few points which seemed vague to me as I listened to the debate yesterday. I shall waste no time assuring the House of my sincere interest in education or my devotion to the welfare of children. I am sure that every Member who has spoken on either side of this debate has equally sincere motives and the very best of intentions.

After listening to the discussion yesterday and noting the rapid progress being made in school construction by the separate States, I am somewhat concerned as to whether the advocates of Federal aid are fast enough to keep up with their own good intentions. Do I detect a certain desperation in the advocates of this legislation which suggests this is their last opportunity to enact this bill before the problem is solved without invoking Federal aid?

The issue before the Committee today is not whether we want our children to be well educated. It is even not the issue today as to whether air-conditioned modern schools with fluorescent lighting and splendid auditoriums, shops, gymnasium facilities, activity rooms, and cafeterias actually produce better educated youngsters. The issue today is simple. The issue is: Who can best provide the funds and supervise the program of school construction required to meet our growing population's needs. The issue is not whether schools are run down and inadequate. The issue is: what echelon of government is best qualified and the safest level to provide the funds and supervise the program to replace these structures?

Yesterday we saw picture after picture of school buildings in disgraceful condition. It almost made the point that no school building is completely worthless—it can always serve as a horrible example for a Federal-aid enthusiast. All of us recognize that it may cost more to replace an inadequate school building than some small communities can afford. For these communities whose facilities are outgrown, I have sympathy, understanding, and a plan which is working in Indiana and will work elsewhere. This I will discuss in a few minutes.

Yesterday we saw photographs of unpainted, ill-kept shacks called schools. I submit that the terrible conditions we were shown indicated more than obsolescence and inadequacy. In many cases these photographs show sheer neglect, carelessness, indifference, uncleanliness, and waste. Did these communities lack completely for a dollar's worth of nails and a half dozen able-bodied men to keep the schools they were using in rough repair? Are these school districts so lazy and unimaginative they could not find $20 worth of paint and 6 parents willing to brighten up and preserve a building obviously neglected for 20 years? If the Federal Government were to build these communities brand new schools tomorrow, and if these same communities neglected the buildings like so many of them neglect the buildings in the photographs we saw yesterday, the new buildings would look equally run-down in short order.

Federal aid to school construction will not pay a janitor or a maintenance man or organize a community to fight for better school conditions with the materials it has at hand. You simply cannot spoon-feed people and still kindle the do-it-yourself spirit so obviously lacking in a community where schools are allowed to rot, deteriorate, and fall down for the lack of a few dollars worth of lumber, paint, and nails, and the energies of interested parents.

During the debate yesterday, much was made of the point that under the Mutual Security Act, American taxpayers' money would be spent overseas to build schools and finance programs denied to American boys and girls by opponents of this bill. This is a sweeping generalization which is heard in one form or another, more and more often here in the House. Reduced to its simplest terms it means that for every dollar the speaker believes has been wasted in foreign aid we should spend another dollar for a project here at home, a project in which he has an interest but which he chooses to justify on the basis that charity begins at home. In other words, two wrongs can make a right. This, of course, is not the issue under discussion here today. The issue before us today is not foreign aid or its wastefulness; the issue actually is: Who can best build, program, and pay for the schoolrooms we need—the Federal Government or the township, county, and State governments who have been making such headway in the building of schools as evidenced by the figures in the minority report?

The last words of a great and human man were quoted yesterday. In his address to the students of the University of Virginia, the late Vice President Alben Barkley said:

> No free nation such as ours can long endure when its duly elected representatives in the Congress, in the name of economy, neglect the vital bastion on which the Republic stands—the education of its citizens.

With this statement I agree. For over 180 years the Congress has protected the vital bastion on which the Republic stands by repeatedly and wisely rejecting legislation such as we have before us today. For 180 years the Nation has endured—free. Those of us who oppose this legislation today do it in the interest of defending the principle to which Vice President Barkley spoke—the education of its citizens. It is all too easy to confuse education with facilities. Asked the question as to whether he would favor the Federal Government doing for the States what they have demonstrated they are capable of doing for themselves, I have no doubt as to his answer.

Yesterday the gentleman from Indiana [Mr. MADDEN], mentioned the critical problems in his own Congressional District which is made up of Lake County, Ind. If he has secured carefully documented facts as to the specific classroom needs and shortage in Lake County, he has information which the State superintendent of public instruction and the Lake County school officials have never been able to secure when questioned by educational researchers.

Educational experts who have studied Lake County indicate that its school problem comes primarily from too many school units and underassessment. Surely these problems can be solved within counties and within States without Federal aid or Federal planning to force a solution on the citizens and their duly elected local governments.

Lake County's school problem certainly does not stem from lack of wealth. To the extent that there is a school building problem in Lake County, it is caused by these two things: First, gross underassessment of taxable property and, second, refusal to consolidate the 22 separate school districts in the County.

In 1955–56 Lake County had an enrollment of 92,621 pupils and $653,092,975 in assessed valuation. This is the equivalent of about $210,000 of taxable assessed valuations per classroom unit, but this information is misleading unless we consider the actual cash value of the taxable property in Lake County.

According to the Indiana State Board of Tax Commissioners, property in Lake County was assessed at only 22.27 percent of its actual value in 1955. Using actual cash values, Lake County had about $2,900 million or about $960,000 of taxable property per classroom unit in 1955–56. Marion County, the district which I represent which includes Indianapolis, and is the largest county in the State, has about $940,000 of actual wealth per classroom unit.

While property tax rates in Lake County appear high it is largely due to the fact that real estate is assessed at only 22.27 percent of its actual value. This means that the effective tax levy in 1955–56 for Whiting, Ind., was only 35 cents per $100 of actual cash value. In Hobart Township the effective tax levy was about $1.09 per $100 of actual cash value. These are the effective tax burdens for the wealthiest and the poorest school districts in the county. The wealthiest one spent about one-third of 1 percent of its property wealth for schools and the poorest one spent about 1 percent of its taxable wealth. Neither figure is very high.

By consolidating its school units, Lake County could virtually eliminate its own school problem. In most Southern States, we have only one school unit per county. This means that all the taxable wealth of the county is behind all the pupils in the county. Lake County, Ind., has 22 separate and distinct school units. Some of these are poor and some of these are wealthy. Money from the Federal Government will not solve their problem because their problem is not primarily financial in nature.

Such a multiplicity of school units is bound to create complications. Most of the school units in Lake County are growing, but between 1946 and 1956 the enrollment of Whiting, Ind., decreased by 15 percent. The enrollment of Hanover Township increased 160 percent but Hanover in 1955–56 was levying a tax rate of only 10 cents per $100 of assessed valuation and the assessed valuation was only 22.27 percent of its actual value. Two school townships in Lake County levied no tax for school building purposes in 1955–56.

Several of the Lake County school districts are so small that they should consolidate without regard to wealth inequities. In 1955–56, Eagle Creek Township had only 22 pupils per grade, Winfield had only 21 pupils per grade, West Creek had only 76, Schererville had only 35, and Munster had 90.

Lake County, Ind., has a problem but we in Congress cannot solve it unless we force the people of Lake County to consolidate their schools and assess their taxable property at realistic values. When a school consolidation bill was before the 1957 Indiana Legislature, a Lake County representative—Mr. James S. Hunter, of East Chicago—was asked if he favored this consolidation bill, he replied that if Lake County consolidated its schools it would be more difficult for Lake County to get Federal school aid.

In addition to the money which Lake County school units realize from local property tax levies, they also receive substantial amounts of State aid. In 1955–56 the school districts in Lake County received approximately $6,900,000 in State aid. In 1957–58 it is estimated that Lake County school units will receive at least $8 million in State aid.

I should like to call to your attention the fact that the $8 million which Lake County schools will get from the State in the coming school year is just about the same amount that H. R. 1 proposes to give to the entire State of Indiana.

Such an increase was made possible because the 1957 Indiana Legislature increased State aid appropriations by $40 million. In addition to the regular State grants received by Lake County school units, approximately one-half of those school units have borrowed money from the State at an interest rate of only 1 percent. State funds have been loaned to Hobart City, Hobart Township, St. John Township, Calument Township, Cedar Creek Township, East Gary, Hammond, Munster, Ross Township, and Center Township. Griffith district is expected to secure one of these low-interest-rate loans in the very near future.

Appropriated by the 1957 Indiana Legislature was $199 million to help finance local schools in school year 1957–58 and 1958–59. Included in this amount was $7 million for school construction. Indiana also has a $13,800,000 loan fund. This was increased from only $5 million by the 1957 legislature. The school districts in Lake County are making good use of this loan fund. Indiana has still another $30 million fund, the common school fund. Money from this fund is loaned to school units which cannot sell school building corporation bonds.

Incidentally, even though the maximum interest rate of school building corporations at the present time is only 4 percent, only 27 out of 120 issues from 1949 through 1956 sold at a 4-percent coupon. Fifty-five issues sold at a 3½-percent coupon or less.

The Washington Sunday Star for May 26, 1957, carried an interesting article detailing the Indiana plan. Allow me to read a few brief excerpts from this article by Phil Yeager:

A PACKAGE DEAL

Under the new Indiana plan, a district wanting a new school advertises its intention to build with a description of what it wants. Bidders submit design and a construction bid combined, which cuts fees as well as costly construction corners. A single contract is let with a company which finances and builds the school, even providing the site if necessary. Component parts of the school are made, and sometimes partially assembled, at the builder's plant and shipped to the site where the school is erected.

Construction time under the new system is likely to be half, or even a third, that of conventional schedules. When the building is finished it is leased by the builder to the school board for a period of years, at the end of which time title passes to the appropriate school authority.

The Indiana General Assembly passed an offsite construction act which permits the acquisition, assembly, and construction of schools away from the eventual site to take advantage of the economies allowed by prefabrication and provide flexibility by allowing the use of component parts assembled according to local needs, locations, desires, and plans. The law also provides for conventional construction.

In order to ease financing problems, the Indiana General Assembly passed a profit and lease act which authorizes private financing of new schools by permitting school boards to lease sites and buildings through private corporations for profit. School boards contract with private groups to provide the site and the school and, in the process, arrange for their long-term lease. A fair and reasonable rental is allowed such private groups to be paid out of local taxes. When the leases expire, and they run up to 50 years, the school becomes the property of the community. School boards have the option of purchasing the facilities outright at any time. If such outright purchase is made during the first 10 years of the lease a nominal penalty is attached.

Indiana is not alone in pioneering this program. To quote from Phil Yeager's article in the Washington Sunday Star:

Four other States—Maine, Pennsylvania, Georgia, and Wisconsin—are also authorized to make use of the lease-purchase principle. But none of them has advanced to the stage set by Indiana and, apparently, no other State has ventured into this kind of financing.

It is reported that a delegation of interested businessmen will be meeting with Members of Congress in the weeks ahead to draft legislation that would authorize Federal insurance for such purposes.

Among those who feel that a Federal insurance plan is needed, there seems to be a companion belief that if it can be obtained Indiana's plan might well go over on a national scale.

Two of my three children attend schools built last year under the Indiana plan. Our suburban Washington Township adjacent to Indianapolis with an estimated population of 45,000 and a school enrollment of 6,650, has an assessed valuation of property amounting to $53 million. This amounts to an assessed valuation per student of $7,940 per student.

My neighbors and I are now paying a tax rate varying from $6.97 to $8.26 per hundred. Of these varying tax rates in the township $5.76 per hundred is used for schools in all districts. Perhaps this explains why our people, willing to tax themselves heavily for the education of their own children are unwilling to pick up a Federal tax tab for the education of children in other States where there has been a noticeable unwillingness on the part of the citizens to tax themselves for the education of their own children. When they realize that Indiana will pay out $1.46 in Federal taxes for every $1 she receives back in the form of Federal aid to school construction; paying out $81.6 million to receive $56 million does not make good sense to most Hoosiers.

This small township of ours operates 9 schools with 244 teachers, a teacher-pupil ratio of 27.2. The operating cost per pupil is $265. North Central High School with 1,082 students, 72 classrooms, and 56 teachers was built in 1956. Eastwood and Westlane Junior High Schools with approximately 500 pupils each and with 49 classrooms and 23 teachers were built in 1956. Additions were constructed to existing grade schools last year. A rapidly growing community can solve its school problems if it is willing to tax its citizens and avail itself of enlightened techniques made available by education-conscious State administrations and State legislatures.

The basic issue under discussion today is essentially a simple one. It is: What echelon of government can best provide the funds and supervise the problem? Surely safety and protection needs of our expanding population. At a time when the Federal Government is $275 billion in debt, who can question that the communities and States are in a better financial position to solve the problem? Surely safety and protection of liberty also lie in that direction.

Mr. McCONNELL. Mr. Chairman, I yield such time as he may require to the gentleman from Virginia [Mr. POFF].

Mr. POFF. Mr. Chairman, except for a few quantitative and qualitative modifications, the Federal school construction bill this year is the same as last year's bill which I opposed. Unfortunately, there are a few Members of this body and a great many lobbyists who would make it appear that those of us who oppose this legislation are opposed to the cause of education. Of course, that is a ridiculous and irresponsible charge. For my own part, I am prepared to believe that every Member of Congress is dedicated to the educational welfare of America's children, regardless of what position he takes on the pending measure. This is a question of principle and a question of approach and not a question of objective.

I oppose the Federal grant program authorized by this bill for many reasons:

First, there is no crisis in the school construction program which the States individually cannot meet without Federal money gifts. In the last 10 years increasing enrollments and obsolescent school facilities allegedly created the need for 290,000 new classrooms. The figures show that the States and localities actually built 470,000. In fact, in every year since World War II the States and localities have built more classrooms than estimated as the prevailing need by the United States Office of Education. In 1947, 9,600 classrooms were needed; 16,000 were built. In 1950–51, 20,000 were needed; 44,000 were built. In 1955–56, 38,500 were needed; 67,000 were built.

Today, the estimate is that 80,000 classrooms will be needed to provide for increased enrollment and 79,000 to replace unsatisfactory facilities. According to figures recently compiled by the Investment Bankers Association of America for the 8-month period, October 1, 1956, to May 31, 1957, the States and localities have floated and sold 1,928 school bond issues for a total of $1,523,654,000. Records prove that 30 percent of school construction is financed on pay-as-you-go plans. Accordingly, if the foregoing figure is increased by 30 percent, the total provided during the 8-month period for school building is about $2.2 billion. If the average classroom cost is $30,000, this means that 72,500 classrooms were provided for in that 8-month period. According to testimony before the committee, 69,200 classrooms had been financed prior to October 1, 1956, for construction during the 1956–57 school year. Adding these figures together, 141,700 classrooms have been financed and about 134,800 should be constructed during the current year. If future bond sales during the remainder of 1957 are equivalent to those already consummated, it is obvious that the States and localities have already solved the crisis themselves.

Figures were recently compiled projecting classroom needs over the next 4 years. Complete estimates were available for only 28 States. Of that number, only 4 States, based on the last 2 years' history of financing and construction, were expected to have a classroom deficit by September 1961. Like 24 other States in the survey, Virginia is expected to have a classroom surplus, even if the State reduces its present rate of construction. According to the survey, Virginia needed 4,974 classrooms in September 1956 to eliminate overcrowding and to replace unsatisfactory facilities. Increased enrollments from September 1956 to September 1961 of 89,300 pupils will create a need for 2,976 additional classrooms by the latter date. This makes the total need 7,950. At the capital outlay rate of $56.5 million a year in the latest 2 years, 7,533 classrooms would be constructed in the 4 years, September 1957 to September 1961. Another 993 classrooms are being completed in the year ending September 1957. That would make the total of classrooms added 8,526 which is 576 more than the 7,950 which will be needed by September 1961. Obviously, Virginia can meet its needs by 1961 with a smaller construction program than that of the past 2 years.

Those who proclaim a crisis have also argued that the per capita income of the poorer States is insufficient to finance the school construction needs of the school-age population increase. The figures do not support that argument. Between 1950 and 1955 personal income in the 12 poorest States increased by 33.8 percent. In the same period, school-age population increased by only 11.2 percent. The 12 lowest income States have had the smallest increase of school-age population, both absolutely and relatively, and they have had next to the highest rate of increase in personal incomes.

These figures demonstrate that the individual States already more than meet their requirements and ultimately can remove the classroom deficit without Federal assistance. The report of the Education Study Committee of the Commission on Intergovernmental Relations established by the Congress—which is composed of 15 men and women, 11 of whom were professional educators—contained the following significant statement: "The cost of the expansion and enrollment in the next 10 years can be taken care of by State and local governments if they continue to increase their school contributions at the rate at which they have been boosting them in recent years."

The White House Conference on Education, populated largely by educators, took a similar position when it said, "No State represented has a demonstrated financial incapacity to build the schools it will need in the next 5 years."

Unquestionably, if the States are too poor to build schools, the Federal Government is too poor. The whole is no stronger than the sum of its parts. In fact, the whole is not as strong as the sum of its parts. The Federal debt is approximately $274 billion. The combined debt of all of the 48 States and localities is only $47.8 billion.

Second. Federal-aid grants might delay rather than advance school construction. If a grant program were on the books, the tendency would be for the local school districts to postpone the construction of all new schools, hoping to get Federal assistance. As the Education Study Committee said:

> Districts not eligible in one year may hold off their building plans on the chance of being able to buy their schoolhouses at 50 cents on the dollar a year or two later.

Third. This grant program would penalize progressive local school districts. Many communities have already sold their bonds or taxed their citizens and built all of the schools they need. Having no further need, they would not be eligible to receive Federal funds.

Fourth. The grant program would raise difficult questions and policy issues with reference to private and religious schools. Approximately 12 percent of the schoolchildren in the United States are educated in such schools. Their parents pay the taxes which would help finance the Federal-grant program. To deny them Federal funds would raise grave charges of discrimination. On the other hand, to grant them Federal funds would raise the charge of violation of the principle of separation of church and state.

Fifth. The Federal-grant program would become permanent legislation. While its proponents insist that it is temporary only, designed merely to meet an immediate crisis, all of the history of Federal-aid programs demonstrates that once the Federal Government launches itself upon such a program of largesse, it is never willing to surrender. The politicians make it a pork barrel, and they seem to find it exceedingly easy to prolong the crisis, and when it has finally subsided, to create a new one. Section 312 (b) of the bill creates a contingent liability for Federal payment of defaulted State school bonds for up to 32 years. Legislation the effects of which continue until the year 1994 could scarcely be called temporary.

Sixth. The Federal grant program suggested by this legislation would be a door opener. It was said that the program would apply only to school construction. However, it is plain that the ultimate purpose is infinitely broader. Governor Stevenson, one of the leading

proponents of Federal aid to education, on July 6, 1955, made a speech wherein he stated that "We must start with passage of the proposal now before Congress." He went on to say that we should not "tie Federal assistance to specific purposes, such as school construction, but rather make unrestricted cash grants to the States on a per pupil basis." He then advanced a suggestion for federally financed scholarships and a new grant program of $50 million a year for education of public school teachers. This, he said, was "just a beginning."

Seventh. Power follows the purse. The Supreme Court, in the case of Wickard against Filburn, has held that what the Supreme Court subsidizes it can control. Federal aid proponents said that this legislation provided no Federal controls and pointed with pride to language in the bill which piously outlawed Federal regulation. However, only a cursory examination of the 36-page bill reveals detailed instructions concerning the allocation of funds and the administration of the program. The Powell amendment, which very likely will be adopted, will deny all funds to States where the races are segregated in separate schools. Even if this amendment is not adopted, it still is inherent in the bill. That is, the United States Commissioner of Education, by administrative action only, will be able to deny funds to segregated schools. This was proven recently when the Civil Aeronautics Administration, without statutory authority and by administrative action alone, denied funds to segregated airports. Moreover, even without the passage of this amendment, an individual or an organization can bring a suit in the Federal courts to prohibit payment of school funds to a State where segregation is practiced.

So it is apparent that the bill already contains an abundance of Federal control. If the present legislation can be so circumscribed, think what can happen in the future. Using this as a precedent, and therefore a subtle form of justification, future advocates of Federal centralization will be able to extend Federal dominion and control to include not only school construction but education of teachers, selection of teachers on Federal criteria, selection of textbooks, prescription of curriculums, fixing of extracurricular activities and even authority over scholastic athletics.

It goes without saying that he who controls the diet of the things we learn can ultimately control our thoughts. Centralized education authority means standardization of educational processes. The strength of our Nation lies not in our uniformity of thought and action, but rather in our differences. We are great because we are different and, being different, compete each with the other. Our habits, our customs, our mores are different largely because we have insisted upon local control of education. After all, education is not and cannot be national in scope. It is not interstate; it is not even statewide; it is by its nature confined to the community level. That is true because it directly affects the unit component of all our American society, namely the individual family. Because it is so close to the family and because it is so vital to the family's welfare, control over it should be retained at the local level where the parents of our children can elect and can defeat the local school and government officials who administer it. The United States Commissioner of Education, a Federal bureaucrat who is not elected by the people and is far-detached from them, should not—today, tomorrow, next year, or next decade—be empowered to dictate how each local community will build or manage its local school system.

Unquestionably, more schools are desirable, but the fact is that the States could and would build more schools except for one thing. The Federal Government today has gobbled up practically every source of revenue. It taxes nearly every sale, service, and commodity. The States have little left to tax except property and income, and even in that category, billions of dollars annually are siphoned out of the States in Federal individual and corporate income taxes. A Federal-aid program would require additional Federal-tax revenue which would further aggravate this situation.

The Federal Government can give to the States nothing which it does not first take from the citizens of the States, and the amount it gives is the difference between what it takes and what it costs to administer the program—costs of new employees, office facilities, paper work, postage, telephone, travel, and so forth.

I have introduced a bill which would, first, save these overhead expenses; second, preclude the danger of Federal control; and third, enable the individual States to build their own schools with money collected from their own citizens in accordance with their own judgment. My bill provides in part as follows:

> That 1 percent of all income taxes collected on individual and corporate incomes under Federal statutes shall be deemed to be revenue for the State or Territory within which it is collected, for use, for educational purposes only, without any Federal direction, control, or interference.

The district directors of internal revenue are directed to transfer this money to the State treasurer. Thereafter, no Federal official would have any control over it. It would be spent under the exclusive direction of State officials for educational purposes. There is ample legal precedent for my bill. For instance, in Public Law 630 passed by the 81st Congress, all Federal income taxes collected from American citizens in Guam are turned over to the government of Guam.

When the bill is read for amendment, this plan will be offered in the nature of a substitute for the pending legislation. I hope it will receive sympathetic consideration.

Why is it that our citizens who are so sincerely interested in the cause of education come to Washington? Why do they not go to Richmond or to their local school board, board of supervisors, or city council? Could it be because Uncle Sam is such a notorious "soft touch"? It might be well for all of us occasionally to stop and remember that whoever begs for bread at the Federal door must chop wood at the Federal command.

Mr. McCONNELL. Mr. Chairman, I yield such time as he may require to the gentleman from New York [Mr. DORN].

Mr. DORN of New York. Mr. Chairman, the Federal Government should participate in the field of school construction if there is a definite and obvious need and it is in the national interest.

I am informed that there are 2,250,000 children in crowded classrooms and double sessions, and hence, they do not receive a proper education. This certainly is a definite and obvious need. Many States and local communities have not accepted their responsibilities and provided adequate facilities for the education of its children even though they may be able to do so. That does not mean that the Federal Government should shirk its responsibility nor does it mean that a Representative of the State of New York should refuse to acknowledge national responsibility merely because he believes his State and community can handle the problem. The children of backward States may eventually become citizens of New York State. Those of us who live in New York City know how many of our neighbors were born and brought up elsewhere.

I do not believe that any of our children should be underprivileged, no matter in what State they live. It is in the national interest to encourage greater school building by the communities to protect the welfare of their own children. This bill continues this responsibility on the shoulders of the communities themselves, exactly where it should be, and gives Federal encouragement and help.

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

Mr. SCUDDER. Mr. Chairman, I have introduced a bill which I feel will meet the school construction needs immediately and is so understandable that I believe anyone can see its advantages almost at a glance. My bill reads as follows:

> That 1 percent of the moneys collected annually as Federal income and corporate taxes shall be returned in quarterly installments to the State, Territory, or the District of Columbia (as the case may be), from which such Federal income and corporate taxes were derived, to be used for school construction; except that no amount in excess of $100 million shall be returned to any State or Territory or the District of Columbia for any annual period pursuant to the provisions of this act.
>
> SEC. 2. The provisions of this act shall be effective with respect to moneys collected as Federal income and corporate taxes for the calendar years 1958, 1959, and 1960.

When H. R. 1 is up for amendment, I intend to offer this bill as an amendment. If enacted it will provide a return of moneys to the various States in the amount equal to 1 percent of the Federal income and corporate taxes paid by each State on a quarterly installment basis.

The bill which we are considering provides for setting up a Federal authority

with a commission to administer this program. We all know that when Federal funds are expended, there must be some type of Federal control, and the rules and regulations set up by the commission will without a doubt have to be recognized and complied with by the State agencies. It has been pointed out that many States would not presently have sufficient laws to accept this money.

My bill would make it easy from a fiscal standpoint as the money is returned to the States and could only be used for school construction purposes. The bill would only be effective for the calendar years of 1958, 1959, and 1960, and during that time would return to the States far in excess of the moneys provided under the Kelley bill. If the Kelley bill should go into effect the taxpayers of the various States would be required to match the Federal fund through local and State taxes.

I have provided that no State should receive in excess of $100 million a year. This limitation only applies to the State of New York, but I feel there is an equity owing to the fact that so many nationwide corporate entities are domiciled in the State of New York, and there should be no objection to that limitation.

Many of the States under my plan would receive more money than is provided by H. R. 1. Some of the poorer States would have a difficult time raising the matching requirements. The philosophy of need has been greatly reduced from the original Eisenhower program and is based on the need which has been established in the past. With the great shift in population no one knows where the greatest need for school housing may be 3 to 5 years from now. I believe the provisions of my bill are fair and equitable and should not be objected to by anyone. If the States cannot use the amount of money returned to them during the yearly period, there would be nothing against stretching their building program out over the next 5 years or more.

I trust that when my amendment is offered as a substitute for H. R. 1 that the Congress in its wisdom might see fit to adopt this program which most certainly is one of equity to every State. I believe that every Member of Congress feels that our educational system should be completely within the control of the separate States. I believe our educational system should be competitive in order to provide the best educational facilities to perpetuate our American way of life. I am very fearful of the results of Federal control of any kind and will appreciate your support of my amendment.

Mr. McCONNELL. Mr. Chairman, I yield such time as he may require to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Chairman, my vote will be cast against the pending bill. In my judgment, it is unnecessary. It is another usurpation by the Federal Government of the constitutional authority reserved to the States and to the people thereof.

It is in direct violation of the 10th amendment which states:

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

Notwithstanding that express provision, on April 2, 1956, in a decision written by Mr. Chief Justice Warren, from which Mr. Justice Reed, Mr. Justice Burton, and Mr. Justice Minton dissented, the Court held that a Pennsylvania statute which attempted to punish sedition against the State and Federal Governments did not apply to a case where there was no evidence of sedition directed against the government of Pennsylvania because the Federal Government had preempted the field insofar as sedition against the Federal Government was concerned by the enactment of the Smith Act of 1944, as amended in 1948.

As long as the law so laid down by the Supreme Court in Commonwealth of Pennsylvania against Steve Nelson continues, it is evident that Federal legislation in connection with the construction, maintenance, or the operation of public institutions of learning may govern if this bill is adopted. There will be an ever-growing tendency on the part of the Federal Government to control the education of the youth of our land.

Nor is it logical to argue that the Federal Government is not involved in the program.

A moment's thought should convince one that, where a Federal dollar matches a State dollar, whatever may be the argument from a legal standpoint, in the practical situation we know that almost every contract, at the insistence of some union, carries a clause that the prevailing wage shall be paid. We know that when Federal dollars are spent, the Davis-Bacon Act, the minimum wage law, the Walsh-Healey Act follow that dollar.

Cases can be cited where local communities have issued and sold bonds, entered into contracts for the construction or repair of their school buildings—some, where a Federal dollar was not in sight, the contractors and the unions agreed to a prevailing wage scale and that, in effect, was fixed by a Federal administrator.

While some assume that this legislation is but the implementation of a temporary, emergency situation, experience has demonstrated that programs of this kind seldom wither and die; almost inevitably expand, grow, and continue indefinitely. That from time to time, provisions are written into the law, ever giving the Federal Government and its bureaucracy increased control.

My views are carried in the minority report—additional views were written by me and concurred in by the gentleman from New York [Mr. Bosch]—report on H. R. 1—House Report No. 489, pages 60 to 61.

Let me repeat what was then written.

Notwithstanding arguments to the contrary, the fact remains that, when the Federal Government furnishes funds to aid a local activity, it always exercises some degree of control as to the purpose and the manner in which the funds shall be expended.

It is also apparent that once a Federal dollar goes into a State or local project, Federal contributions and control inevitably grow until ultimately the views of the Federal bureaucracy are supreme, even though the funds expended either by the State, the local organization, or the Federal Government always come from tax payments—the Federal Government having no other source of income.

During the 1930's, Communists in policymaking positions in the Government exerted a powerful influence in all Government operations. They were welcomed at the White House, on Capitol Hill. In many of the activities of the Government, they were in control of Federal policies, methods, and expenditures.

It would be an absurdity, as well as an untruth, even to hint that the many patriotic, sincere, devout Americans who support Federal aid to education even realize—much less advocate—the participation of Communists in this program.

Nevertheless, as has been frequently stated by our colleague from Minnesota, Dr. Judd, a member of the House Committee on Foreign Affairs—a longtime missionary in China, a consistent advocate of participation of the Federal Government in foreign-aid programs—there are, even today, Communists in influential positions in the State Department, which directs the program.

Our colleague has waged an incessant war to eradicate them. His candor and knowledge of the facts force him to admit communistic influence is still powerful in the State Department. The same may be said of some other Government operations.

Communists are shrewd. From time to time, they change the label on the remedy which they always offer, but which, basically, is invariably the same.

They have been wise enough, farsighted and efficient enough, to inject themselves into policymaking and administrative positions in the Federal Government.

They were the controlling influence in the sitdown strikes which inaugurated a program of overthrow of the Government—that is, its law-enforcing agencies—by force. Their influence in some unions has been all-powerful.

They realize that they can further their cause quickly and effectively if they control the teaching of our youth.

Just as in the labor movement, when it was dominated by Communists like Lee Pressman, John Abt, Nathan Witt—who were holding at one time or another, influential positions in the Federal Government—the Communists now have deceived many a patriotic and sincere supporter of the drive to place the Federal Government in control of our educational program.

Well is it remembered that, during the early fight on the Communists, one of the major dailies in Michigan made the charge, slightly veiled, that I was mentally deranged and saw a Communist under every bed. In answer, it

might be said that I have never dreamed of one under the bed of the average citizen, but that, all too frequently, Communists have been uncovered when under the protection of those in authority, or well-meaning citizens who were prominent in a crusade for what was labeled "the betterment of humanity." It is unfortunate that, so often, so many advocates of a worthwhile objective are so blinded to the facts of life that they refuse to accept realities.

Because bitter experience has taught me that some of the principal advocates of Federal aid to education are, at the worst, furthering the Communist purpose—at the best, advocates of socialism or paternalism—I cannot go along with the proposed legislation.

The truth of the statement that "the hand that rocks the cradle rules the world" has seldom been questioned.

"Just as the twig is bent, the tree's inclined."

If the shrewd, determined, and ever-persistent Communists can gain a foothold in the education of our children, they can forget their efforts to overthrow our Government by force, for the future will bring the accomplishment of their objectives.

If the foregoing paragraph seems far-fetched and unjustified, silently contemplate for a few moments the power exercised by the Communists in our Government from 1930 on—not forgetting their part in the successful silencing of Dr. William Wirt, Senator Joseph McCarthy, and other opponents of communism.

In its general trend—in that it tends to deprive the States of their constitutional authority, the citizens of rights which should be inalienable, the civil rights legislation now pending in the other body, and which the House so quickly adopted—it is another move to deprive the people of their right to govern themselves.

The House, either because of emotion—which plays so large a part in our daily decisions—this bill because of political pressure, or the pressure from groups financially and politically powerful, and with administration pressure back of it, may go through the House.

Much as I desire to go along with my President and his administration, I just cannot vote for its passage.

Mr. MCCONNELL. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. WAINWRIGHT].

Mr. WAINWRIGHT. Mr. Chairman, it is a very difficult thing for someone who is unaccustomed to addressing the membership of the House from the well to follow such a noted and competent speaker as the gentleman from Texas [Mr. DIES]. This is particularly true when the speaker is extremely sympathetic with the viewpoint and the remarks made by the gentleman from Texas. In a debate where we have 4 hours of debate extending over 2 days, it is very difficult to point out to the membership anything new or anything relevant to the debate because so many Members have already made up their minds as to what they are going to do regarding the various proposals that are to be made. When we reach the amendment stage, I intend to introduce an amendment which I have heard reported to be of a controversial nature. Rather than take the time of the committee to discuss it at this point, I would like to call the attention of the membership to certain other features of the bill and the facts surrounding the bill which have heretofore not been discussed on the floor.

Mr. Chairman, much is made of the fact that opposition to Federal aid to education comes from the NAM and the chambers of commerce. We who believe that the Federal Government has no place in the field of general education are accused of being the tools of these powerful business organizations.

This is ridiculous. Obviously it is far more platable, politically, to be in favor of any form of public giveaway. This is made especially attractive when the word "education" is thrown in. It allows the opponents in a political election year to point to a man who voted against Federal aid to education and say, "See, he's against little kiddies in schools."

No Member who votes against this bill—nor any Member in this House for that matter—is against schoolchildren or education. We merely believe that it should and can be done at the local level where it belongs. All evidence heard before the Education and Labor Committee, of which I have been a member during the past 5 years, has proved this beyond the question of a doubt.

Mr. Chairman, during the course of this year I have received a good deal of mail in favor of Federal aid to education. In one particular area, in Bethpage, Long Island, a drive was started by an intelligent and well-meaning school principal. He urged the parents of children attending that school to "put the heat on their Congressman." This accounted for about 50 percent of my mail in favor of the present bill.

On the other hand, opposition to the bill comes from independent citizens whose thinking has not been guided by any special source. I ask unanimous consent to submit for the RECORD, certain letters that I have received. These present the most clear-cut evidence of basic American thinking. I should like especially to call to the attention of the House an editorial written May 16, by the Long Islander, one of New York State's most respected weekly newspapers.

Another vigorous weekly paper under the editorial leadership of Joseph Jahn, has written a number of intelligent editorials on this subject.

A group of prominent citizens on the eastern end of Long Island, established an organization known as Freedom in Education. I ask unanimous consent to submit their letter of June 7, 1957, and a telegram dated March 9.

Under the unanimous consent request, I should like to submit 19 representative letters from citizens expressing their opposition to the bill. It is interesting to note that a number of these letters and cards come from schoolteachers and school principals.

Among the local organizations which have adopted resolutions against Federal aid to education, which certainly do not fall into the chamber of commerce category, are the Biltmore Shores Civic Association in Massapequa, the Suffolk County Pomona Grange, the Suffolk County Farm Bureau, and a number of patriotic organizations.

In concluding my remarks, Mr. Speaker, I believe the House would be interested in knowing that 4 years ago, at the request of Mrs. Hobby, I introduced a Federal aid bill which was a true needs-test bill. However, after listening to months of testimony and seeing the almost complete destruction of the needs test, I changed my mind and withdrew my support of the administration's legislation. It is based on four uncomplicated points:

First. No State proved that it could not adequately take care of the job itself provided it were willing to do so.

Second. The school shortage, without Federal aid, has been reduced by half during the past 2 years. I am using administration figures.

Third. Federal funds should not be used to build segregated schools, which is exactly what would happen under the legislation as it now stands.

Fourth. The entrance of the Federal Government into the field of education will eventually lead to Federal domination of a system which must remain free if we are to remain a free people.

The president of a great eastern university stated in 1949:

I would flatly oppose any grant by the Federal Government to all States in the Union for educational purposes. Such a policy would create an ambition—almost a requirement—to spend money freely under the impulse of competition with other localities in the country. It would completely decry and defeat the watchful economy that comes about through local supervision over local expenditures of local revenues.

Very frankly I firmly believe that the army of persons who urge greater and greater centralization of authority and greater and greater dependence upon the Federal Treasury are really more dangerous to our form of government than any external threat that can possibly be arrayed against us.

I realize that many of the people urging such practice attempt to surround their particular proposal with fancied safeguards to protect the future freedom of the individual.

My own conviction is that the very fact that they feel the need to surround their proposal with legal safeguards is in itself a cogent argument for the defeat of the proposal.

The president of that great university is the same man who is President of the United States today.

FREEDOM IN EDUCATION,
East Hampton, N. Y., June 7, 1957.

Congressman STUYVESANT WAINWRIGHT,
House Office Building,
Washington, D. C.

DEAR CONGRESSMAN: I have, since your visit and talk to members of Freedom in Education at Hampton Bays, followed your weekly reports in local papers with increased interest and want to congratulate you especially upon your latest report, as published in the News-Review on June 6, 1957, regarding present status of the Federal-aid proposal.

I am sure that you feel, as I do, that the continuance of constitutional government, free enterprise and personal liberty are alike seriously threatened, and that any political party which is willing to sacrifice the future

of constitutional government, free enterprise, and personal liberty in this country in order to gain power does not deserve support.

With best personal regards, I am,

Very sincerely yours,

CLIFFORD EDWARDS.

FREEDOM IN EDUCATION: AN ORGANIZATION DEDICATED TO PERSONAL RESPONSIBILITY IN PUBLIC EDUCATION, EAST HAMPTON, N. Y.

"Eternal vigilance is the price of liberty." These words had deep meaning for the founders of our Republic who risked life, fortune, and honor to secure for us the blessings of freedom. This freedom cannot be sustained under a Government which is allowed to become dictatorial.

Because so many people are concerned over the alarming growth of State and Federal control of education, the organization Freedom in Education has been formed. The members of this organization are convinced that Government control of education leads to regimentation of thinking and loss of individual freedom. A return to individual and community responsibility for our educational system is imperative.

This organization is concerned with three disquieting changes which have taken place in our educational system.

First, the tendency to accept State government agencies as the sole power in matters of educational welfare. This power is largely exercised through the administering of financial aid. When you take money you take orders. It is as simple as that.

Second is the obvious departure from the teaching of basic fundamentals so necessary for a proper education. They have been replaced by mediocrity and conformity.

Third, and most ominous, is the propagation, by many educators, of philosophies which are in direct opposition to American ideals.

WHAT ARE THE DANGERS OF FEDERAL AID TO SCHOOLS?

Rightly fearing that any government given excessive power would rule rather than serve the people, the founders of our country established a Federal Government with limited powers. The great increase in Federal powers, with the 16th amendment permitting unlimited taxation, has led to unlimited control over the welfare of the individual.

Let us review the specific proposal for Federal aid to schools. The White House Conference on Education reports that the need for schools is so pressing, nationwide, that only the Federal Government can pay the bill.

In direct opposition to this report are the findings of the Congressional Subcommittee on Education. Congressman STUYVESANT WAINWRIGHT stated at a meeting of Freedom in Education that, without exception, none of the representatives appearing before the committee gave evidence that their own States were unable to finance their own schools.

Why then, the hue and cry to impose Federal aid on schools? We should look carefully into the motives of the National Education Association, whose strong lobbying has been so effective in promoting the plan.

We Americans are quick to open our pockets when the welfare of our children is the issue. We are slow to realize that we have been conditioned toward accepting the force of Government as the chief agent of human advance. The welfare state is fast becoming a reality in this country of ours. There is a positive danger to American principles behind the seeming benevolence of Federal aid to schools.

We ask you to recognize the fact that totalitarian governments have gained much of their control over their victims by the simple expedient of controlling their education. "As the twig is bent, so grows the tree."

Does every proponent of Federal aid have a sinister motive? By no means. Many are sincerely concerned over our educational future but are misled in thinking that Federal control is the answer.

STATE CONTROL OVER SCHOOLS

The educational system of the State of New York affords an excellent example of how financial aid to schools leads to complete control. State aid, as originally proposed, was designed solely to help those schools least able to help themselves.

Its withdrawal from those same schools is nothing less than an extreme pressure tactic to force them into centralization. A 12 percent bonus is given to those who follow the master plan of centralization. This is plainly discriminatory.

Although centralization may be feasible or desirable in some areas, the idea that it is forced on communities against their will and best judgment is repugnant. Further, it is often detrimental to good education.

A large school is not necessarily a good school. A large school, removed from the surveillance of individual and community interest, can become very poor indeed. Without local control, the means to correct wrongs no longer exists.

After New York State is completely centralized, larger areas called intermediate districts are planned. These, of course, will be even more unwieldly, more complicated, and completely under the jurisdiction of one man.

That man is the commissioner of education. His position is completely dictatorial. All his decisions are final and are not subject to court review. It seems incredible that the people of any State could allow their legislators to enact a law enabling one man to be in such a position of power.

The commissioner of education of the State of New York is a law unto himself. Many communities have already felt the force of that law.

WHAT HAPPENS WHEN WE LOSE LOCAL CONTROL OVER SCHOOLS?

We are all familiar with the waste and mismanagement of government bureaucracies. We also know how impossible it is for the average citizen to approach them with a problem. Imagine the difficulties that would ensue should we turn complete control over our schools to any State or Federal agency. Such matters as staff, textbooks, curriculum, sites, buildings, maintenance, transportation, and budget would no longer be determined by the community through their local boards. The concerned parent and the much abused taxpayer would have absolutely nothing to say.

We cannot allow our system of education to be so removed from community control. What will happen if the wrong element gains control of the system? "It can't happen here?" It has in many instances.

DEPARTURE FROM FUNDAMENTALS IN FAVOR OF MODERN EDUCATION

There is something radically wrong when increasing numbers of colleges and universities are forced to offer remedial reading to freshman students. The fact that more students are entering colleges now does not explain this.

We have allowed our primary and secondary schools to overemphasize nonessentials, leaving scant room for courses offering necessary knowledge. Mathematics, reading, English, history, languages, geography, and science have given way in many instances to subjects which should be offered only after these basic requirements are fulfilled.

Conformity, rather than individual growth, seems to be the criterion of success. Mediocrity is acceptable. Report cards are becoming extinct. What happens to a child's mind and initiative when incentive, competition, and substantial work is removed? It becomes diminished.

Can any mind really develop with such courses as How To Act on a Date? The students' ability to socialize might be improved but that is hardly the prime purpose of education. A scholastic education should have one basic function: To confer knowledge sufficient to enable the student to develop and enrich his mind, encourage his aspirations, and pursue his ambitions. In other words, let us teach our children how to think.

PHILOSOPHIES DANGEROUS TO OUR WAY OF LIFE

There is no doubt that collectivism as a way of life is being promoted in many of our schools. Records of Senate investigations give ample proof. We refer you to Collectivism on the Campus, by E. Merrill Root. This book, based on Senate findings, is a factual and powerful exposé of the subversive forces at work in our educational system.

Dr. A. W. Schmidt, assistant commissioner of education in New York State, expressed his collectivist philosophy clearly when he stated: "Today's society is so complicated that there is no room left for individual or community freedom." We question whether complications must lead to loss of freedom. A man can still think for himself, if he retains the right to do so.

Do not underestimate the power of men like Dr. Schmidt to indoctrinate teachers and pupils with this creed. He is second in command over the educational system of one of the most prominent States in the Union. His counterparts are found in alarming numbers all over the Nation.

If this philosophy dominates our classrooms, our children will find themselves stripped of the dignity, prerogatives, and responsibilities of the individual. Freedom, as we know it, will be replaced by conformity. Mass comformity can only lead to mass subservience. What an appalling heritage to leave to our children.

WHAT CAN WE DO ABOUT IT?

We must awaken ourselves and every citizen to the dangers inherent in strong Government control of education. We must show in which direction and how far this control is spreading.

We must recognize and resist all attempts to wrest local control of our schools from us and regain control where it has been lost.

We must convince our legislators that we are able and willing to assume local responsibility for education.

We must encourage our legislators to amend and enact laws curbing the dictatorial powers of policymaking educators.

We must disavow the contention that only the Government and professional educators are capable of molding the minds of our children.

We must reaffirm the belief that proper education of the young is the foundation of personal and national freedom.

HOW CAN WE DO THIS?

We as individuals must take the responsibility.

The first step is to inform ourselves thoroughly. The second is to inform others. The third is to bring our information and desires to the attention of our Government representatives.

This can be done through strong individual effort coupled with membership in "Freedom in Education." Unbridled Government control can be checked when there is an informed, observant public.

The objects in the constitution of "Freedom in Education" are:

1. To uphold the truth that education of the young is the foundation of personal and national freedom.

2. To encourage maximum acceptance of personal and civic responsibility in providing for education.

3. To restore and maintain local control of education.

4. To review any laws or Government policies concerning financial aid which may threaten freedom in education.

The organization proposes to accomplish these objects by means of dissemination of facts and encouragement of individual and group responsibility and action. It shall appeal for legislative cooperation to achieve its aims.

If you agree with the concerns and objects of this organization we sincerely hope you will join us in our efforts.

EAST HAMPTON, N. Y., *March 9, 1957.*

Hon. STUYVESANT WAINWRIGHT,
House Office Building,
Washington, D. C.:

This eastern Suffolk organization is wholly opposed to Federal financing of educational facilities. Exclude this unnecessary and undesirable project from Federal taxation.

FREEDOM IN EDUCATION,
CLIFFORD C. EDWARDS,
President.

[From the Long-Islander of May 16, 1957]

FEDERAL AID FOR EDUCATION?

Congressman WAINWRIGHT recently stated his reasons for opposing Federal aid to education. His argument hinged on three main points, (1) Those States which favor it do so because they would rather duck their own responsibility, take the easy way out, and postpone the fact that the ultimate burden must be borne by the taxpayer; (2) Federal aid legislation now pending would close its eyes to the fact that the Federal tax dollar would be used to build segregated schools; and (3) that Federal aid inevitably leads to Federal control. Mr. WAINWRIGHT also says that not 1 of the 48 States has said it was unable to handle its own school-building program.

What are the arguments on the other side? Primarily that there are certain States which face conditions so bad or so overwhelming that there is little hope they will be able to cope with them on an adequate basis. Most of these States are the victims of their own unconcern. For years Alabama, Kentucky, Rhode Island and certain counties in West Virginia have ignored their school problems. Consequently they now face not only a great need for new construction, but fantastic rehabilitation problems as well. This obviously, is no one's fault but theirs. New Mexico needs to raise $25 million by 1960 for its schools, but is afraid it may only succeed in raising $5 million. This sounds more like a lack of true interest in the problem than anything else. Arizona, which faces a large need for school appropriations doesn't know whether it could or couldn't manage, because its legislature has consistently refused to do anything at all about it. Another case, most obviously, of nobody wanting to carry his own weight. California alone of the States which seem in crisis, has a reason not of its own making. Having already spent $675 million in school appropriations in the last 10 years, it faces the necessity, because of the amazing population shift, to raise $3,500,000,000 more in the next 25 years. However, it is a wealthy State, and if it can continue to raise, during the next three 10-year periods what it has raised during the last, it should come close to its requirements.

And no one should forget that the more population a State has, the more people there are to share the load, as well as to give services to.

Pennsylvania alone among the States gives the strangest reason for favoring Federal aid to education. If it raises taxes to increase its school construction, then it won't be able to compete with its neighbors. New Yorkers may be tempted to say "so who cares?" Why should we take money out of our pockets to enable Pennsylvania to compete with us more easily? Oregon uses the same reason for favoring Federal aid. But the worst is Oklahoma. It has already received $80 million of Federal aid for federally impacted areas, and intends to do absolutely nothing about its classroom shortage, except wait and see if the Government won't do the job for it.

And there you have it. Not one of these States is a true victim of circumstance, except California, and even there the picture is by no means a hopeless one. Instead they are victims of their own citizens' indifference. Education has always been the prime responsibility of the locality, assisted by the State. It has never been a responsibility of the Federal Government. Any locality that wants good education can have it by using a little initiative, a little hard work, and a willingness to fight the thing through. We'll admit it's much easier to sit back and let Washington do it for you—which actually means you'll just pay for it another way, as our Congressman points out. And although he didn't point it out, it is also true that New York State, should Federal aid to education become a fact, will have to pay out far more to support such a program than it would ever get back.

The clincher to us lies in the fact that when construction is done at the State and local level it is done far more reasonably, it is far more apt to suit the needs of the community it is intended to serve, and the locality can still have full say about its educational system. We agree with Congressman WAINWRIGHT's views on Federal aid to education. Let's not weaken ourselves by carrying lazy people's burdens. That's no way to make them strong.

NORTH BABYLON, N. Y., *June 1, 1957.*

DEAR MR. WAINWRIGHT: I certainly hope you will be most vigorous in your opposition to Federal aid to education. Your broadcast today, while limited by time requirements, was not near strong enough.

Sincerely,

JOHN MCCABE.

PLAINVIEW, LONG ISLAND, N. Y.,
June 2, 1957.

CONGRESSMAN STUYVESANT WAINWRIGHT,
House Office Building,
Washington, D. C.

DEAR CONGRESSMAN: Yesterday I read the enclosed article in the newspaper. Today I heard you on the Huntington radio station as you combated the arguments of the Congressman from New Jersey. I agree with you 100 percent in your minority position.

As I wrote to President Eisenhower and Senator IVES, New Yorkers would be able to build schools, highways, and hospitals, pay adequate salaries to teachers, firemen, and policemen, and take care of the indigent, etc., if the Federal Government kept its hand out of our pockets. Washington hauled away $13 billion last year.

Yours very truly,

Mrs. F. A. EMERSON.

PLAINVIEW, LONG ISLAND, N. Y.,
April 7, 1957.

DEAR CONGRESSMAN WAINWRIGHT: In regard to the Federal aid to education bill we would like you to know that we are quite definitely opposed to any such legislation. To our mind the need for this aid has still not been definitely established as is evident by the United States Chamber of Commerce report. Of more importance however is the fact that Federal money would very likely be followed by Federal controls which would eventually take over the public school system. We hope that you can agree with us, that that would be a disaster and that you will vote against any Federal aid to education.

You have been most kind in answering our letters in the past and we hope that you will answer this one also as we are very much interested in your opinion.

Yours very truly,

Antoinette (Mrs. Joseph) Perna, May Yaeen, Loretta Totone, Dorothy Schupp, Kathleen Hartwell, Marie Endudde, Connie Cioldella, and Agatha Cioldella.

BRIDGEHAMPTON, N. Y., *April 7, 1957.*

Congressman STUYVESANT WAINWRIGHT.

DEAR SIR: As members of Freedom in Education, we wish to thank you for your obdurate stand against Federal aid to schools.

Please remain adamant regardless of the pressure which may be brought by our modern Republicans.

Thanks and good luck.

Respectfully yours,

ERICH AND MIRIAM SELLENTIN.

HALESITE, N. Y., *May 2, 1957.*

Hon. STUYVESANT WAINWRIGHT,
House Office Building,
Washington, D. C.

DEAR SIR: I am writing concerning the Walter-McCarran immigration law. Please do nothing to impair this act. Also to congratulate you on your stand on the Federal education law. It is very gratifying to have our Representatives vote for the good of our wonderful country and not to sell it down the river to the Russians.

Yours sincerely,

Mrs. THADEUSE M. JOHNSON.

HUNTINGTON, N. Y., *April 28, 1957.*

Hon. STUYVESANT WAINWRIGHT,
House Office Building,
Washington, D. C.

DEAR CONGRESSMAN WAINWRIGHT: I understand that you are opposed to Federal aid to education. As a former schoolteacher, I am interested in this matter. I wish to congratulate you on your stand. It is appalling to see how those who should know better are urging Federal aid to education when it is a tried and true principle that the best government—the most efficient and inexpensive—is that where control is local especially in such matters as education. Of course, another obvious objection is that the States can and in many instances already are building the schools they need with their own funds.

Yours truly,

MARJORIE JENSEN.

GREENLAWN, N. Y., *April 22, 1957.*

Hon. STUYVESANT WAINWRIGHT,
House of Representatives,
Washington, D. C.

DEAR SIR: It was with interest that I read your remarks anent Federal aid to schools.

It is refreshing to find one who is ready and willing to stand up and be counted on the side of those who believe we cannot get something for nothing. The facts do not support the inordinate demands by some for Federal funds for this project which can and should be financed by the several States themselves.

I trust that your best efforts together with those of your colleagues of like mind may result in the defeat of any legislation authorizing Federal money for education with the concomitant control which will surely follow.

Sincerely,

EDWARD NIEMEYER.

SHELTER ISLAND HIGH SCHOOL,
Shelter Island, N. Y., April 4, 1957.

Hon. STUYVESANT WAINWRIGHT,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN WAINWRIGHT: I have read a résumé of your speech before the DAR

in Riverhead last week. During the course of this speech you took a stand against indiscriminate Federal aid to education and I would like you to know that as an educator I thoroughly agree with you.

I have been in education for over 20 years and have studied in education from the bachelor's degree through the doctor's degree. I am very dubious that Federal aid to education would be more than another plan to distribute the wealth from one section of the country to another. I am also reasonably certain that despite all protests to the contrary, control in some manner will definitely follow aid. It may begin only with accounting but sooner or later requirements for some purposes will have to be met and control will be with us. I also feel, very strongly, that additional outside aid will destroy local initiative and local interests in the schools.

I am glad to see that you took your stand against general Federal aid and will be happy to support you in any way that I can.

Sincerely yours,

NORMAN J. M. MURRAY,
Supervising Principal.

FARMINGDALE, N. Y., *April 1, 1957.*

DEAR SIR: I am against the Federal aid of any sort to schools. I think the people of the area would be best served by helping themselves. They, here, seem to think that the aid given by the Government is free and not tax collected. I'm sure we'd do lots better and be better off by helping ourselves; and, boy, lots of it is sure needed by these dumb bunnies. How stupid can you get?

Sincerely,

DOROTHY H. DAVIDSON,

BELLPORT, N. Y., *April 1, 1957.*

Hon. STUYVESANT WAINWRIGHT,
House of Representatives,
Washington, D. C.

DEAR SIR: We wish to let you know how opposed we are to any Federal aid for education. Our firm belief is to let the States take care of their school problems, which the States would be well able to do better if the Federal Government would ease up on some of the taxes it takes away from the States.

The Federal Government wishes to take the tax money away from the States and then hand it back again to them for schools. This we are unalterably opposed to for two reasons—the control of our schools would be centralized in the Federal Government and naturally it would cost a great deal to administer the funds.

The N. E. A., which strongly supports Federal aid to education, does not represent the views of all its members or of most teachers. I (Mrs. Tillinghast) have taught for 20 years and vigorously oppose such aid which would, of its very nature, wrest power from local government.

Yours truly,

IDA H. (MRS. W. A.) TILLINGHAST.
W. A. TILLINGHAST.

WESTHAMPTON BEACH, N. Y., *April 4, 1957.*

Hon. STUYVESANT WAINWRIGHT,
House of Representatives.

DEAR CONGRESSMAN: I want to tell you how much I agree with you and your stand against Federal aid to education, as stated in the Hampton Chronicle of 29 March.

I wish that you would carry this idea to its logical conclusion, and oppose all similar Federal aid schemes. I should except the Army Engineers' work, and others which the State cannot do. But for the taxpayer of New York, I suppose he can never hope to get a fair return on his dollar. We usually can hope for a few cents at best.

Sincerely yours,

J. W. GEER.

KEW GARDENS, N. Y., *April 2, 1957.*

DEAR MR. WAINWRIGHT: I have just seen the report of your address before the D. A. R. at Riverhead and take this opportunity to compliment you on your stand on the Federal aid legislation to education.

I cannot understand the administration's action. On the one hand it urges private enterprise for public powerplants, champions atomic power development by private enterprise—and then opens the door to Federal aid for education which can only weaken the States and in all probability develop more socialism.

I have talked with numerous Republicans and all of us are in a quandary over the confused situation.

Where is the party going?

Sincerely yours,

MEADE C. DOBSON.

BILTMORE SHORES
CIVIC ASSOCIATION, INC.,
Massapequa, Long Island, April 13, 1957.

Congressman STUYVESANT WAINWRIGHT,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN WAINWRIGHT: I have been requested by the members of the Biltmore Shores Civic Association to inform you of your views on the proposed expenditures of over $1 billion of Federal aid to schools, which is included in the present budget.

It is our unanimous opinion after a detailed study of all the facts that we as a community are completely opposed to the appropriation of any Federal funds to education. Our reasons are:

It will create another agency of the Government which will develop into a bureau which will only burden the taxpayers and not justify it's existence.

We are completely opposed to the idea of the Federal Government being in local education in any way. We are realistically fearful that such a position by the Government could lead to domineering the entire educational picture and will lead to the detriment of the taxpayer.

I have been requested to inform you that we feel most deeply on this subject, and that we hope that you upon receipt of our views will take action which will be in accord with our position.

Sincerely yours,

PHILIP HEALEY.

SUFFOLK COUNTY
POMONA GRANGE,
PATRONS OF HUSBANDRY,
Southampton, N. Y., March 10, 1957.

Hon. STUYVESANT WAINWRIGHT,
House Office Building,
Washington, D. C.

DEAR SIR: Yesterday at the regular quarterly meeting of Suffolk County Pomona Grange there was considerable discussion on the problems of Federal aid to education. The consensus of opinion was that any system of Federal aid to education along any lines proposed to date would be both unfair and a considerable burden to the taxpayers of New York State who are already pretty heavily taxed to support the educational system within their own State. Therefore we passed the following resolution and hope that you will take into consideration these views when you vote on any measure of Federal aid to education. Thank you.

"Be it resolved, That the Suffolk County Pomona Grange go on record as being opposed to Federal aid to education and that our Senators and Representative in Congress be informed of our position."

Sincerely,

DORIS S. HALSEY
Mrs. Albert J. Halsey,
Secretary.

HICKSVILLE, N. Y., *March 8, 1957.*

Hon. STUYVESANT WAINWRIGHT,
House of Representatives,
Washington, D. C.

DEAR SIR: As a teacher, I am opposed to Federal aid to education because it would inevitably lead to Federal control of education—that is a small group of bureaucrats controlling the thinking of the children and so eventually, the thinking of all the people—that way lies totalitarianism.

M. KIMM.

EAST NORTHPORT, N. Y., *February 3, 1957.*

Representative STUYVESANT WAINWRIGHT,
House of Representatives,
Washington, D. C.

DEAR SIR: I was told on what I believe to be good authority that a teachers' lobby has been pouring on pressure to change your stand on Federal aid to education. Since our United States Senators are both committed to the totalitarian state, you are the only Representatives which the majority of people have in Congress. Perhaps a recent situation in our school district will prove what stanch adherence to old-fashioned virtues can do. For some time we have had a dilettante school board who hired a disciple of the new school order as superintendent of schools. One of the cardinal principles of a great many modern educationists is to spend as much money as possible, obtained through elaborate propaganda. In 6 weeks, a group of taxpayers was organized. A door-to-door canvas with handbills doubled the voters' registration and the bond issue was decisively defeated. The same group is now following through to provide adequate educational facilities built with necessary economy in mind. This will be followed by the election of men who understand integrity and business principles applied in public affairs. Something like this has to happen to the little minority of arrogant bureaucrats now ruling this country. Statesmen who are not ashamed to stand for honesty, freedom, and economy in government can then take control.

I also note the presentation of the Panama Canal to the United Nations is now being proposed and that our pink State Department is preparing to recognize their Red Chinese creation. Perhaps, it is a losing battle, since our President seems to be a captive of the toalitarians, but men like yourself and WILLIAM KNOWLAND are the straws to which unashamed Americans cling. Progressive confiscation of income and debasement of currency may eventually bring "the day" for many people but they will have to liquidate me.

Sincerely,

ROBERT LAWRENCE.

HUNTINGTON BAPTIST CHURCH,
HUNTINGTON, LONG ISLAND, N. Y.,
January 29, 1957.

Hon. STUYVESANT WAINWRIGHT,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN WAINWRIGHT: There came to my attention a day or two ago, a news item which made plain your position on Federal aid to schools across the Nation. I want to commend you for taking a definite stand against such Federal aid. The States themselves, I feel, should wholly and fully assume this responsibility as in the past and not expect the Government to lend a hand. The time is long since past when individuals and groups of individuals, large and small, should be looking to Uncle Sam for handouts. This has gone on too long, indeed, and the time has come to call a halt.

I feel strongly, too, with regard to the budget recently submitted by President Eisenhower. It is entirely too large. It should be drastically trimmed. The rec-

ommendations of the Hoover Commission should have more serious consideration and should be adopted. That would greatly help, no doubt. There is evidently real dragging of the feet on this important and urgent matter.

The matter of inflation also disturbs me much. I am on a small pension and you can realize what the high prices of these days do to that. I feel very keenly about the demands of organized labor; for they, without doubt, are a real factor in this problem. Labor unions have entirely too much power in government and should be curbed. We make much of collective bargaining; management and labor get together and determine the terms of contracts which inevitably mean a jacking up of prices. Mr. Ordinary Citizen has nothing to say about the contract; it is for him merely to pay the bill. How unfair that is.

Well, I have said more than I intended to say when I began a letter of commendation; but it will reveal that I feel most keenly about the matters mentioned.

Much blessing to you in your every effort for the good of the people. No reply is necessary.

Very sincerely yours,

WILLIAM P. HAUG.

FEDERAL AID TO EDUCATION

(News release of Suffolk County Farm Bureau, Inc., Riverhead, Long Island, N. Y., March 4, 1957)

"'Rural people do not want their school systems placed under Federal regulation now, or in any future date,' Farm Bureau has informed Congress," J. Dwight Reeve, Mattituck, policy execution chairman of Suffolk County Farm Bureau said today.

"Federal aid to education would certainly be followed by Federal intervention in the operation of our public-school systems," Reeve said.

Representative STUYVESANT WAINWRIGHT voted against Federal aid to education last year, in line with Farm Bureau recommendations. "Every citizen should write and let him know how you stand on this issue," Reeve continued.

"Farm Bureau favors present emergency grants of Federal aid to school districts having a sharp influx of Federal or defense employees," continued Mr. Reeve, "but it is basically opposed to an overall program of federally financed and controlled public schools.

"Schoolrooms are now being built at an impressive rate with financing from State and local sources. Thirty-six thousand new classrooms were needed in 1954–55; 60,000 were built. Thirty-five thousand additional rooms were needed in 1955–56; 64,000 were built.

"It would cost New York taxpayers $3 to $6 for every $2 sent back from Washington under Federal aid to education," Reeve concluded.

NEW YORK, N. Y., *June 11, 1957.*

Hon. STUYVESANT WAINWRIGHT,
House of Representatives,
Washington, D. C.

DEAR STUYVE: I have read the report of the Committee on Education and Labor, and also the minority report which you signed. I have also read your articles which you sent me.

I think you have got the best of the argument. I am just sorry the President included this education-aid proposition as part of his program. The difficulty always is that if you once start a thing like this, it grows and grows and grows. The only way to keep the Federal general expenses down is to keep the Federal Government out of various fields of activity. All you have to do to prove this proposition conclusively is to take any field of activity which the Federal Government entered as a new thing since 1930, and see how the activity has expanded. The TVA, for instance, was supposed to be confined to flood control, with power as an incidental, and now look at the darn thing. I would take a big bet that the same type of expansion happens whenever the Federal Government goes into any new enterprise, whether it is guaranteed home-loan mortgages, making loans to small business, or what not.

Sincerely yours,

GEORGE ROBERTS.

Mr. Chairman, at that point I might make it clear that while opposed to the legislation that has been presented, I would support and would favor a motion to recommit that would present to the House of Representatives the original Eisenhower proposal, a bill based on a purely needs test. I have a great deal of hope that the minority leader of the Labor Committee will present such a motion to recommit.

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

Mr. WAINWRIGHT. I yield to the gentleman.

Mr. BAILEY. If this amendment the gentleman is discussing is approved, will the gentleman support the school construction program?

Mr. WAINWRIGHT. I most certainly will.

I give the same answer I gave to the gentleman from New York [Mr. POWELL] when he asked the question last year; in other words, if the motion to recommit to put in the original Hobby bill, if a needs test is passed by the House, I will vote for it.

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

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

Mr. FRELINGHUYSEN. Inasmuch as the gentleman from New York has called attention to what President Eisenhower said when he was president of Columbia University when he had what may be somewhat different views, I would like to call attention to them, for he seemed to be well aware that there might be different problems to be faced in the future. At that time, June 7, 1949, Mr. Eisenhower said:

> I am well aware that there are certain sections of this country where the tax revenue potential of each will not provide for all of the children in that area.

He further said:

> In such areas I would heartily support Federal aid, under formulas that would permit no abuse, no direct interference of the Federal authority in educational processes, and no opportunity to expand the flow of Federal money into areas where need could not be clearly demonstrated.

In addition to that, the then Mr. Eisenhower, who is now President Eisenhower, has since then been given an opportunity to realize that there is this problem of areas where there is need and that a formula can be so designed that it gets to the areas of need, that we can have a better program.

Mr. WAINWRIGHT. I still say to the gentleman from New Jersey that the statement made by the President of the United States when he was president of Columbia University stated that he was flatly opposed to any general grant by the Federal Government to a State for education purposes. So I can understand why the President of the United States is not enthusiastic about the Kelley bill, or H. R. 1.

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

Mr. WAINWRIGHT. I yield.

Mr. MORANO. Is it not true that there was a convention held in San Francisco at which the platform committee adopted a plank to favor it? The President of the United States, in 1956, ran on that plank and was elected by an overwhelming majority of the American people.

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

Mr. WAINWRIGHT. The platform on page 200.

Mr. FRELINGHUYSEN. I am sorry; the time on this side is all allotted.

Mr. BARDEN. Mr. Chairman, I yield such time as he may require to the gentleman from South Carolina [Mr. RILEY].

Mr. RILEY. Mr. Chairman, I am opposed to this bill for a number of reasons. My principal concern is that it is the opening wedge for Federal control of the public schools. I say this despite all well-intended assurances to the contrary. The Federal Government would be entering a field where it has no legal responsibility. I also believe that no need for this legislation has been established.

Frankly, I am surprised that it is seriously contended that this measure would be temporary. The weight of experience is just too heavy on the other side of the scales. It is most difficult to stop any Federal program once a program has been initiated.

Much has already been said concerning the unreliability of the statistics used in support of this legislation. In the case of my own State, the statistics are completely distorted. How the figures for South Carolina, in circular 490, were arrived at is too involved to be narrated here, but I invite your attention to a very revealing statement by Governor Timmerman of South Carolina, which is printed at page 1273 of the hearings on this bill. In short, he says that what circular 490 shows as additional need actually represents a need currently being met or well within our means to meet in the near future; that is, by 1960.

I have a recent letter from the director of the agency responsible for school construction in my State, in which he gives an estimate of 3,200 additional classrooms to be needed by 1960 in South Carolina. This is less than half the figure 6,453 shown in circular 490. This official further states that this estimate of 3,200 is generous, perhaps as much as 25 percent beyond actual needs. In the last 6 years we have built over 8,000 classrooms. Surely, we can and will build 3,200 more classrooms by 1960, if needed.

South Carolina is 46th in the Nation in per capita income and second in the Nation in percentage of schoolchildren. We must educate approximately 30 percent more children in proportion to population than the average State. And this extra burden is borne by 19 percent fewer adults. But we are meeting our school needs, and we are meeting them without Federal aid. If we, one of the poorer States, can do this, surely every other State can.

I urge those of you from the larger and wealthier States, who will get back less than you will pay under this bill, to keep this money and put it to work on your own needs. Do not force it on those of us who do not want it. You have school needs in your own States, and I am sure you will meet them. All that we ask is that you let us determine and meet our own needs.

The proponents of this bill have made no case for it. I urge that it be defeated so the States will know where they stand and be able to proceed on their own programs.

Mr. BARDEN. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. LANDRUM].

Mr. LANDRUM. Mr. Chairman——

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield me 30 seconds?

Mr. LANDRUM. I will yield later.

Mr. Chairman, the gentleman from Georgia is not one of those who believes that we can approach the question of whether we support this bill on the basis of what it will cost us or what it will not cost us; rather, he is opposed to the bill because he believes earnestly that this country has grown to its present great stature through the force of our public school program which has had its strength, its beginning, and its administration throughout from the local, county, city, and State levels of government.

I think that we are shortsighted at any time that we approach the problem of public education on the basis of what it will cost us. It is true that we must as responsible citizens be concerned that we get our dollar's worth and have the most economical program of public instruction possible. But I am not one of those who thinks that the reason to oppose this bill is because we cannot afford it in money. Rather I oppose it, and oppose it vigorously, because we cannot afford to surrender the last vestige of local government that we have left in America, throwing in the towel to the bureaucrats in Washington and saying: "Come, take us away. From here on we are unable to run our communities and our States."

And yet throughout all the years of our history we have run it and developed it to the great country we are at the present time by the simple system that we have.

Yesterday we were treated to some pictures, some thought beautiful because they pictured conditions that they want you to see and only those they want you to see, and that is the bad—the ash can, the trash can type that you can find in any district of America, beautiful to their minds because they want to propagandize you, to bring us into believing that such disgrace requires immediate surgery and help from the bureaucrats in Washington. They say we cannot afford it at the State levels of government. So I want you to look as you have time during the course of the afternoon at some of the pictures on this board which I think are beautiful and magnificent because they portray just what I am talking about or trying to say, that States, counties and localities in the section of the country from which I come have had the leadership, have had the determination, and, yes, have had the pride to recognize that this is a responsibility of the people at home and to recognize that for it to be successful they must have the support of the people at home. They have built such as you see here, at the top from Atlanta, down here from Columbus, over here from up in White County where I live, down here in Carnes Creek in Stephens County, near the rural community where I had the privilege to come into this world. In this pamphlet there is a complete description of my neighboring State of South Carolina, together with the great program in which they are engaged for public school construction. Down at the bottom are some of the magnificent things that the poor old State of Mississippi is doing. Georgia is doing this with a per capita income of $1,333 whereas the national average is $1,847. Mississippi is doing this with a per capita income of $946 as against $1,847 national average. South Carolina is doing what is shown here with a per capita income of $1,108 as against $1,847 national.

Mr. Chairman, we recognize our responsibility. We do not come here crawling on our knees to you and saying: "We have to have you educate our children." We are doing it. We make no denial of the fact that there are instances of neglect, of failure to carry out responsibilities, but we take pride in the fact that within the last 5 years the State of Georgia has spent more than $200 million on a building program, and that we are now set out on another of $88 million to reach the requirements that now face us. And, I say, in spite of the fact that the professional agitators would come here and have you believe we want this, the people in Georgia, the people in South Carolina, the people in Mississippi, the people throughout this whole Nation who know and who understand what this bill would do, simply do not want it.

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

Mr. LANDRUM. I yield to the gentlewoman from Georgia.

Mrs. BLITCH. I want to congratulate the gentleman on his very fine display of pictures, and I want to further commend him on being able to point out exactly where they come from, what they are, and the well-documented way in which they are prepared. That is the kind of information that I believe the House is entitled to.

Mr. LANDRUM. I thank the gentlewoman.

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

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

Mr. DAVIS of Georgia. I wish to compliment my distinguished colleague from Georgia on the very well-documented statement which he is making. I want to concur also in the statements which he is making, and I would like to say along the line that the gentleman has just been talking on that in one day in 1955 in my home county of De Kalb we dedicated 13 new school buildings of the most modern type that the school authorities know how to build today. Of the more than $200 million worth of new construction which the State of Georgia has erected within the last 5 or 6 years we have built those schools at a cost which is something like one-third the cost per schoolroom which they say would be necessary under this program.

Mr. LANDRUM. If I have the time, I expect to touch on that subject briefly.

Mr. DAVIS of Georgia. I want to commend the gentleman and concur in his remarks.

Mr. LANDRUM. I thank the gentleman.

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

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

Mr. AYRES. I wish to compliment the gentleman on displaying what are some of the finest schools in the country; just as nice as they are in Ohio. Yesterday, as you know, I called Governor Chandler's office after the pictures were shown for Kentucky by the gentleman from West Virginia. I received this reply this morning. It mentioned the fact that the pictures we saw yesterday were not recent pictures; that for the past year there were 350 one-room schools discontinued in Kentucky; that 100 additional unsatisfactory rooms were abandoned; that a net gain of more than 750 new classrooms has been made, and that a majority of the school districts have building programs in some stage of planning or construction.

Mr. LANDRUM. I thank the gentleman.

Now, as I stated, my opposition to this legislation is because of the fact it is so saturated with power that we are surrendering to the Federal Government, and I would ask the committee's careful consideration to this observation I am about to make.

No Member of this Congress, in either body, has made a greater contribution over the last quarter of a century to education in general than the gentleman from North Carolina [Mr. BARDEN], the chairman of the committee which has brought this bill before the House. Yet, in spite of the fact that the gentleman has been the champion of support for public school programs, he finds himself in the position on this bill of opposing it, because those who would operate it are already intoxicated with the possibilities, and soon to become drunk with power if it becomes a reality. How can a man in that position be against the bill if it is not a bad bill?

Mr. RHODES of Arizona. Mr. Chairman, I yield myself 10 minutes.

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

Mr. RHODES of Arizona. I yield to the gentleman.

Mr. KELLEY of Pennsylvania. In order to refute the argument made about the State of Kentucky, here is what Mr. Robert R. Martin, superintendent of instruction for the State of Kentucky, testified before the committee. He said that there were 7,620 out of 18,000 rooms not fit for use; that 80 percent of the State schools do not have central heating; that 38 percent of the children have to use outdoor toilets and that 50 percent of the children are in overcrowded classrooms with many rooms ranging from 50 to 70 pupils per room. That was the testimony concerning Kentucky.

Mr. BAILEY. Mr. Chairman, will the gentleman yield to me?

Mr. RHODES of Arizona. I yield to the gentleman.

Mr. BAILEY. In response to the statement of the gentleman from Ohio [Mr. AYRES] let me say that those pictures were taken during Easter week. They were taken in the presence of the State superintendent of schools of the State of Kentucky. I care not what Happy Chandler tells you, I am stating the exact truth.

Mr. RHODES of Arizona. It seems a shame that we have to come back here this year and reiterate some of the facts which we brought out here rather forcefully, I thought, 1 year ago.

Let us first consider the allegations concerning Federal control of education. I defy anybody to read H. R. 1 and see anything about Federal control of education. Section 405 of this bill says:

> In the administration of this act, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the personnel, curriculum, or program of instruction of any school or school system.

That should be plain enough. But in case some Members say, "But control is inherent in any school bill," let us go into that for just a few minutes. Inherent? Let me tell you about 2 laws which are on the books and have been on the books since 1950, 2 laws which everybody in this room, I imagine, will support when they come up for extension. I refer to Public Law 815 and Public Law 874 of the 81st Congress. These are laws under which the Federal Government gives money as grants to school districts for maintenance and operation of schools, and also for the building of schools. Here are two laws which are tailormade for Federal control, if any law ever was.

Public Law 874 provides that money will go to schools for maintenance and operation. If the Federal Government ever wanted to control a school district, it could accomplish this feat by placing conditions on the distribution of money earmarked for maintenance and operation. What is the difference between that law and this bill? This provides in title I that if the Federal Government finds through the operation of the school plan, which incidentally is prepared completely by the States, that a school district needs money to build a school, then the Federal Government under the formula may grant money to that school district to build the school.

When the school is built, then the Federal Government gets out of the picture. No longer does the Federal Government have one thing to do with that school. There is no handle which the Federal Government can grasp to impose control over any school. Yet no one has ever charged that any degree of Federal control has even been present or been threatened in the operation of Public Law 874, though the handle is so abundantly present to impose control if there was a desire to do so. Also I should like to have you contrast the grant section, which seems to bother everybody about control, with title II and title III of this bill. If I were to be worried about Federal control of any school in this land as a result of this bill I would worry about titles II and III, not about title I, because under titles II and III bonds are purchased from school districts. If those bonds are in default, then who is the creditor? The Federal Government is the creditor. You have the possibility of control because of obligation, legal, financial obligation, whereas in title I, the grant section, there is no such possibility because once this money is granted to the school then that is the only responsibility that the Federal Government has. There is no obligation to repay that money to the Government—there is no handle whatsoever which the Federal Government can use to impose control on a school district.

I have also heard from many of my friends on the right side of the aisle here that it makes no difference whether a certain amendment which may be introduced by the gentleman from New York is adopted or not, that certain States in this great Union of ours cannot get money under this bill because of the Supreme Court decision in Brown against Board of Education.

Let us take again the analogy of Public Laws 815 and 874. Under those laws, money is paid to schools. Nothing has ever been done by the Office of Education or by any other branch of the Federal Government to try to keep money from school districts which are segregated. There has been no indication on the part of anybody that that will be done under these particular laws. Why, then, I ask, would anybody impugn the Office of Education with a sudden desire to desegregate schools by the use of the Federal greenback? If this desire were present, the vehicle to accomplish it is present, in Public Laws 815 and 874. It does not need this bill to ride on. If the Federal Government did not take that sort of approach under the administration of Public Laws 815 and 874, then why would you think that the Federal Government might suddenly do an about-face in the administration of this law? It makes very little sense to me.

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

Mr. RHODES of Arizona. I yield to the gentleman from Montana.

Mr. METCALF. May I ask the gentleman from Arizona if it is not a fact that all of the so-called segregation cases have arisen where State money was involved or where, as in the Girard case, private money was raised? Not one of them arose when Federal money was concerned.

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

Mr. RHODES of Arizona. I yield to the gentleman from Washington.

Mr. WESTLAND. I have been very much interested in what the gentleman has had to say about Public Laws 815 and 874. I may say to the gentleman from Arizona they have worked extremely well in the State of Washington, particularly in the district I represent. I have been especially concerned over the possibility of those laws being affected by the enactment of this legislation. I should like very much to have the gentleman comment on that possibility, if he would.

Mr. RHODES of Arizona. I have no comment to make on the possibility except, as one member of the Committee on Education and Labor, it appears to me there will still be a need for Public Laws 815 and 874, even if this law is enacted. The Federal Government assumes the role of a taxpayer in a district which has been adversely affected by some Federal impact, in Public Laws 815 and 874. I think this principle will continue, as long as the impact is present and is a substantial factor.

The States of the Federal Union will be required under H. R. 1 to match the money which the Federal Government puts up under title I. This to me is the most important part of this bill. I do not want the Federal Government to get into the business of building schools just for the joy of building them. I want the Federal Government to come in and establish a program to meet a need which I believe exists. I am convinced that it does exist.

If the States have to match this money from the State level, if the legislatures have to appropriate money for this purpose each year, then it seems obvious to me that two things will happen: First, the legislatures will watch this money very closely to be sure that it is spent in the way that we intend it to be spent, and second, with the State governments getting into this field of building schools, the Federal Government will be able to get out of it in 4 or 5 years.

In my own State and in all the other States of the Union I believe the States themselves could handle this problem if they would do it, but the States in many instances have not acted, have not come into the school-building picture as much as they should have, and therefore this problem does exist.

If the States themselves will step into this breach and will appropriate the funds necessary to help the districts to build schools, then I believe you will find no further need for the Federal Government's aid in this field after the period of this bill has expired.

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

Mr. RHODES of Arizona. I yield.

Mr. BOSCH. Will the gentleman agree with me that during the testimony there was evidence that certain States were dragging their feet in anticipation of Federal assistance?

Mr. RHODES of Arizona. I do not recall any testimony to that effect, but I

think the gentleman is probably right when he says that the existence of this bill in a state of limbo is probably holding up construction of some schools. I hope the House will act very promptly and pass the bill, and that the other body will, too. But, above all, I hope this whole question will be dealt with at this time in such a way as to forever end the question mark as to whether the Federal Government is going into this field or not.

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

Mr. RHODES of Arizona. I yield.

Mr. MORANO. I compliment the gentleman from Arizona. He has made a very calm and deliberate and logical argument based on good, sound reasoning. Is it not true that in order to get rid of this problem, it must be attacked at three levels—the Federal, State, and local levels.

Mr. RHODES of Arizona. That is absolutely necessary.

Mr. MORANO. And if all three levels work together, we can get rid of this problem in a short time and then go back to the old system of the local districts taking care of their own problem.

Mr. RHODES of Arizona. That is my hope.

Mr. Chairman, before I take my seat, I want to pay my personal tribute to the gentleman from Pennsylvania, the ranking minority member of this committee, and its former chairman. This will probably be the last debate handled by this distinguished gentleman, who is one of the finest Members of the Congress that it has been my pleasure to know. I will certainly miss him if I have the privilege of serving in the 86th Congress. I know we are all going to miss his guidance and his advice and the presence of very fine character that the gentleman possesses.

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

Mr. BARDEN. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. LOSER].

Mr. LOSER. Mr. Chairman, may I thank the distinguished gentleman from North Carolina, the chairman of the committee, for yielding me this time. I am extremely hopeful that I will have the opportunity to conclude my remarks without yielding, and after I shall have finished, I will be glad to submit myself for cross-examination on the part of any Member on either side of the aisle.

Mr. Chairman, I had not planned to enter this debate until yesterday. The distinguished gentleman from California [Mr. ROOSEVELT] and the distinguished gentleman from Michigan [Mr. DIGGS] made some remarks with reference to this bill that portend difficulties, great difficulties in my judgment, Mr. Chairman, for every State in the Union that does not have a full and completely integrated school system.

The gentleman from California [Mr. ROOSEVELT] suggested there not be an amendment offered to this bill with reference to segregated schools. He felt that it would impede the progress of the bill before the House. I just want to read the gentleman's words, if I may. I am quoting from the statement of the distinguished gentleman from California [Mr. ROOSEVELT].

> There were a number of us who voted for that amendment at the time the bill was under consideration. We believed in a fundamental principle then. We emphasize, we believe in it now.

Of course that reference made by the gentleman from California [Mr. ROOSEVELT] could only have referred to the Powell amendment. That is, that every State in the Union that had segregated schools could not participate in the proceeds of this bill, and would not be recognized by the Department of Education at Washington as eligible to participate in this program.

I do not question the right of the distinguished gentleman to make this statement. It is right and proper if he views it in that light, but let me quote further from the statement made by the gentleman from California:

> Therefore, we reserve the right and duty at the proper time, when the matter comes up under the appropriation bill, to act for protection of the basic principle which we believe in now, as we did last year.

And listen further:

> After consultation on the parliamentary situation, there is no question that an amendment not subject to a point of order as being legislation on an appropriation bill can be, in fact has been drawn. We hope no one on either side of the aisle will force the committee to consider any amendment which would detract in any way from the fundamental purpose of the bill.

May I, for just a moment, quote from a statement made by the gentleman from Michigan [Mr. DIGGS]. The gentleman from Michigan is likewise referring to the Powell amendment.

> This is not in any way to be construed as a retreat from our advocacy and support of the principle enunciated by the 1954 Supreme Court decision. It is rather to be interpreted as a strategic withdrawal from using the present proposed school construction measure as a vehicle to supplement that decision.

So I say, Mr. Chairman, that the effect of, or the implication is, if you please, from the statements of these two gentlemen, that when the appropriation bill comes up, if this school bill is passed, if they have the votes to pass it they will have the votes to adopt an amendment to the appropriation bill providing that no State in the Union will receive a dime under the provisions of this bill unless they have a fully integrated school system in their State.

So I say to you, Mr. Chairman, in effect the proponents of this bill are drawing a fine bead on every Southern State that does not have a fully integrated school system and are threatening, so to speak, that when this bill comes up for consideration by the Appropriations Committee they will offer an amendment to deprive your States of any participation in this school program that is provided by this bill.

So I say, Mr. Chairman, that we in the Southern States, all of them I believe are doing everything on earth that it is possible to do to comply with the rules and the edicts of the Supreme Court of the United States, but no State, after a generation, after a century of segregation, can overnight turn from the way of life that the people in that area have been living under in peace and in happiness.

I may say, Mr. Chairman, that Tennessee is proud of her school system.

She is proud of her people, and I may say that she is proud of the fact that the distinguished gentleman from Michigan [Mr. DIGGS] came back to my town in my district and was educated at one of the greatest institutions in the country; and the fact that he received that fine, magnificent education is exemplified and illustrated here from day to day as he moves among us and with intelligence speaks on the questions in which he is interested.

So I say to you that down in Tennessee we are moving as rapidly as possible to integrate our schools. But I say that we cannot do it overnight, and if the appropriation bill carries a provision, as is threatened by these gentlemen—they have gone to the very extreme of getting a parliamentary rule on the question—they propose when the appropriation bill comes before the House that they will vote to exclude those States from the provisions of the bill, or provide that those States where they do not have fully integrated schools shall not participate in this school program. For that reason I am opposed to the bill.

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield for a correction?

Mr. LOSER. I yield to the gentleman from California.

Mr. ROOSEVELT. I will say to my good friend that at no time have I ever said that all school systems in any State need to be completely integrated in order to get Federal funds. The Supreme Court decision does not say that, and the Powell amendment itself never said that.

I want to congratulate the gentleman from Tennessee, because Tennessee is showing an example to the Nation which we hope all the rest of the Nation will adopt.

Mr. LOSER. I deeply appreciate the kind words of the gentleman from California, but let me say this further in response to what he has said: The Commissioner of Education in Washington controls the matter. When a provision is put in an appropriation bill that no State that does not have a fully integrated school system shall participate in this program, it will certainly be held here in Washington that Tennessee and Alabama, North and South Carolina, and all the rest of that fine array of States, of which of course I am deeply proud, cannot qualify.

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

Mr. LOSER. I would like to discuss this matter for an hour, but I thank you very much, Mr. Chairman.

Mr. McCONNELL. Mr. Chairman, I yield 5 minutes to the gentleman from Utah [Mr. DIXON].

Mr. DIXON. Mr. Chairman, in yesterday's Wall Street Journal there appeared an editorial which is quite typical of the case presented by the opposition to this fine bill. I say fine bill; I con-

gratulate the subcommittee for working it out, the gentleman from West Virginia [Mr. BAILEY] as chairman; I also congratulate the gentleman from Pennsylvania [Mr. MCCONNELL] who is really a champion of childhood and youth, for his work. I hate to see him leave our number, because he is a stalwart in the right direction at all times.

I cite this editorial because it pretty well sums up the case of certain States against our bill. It reads:

The Empire State Chamber of Commerce asked New York Congressmen to oppose the bill because New York's taxpayers will save $19 million a year. If New Yorkers are going to pay out $38 million a year, for schools, the schools ought to be in New York.

That pretty well sums up the case.

The editorial is entitled "The Plus and Minus of School Aid."

Mr. Chairman, I would like to talk a little more about "the plus and minus of school aid," because there are two sides to the picture. Let me give you the other side.

New York has only 325 children for every 1,000 adults. I have here the research statistics for 1957. Take my own State of Utah as an example. There are other similarly situated States that have more children per thousand of adults than has New York, we have 548 children per thousand adults. New York has only 325 and leads the Nation in the fewest number of children per 1,000 adults. We have about twice as many as New York. As a consequence we have about twice as many youth of military age per thousand of adults as New York has.

What would New York and the people of the Nation think if the States with a high proportion of youth would say to the other States who have not the youth: "In the event of war, you make up your own quotas to the draft. Do not ask us to fill up your quotas."

Those States that have the youth have to make up the quotas for those States that do not have the youth.

Let me cite something else, and I do not refer to New York particularly. It is typical of many other States, and I do not single New York out for criticism. It has a good school system. Utah had only 2.3 percent of her men rejected on account of educational and mental disqualification in the draft. New York had 8.8 percent, 4 times as many as Utah. Let me repeat, New York had 8.8 percent of its draftees rejected for mental and educational qualifications. There are some States that have as high as 45 percent in rejections. The State of Utah had only 2.3 percent rejected. There are two States even better than the State of Utah. So, what happens? New York has nearly four times the percent rejected as Utah and, at the same time, only about one-half the proportion of youth. There, again, we have to fill in their quota on the draft. I wonder if our youth are not worth just as much as New York's dollars?

Let us go further. How long would it take for our Nation to disintegrate if the States that have the youth would say: "No; we are not going to fill in the quotas of other States if we go to war."

Of course, our State would not do that, it would be a disgrace to any State if it did make such a statement; but it is no worse than the wealthy States saying to the poor States that have the chilren, "We are not going to help you educate those children so that they can help fill our quota in military service and fight for our country."

Our Government must call upon the youth wherever they are; likewise, our Government must call upon the wealth of the Nation wherever it is to educate the children of this Nation.

FEDERAL AID—THE NECESSARY ANSWER TO THE NATION'S SCHOOL-CONSTRUCTION PROBLEM

Mr. Chairman, I rise in support of H. R. 1 as amended for reasons as follows:

First. The classroom shortage is real. We may be rearing a crippled generation.

Second. The demand for Federal aid for school construction is overwhelming.

Third. Equal educational opportunity for all is a Federal concern as well as a State concern.

Fourth. From the angle of preserving our democracy we cannot afford not to afford this $300 million per year.

Fifth. Education is an investment. It liquidates its cost. The cost of this most beneficial legislation will, in my opinion, be repaid many times over through reducing expenidtures for juvenile delinquency and crime.

Sixth. Approval of this bill will go a long way toward helping our school districts, which cannot provide buildings under present limitations of funds and legal provisions, to meet this crisis. It recognizes their need in the distribution of funds, also rewards them for the effort they put forth but, best of all, through its matching provisions as well as distribution of funds on basis of need and effort, it encourages greater local effort.

Mr. Chairman, I shall support each of the above propositions in order named.

THE CLASSROOM SHORTAGE IS REAL

It is inconceivable to think that prominent groups and individuals would come out with nationwide publicity in an attempt to prove that there is no classroom shortage. Either they will not see or they cannot see conditions that are right under their noses.

Not long ago I saw an advertisement from an optical firm illustrating the same point. It shows one small boy pointing to a sign on a wall. He says, "Can't you see the sign on that wall?" The second boy, with weak, squinty eyes, looked up and said, "What wall?"

I wish that every Member of the Congress who thinks there is no need for classroom building would take a tour with his own school people in certain districts, or, if that is impossible, have them supply him with some actual pictures.

In appraising the need for Federal aid for school construction, I naturally look to the schools in my own State as an illustration and supply carefully checked data as follows:

Dr. E. Allen Bateman, State superintendent of public instruction in Utah, reported February 28, 1957:

The most recent and the most reliable data available on school plant needs were obtained from the districts this fall. We had a complete return and where responses seemed to us incomplete or inaccurate they were rechecked.

A summary of Superintendent Bateman's tables follows:

	Elementary	Junior high	High	Total
Classrooms needed Nov. 1, 1956	759	264	266	1,289
Additional classrooms needed Nov. 1, 1961	511	468	347	1,326
Total classrooms needed	1,270	732	613	2,615
Current building program (to be completed by fall of 1961)	443	330	263	1,036
Net unmet needs by fall of 1961	827	402	350	1,579

Regarding the overcrowded condition of the classrooms, the Utah Education Association reports:

The classroom with 30 or more students is considered crowded.

In the fourth grade 80 percent of the classes are overcrowded; in the third grade, 77 percent; in the fifth grade, 72 percent; in the second grade, 69 percent; and in the sixth grade, 68 percent.

In the junior high schools 77 percent of the English classes, 77 percent of the mathematics classes, 75 percent of the science classes, and 79 percent of the social-studies classes have more than the maximum number of students.

In the high schools 71 percent of all English classes, 62 percent of all mathematics classes, and 80 percent of all biological science classes carry more than the maximum number of students.

Many of the high schools in Utah—

Says the Association—

are in danger of losing their accreditation on account of oversized classes.

Utah's problem seems to be typical of the general problem of classroom shortages and shortage of funds throughout the country.

Secretary Folsom testified as follows:

Three conclusions, I believe, are clearly evident from the facts in this matter. First, there is a continuing, substantial, and widespread shortage of public-school classrooms, born in years of depression and war and aggravated by the greatest enrollment increase in our history.

Second, despite a great increase in school-building efforts, the States and communities are not making enough headway in reducing this shortage.

Third, unless financially needy communities get help, the classroom shortage will persist for many years, hampering the education of our children and limiting the progress of our country. (Committee hearings, pt. I, p. 27.)

The Secretary estimated that at the beginning of last school year, there was a classroom shortage of 159,000 units. This figure was compiled out of reports of surveys conducted by officials in the 48 States who should know the problems best. The same survey indicates that the States had scheduled for new construction in the 1956–57 school year approximately 69,000 new classrooms. Despite this great number of new classrooms being built this year, the shortage still will remain acute for it is estimated that we will need 45,000 new classrooms

each year for the next several years just to cope with the more than 1 million new and additional pupils entering the public schools every year. Therefore we must subtract 45,000 from the 69,000 which leaves approximately 24,000. But we cannot even subtract the 24,000 from the 159,000 unit shortage, for part of this figure must apply against the estimated 14,000 to 20,000 classrooms that are abandoned as obsolete each year. In the 1955–56 school year 14,000 classroom units were closed due to obsolescence through such causes as closing of small schools, consolidation of school districts, and so forth—committee hearings, part I, pages 28–29.

If we subtract the minimal number of 14,000 from what might have been a credit against the classroom shortage—24,000—we find that there could only be a maximum reduction possible of something like 10,000 classrooms in the original estimate of the Secretary or perhaps the total shortage would now be 149,000 instead of 159,000.

At any rate, for all practical purposes in this debate we can, despite the great increase of public school construction in the last several years safely conclude with Mr. Secretary Folsom's conclusions that—

There is a continuing, substantial and widespread shortage of public school classrooms * * * (that) despite a great increase in school-building efforts, the States and communities are not making enough headway in reducing this shortage * * * (and) unless financially needy communities get help the classroom shortage will persist for many years.

To quote further from Secretary Folsom:

Even if it reaches an alltime peak—

Speaking further of the estimated number of new classrooms to be built during the past school year—

of 69,000 this year, (it) little more than keeps pace with the new needs developing each year * * * we are confronted with a condition, not a theory * * *. We have seen what the States and communities are doing to meet it, and we have seen that this is not enough (committee hearings, pt. I, p. 29).

In spite of tremendous efforts on the part of the States the number of pupils in excess of normal capacity is increasing as will be seen from the following table:

Year (fall):	*Total pupils in excess of normal capacity*
1954	2,336,068
1955	2,262,434
1956	2,295,000

(Circular No. 490, U. S. Office of Education.)

Federal support for school construction is now necessary because the great numbers of children in elementary schools are just beginning to reach the high schools and the Nation needs to move now if adequate space is to be provided in high schools. With the shops and laboratories necessary for a modern high school education the pupil-teacher ratio must be held around 25 pupils per teacher as opposed to a ratio of 30 in the elementary schools. This greatly increases the cost of construction and intensifies the burden upon the States as the tidal wave of students reaches the high school.

Furthermore, long before the building needs of the elementary and high schools are satisfactorily met, the rising tide of students will be reaching college and our problems will be fully as acute there as in the lower reaches of the school system. By 1970 1 out of every 3 applicants for college entrance will be turned away unless accommodations are speeded up at a far more rapid rate than they are now.

Each year of adequate school construction means that fewer crisis situations will develop in the immediate years ahead.

There is one fallacy that has received considerable publicity. It is also perpetuated in the minority section of the committee report. It is, and I quote:

Figures by the Office of Education itself show that all but 5 States are building enough classrooms to eliminate the shortage within 5 years.

The facts are that it will take a minimum of approximately 16 years to eliminate the shortage, and that in some States the time will run long beyond 16 years. I quote from the Office of Education:

Such conclusions are based upon an obvious error, or misuse of statistics. They compare the current rate of construction with the existing backlog of shortage. Every additional room is subtracted from the shortage. This ignores the fact that 59,000 to 65,000 additional rooms are needed each year simply to keep up with each year's enrollment increases and replacement needs. The States estimated they would build 69,000 classrooms this past school year. Even if they reach this all-time peak, they would reduce the shortage by only 4,000 to 10,000 classrooms. At this rate, a minimum of 16 years would be required to eliminate the shortage. The maximum would run all the way to 40 years.

THE DEMAND FOR FEDERAL AID IS OVERWHELMING

The people of the United States have spoken in favor of Federal aid for school construction in no uncertain terms. First through the great White House Conference, at Washington, D. C., November 28–December 1, 1955. This Conference was the culmination of more than 4,000 local and State conferences. From the thousands of participants in the State conferences, the State governor appointed some 1,800 to attend the White House Conference. Official tabulation of occupations and professions of the 1,800 participants showed that for every educator—that is, teacher, administrator, or school board member—there were two noneducators present. Surely Congress cannot refuse to hear the voice of the people.

The White House Conference in its final report says:

This committee believes that Federal aid for school construction should be made available on a limited basis for all States and Territories and the District of Columbia to help overcome the present school building emergency.

The participants approved such aid by a vote of more than 2 to 1.

The Gallup poll of February 9 shows that Federal aid for school construction is backed by a 4 to 1 margin.

Mr. Chairman, the Gallup poll, as reported in the Washington Post and Times Herald of February 10, 1957, indicates for Congress how the public feels about Federal aid to education. I am inserting in the CONGRESSIONAL RECORD this poll as I feel it should be brought to the attention of Congress.

There are 1 or 2 points of particular interest. It will be noted that 76 percent of the people in America favor Federal aid, even though there is prospect for higher taxes if this is done. Only 19 percent oppose it. Last year 67 percent favored it.

The desire is universal, as the same percentage of Republicans, Democrats, and independents favor it as do the people of the East, Midwest, South, and West; Protestants, Catholics—even to build public schools—all agree.

The article follows:

THE GALLUP POLL—FEDERAL AID TO SCHOOLS BACKED BY 4-TO-1 MARGIN

(By George Gallup)

PRINCETON, N. J., February 9.—By an overwhelming 4-to-1 margin, the public favors granting Federal aid to build new public schools throughout the county—including communities in the South where white and colored children are now segregated.

A survey just completed by the institute finds that for every person who thinks that States and local communities should build their own schools there are four persons who favor having the Federal Government help out, even though there is the prospect of higher taxes if this is done.

There also has been a significant increase in the number in favor of Federal aid to schools over the last year. One year ago, an identical institute survey found 67 percent in favor, compared with 76 percent today.

Observers point out that during the last year the States and local communities have built a record 63,000 new classrooms.

A recent publication of the Department of Commerce estimates that $4 billion would be needed annually for the next 10 years to do the job. This would mean that the rate of expenditure would have to rise 60 percent over the current $2.6 billion level.

The proposal to grant Federal aid to public schools was put to a scientifically drawn cross-section of the public in the following manner:

"Some people say that the Federal Government in Washington should give financial help to build new public schools, especially in the poorer States. Others say that this will mean higher taxes for everyone and that States and local communities should build their own schools.

"How do you, yourself, feel—do you favor or oppose Federal aid to help build new public schools?"

Here is the vote today and 1 year ago:

[Percent]

	Today	1956
Favor	76	67
Oppose	19	24
No opinion	5	9

Public opinion on the question of Federal aid to communities in the South where white and colored children are now kept apart was tested by means of the following question:

"How about communities in the South where white and colored children are separated? Should the Government help these communities, or refuse to help them build schools?"

The vote:	*Percent*
Should help	73
Refuse to help	17
No opinion	10

Although every major group in the population is in favor of the Federal aid proposal, the following differences are of interest:

Greatest endorsement of the proposal comes from persons in the heavily populated States in the East.

Catholics questioned in today's survey are slightly more in favor of Federal aid to build public schools than are Protestants.

The results by party affiliation, region of the country, and by religious preference follow:

[Percent]

	Favor	Oppose	No opinion
Republicans	74	21	5
Democrats	79	17	4
Independents	77	18	5
East	80	17	3
Midwest	76	21	3
South	70	21	9
West	79	16	5
Protestants	75	20	5
Catholics	78	17	5

The most disconcerting thing about the entire school picture in the great State of Utah is the terrific slump in public opinion concerning the effectiveness of the public schools. In 1952 an opinion survey reported that 72 percent of the people of the State were well satisfied with their schools. A similar opinion poll was taken in June of last year. It showed only 35 percent of the people to be well satisfied with their schools. This, in my opinion, is alarming and leads me definitely to the conclusion that aid from every possible source should come quickly.

Furthermore, I have the feeling that the people and the State are doing about all they can to help themselves, and that aid from outside the State is the only answer. This feeling is supported by the White House Conference report of April 1956. It shows that Utah is one of the top three States which spend more than 4 percent of their income for the support of schools. New Mexico and Oregon are the other two.

According to the June 1956 poll, taken in Utah by J. Roy Bardsley, president of Research Services, Inc., it is not the teachers and not the curriculum, but the plant and the physical facilities about which our people complain the most.

When asked by interviewers of this poll, "What is the most important problem facing the State of Utah today?" nearly four times more Utahans replied "Schools" than any other area of concern.

When asked "How do you feel about Federal aid for school construction?" 81 percent were for it and only 14 percent against. They back it by a ratio of nearly 6 to 1.

I must admit that the schoolchildren do not, or cannot, make nearly as great a "squawk" as many of the vociferous well-heeled lobbies of the special interest groups. But that is certainly no reason why Congress should turn a deaf ear to them.

I am the child
All the world awaits my coming
What I am today the world of tomorrow will be
Give me I pray you
Those things which will make me a blessing to the world.

Recognizing these things the 1957 Utah State Legislature passed a law enabling the State to participate in any Federal aid for school construction legislation which might be passed by the United States Congress.

EQUAL EDUCATIONAL OPPORTUNITY IS A MATTER OF FEDERAL AS WELL AS STATE CONCERN

Some of my colleagues in Congress say to me: "The responsibility for education rests squarely upon the shoulders of the State. Let each State support its own schools. My State is taking care of its own schools, why don't the other States do the same thing?"

The fallacy in this position lies in the fact that in any free society where the people are self-governing there must be an enlightened electorate. Otherwise such a society cannot remain free. Truly the responsibility for education rests upon the States, but just as truly this responsibility is national as well. Where the States cannot fulfill their responsibility the Federal Government should help.

The following are some of the reasons in support of this position:

First, during World War II Senator Elbert D. Thomas, the then chairman of the Senate Committee on Education, stated to the committee in my hearing that the States with 18-year-old compulsory school laws and a high level of educational standards were qualifying for military service approximately 7 out of every 10 men, whereas the States with low compulsory school laws and low educational standards qualified only 3 out of 10. Consequently, the States with higher educational standards had to make up the deficiencies in the quotas of those States who failed to qualify 7 out of 10 of their men. This situation is far more unjust than the idea of equalization ever could be. Definitely education is a national as well as a State concern.

Second, a considerable portion of the United States families are moving from the farms to the cities, from the poorer States to the wealthier States, and from the wealthier States to the poorer States. It is not a time for any State to think it can live in a watertight compartment and ask: "Am I my brother's keeper?"

Third, some States have more children in school than others. For example, New York State has only 325 children per 1,000 adults. Utah has 548 children per 1,000 adults. The United States average is 418. Simple arithmetice will show that for every 1,000 adults Utah must support 223 more children than does New York, and 130 more children than does the average of the United States. Further, more of the children of Utah attend public schools than do the average of the people in the United States. Ninety-four percent of the children and youth of public school age of Utah attend public school as compared with 83 percent in the United States.

A greater percentage of children are in school in Utah and we keep them in school longer. The median amount of schooling completed by the people of Utah is 12 years and in the United States, 9.3 years. At the same time one of Utah's chief industries is the exportation of scientifically and professionally trained people. Dr. E. L. Thorndike, professor emeritus of Columbia University, found that Utah produced more great men of science in proportion to her population than any other State in the Union and 50 percent higher than the second highest State. Definitely the wealthier States have much to benefit from high educational standards in poorer States and, on the other hand, they have much to lose from low educational standards in the poorer States.

Fourth, the equalization principle—the distribution of Federal funds according to the financial need of the States—is justified, because much of the wealth and the taxes of the wealthier States come from the raw materials and resources of the poorer States which States help to create that wealth but do not share equitably in the tax income from that wealth.

SCHOOL DISTRICTS IN NEARLY ALL OF OUR STATES CANNOT FINANCE THEIR OWN SCHOOL CONSTRUCTION

The White House Conference Report says: "It appears that under the present plans, only 2 or 3 States have been quoted as stating that they can meet their own building needs for the next 5 years."

If I might use the State of Utah as an example, I would say that one of the first reasons why the State cannot finance its own is the restrictions on bonding. In support of this position I quote the State superintendent of schools as follows:

On the assumption that all districts, if necessary, would exert a local effort of 100 percent of bonding capacity plus a 10-mill property tax for school-plant outlay, 16 of the 40 school districts in the State would fall short of meeting their school plant needs during the 5-year period 1956–61 unless Federal aid or outside help is available.

I admit that teaching, not the erection of buildings, is the most important function of our school system. In fact our entire investment in school buildings, in facilities, and in administration is significant only as it results in better instruction. But when 40 percent of the schools' income is taken for capital outlay, as is the case in some of our school districts, the quality of teaching inevitably must suffer. National authorities feel that not more than 14 to 18 percent of the school taxload should be spent for buildings and school facilities. An expenditure of 20 to 40 percent for buildings is common in our State. To increase that amount for bricks and mortar would leave so little for instruction that the major purpose of the school would be prostituted.

A second reason why the State cannot finance its building is that it is already spending a greater proportion of its wealth for schools than any State in the Union and most of that burden falls upon the property tax. Property is being taxed far too heavily now and to increase bonded indebtedness all to fall upon property would work still further hardships. Now Federal funds for school construction would come largely from the Federal income tax which would

not be nearly as oppressive as the property tax because Utah is wealthy in natural resources but the people are relatively poor. The people are carrying far more than their share of the tax burden and the natural resources far too little. Absentee ownership and overemphasis upon the property tax make the difference. Political differences and the power of vested interests make a transformation very difficult. The realities of American political life intervene to prevent the people from doing what they want to do about their schools.

In the third place the schools which receive no matching funds from the Federal Government cannot compete successfully for funds from the State with highways, hospitals, welfare agencies, and a host of other activities which do receive matching funds. When State administrators find that when they decide to spend a dollar for schools, they reap no added Federal benefit; but if they spend the same dollar for highways, hospitals, welfare, and so forth, they will have two or more dollars for every State dollar they appropriate. The large Federal-aid highway construction program has now begun to greatly increase rather than diminish the discriminatory effects of the other grant-in-aid programs.

EDUCATION LIQUIDATES ITS COST

I believe the cost of this legislation will be repaid through reduction in losses from crime and juvenile delinquency alone.

America's chief defense against crime and juvenile delinquency rests with its school system. Action which tends to build and improve our schools shores up our defenses against and saves the heavy costs of crime and delinquency. The Senate Judiciary Committee investigating juvenile delinquency reported the following in 1956:

The Subcommittee To Investigate Juvenile Delinquency believes that this Nation's first line of defense in preventing juvenile delinquency is the school. The strength of this line is directly related to the condition of the schools of this country. The subcommittee believes that the lamentable condition of the Nation's schools must be faced realistically by the local, State, and Federal Governments. The school system, which is the only agency that touches the lives of all children throughout the country, is grossly unprepared to give students concrete assistance in finding their way into the labor market. The school must shoulder a major responsibility in developing and providing the services required by children to give them an opportunity for adjustment to live (Youth Employment and Juvenile Delinquency, U. S. Senate Committee on Judiciary, Subcommittee To Investigate Juvenile Delinquency, Government Printing Office, January 30, 1956).

Among the steps which can be taken to reduce juvenile delinquency are reduction of the teacher-pupil ratio. This is one of the conclusions of Leonard Miller, specialist in the United States Office of Education, HEW Department. This was Mr. Miller's first recommendation. His second was, strengthening of teacher-training programs; third, maintenance of a staff of guidance counselors and social workers in the school system; fourth, long-range plans on the part of States and districts which will anticipate future financial needs; and, fifth, Federal aid be given the States and Territories to guarantee adequate pupil personnel services in the schools.

Mr. Miller states:

There must be financial support which will guarantee sufficient staff and buildings, together with resources for children whose needs cannot be met within the school program (Schools—Our Nation's First Line of Defense Against Juvenile Delinquency, article in School Life, November 1954).

A few days ago I received from the Federal Bureau of Investigation the annual Uniform Crime Report for the United States. I was shocked to learn that last year—1956—major crimes reached a new high, with the known crime bill of $20 billion. Crime increased more than 13 percent above 1955, and it is the first time in our Nation's history that we have topped the two and a half million mark in major crimes. Since 1950 crime has increased in our country almost four times as fast as our population.

I think you will be surprised, as I was, to learn that nearly half of all the arrests for major crimes—46 percent to be exact—were of young people under 18 years of age.

It is hard to personalize statistics but try to imagine the heartaches, broken families and ruined lives that are the results of these figures.

While the national major crime percentages were on the rise, it is encouraging to note a slight decline in my own state, Utah. In 1955 there were, according to the FBI, 3,319 major crimes committed in Utah and in 1956, a total of 3,223. This is a decline of 96 crimes.

Statistics also show that Utah is making significant achievements in other social areas:

Illegitimate births in Utah during 1954 were 8.5 per 1,000 as compared with the national average of 44 per 1,000. Robberies per 1,000 people averages 26.8, while Mountain States average 79.3 per 1,000 people.

More significant still from the angle of the strength of Christian education is the fact that only 15 percent of the 623 inmates in the Utah Penitentiary are high school graduates or college men, yet 50 percent of the men in the State are high school graduates and above. Only 29 of the 623 inmates ever attended college and only five of the 623 went beyond the sophomore year.

Those who oppose this legislation are attempting to attack America's cost and crime problem from the wrong end. As Joseph Malins says, "They are placing an ambulance at the bottom of the cliff rather than building a fence at the top."

A FENCE OR AN AMBULANCE

'Twas a dangerous cliff, as they freely confessed,
Though to walk near its crest was so pleasant;
But over its terrible edge there had slipped
A duke and full many a peasant.
So the people said something would have to be done,
But their projects did not at all tally;
Some said, "Put a fence around the edge of the cliff,"
Some, "An ambulance down in the valley."
But the cry for the ambulance carried the day,
For it spread through the neighboring city;
A fence may be useful or not, it is true,
But each heart became brimful of pity
For those who slipped over that dangerous cliff;
And the dwellers in highway and alley
Gave pounds or gave pence, not to put up a fence,
But an ambulance down in the valley.

"For the cliff is all right, if you're careful," they said,
"And, if folks even slip and are dropping,
It isn't the slipping that hurts them so much,
As the shock down below when they're stopping."
So day after day, as these mishaps occurred,
Quick forth would these rescuers sally
To pick up the victims who fell off the cliff,
With their ambulance down in the valley.

—*Joseph Malins.*

Mr. Chairman, the story is told of Abraham Lincoln stopping to pick up a beetle that was on its back. When chided by the Secretary of State, the great Lincoln said, "I wanted to put it on its feet so it would have the same chance as all other beetles."

This is the principle involved in H. R. 1 as amended. This is the principle of free men. It is the principle that underlies our free enterprise system. Approval of H. R. 1 would go far to bring about equal educational opportunity. It should be the heritage of every American child.

Mr. BARDEN. Mr. Chairman, I yield 10 minutes to the gentlewoman from Oregon [Mrs. GREEN].

Mrs. GREEN of Oregon. Mr. Chairman, when I read in the New York Times this morning that an early morning conference between President Eisenhower and the House Republican leaders was interpreted by many of the bill supporters as the death blow, and when it is all too apparent that the Secretary of Health, Education, and Welfare, Mr. Folsom, cannot convince the President and the members of his own party that there is a tremendous need for Federal aid to school construction at the present time, then I feel sure that the few minutes I have will probably not influence any votes. It seems to me that there is probably little point in citing to those who oppose the Federal-aid bill on the basis that there is no need. The cases in my own State of Oregon—which through the years has contributed a very large percentage of its income for the public schools—cases where boilerrooms and basements and hallways have been used as classrooms, classrooms where there are far too many youngsters for any one teacher in any one room. To those who oppose Federal aid for school construction on the basis that there would be Federal control, the gentleman from Arizona has spelled out very clearly that there has not been any Federal control in two particular bills, and I refer to the legislation dealing with federally impacted areas. I might also add to those two particular pieces of legislation the Federal school-lunch program where, during the years that it has been in operation, there have been no complaints of Federal control. I might also refer to the Federal money that has been given to the land-grant colleges, and never once have I heard the claim that because

Federal funds have been spent there is Federal control. And, to those opponents of this bill who have joined the economy drive, spearheaded by the chamber of commerce and the National Association of Manufacturers, I suppose that it would not do any good to cite the $83 million that this administration has given—and I repeat the word "given"—to the Idaho Power Co. as a fast tax writeoff.

I especially enjoyed the Herblock cartoon in this morning's paper in which the adult said to the little boy in front of the gate at the White House, "Too bad you aren't a power company, kid." I think that sums up pretty well the attitude of this administration, more interested in giving money to private power companies than investing it in our greatest resource, the boys and girls of this country. It would not do any good, I suppose, either, to refer to the tremendous amount of money in Federal subsidies paid to the agricultural segment of our economy; that during the years 1943 to 1953 in Federal subsidies to agriculture we spent $8 billion, while during those same years only $722 million was granted in Federal aid to education and research. And, I suppose that it would not be fair to say to those opponents of the bill, "Is it really true that cattle and cotton are more important to this Nation than the boys and girls and the education that they will receive?"

Mr. BAILEY. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from West Virginia.

Mr. BAILEY. The gentlewoman from Oregon is not surprised to find the American Farm Bureau in opposition to this legislation when it is well known that they have been the greatest beneficiaries of Government handouts and subsidies of any group in the country?

Mrs. GREEN of Oregon. I will say to the gentleman from West Virginia I am not at all surprised at the opposition of the Farm Bureau to this bill, and neither am I surprised at the opposition which the United States Chamber of Commerce and the National Association of Manufacturers have given to it, because in my experience in the State of Oregon, and in talking with other Members of Congress it is exactly these same groups that have opposed State aid for schools. It was true in Oregon when we tried to get the basic State aid for schools. Those organizations led in the fight, and they said, "Leave it to the local school district." And then when we come to a Federal program they say, "Let us not have Federal aid for schools; let us leave it to the States."

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I am sure, since the gentlewoman has brought up the question of President Eisenhower's position with respect to this, that she will agree with me that the President has reiterated in several messages to Congress and in his state of the Union messages over a period of years his feeling that something should be passed by way of legislation to meet a serious national problem.

Mrs. GREEN of Oregon. May I ask the gentleman, is he trying to convince this body today that the President is now wholeheartedly and emphatically in support of this bill for school construction?

Mr. FRELINGHUYSEN. I was going to read a quotation from the President's letter which I received on June 7 with respect to this bill.

Mrs. GREEN of Oregon. May I say to the gentleman that my time is limited. Frankly, I would say to the gentleman from New Jersey, I am very much confused as to the President's position in regard to Federal aid for school construction. If you have a message from the President that is strongly in favor of it, I am sure your side will give you some time.

Mr. FRELINGHUYSEN. I have a message with respect to this particular bill.

Mrs. GREEN of Oregon. If I have time, I will be glad to yield.

To those who oppose this bill because "we cannot afford it"—it seems to me that we spend billions of dollars on every conceivable thing under the sun, but when it comes to legislation requiring $300 million for the boys and girls of this country, and for the education that they need, then we balk and say "we cannot afford it." I say we cannot afford not to provide good schools and a good education for the very people to whom we are going to turn in the years to come for an intelligent and informed leadership.

I was very interested to hear the gentleman from Utah discuss the number of people who unfortunately have been disqualified because of their inability to pass the Selective Service test. I would like to spend the remainder of my time on that one aspect of the question which I think is tremendously important. And in this regard I would again call your attention to the statistics referred to by the gentleman from Utah—statistics which are exceedingly disquieting to every parent.

Mr. Chairman, as is well known, the Armed Forces require men of literacy, of a fair degree of intelligence, and of sufficient basic education to be trainable for the necessary Army duties. The selective service mental qualifications tests are designed for this purpose. In 1955, of selective service registrants in Minnesota, only 1.6 percent were disqualified because they could not pass these tests.

In my own State of Oregon, in 1955, only 2.1 percent were disqualified because of inability to meet this test. And yet in another State we find, in that same year, that 40 percent were disqualified because of inability to meet the test; in another State 45 percent were disqualified; in another State 45 percent and in still another State 35 percent. And I might say that those States have been represented on the floor of this House by people who say, "We are doing everything possible to educate our children in our State."

I submit that no one would argue that the people of any one State are any more stupid or any more brilliant than the people of any other State. But it is a well-known fact that several States over a period of years have lacked the educational facilities to get the literacy needed for modern military service. This means that an Oregon boy or a boy from Minnesota or a boy from any one of several States has a much better chance, many times the chance in fact, of serving in the Armed Forces and perhaps dying for his country, than a boy from any one of the other States where 30 percent, 35 percent, 45 percent of the registrants are disqualified because of inability to pass the selective service tests.

It seems to me, in the light of these statistics, if we look at this bill from the narrowest, the most selfish, the least enlightened self-interest, we should feel that it was incumbent upon us to support a Federal program for schools, Federal support for all schools in all States.

Finally, I would like to quote from Mr. Lewis Hershey, who is the head, as you know, of the Selective Service System. This is what he has to say, and this is from an item called The Educated Pay in Lives. This is a direct quotation:

> The failure of one State to be able to make its proportionate share of manpower available for national defense causes other States to assume a disproportionate share of the responsibility.
>
> The question as to whether or not one community, county, or State provides adequate educational opportunities is a matter of concern for all of the citizens in all of the States.

And Mr. Hershey continues:

> Communities, counties, and States with high educational standards are compelled to absorb the manpower procurement deficiencies of States with poor educational programs. In the final analysis, the former actually pay in lives for the education deficiencies of the latter. The safety of the Nation depends in a large measure upon citizens in every State and section having a reasonable minimum of education.

I urge that this Congress, this year, pass this bill for Federal aid for schools.

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

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

There was no objection.

Mr. FRELINGHUYSEN. Mr. Chairman, in order to provide the Members with information regarding President Eisenhower's position with respect to the specific bill we are now considering, H. R. 1 as amended, I should like to read his letter to me of June 20:

> The Honorable PETER FRELINGHUYSEN, Jr.,
> *House of Representatives,*
> *Washington, D. C.*
>
> DEAR PETER: Thank you for your June 7 letter in which you ask my views on H. R. 1, as amended, the school construction bill recently approved by the House Committee on Education and Labor.
>
> I would not, of course, pass judgment on all the details of this bill while it is still before Congress. As I understand it, however, the bill adheres to principles which I consider basic to sound Federal legislation on this subject. In that connection, I hope that in its further consideration of the matter the Congress will give close attention to that portion of the bill which allocates funds on the basis of need.
>
> As you know, our Republican Party in its 1956 platform pledged its efforts to secure

school construction legislation. Providing adequate classroom facilities for the young people of our Nation is a tremendous challenge which should be met at once. I earnestly hope, therefore, that legislation will be enacted at this session to provide Federal help in this emergency.

With warm regards.

DWIGHT EISENHOWER.

Mr. Chairman, this letter makes plain the President's view that Congress should enact this legislation promptly. Perhaps he has not given it his unequivocal, wholehearted support. Perhaps, while amendments are still to be considered, it would be impolitic of the President to express more fully than he has whatever reservations he may feel about this bill. The fact remains that the President has consistently urged Congress to act on a critically important problem. The fact remains also that this bill, in my opinion at least, incorporates all the principles which the President has declared are vital to sound legislation in this field.

Mr. McCONNELL. Mr. Chairman, I yield 6 minutes to the gentleman from Kansas [Mr. SCRIVNER].

Mr. SCRIVNER. Mr. Chairman, H. R. 1 is designed to force the 48 States to do what some outside those States decree they should do. The authority for that assertion is the gentleman from California [Mr. ROOSEVELT], one of the ardent advocates of H. R. 1, on a radio program in which he, Mr. McCONNELL, and I participated, the following colloquy took place:

Mr. SCRIVNER. It is the old compulsion of making somebody do something——

Mr. ROOSEVELT. That they should do——

Mr. SCRIVNER. By the lure of some so-called Federal dollars.

Mr. ROOSEVELT. That they should do and that the children's need says they have to do if the welfare of the United States is to be protected.

I need not remind you, as Members of this House, that this is a constitutional Republic of 48 sovereign States, each with its own rights, duties, and responsibilities, which are not to be usurped by the Federal Government, or any one of the 47 other States.

Education is the responsibility of the parents, the community, and the States. It is not the Federal responsibility, and no constitutional provision gives us the power to act as provided in H. R. 1.

Mr. Chairman, it is not where you were taught, it is what you were taught, that counts. I attended 2- and 3-room schools. I attended split-shift high school—going to school in the morning, working in the afternoon; going in the afternoon, working in the morning. My education did not suffer because of that.

Mr. Chairman, it is my own conviction, based on observation, that, on the whole, the States are doing an admirable job, and that if the Federal Government did not draw the wealth of the States to Washington, they would do even better, not only in building schools but also in paying teacher salaries sufficient to retain their services.

We have heard much about the so-called poorer States. If they cannot now raise the money to do what some think they should, how can they add still more to their tax burden to meet the matching part of H. R. 1?

Many States, as Kansas is, are on a pay-as-you-go basis—for the State, counties, school districts, and local boards of education. Neither the loan provision, nor the State financing agency would help Kansas. The Kansas Legislature in the session just ended was faced with the necessity of raising an additional $15 million to operate the State with no new sources of revenue to be tapped. This measure—H. R. 1—would require Kansas taxpayers to raise another $5.1 million to get back 3½ million—a net loss of 1½ million scarce, hard-to-raise tax dollars. Furthermore, the Kansas Legislature, as most other legislatures, will not convene again for 2 years to enact legislation to meet the requirements of H. R. 1.

Mr. Chairman, Alabama would be required to raise over $10 million to get back 8—Tennessee taxpayers would need to raise $10 million to get back 8, with Federal controls attached—and so on down the line as I set out in the RECORD for June 25—page 10255—photo copies of which I have here.

New York would be taxed $74 million to get back 18. Under the Scrivner plan $126 million would remain in New York.

And, of course, although any State may not require, request or qualify for these Federal funds, it must still pay its share of tax dollars to defray the cost of H. R. 1.

Mr. Chairman, over 10 years ago I suggested a simple, direct method of helping the States solve their own education problems, without any Federal strings, controls, or conditions, a plan that would call for no new Federal employees and leave in the 48 sovereign States tax revenues earned there for their own relief in the manner to be decided by their own legislatures.

This idea is embodied in House Joint Resolution 159, which sets out the reasons for my proposal.

If I can gain recognition, I will offer as a substitute for the 66-page H. R. 1, with all of its conditions, limitations, and uncertain powers, a 7-line measure, H. R. 8397, which states simply:

That in lieu of all legislative proposals providing for Federal aid to education, including school construction, 1 percent of all Federal income tax, collected in each State and Territory, shall be covered quarterly into the Treasury of each State and Territory, to be expended only for aid to education, including school construction, in accordance with the budget of each State or Territory.

It is just that simple.

If that is ruled out on a parliamentary point, I will then seek recognition to substitute a 12-line measure, H. R. 2889, which reads:

That there is hereby authorized to be appropriated for the fiscal year beginning July 1, 1957, and for each of the 3 succeeding fiscal years, an amount equal to 1 percent of the total of all income taxes collected on corporate and individual incomes, under the Internal Revenue Code of 1954, from all the States and territories during the previous calendar year, to the respective States and territories, in amounts equal to 1 percent of the amount of such revenue collected in each such State or Territory, to be used for public schoolroom construction, as prescribed by the law of each State or Territory, without any Federal direction, control, or interference.

Mr. Chairman, recently in addressing the governors' conference, President Eisenhower said:

I suggest, therefore, that this conference join with the Federal administration in creating a task force for action—a joint committee charged with these three responsibilities:

1. To designate functions which the States are ready and willing to assume and finance, that are now performed or financed wholly or in part by the Federal Government.

2. To recommend the Federal and State revenue adjustments required to enable the States to assume such functions.

3. 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.

Then he suggested:

A FIRST STEP

In designating the functions to be reassumed by the States, the committee should also specify when those functions should be assumed—the amounts by which Federal taxes should be reduced—and increases in State revenues needed to support the transferred functions. As the first step, the committee might concentrate on a single function or program and pair it with a specific Federal tax or tax amount. This effort presupposes that Federal taxes would be cut more than State taxes would be raised to support the transfererd functions. The elimination of the Federal overhead—stopping, in other words, the "freight charges" on money being hauled from the States to Washington and back (a bill, I remind you, that is always collected in full)—would save the American taxpayer a tidy sum.

H. R. 8379 does just exactly that, and does it now, without waiting for any commission to make a study. My measure signals out one specific function and pairs it with a specific Federal tax reduction.

In case any Member questions whether the action I propose in H. R. 8397—that is, covering 1 percent of the income tax into each respective State treasury—can be done, I would point out that the Guam Organic Act permits 100 percent of the tax on income earned while in Guam to be covered into the Guamanian treasury. If 100 percent can remain in Guam, certainly 1 percent can remain in each State.

Mr. Chairman, if the Members of the House desire a bill to assist the States in solving their school problems, and mean what they say when they declare they want no Federal controls, no Federal domination, no great Federal bureaucracy—they should vote for H. R. 8397 if given the opportunity, or as an alternative, for H. R. 2889.

Mr. Chairman, my simple, direct measure has thus been explained in a very few minutes, whereas hours of debate have not yet thoroughly explained the complex, complicated H. R. 1.

Mr. Chairman, a wire just received from the Kansas Farm Bureau reads:

Urge you to vote against proposed school aid legislation. Principle of general Federal aid to schools wrong. If started will not stop. As in all other projects control will go with money and continue to increase. If

compromise necessary in order to defeat H. R. 1 support Scrivner alternative.

W. I. BOONE,
President, Kansas Farm Bureau.

And finally, illustrative of the reference to controls made by the Kansas Farm Bureau wire, let me relate a little experience I had as a youngster.

When I was about 9 years old a neighbor of ours offered me a little black water spaniel. I wanted the dog mighty bad. It was just what I wanted. So I asked my dad about it and he said, "Yes, you may have the dog but you are going to have to take care of it." Well, that was all right. I went down and got the dog and was pretty proud. Three days later when I came home the dog was in bad shape—bleeding, biting itself, and scratching. I thought it was having fits. I called my dad, and he looked at me and looked down at the dog. He turned some of the heavy hair back and smiled and said:

Well, son, nothing serious. It isn't fatal. All that is the matter is just a lot of fleas. You are going to have to give the dog a bath and creosote dip.

I complained about it, and he said this, which I have never forgotten:

Just remember one thing, son, that the fleas always come along with the dog.

Mr. McCONNELL. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. MAY].

Mr. MAY. Mr. Chairman, in their 1956 platforms, both major political parties have recognized the fact that there is in this country a severe shortage of classrooms. There is no State in which this shortage does not exist to one degree or another. Both political parties have pledged themselves to take steps to eliminate this serious problem by means of Federal aid to the States. I have an amendment I intend to offer at the proper time which should appeal to all sections of the country and produce the desired legislation to aid schools:

Under the committee-sponsored bill, H. R. 1, as reported, the basic responsibility for the solution lies in title I, which advocates payments to State educational agencies for assistance, on a grant basis, to communities where this type of assistance can be most effectively utilized, as determined under priorities established by the State. We all know what title I of H. R. 1 attempts to do.

The chance for passage of this committee bill hinges largely upon the adoption or rejection of title I. It appears to me at this point, that title I, and thus the bill, will be rejected, mainly because it is the section which opens the door to Federal control of the State and municipal functions in the field of education.

This section with the control over the State plans by the Commissioner of Education should be eliminated. It is my proposal to submit an amendment which strikes title I from the bill, and, in essence, performs the function of title I, in the following manner:

Each State will retain a portion of its personal income tax as collected by the Collector of Internal Revenue in and for each State, or district. The portion that the State may retain will be determined on a basis of the income per child of school age, the school age population, and effort for school purposes of the respective States. Thus, the retention of taxes will be based upon the need plus the effort.

To limit my formula this amendment shall authorize the Congress to make available through appropriation the same amount—$300 million per annum—as is now available under title I of the committee bill.

The Commissioner of Education shall be required to compute, under the formula designated in this amendment, the amount which shall revert to each State in the reallocation of a portion of its personal income tax. When the Commissioner of Education has computed a State's allotment for a year, he shall certify the amount thereof to the district Collector of Internal Revenue for the internal revenue district of which the State is a part. From the collections made in each State, from taxes levied under the section of the internal revenue code pertaining to income tax on individuals, the district director of internal revenue shall retain an amount equal to the State's allotment. He shall then pay the State's allotment for the year, in equal monthly installments, to the State educational agency.

The plan provides that the States must match the tax reallocation on each project from whatever source they desire.

This particular approach eliminates control over the State's use of these funds by the Commissioner of Education. His only function is to determine how much each State shall get under a formula specifically enacted under this proposal. He does not approve or disapprove State plans. He in no way can determine the policy of the individual State.

It eliminates the necessity of bringing the funds to Washington for processing under the Commissioner of Education, with the need for increasing bureaucratic personnel. There is a time-honored principle in the field of government and politics which must be recognized when we consider the position of the Commissioner of Education under the bill as presently envisioned by the committee: Self-perpetuation is the soul of bureaucracy. The committee has given this program a date of termination, but they are also according to the Commissioner of Education 5 years in which to build the case for continuation of Federal aid to school construction—perhaps even Federal aid to all elements of education.

Under the circumstances, I can vote for the allocation of funds to build much-needed classrooms. I cannot vote for control over the State plans by a Federal commissioner of education. Educating our children is not like building highways; we are dealing with the most precious substance of our national heritage, the minds of men. The proponents of H. R. 1 claim that the Commissioner of Education will have little influence over State programs, and I will admit that, for the purposes of this bill, it is possible that the danger of Federal control is not as imminent as many would have us believe. A pertinent fact, however, is that it is a step in the direction of Federal control. It is a precedent upon which those who would centralize our educational system can build step by step. The danger does not lie in the effect of the present bill during the period of time for which it runs—the danger lies in the endorsement of a principle by this Congress. This can well be the first step toward placing the Government position paramount to the minds of men.

I believe that, in essence, the amendment applies a formula based upon the need and effort of each individual State to the retention of a portion of the personal income tax, as determined by the formula, to be used in the State as the State educational agency alone determines. The objectives achieved are the same as those proposed in the committee bill, yet they are achieved in the American tradition of leaving basic decisions in regard to education up to the people closest to, and best able to understand, the problem—the administrators of the States and municipalities, and not a Federal Commissioner of Education.

Mr. McCONNELL. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. GWINN].

Mr. GWINN. Mr. Chairman, I ask unanimous consent on behalf of the gentleman from West Virginia [Mr. NEAL] that he may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NEAL. Mr. Chairman, there is not a Member of this House who does not see and look with fear upon the extent to which the Federal Government has encroached upon the rights of individual States and local communities, who will dare admit that his own State, his own local community, is less able to conduct social, political, and economic affairs than heads of Federal agencies, unfamiliar with the resources, the public temperament, and the basic potential of the people of his own area, who is not painfully aware that the Federal Government has already preempted the tax-taking power of the States until local financing of purely local needs and essential improvements are being met with more difficulty, or who is willing to see the Federal tax-take, with its intrusion into the affairs of local communities, grow to the point where his own people will be no longer able to plan and promote projects of peculiar interest to their own communities.

It is still freshly inscribed on the memories of the Members of this House that the history of the past 20 years is replete with instances wherein the Federal Government started out with the noblest of purposes in seeking to relieve some segment of our national life or of a temporary dislocation of our economic system.

We all recall the days of the WPA when it was avowedly put forward as a device to provide jobs for our unemployed through planned programs of public works.

In the first few months of its life it provided jobs and furnished much-needed payrolls to some areas where unemployment, poverty, and people existing on the fringe of starvation prevailed.

By the 1936 campaign, however, the nobility of WPA's basic aim had been perverted to that of a ready political tool. As I recall it, the campaigns of that year involving the Presidency down to district elections of magistrates rang hot and heavy with charges that WPA payrolls were loaded prior to election day with politically "right" people. At least, it was so in my own State of West Virginia.

And while the WPA grew in political potency, there was an ever-increasing accretion of "supervisory" personnel. Where, for instance, one timekeeper had been sufficient before, now there began to appear assistant timekeepers. It was possibly the greatest featherbedding spectacle the country had ever seen.

Before the WPA was mercifully killed by Congress, it had become an agency without any purpose other than to maintain in their jobs and in power a literal horde of big and little functionaries whose only purpose in life appeared to be to stick to the Federal payroll.

Another case which lends emphasis to this basic fact that Federal authority, once set in motion, becomes almost impossible to diminish or control in any way, is that of the Reconstruction Finance Corporation.

It will be well remembered that in 1931 former President Hoover recommended creation of the RFC as a 2-year expedient by which our temporarily stalled economy could be set in motion again. Yet, it was several billions of dollars and 26 years later before Congress ever got around to ending the life of this agency.

During those 26 years, the RFC gave birth to at least 7 major Federal bureaus and these fiscal offspring are still nurtured by each annual Federal budget.

Directly from the RFC there appeared the following progeny: the Small Business Administration, the $8 billion Commodity Credit Corporation, the Federal National Mortgage Association, the stockpiling activities of the General Services Administration, the Disaster Loan program, and most of our many public works programs which extend into almost every field.

These varied activities sprang from basic RFC functions under the excuse that a particular field was so important that it could no longer be contained within the RFC and thus necessitated a new, specific agency to administer and carry it out. I submit this object lesson to further bolster my contention that thus it will be with any Federal aid to schools.

The initial requests this bill provides cannot possibly perform the job ahead, for when States and local school authorities learn that the Federal Government is getting in on school-building programs, the momentum of recent school construction will slow to a trickle.

Then the proponents of Federal aid will have no alternative but to take over and administer the entire school building program—and what a bureau they can build. The Agriculture Department will be small by comparison.

In my State of West Virginia we have witnessed also what can happen once a local arm of government relinquishes one of its basic functions to a central political power. In my State, in the early thirties, in common with many other States, a lack of revenues caused a majority of our 55 counties to petition our State legislature for financial aid in keeping our school doors open. Mind you, the counties made their plea on the basis that any such aid would be only temporary and that as soon as the times improved the counties would take back financing and control of their own school systems.

Yet, this so-called emergency program of school aid turned out to be like the man who came to dinner. He is still at the table but has turned out to be a guest of ever-increasing proportions. In the 24 years that West Virginia has enjoyed State school aid, the whole program has increased in a manner that both startles and frightens. The amount of State school aid appropriated annually by our legislature has increased tenfold, until today it accounts for more than 50 percent of our biennial budget.

It is my belief that the same thing that occurred in my State will be repeated nationally if this bill becomes law.

I have used the WPA and RFC as classic examples of how extension of power, increase in jobs, and increase in cost automatically follow a nationwide program of almost any type instituted from Washington.

There is not a man nor a woman, nor any coalition or combination of individuals in Washington, or in any part of the Nation, with sufficient wisdom and perspicacity to put together any rational or reasonable program of Federal aid to education that will adequately meet the three-thousand-odd differing local situations in a like number of counties in the United States.

Although statements made previously during this debate are somewhat contradictory, it remains true that area shortages of schoolrooms do exist. Such areas are found in every State, but the remarkable local effort taking place throughout the Nation since Korea plainly demonstrates that communities are awake to their problems and, on their own resources, they are meeting these needs to a remarkable degree with facilities that conform to local standards at costs which they can afford.

School construction standards need not hue to the ultramodern, expensive patterns afforded by the many financially resourceful communities. Frills and fancies do not contribute to the training of youthful minds. Less costly units, providing light, ventilation, and comforts will make it possible for most any area to finance adequate schools. Mark Hopkins, one of our great pioneer educators, once said, "A log would make a proper school with a teacher sitting on one end and a pupil on the other."

I do not share the concern of proponents of Federal aid to schools that local areas have lost their initiative and their interest in providing schools for their children. It is not that interest has been dampened, but in places where local effort has lagged we should, in assessment of any such situation, consider the fact that within this generation we have passed through two great wars which saw the Federal tax rate increase to a point where it uses up the tax potential with a result that local, county, and State taxes suffer from an inability of the authorities to find open avenues to potential tax sources.

To add the burden of this Federal school program to our already precariously overburdened Federal debt structure would be unwise at the present time. I hope that Members of this House keep clearly before them the fact that bonded indebtedness of the political subdivisions is infinitesimal when compared with the monster of the national debt.

Admitting these well proven facts, then why should Members of this Congress vote to saddle the American public with another infant bureau that will grow to usurp their local authority and tax their resources with which to create a monstrous central governing body to which they must eventually become subservient?

Next to national defense, the Federal bureaus already far too numerous, are responsible for high Government costs and the burdensome tax they impose.

If Congress adopts this bill, we will have taken the one more long stride leading to complete socialization of our economy. I am confident this Congress will avoid that step.

Mr. McCONNELL. Mr. Chairman, I yield the balance of my time to the gentleman from Wyoming [Mr. THOMSON].

Mr. THOMSON of Wyoming. Mr. Chairman, most that can be contributed on the bill before the House to provide Federal aid for school construction has either been now said or printed. The only reason that I think that I might be able to add something at this time is because of my experience in the State legislature during part of the time when the State which it is my privilege to represent was working toward a solution of its own educational problems. I say working toward a solution, rather than to say was solving its educational problems because I think that we will forever have an educational problem as long as we are interested in providing ever better educational opportunity for our youth. As a private citizen or as a legislator I will ever be for providing better educational opportunities in America. I think that is true of every Member of this body. I think that we can state that all of us are for improved educational facilities and an improved educational program. Our differences are as to the best means of accomplishing that purpose.

To justify this legislation it must appear, first, that there is a problem; second, that there is a need for Federal aid generally; and, third, that this bill is the solution to the problem and answers the need.

I agree as does, I believe, everyone that has thus far spoken that there is a problem as far as classroom shortages are concerned. Furthermore, I agree that this is more than just a general problem and is something that should be taken care of without delay. When it comes to need for Federal aid to school

construction though, it seems from this debate that it is almost unanimously agreed that such is not necessary if the State and local governments will make the effort to solve the problem themselves. On the last requirement, it is my considered opinion that the passage of this bill, far from offering a solution, would strike a severe blow against the cause for improved educational opportunities for our youth. The States do have the capability if they will make the effort. The State which it is my privilege to represent, the State of Wyoming, is one of those States according to the distribution shown in the committee report is presumed to need this legislation. The State, I am pleased to say, has either solved or is solving its own problem. Enactment of this legislation would in my opinion have hampered these efforts in the past, and will hamper them in the future rather than to help.

Before going into that, I am compelled to comment on the general philosophy of this bill which I think is one of the greatest dangers to the future of America today. That is the general philosophy of grant-in-aid- programs, or Federal aid to the States. This has been seized upon in my opinion as a device to be used by the big spenders as the people have finally aroused themselves against more direct approaches. It has been sold on the false assumption that Federal money is free. The people though are now coming to realize, and I think it is our obligation to advise them, that the Federal Government has no money that it does not either take from the people in the form of taxes or borrow to the credit of its citizens. It is generally agreed that there is no need for this aid program if the local governments will make the effort themselves. Here again, as representatives of the people, we are being asked to vote expenditures which those people themselves that we represent have refused to vote. Some people may think that there is political advantage in this, on the basis that they can go home to dedicate school buildings, saying, "Look what I got for you." I do not think so. I think that the majority of the people are now awakening to this hoax. In this connection I shall never forget the remark made to me one time by a laboring man when I was a candidate for the State legislature several years ago. He asked me, "If we elect you what are you going to give us?" The only reply that I could make was that I was not out to give him anything except to try to give him good government. His reply was, "I'm going to vote for you. They are already giving us more than we can afford." The most dangerous threat to the economic stability of America today, and to the political stability of this country, is the expansion of Federal aid programs. This has a double-barreled adverse effect at local level because, first, it preempts the State and local governments determining the purpose for which available revenues will be spent; and, second, it either retards or prevents the adoption of needed reforms at local level thereby guaranteeing waste and inefficiency. It is for this reason that I say that had the legislation we are now considering been on the books for the past 10 years, I do not think that Wyoming would have made the progress that it has made toward solving its own school problems.

On page 3 of the committee report in ruling out alternative programs the committee cites their reasons therefor, including State tax limitations, constitutional debt limitations, underassessment of property, and problems of school district reorganization. Each one of these is a local problem which must be solved at local level. This Congress cannot legislate in those fields without completely usurping the control of the local government. This bill does not pretend to approach these problems, which are the real problems. Wyoming has been doing something about these problems. Wyoming has been doing something about schools, as I know have many of the other States. Wyoming is proud of the fact that it has pioneered in this and is probably making the No. 1 effort today.

What has been done? In the first place the necessity of a common tax base through uniformity of assessment was recognized. A reevaluation of the entire State was begun shortly after World War II. In 1948, a constitutional amendment was approved which permits a State property levy of 6 mills for schools. This amendment provided considerable relief for districts with low assessed valuations but a relative high number of pupils. In 1951, the legislature directed its permanent interim committee to study educational problems and report to the 1953 session of the legislature. The study was made and the committee's conclusions were that there was enough money available for schools if better distribution was made of that money. Obviously if you redistributed a fixed amount of money you must take some of it away from some districts and give it to others. The school districts that were to lose money in the process of redistributing aid were opposed to the plan and their representatives in the legislature were of sufficient strength to see that the plan in bill form was never introduced. I believe this Congress is now faced with exactly the same situation.

The Wyoming Legislature, realizing no solution had been reached, again directed the interim committee to study public financing of education in the State. This committee decided to enlist citizens to study the problem. Forty-six educators and lay persons worked 2 years on the report. After much study, it was concluded it would be politically impossible to secure any type of foundation aid program using existing resources. Consequently new sources of revenue were recommended and the 1955 legislative session did enact a whole new system of State aid which guaranteed $5,500 to every classroom unit in the State.

In November 1954, the people of the State approved a constitutional amendment which increased bond debt limits of school districts from 6 percent of assessed valuation to 10 percent. In 1957, the Wyoming Legislature, which adjourned in February, increased its school foundation program by approximately one-third. It set up a $1 million emergency school-building fund for a lease-purchase program. Legislation to enable and encourage local school districts to redistrict and consolidate was passed early in this period.

All of this was not accomplished without working out at local level many serious problems. Necessity is the mother of change. Had Federal aid been available much of this could not have been accomplished. Many of the school buildings that are now held up before this committee as horrible examples should be eliminated by consolidation. This bill would retard that, and other progress at local level. It discourages revaluation. I doubt from having lived firsthand with these problems if the constitution of the State could have been changed to increase the debt limitation, or that the revenue statute could have been amended, or that the State program for a foundation program and lease-purchase plan could have been adopted, had the bill now under consideration been in effect. This legislation would hamper rather than help the State in the carrying out of a well-considered program, in my opinion. I think the same thing could be said of most other States. The report shows that most States either have met the classroom problem or soon will do so at the present rate of construction. The effect of this bill is to force them to expend available local tax resources for buildings, funds that should be going for better teachers salaries, equipment, textbooks, libraries, or other items equally or more important to a good educational system than buildings.

The principal argument for this bill, as far as I am concerned, is that the Federal Government has dried up local tax resources by levying unconscionable Federal taxes. I submit to you that this would only aggravate that situation. As such it would form the basis to enact general aid-to-education legislation.

Federal financing of education either for school construction or general purposes is not in the best interests of education. Revenues collected locally are actually spent for the purpose intended. For each dollar sent to Washington and returned to the States there is a heavy brokerage fee charged. I am 100 percent for education—not 70 or 80 percent, or some lesser amount. I submit that the best thing we can do in this situation for education is to defeat the pending bill and to give a tax reduction, thereby improving the tax base of the local governments. This is, in my opinion, in the best interests of education, and in the best interests of America.

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

Mr. BARDEN. Mr. Chairman, I yield such time as he may desire to the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Chairman, in the debate in which we have been engaged for 2 days there is the same alinement that we have had on other occasions. On the one side are members of sincerity and of integrity, fighting doggedly for the mores of an era

that is gone. They sense that it is gone and deep within them I think is the realization that it will never return. They are sincere but they are as travelers arriving too late at the station and shouting at the train that has already passed on. On the other side are those who do not look backward into the yesterdays but, accepting the changes that have come, as in life changes always do come, seek to make stronger the structure of the today in order that in the tomorrow when other changes come further progress may be made in the advancement of the welfare and the contentment of the American people.

Many generations of Americans have made sacrifices for the cause of popular education. Parents on countless occasions have got by with the barest necessities for themselves in order that their children might enjoy educational advantages that to them had been denied. Local tax moneys in large volumes have gone into the maintenance of schools and colleges.

In his early manhood my grandfather taught in a public school in Wisconsin, and the payment he received for a full year of teaching was $50. In my early manhood the largest buildings in the county in Michigan in which I was born was the county poor house, where the penniless aged were given food and shelter, and buildings that housed the public schools. In my grandfather's young manhood life was very simple and there was very little money. In my own young manhood life still was very simple and the man who made as much as $1 a day, working 12 or 14 hours, was regarded as a man in happy circumstances. But in those days American men and women provided housing for the unfortunate, the poor house really representing public housing, and schools for the education of the young.

People then for the most part were far away from railroads. There were no automobiles, and the round trip by horse and buggy to a nearby village, perhaps the county seat, 10 or 15 miles away, consumed the greater part of a day. Each community lived more or less by itself, but in each community from the very little in tax money a great volume percentagewise went into the maintenance of schoolhouses.

The urge for education has not changed. It will not change until the national urge to live is gone. If ever the American people lose their willingness to sacrifice in order to maintain popular education, then our United States of America will have started on the road to decline. I wish to put the emphasis on the sacrifices. Popular education is the United States always has called for sacrifices, and always in each generation of Americans there has been the willingness to make the sacrifices. A little group of farmers in a Wisconsin community over a century ago paying my grandfather, then a young man, $50 a year for teaching school were making a sacrifice, measured by the very little that they had and that they had earned by hard, hard work.

There is the same spirit today. In the spirit there is no change. My colleagues on both sides of this argument are possessed of this spirit. Of that I have no doubt. The only difference is that those who are opposing this bill are still standing at the station shouting for a train that has already passed by.

Popular education no longer is on the local level. When the horse and buggy was supplanted by the diesel-engined locomotive, the automobile and the airplane the measure of the American family was changed from that of the community to that of the Nation. In the horse-and-buggy days few left the community in which they were born and in which they were educated. There was, of course, some moving around, but in the main the adults of a community were those who had been born and had been educated in that community. Today all of this is changed, and especially so in the large cities.

In Chicago for many years we have sacrificed, willingly and cheerfully, to give our children the benefit of the best public schools that could be produced. But when in these later years great numbers of adults have come to our city from States where there were not the same educational advantages we have had a problem in readjustment from which our own expenditures for the education of our own youth had not protected us. It is of vital concern to us in the cities where we are making such a sacrifice to keep popular education on the highest of standards that those same standards should obtain in other States and in other communities, the children of today of which may be our fellow-Chicagoans of tomorrow.

More and more, with transportation so rapid, the trend of shifting population is bound to increase. There will be times of great industrial demand for labor in the cities, and of lesser demand and opportunity in the rural sections, and then there will be a swing of workers from the country to the cities. Or in one city there is a slackening, with jobs not too plentiful, and in another city, possibly the width of the continent away, there will be abundant opportunities, and with the ease of packing the family and the family belongings into an automobile the shift will be from one city to another. Then will come a period when job opportunities in the cities have dried up and there is greater opportunity in the rural sections, and then again another switch of population, this time from the cities to the country.

This pinpoints the wisdom of maintaining popular education on a national level. A neglect of popular education in any State or in any community in the United States can have very serious repercussions upon other communities thousands of miles removed. It is folly to close our eyes to this. We must heed the practical factors. We must be realistic enough to know that while the maintenance of popular education under the most favorable of circumstances requires constant sacrifices that where the means of any community are inadequate even the willingness to sacrifice will not stretch the limited means to meet the demand. This is the responsibility of the Nation. It is a national responsibility that we cannot sidestep.

Mr. Chairman, I have sought to present the matter of Federal aid to education from the standpoint of how all communities in the Nation suffer from educational breakdown in any community. It all sums up to this: We cannot have a Nation fit for her destiny and her dedication if it is a Nation part of which has the advantage of good public schools and part of which has schools that are far, far below the standards.

But most important is this, that every American child, wherever born in our United States of America, is entitled to equality in education as in all other things. The youth raised in any section of our country where there are no public schools relatively on the same plane as the schools in other communities is denied that equality in opportunity that should be his birthright.

The United States Department of Education, based upon surveys furnished by the 48 States, reported that in 1956 there were enrolled in our schools 2,950,000 pupils beyond normal classroom capacity. School enrollment in 1956 was 37,531,000, that of 1957 was 39,094,000. While it was estimated that an additional 79,000 classrooms would be built in 1957 to replace those which had become obsolescent, such increase leaves the classroom shortage far behind the needs of 1956 and completely inadequate in 1957. Equally distressing is the fact, again furnished by the survey of the Department of Education, that not only do we not have enough teachers, but of those we have, 1 in 16 is teaching on a substandard certificate.

With almost 3 million children attending school in shifts, housed in makeshift accommodations, taught by teachers carrying a backbreaking load or inadequately prepared to teach, we are confronted by the fact that our schools, and that means our children, are in serious trouble.

Opponents of Federal aid for schools tell us that education has been the responsibility of State and local government. This type of reasoning waxes sentimental about the little red schoolhouse and the village schoolmaster. They overlook the fact of a changing world, which has seen the automobile and airplane replace the horse and buggy. A world which has seen two world wars, and now stands on the threshold of the atomic age, has made changes which our children must meet.

Two world wars have changed many things but one of these changes which has had an impact upon the local school is the income tax. Federal taxation has siphoned off from the States and especially from the local communities sources of income, leaving the local property owner to carry the burden of school construction and maintenance. Local communities have tackled the problem of education, but many of them have reached the limit of their taxing and bonding power, and in endeavoring to keep up with the demand for new classrooms, they have skimped on teachers' salaries. In other words, they have reached the limit of their ability to finance the growing needs of popular education. Moreover, before the building shortage imposed by wartime restric-

tions on materials could be met, the increase in school population had swamped available classroom facilities.

During and since World War II there has been a tremendous migration in population. As an example of the impact on school systems of this migration I cite the case described by the principal of a school in my district. Miss Grace Hotchkiss told me that in 1 year her school had handled children from 2,000 school districts from every part of the United States.

Education has ceased to be a matter purely of local concern. The inability of local school systems to solve the problems of local needs as exemplified by a staggering 2,950,000 children for whom there are no classrooms or inadequate ones; the growth of juvenile delinquency, the change of mores which has resulted in more working mothers whose children must find direction in the neighborhood playground plus the growing inability of local governments to provide, all point in one direction: Federal aid.

Those who oppose Federal aid express a fear that Federal aid shall mean Federal control. They seem to have overlooked the fact that Federal aid for education has its roots deep in American tradition. The Northwest Ordinance enacted by the old Congress of the Confederation laid the foundation of Federal aid for education. Later the Morrill Act provided for land grant colleges.

However, this is the time to look forward—not backward. Today we stand on the threshold of the atomic age. Education has always been the cornerstone of democracy. But democracy, to survive in the atomic age, needs engineers, scientists, and mathematicians. The youth of today and tomorrow must have a climate in which to grow intellectually.

Mr. Chairman, in casting my vote for the bill before us I shall have the faith that I am performing one of the outstanding public services of a long lifetime.

Mr. BARDEN. Mr. Chairman, I yield such time as he may desire to the gentleman from Maine [Mr. COFFIN].

Mr. COFFIN. Mr. Chairman, I am happy to endorse H. R. 1, as amended by the Committee. The subject of a Federal program of school assistance has long been a matter of concern to me.

In my campaign for the seat in Congress which I now hold, I stated my support of this type of program. I also opposed any attempt to tie the so-called Powell amendment to such legislation, recognizing that such a tactic would be paying lipservice to civil rights while effectively blocking any chance of passage of a school bill.

Within 6 weeks of the convening of this session of Congress, I testified at length before the House Subcommittee on General Education. In that testimony I submitted for the committee's consideration a formula for allocating funds to the States which would, in my opinion, have been more equitable than either the Kelley bill, which based grants solely on school population, or the administration proposal, which entirely ignored the factor of school population. My suggestion was to divide grants to States into two parts. One part would be allocated on the basis of population; one part would be allocated on the basis of the need of a State, measured by its per capita income for each schoolchild.

After testifying in support of this two-part formula, I sent copies of my testimony to the commissioners of education of all the States, and asked for comments. The response was generally favorable, and I made these letters available to the committee.

I am therefore pleased to see that the bill as reported to the House by the Committee on Education and Labor contains such a two-part formula.

What does not appear to me as sensible is the inclusion in the bill of the provision from the original administration bill of an "effort index." This, in my opinion, unfairly penalizes States with unusual problems which cannot fail to affect the amount of money available for education. In my own State of Maine, because of climate, size, and population, we must spend $55 per person each year to maintain our roads. This is the third highest expenditure in the Nation. The national average is only $30. This means that we spend about $22,500,000 more on roads each year than we would have to spend if we were "average." With even part of this excess road money available, our "effort" for education would be immeasurably greater.

In short, "effort" should be measured only after viewing the overall problems besetting a State.

However, the recent encouraging progress in my State toward State support of education, culminating in a remarkable program adopted by our 98th legislature, makes me confident that future revisions of Maine's effort index will minimize if not wipe out any penalty effect.

It is both significant and helpful, to my mind, that the bill contains a provision explicitly prohibiting any Federal officer or agency from exercising any control over the "personnel, curriculum, or program of instruction of any school or school system." The history of Federal assistance in the school field has been singularly free of any efforts to exercise this control, but a specific provision is most reassuring.

H. R. 1, as amended, is the legislation which was brought to the floor after extended hearings by a large, bipartisan majority of the committee. I am supporting this legislation, without qualification.

It is designed to meet the needs of a postwar generation of students. Without it this generation shall be deprived of the kind of education the United States should afford its youth. With it Maine can go a long way toward bringing all its education standards to the level enjoyed by so many other States.

Mr. BARDEN. Mr. Chairman, I yield such time as he may desire to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, I ask unanimous consent that my colleague the gentleman from Pennsylvania [Mr. BARRETT] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. BARRETT. Mr. Chairman, I am glad to rise today in the House of Representatives to voice my support of H. R. 1, the School Construction Assistance Act of 1957, because it will provide Federal aid for school construction in America. Each of us, I am convinced, need only to return to his own State, or his own community, to observe the need for such legislation.

Too frequently a temporary frame structure now stands where there once was a play area; a storage room has been cleaned out and converted into a temporary classroom—temporary, I might add, for the past 3 or 4 years—or perhaps trailers are lined up outside the old school building to relieve the overcrowding.

What kind of students can schools which operate under such chaotic conditions produce? Can the scholars, educators, and leaders of tomorrow be adequately trained under such conditions and circumstances? Unless gifted with some unusual power of concentration, I dare say that it will be difficult for any student today to take full advantage of educational opportunities. We do not need to be education experts to know that the best student is not produced where there is such an acute need for facilities. With American manpower needs as demanding as they are today, we need to pay special attention to factors which will limit the production of trained people.

In my speech so far I have not quoted any lengthy statistics that show the construction needs of the country, nor have I quoted from the reports and studies of qualified persons which show the economic justifications for Federal aid to school construction.

We have heard many different—and often conflicting—statistics in the course of this debate. For my own part, I believe that the figures furnished to us by the United States Office of Education—an office created by Congress for the purpose of informing the public and educators about the educational needs of the country—give the working figures which best enable us to understand the need for school construction. Understanding the basic needs for school construction can only lead to a realization of the role the Federal Government must play to help meet the demands of the time.

In March 1957, America had an unmet backlog of 150,999 classrooms. This is a very staggering and fantastic figure. Public day school enrollment increased in 1956 to 30,532,000 over the 1946 enrollment of 23,300,000, an increase of about 38.6 percent. Over 225,000 additional classrooms are needed over the next 5 years, just to take care of the enrollment rise, without considering replacement needs, and there will always be replacement needs due to fire, and other factors of destruction. In the next 5 years, America will need almost a half million new public school classrooms. Can the States carry this heavy burden? Present trends indicate that they cannot. Local school districts during the year 1945–46 had outstanding debts of about $2 billion.

In 1953–54 the outstanding bonded debt of these school districts had increased to $6.7 billion. These figures, though estimated, are conservative.

Withdrawing from the problem and saying let the States carry their own burdens does little to improve the educational standards of our fast growing Nation, for the social phenomena of migration and urbanization will cause all of us to feel the point of pain sooner or later. A wealthy State which is quite able to handle its school construction needs will pay for the poorer conditions of other States, either directly by support of Federal aid programs or indirectly in dollars for welfare and assistance to those who migrate and are not prepared to match others who have had proper training under wholesome conditions. Let us remember also when we have the desire to withdraw that we are the United States of America, and as such need to act to preserve the welfare of the Nation. Education is of concern to us all, especially to the Federal Government.

National interest in education is not new, its history can be traced back to times before our Constitution. There has always been Federal legislation when there has been some unmet need which presented a threat to the progress of the country. A present day example of Federal aid which offers a better way of life for millions of schoolchildren is the school lunch program. Federal aid of the past has not resulted in Federal control, why should we predict such control now, when America has an even more informed populace? To predict such Federal control is to question our ability as a Congress to legislate and provide safeguards which insure important rights.

I did not plan this statement to be a lengthy one, for we all know the problem, but I truly felt these facts needed to be presented because of the serious shortage of educational facilities in my own city of Philadelphia. We have had sufficient time to consider this piece of legislation and to familiarize ourselves with the demands of the times. Now we must make a decision, a decision which might well affect the future of an unborn generation.

In making such a decision we must, I believe, be deeply conscious of the magnitude of the problems of education; the value of an informed youth; and the need for the provision of adequate facilities for the training of America's future parents and citizens. I am convinced that the only equitable and statesmanlike decision will be that the schools of America must have Federal aid and that it is up to this Congress to provide it.

Mr. BARDEN. Mr. Chairman, I yield such time as he may desire to the gentleman from South Dakota [Mr. McGOVERN].

Mr. McGOVERN. Mr. Chairman, the man generally regarded as the greatest Secretary of the Treasury in American history is Alexander Hamilton, brilliant financial architect in the Cabinet of President George Washington. In spite of his youthfulness during his public career, he has always been regarded as a sound, hardheaded realist. This image of Hamilton lends special weight to the following statement from his famous report on manufactures of 1791:

> Whatever concerns the general interests of learning, of agriculture, of manufactures, and of commerce are within the sphere of the national councils, as far as regards an application of money.

It is a tribute to Hamilton's scale of values, or at least a happy circumstance, that he lists education first among those institutions of our society that have a legitimate claim for financial support from our National Government.

Nor does Hamilton's concept of public responsibility in assisting education run counter to the prevailing notion of the Founding Fathers. From the earliest days, American leaders recognized the central role of an enlightened citizenry in the conquering of a new continent and the development of a democratic society. It is amazing to recall that just 6 years after the first group of colonists arrived at Massachusetts Bay, Harvard University opened its doors for the purpose of instructing youth in the moral and academic virtues that were so dear to the early colonists.

Little wonder, then, that our first President, George Washington, frequently spoke of education and religion as the foundations of American democracy. In his first message to the Congress, Washington said:

> Nor am I less persuaded that you will agree with me in opinion that there is nothing more deserving your patronage than the promotion of science and literature. Knowledge in every country is the surest basis of public happiness. In one in which the measures of government receive their impressions so immediately from the sense of the community as ours it is proportionally essential.

Nor did his two terms as President of the United States dim Washington's concern with the promotion of education as a public responsibility. In his farewell address he said:

> Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of the Government gives force to public opinion, it is essential that public opinion be enlightened.

The responsibility for education which Hamilton and Washington held was not a partisan view peculiar to the Federalist Party; it was held with even greater force by Thomas Jefferson, Hamilton's great anti-Federalist opponent. Jefferson firmly believed that democracy was impossible without an educated citizenry. Writing to his old friend Wythe in 1786, he said:

> I think by far the most important bill in our whole code, is that for the diffusion of knowledge among the people. No other sure foundation can be devised, for the preservation of freedom and happiness.

In his notes on Virginia written at an earlier time, Jefferson noted:

> Every government degenerates when trusted to the rulers of the people alone. The people themselves are its only safe depositories. And to render even them safe, their minds must be improved to a certain degree. * * * An amendment of our Constitution must here come in aid of the public education. The influence over Government must be shared among all the people. If every individual * * * participates of the ultimate authority, the Government will be safe.

The keen sense of responsibility for public support of education which characterized our early leaders led to a series of acts by the Federal Government which provide ample precedent for an expanding program of Federal aid to education.

Under the Articles of Federation government, the historic Ordinance of 1785 made provision for the ceding of land from the public domain in the Northwest Territory to assist in the establishment of public schools. The act of 1785 provided that the 16th section of every township from the public domain should be reserved for education. This principle was reenforced with the credo in the Northwest Ordinance of 1787 which read:

> Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

Under the Enabling Act of 1802 which admitted Ohio to the Union, definite provisions were made whereby new States were required to accept Federal policies on land grants including those reserving a portion of the public land for education.

When Tennessee entered the Union in 1806, the practice of reserving one section of each township for education in the Northwest Territory was extended to the Louisiana Territory. In 1848 when Oregon was given territorial status, the practice of setting aside two sections of land per township for school purposes was begun.

In 1836 during the second administration of Andrew Jackson, the Congress distributed a Treasury surplus of over $28 million to the several States for educational purposes.

In 1862 the Morrill Act was passed with the blessing of President Lincoln, an act which created the land-grant colleges.

It is obvious from these brief historical examples that the principle of Federal assistance to public education is not new in American history. This concept was given a further stimulus by the depression of the 1930's and by the new demands that have been made upon American education during and since World War II.

The necessity of doing something to assist unemployed artists. writers, students and youth during the difficult 1930's prompted the Federal Government to launch such programs as the Civilian Conservation Corps, the National Youth Administration, the Federal Writers, Artists, and Theater Projects. While these programs cannot be classified technically as "Federal aid to education" they fall within that tradition.

With the coming of World War II, Federal aid to education was given a definite stimulus. Many thousands of young people were trained in the universities of the country at public expense. Research in the universities was heavily subsidized by the Federal Government.

The highly successful GI bill of rights provided educational opportunities for literally millions of veterans of World War II. No one can fully evaluate the enormous values that this program represents.

One of the most significant precedents of Federal assistance for education is the action of the 81st Congress in enacting Public Laws 815 and 874 in 1950. These measures, providing Federal assistance for school construction and maintenance and operation in federally impacted areas, have served as vehicles through which over a billion dollars in Federal funds have gone to the schools since 1950.

Mr. Chairman, the point of all this is that Federal aid to education is a well-established principle in American history. It is older than the American Constitution. Significantly, it has been carried out without loss of local control of the schools.

There is no evidence whatsoever that the time-honored local control of American education has been jeopardized by Federal assistance. Yet, this is the bogey that has frightened more Americans away from Federal aid in the current school crisis than any other single factor. Neither the evidence of history nor the weight of logic supports the thesis that a modest Federal assistance program will in any way undercut the control of our schools by local school boards. President Eisenhower said in his annual message to the Congress last year:

I am confident that the Federal Government with this program can help construct schools without in any way weakening the American tradition that control of education must be kept close to the local communities.

Mr. Chairman, last week we passed by a large majority the mutual security bill, a measure involving foreign military and economic assistance in an amount 10 times greater than the proposed annual outlay for public assistance to American schools. I voted for the mutual security measure with great misgiving because of the manner in which it was loaded on the side of military rather than economic aid and because this expensive program was offered on the heels of a series of defeats for efforts designed to strengthen our basic industry here at home, American agriculture. But regardless of our geographic area, most of us who voted for the mutual security measure did so in the belief that America's defense against communism is an essential undertaking no matter what the financial cost.

But do we build real national defense when we concentrate on bigger and better guns and bombs while permitting the Russians to overtake us in the education of our youth? Is not our best defense against communism the alert, well-educated minds of this and future generations of American schoolchildren?

Mr. Chairman, I am the father of five young children, and I say in all sincerity that what I want most for them and their contemporaries is wholesome moral characters and the best education that our society will permit. The minds of these children, if properly instructed, will do more to preserve the worthwhile traditions of American life than all the hydrogen bombs we can invent.

But even from the standpoint of sheer military supremacy, we are discovering that the contest with the Soviet Union will doubtless be decided in the classroom. It is in the field of education that the Russians are making their greatest strides today.

Recently Mr. John A. Kennedy, publisher of the Sioux Falls (S. Dak.) Argus-Leader, returned from an extensive tour of the Soviet Union. This is what he said in his testimony before our Subcommittee on Education on February 4, 1957:

The schools and colleges are actually Russia's greatest latent threat to America and the West. To me, Russia has the most dangerous weapon in the whole world, the atheistic scientific trained mind, and it has them in plentiful supply, and America will have to give its high school youth a better break educationally if we are to catch up with them in the training of scientists, doctors, and engineers.

Soviet colleges and universities graduated two and one-half times as many engineers and scientists as we did in 1956. They have more than double the number of science students in their higher educational institutions this year than we have.

Mr. Kennedy's findings coincide with the observation of other distinguished Americans as to the serious educational challenge of the Soviet Union. Dr. Edward Teller, "Father of the H-bomb," warned an audience in Washington on January 16, 1957, that Russia would have the best scientists in the world 10 years from now. Teller said that the scientific lead the United States held a decade ago is already challenged and that the Russians will surpass us in the educating of scientists in the next few years.

Former United States Senator William Benton warned, following his travels in Russia:

I have returned convinced that education has become a main theater of the cold war; Russia's classrooms and libraries, her laboratories and teaching methods may threaten us more than her hydrogen bombs or her guided missiles.

I do not believe that the United States should develop either our foreign or our domestic policies simply as a negative reaction to counter what the Russians are doing. But as Senator Benton has so aptly put it:

If the Russians goad us to do a better educational job ourselves, then we shall only do what our own best tradition calls for—what we should be doing even if the Soviet Union were to sink suddenly into the sea. But if we are complacent about our educational efforts and system, if we allow ourselves to fall behind the Russians, we may find ourselves outwitted, outmaneuvered, outthought, and outbuilt throughout the world.

It is not sentimentality that prompts practical-minded business leaders such as Senator Benton and Publisher Kennedy to urge the passage of Federal school aid that goes far beyond the modest proposals contained in the measure now before us. These men know that the basic security of the Nation is jeopardized when the Federal Government ignores the growing crisis in our schools at a time when our chief antagonist in the cold war is going all out, educationally speaking.

As Walter Lippmann put it:

We have learned that we are quite rich enough to defend ourselves whatever the cost. We must now learn that we are quite rich enough to educate ourselves as we need to be educated.

Said Lippmann:

Indeed, the support of education—by the localities, the States, and the Federal Government—is like the support of the national defense. It is a public and patriotic duty which this generation owes to the next. Can we afford to support American education? The answer is that we cannot afford not to support it. Do we have the money to support it? Well, in the past 25 years the national income has risen $300 billion while the amount we spend on education has increased by a little more than $7 billion or $8 billion. The truth is that it is absurd to say that the richest country in the history of mankind cannot afford both to defend itself and to educate its children.

It was realism such as this that prompted 77 of the most outstanding business and industrial leaders of the Nation to sponsor an excellent public statement setting forth the need for Federal assistance to the public schools. These men, who include Mr. Gardner Cowles, publisher of the Des Moines Register and Tribune and Look magazine, and Mr. Richard L. Griggs, former president, Northern Minnesota National Bank of Duluth, Minn., and director of the Greyhound Corp. and the Minnesota Power & Light Co., have offered the following statement in the Washington Post of July 23, 1957, which I would like to read into the CONGRESSIONAL RECORD because it so well summarizes the urgent need for Federal assistance for our schools:

A JOINT STATEMENT BY BUSINESS LEADERS ON BEHALF OF AN EMERGENCY PROGRAM OF SCHOOL CONSTRUCTION

THE IMPORTANCE OF THE PUBLIC SCHOOLS TO BUSINESS

The public schools are important to business primarily for three reasons: (1) Fundamentally, anything which is important to the welfare of the United States is important to business. Obviously, business and industry can flourish only as the Nation flourishes. In this era when nations depend upon scientists and skilled manpower for their very survival, the public schools are the underlying structure upon which our whole defense system rests. In the long run, the United States can be no stronger than its system of public education.

(2) Another stake which American business and industry have in the public schools stems from the fact that businesses and industries depend more on literate, competent workers and less on unskilled labor than ever before. The trend in this direction accelerates every year. A good American school system is essential to educate the youth needed to carry on the businesses and industries of today and tomorrow.

(3) A variety of studies have shown that the level of economic prosperity in any nation is closely related to that nation's level of education. Educated people can produce more; they therefore earn more; and, as a result, they buy more.

THE CRITICAL CONDITION OF OUR PUBLIC SCHOOLS

For these and other reasons, American businessmen are deeply concerned about the state of public education in the United

States. An examination of the facts shows that although great progress has been made, the schools have been unable to keep pace with the job that they need to do. Because there was little school construction during the depression of the 1930's and during World War II, and particularly because of the extremely high birth rate during and since the war, a drastic shortage of school buildings has developed.

Actually, education in the United States is in a critical condition. A large percentage of our classrooms are much too overcrowded for effective teaching. Classes are being held in schools that are firetraps, and in basements, barns, and garages. And even more serious is the fact that hundreds of thousands of children have to attend school on a part-time basis—on double, even triple shifts. It is estimated that approximately a third of a million new classrooms (which will cost about $11 billion to build) are needed now to house adequately our 38 million schoolchildren. And in each succeeding year an additional 50,000 new classrooms (which will cost aproximately $1,750 million) will be needed just to keep up with the increasing school-age population.

In the past money for school construction has been provided by the local communities themselves, usually with some help from State governments. The very existence of the huge shortage of school buildings demonstrates that the financial mechanisms of the past have been outmoded. Currently three-quarters of all taxes are collected by the Federal Government, and, consequently, many States and communities simply do not have enough money left to pay for the schools they need.

WE RECOMMEND

We consequently believe that an emergency program of school construction, financed in part by the Federal Government, must be undertaken. State and local governments must, of course, continue their efforts to pay as much as they can, but the help of the Federal Government is definitely needed.

The last session of Congress voted a long-term highway program, appropriating an average of about $3 billion a year to help the States to build them. The Federal Government also gives the States hundreds of millions a year to help them to build hospitals, airports, agricultural research centers, forest-fire stations, et cetera. We believe that schools are of at least equal national importance.

It has been demonstrated repeatedly that with the proper legislative safeguards, the Federal Government can be prevented from interfering in the management of schools even though it is helping to finance their construction. For many years there has been Federal aid for the land-grant colleges, the school-lunch program, for vocational and home economics education, schools in Federally affected areas, as well as the multi-billion-dollar educational benefits in the now-expired GI bill of rights, and there have been no complaints about Federal control or interference.

For the past decade there have been innumerable studies and much debate concerning the need for an emergency program of Federal aid for school construction. As a result virtually all leaders in the field of education agree that such a program is a necessity. The extent of this agreement was dramatized at the White House Conference on Education held in Washington in 1955. Leaders of both political parties are unanimous in calling for such a program.

We believe that the time for debate has ended and that the time for firm action has come. We therefore urge speedy passage of legislation enabling the Federal Government to participate in an emergency program of school construction.

(Signatures below do not commit others in the business firms with which the signers are associated.)

Eric Johnston, president of the Motion Picture Association of America and former president of the Chamber of Commerce of the United States, Washington, D. C.; Frank Stanton, president, Columbia Broadcasting System, Inc., New York; R. H. West, chairman of the board, Irving Trust Co., New York; Walt Disney, chairman of the board, Walt Disney Productions and president, Disneyland, Inc., Burbank, Calif.; Sidney J. Weinberg, senior partner, Goldman Sachs & Co., New York, N. Y.; Nathan Cummings, chairman of the board, Consolidated Foods Corp., Chicago, Ill.; Hugh B. Patterson, Jr., publisher, Arkansas Gazette, Little Rock, Ark.; Ernest Kanzler, vice chairman of the board, Universal-C.I.T. Credit Corp., Detroit, Mich.; William Benton, chairman of the board of the Encyclopaedia Britannica, Inc., New York, N. Y.; Jacob Blaustein, president, American Trading & Production Corp., Baltimore, Md.; James F. Brownlee, partner, J. H. Whitney & Co., New York, N. Y.; Bernard F. Gimbel, chairman of the board, Gimbel Brothers, New York; Harry Scherman, chairman of the board, Book-of-the-Month Club, New York; Barry Bingham, president, the Courier-Journal and the Louisville Times, Louisville, Ky.; Abe Plough, president, Plough, Inc., Memphis, Tenn.; Stanley Marcus, president, Neiman-Marcus Co., Dallas, Tex.; Lawrence Valenstein, chairman of the board, Grey Advertising Agency, Inc., New York, N. Y.; H. T. Warshow, vice president and director, National Lead Co., New York; Louis J. Nelson, Geoffrey Wade Advertising, Chicago, Ill.; Edward Rose, President, Rose-Derry Co., Newton, Mass.; Robert H. Levi, president, the Hecht Co., Washington, D. C.; Frederick Machlin, president, the Armstrong Rubber Co., West Haven, Conn.; David Tishman, chairman, Tishman Realty & Construction Co., New York; Gardner Cowles, president, Des Moines (Iowa) Register & Tribune and Look magazine; Harold P. Kurzman, president, Lily of France, Inc., New York, N. Y.; M. H. Blinken, president, Stein's Stores, Inc., New York, N. Y.

Harold Bache, senior partner, Bache & Co., New York, N. Y.; Allen L. Brassell, president, United States Testing Co., Inc., Hoboken, N. J.; Max L. Grant, president, Grant Money Meters Co., president, Grant Supply Co., Providence, R. I.; J. Ballard Atherton, president, Hawaiian Telephone Co., Honolulu, T. H.; James H. Stone, president, the Stone Oil Co., president, Oil Producers Service Corp., Cincinnati, Ohio; Robert Z. Greene, president, the Rowe Corp., chairman, executive committee, Automatic Canteen Company of America, New York, N. Y.; James H. Becker, president, A. G. Becker & Co., Chicago, Ill.; L'Huillier S. Sheaff, president, Cushman & Wakefield, Inc., New York, N. Y.; A. M. Sonnabend, president, Hotel Corporation of America, Boston, Mass.; William E. Levis, director, Owens-Illinois Glass Co., Toledo, Ohio; Samuel B. Lincoln, chairman of the board, Lockwood Greene Engineers, Inc., New York, N. Y.; E. H. Kimball, vice president, Parade Publications, Inc., New York, N. Y.; A. J. Baird, president, Baird-Ward Printing Co., Inc., Nashville, Tenn.; Joseph S. Stern, chairman of the board, the United States Shoe Corp., Cincinnati, Ohio; Alfred B. Geiger, president, W. F. Hall Printing Co. and Chicago Rotoprint Co., Chicago, Ill.; William C. Foster, executive vice president, Olin Mathieson Chemical Corp., Washington, D. C.; Edgar Kobak, business consultant, New York, N. Y.; C. K. Blandin, president, Blandin Paper Co., Grand Rapids, Minn.; S. Abbot Smith, president, Thomas Strahan Co., director, Sheraton Corporation of America, Weston, Mass.; O. C. Tanner, president, O. C. Tanner Jewelry Co., Salt Lake City, Utah; Edwin J. Putzell, Jr., corporation secretary, Monsanto Chemical Co., St. Louis, Mo.; A. J. Fink, chairman of the board, Pennsylvania Sand Glass Corp., president, Southern Hotel Corp., Baltimore, Md.; Robert Finkelstein, president, Jacob Finkelstein & Sons, Inc., Woonsocket, R. I.; Simon Ottinger, vice president, United States Plywood Corp., New York, N. Y.; Walter Rothschild, chairman of the board, Abraham & Straus, Brooklyn, N. Y.

Robert L. Goldman, president, Independent Lithograph Co., San Francisco, Calif.; A. Wilfred May, executive editor, the Commercial & Financial Chronicle, New York, N. Y.; Edward L. Bernays, Counsel on Public Relations, New York, N. Y.; Dr. William Menninger, executive director, the Menninger Foundation, Topeka, Kans.; Frederick W. Spiegel, vice president, Spiegel, Inc., Chicago, Ill.; Edward D. Feltenstein, president, Commerce Loan Co., St. Joseph, Mo.; Melvin C. Pierce, president, Pierce Pre-Cooked Foods, Inc., Moorefield, W. Va.; Franklin J. Lunding, Chairman of the Board, Jewel Tea Co., Inc., Chicago.; Dorothy Shaver, president, Lord & Taylor, New York, N. Y.; Bernard V. Buonanno, general manager, Metro Atlantic, Inc., Centredale, R. I.; William L. Batt, business consultant; former president, S. K. F. Industries, Philadelphia, Pa.; Irwin Miller, chairman, Cummins Engine Co., Inc.; chairman, Union Starch & Refining Co., Columbus, Ind.; Ernest O. Machlin, president, Art Color Printing Co., Dunellen, N. J.; J. Spencer Love, chairman, Burlington Industries, Inc., Greensboro, N. C.; Richard W. Lawrence Jr., president, Printers' Ink Publishing Co., New York, N. Y.; Herbert R. Abeles, president, Abeles-Lewit Co., Inc. N. Y.; Samuel H. Korn, Vice president and treasurer, Bangor Mills, Inc., Bangor, Pa.; Edward Bransten, vice president, M. J. B. Co., San Francisco, Calif.; Ralph Lazarus, executive vice president, Federated Department Stores, Cincinnati, Ohio; Lewis H. Avery, president, Avery-Knodel, Inc., New York, N. Y.; Ralph McQuaid Jr., vice president, Westgate-Calif., Tuna Packaging Co., San Diego, Calif.; Richard L. Griggs, former president, Northern Minnesota National Bank of Duluth, Minn., and director of the Greyhound Corp. and the Minnesota Power & Light Co.; Roland H. Guinzburg, president, I. B. Kleinert Rubber Co., New York, N. Y.; vice president, College Point National Bank, College Point, N. Y.; Ralph B. Johnson, administrative vice president, Hawaiian Electric Co., Honolulu, T. H.; Madison H. Lewis, director, the Borden Co., New York, N. Y.; George J. Hecht, president, Parents' Institute, Inc., and publisher, Parents' Magazine, New York, N. Y.

(Inserted by the American Parents Committee, Inc., Washington, D. C.)

Mr. Chairman, the gentlemen know whereof they speak when they draw attention to the inability of the local property owners to meet the full cost of the current educational backlog. In my State 60 percent of the school districts operating high schools may be classed as distress districts in that they have already reached the maximum tax levy permitted by State law. Yet, teaching salaries, classroom facilities, and buildings are not adequate. Further increases in the property tax load would be prohibitive. We can turn only to the Congress for assistance in meeting this critical need.

It was the realization of the sheer inability of many school districts to meet the problem of growing school enrollments that brought about the conversion of the late Senator Taft to the support of Federal aid to education. In a speech offered on the Senate floor on March 24, 1948, the distinguished Senator Taft said:

Four years ago I opposed the then pending bill on this subject; but in the course of

that debate it became so apparent that many children in the United States were left without education, and then it became apparent, upon further study, that that was not the fault necessarily of the States where they lived, but rather of the financial abilities of the States, that I could see no way to meet the condition which now exists regarding illiteracy in the United States and lack of education in the United States without some Federal assistance, particularly for those States which today are considerably below the average of wealth in the United States.

Mr. Chairman, I sincerely hope the gentlemen on both sides of the aisle will join hands now in supporting this modest program of aid for the schools in the great tradition of this Nation—a tradition which has always held that the diffusion of knowledge is a fundamental responsibility of a democracy.

Mr. BARDEN. Mr. Chairman, I yield such time as he may desire to the gentleman from Virginia [Mr. ABBITT].

Mr. ABBITT. Mr. Chairman, I am opposed to this legislation which is the so-called Federal aid for school construction. The money, of course, is to come from the Federal Treasury to assist the States and localities in constructing free, public schools. I am opposed to this measure for a number of reasons which I will point out shortly.

We are facing the issue of Federal interference in the field of education and in addition we have the problem of further increasing Federal expenditures at a time when we must reduce Federal expenditures if we are to retain economic stability in our Nation. This bill authorizes the appropriation of $300 million for each of the next 5 years in direct grants to the States making a total of $1.5 billion. In addition, $750 million in Federal money would be made available for the purchase of bonds from school districts that are unable to sell their bonds on the open market.

Also in the bill are various other provisions for assistance to the local schools which will tie up the school districts in the web of Federal bureaucracy which, in my opinion, is intended to give the Federal Government a considerable amount of control over the public-school system and means that this will not be a temporary program to end in 5 years but rather one to be expanded, enlarged and centralized more and more as the years go by. I am convinced that those who are so anxious to have Federal aid now are just as anxious that it be continued indefinitely.

This bill is but a means of getting the Federal Government in the public-school field.

It is often cited by the so-called experts that we need to provide a total of 167,000 new classrooms in the next 4 years through Federal aid, or the school systems of America will be in jeopardy. It is claimed this number will be necessary to take care of the expected 5,800,000 increase in enrollments in the next 5 years. It is further claimed that the total need in the next 4 years will be 419,000 classrooms; that 159,000 are needed now; that 180,000 must be built to take care of new enrollees and 80,000 would be needed to replace wornout buildings. But last year—without Federal aid—State and local governments provided 63,000 new classrooms. Another 73,000 will be built this year—without Federal aid—and in the last 10 years a total of 470,000 has been built in this manner.

We see from this that the States are doing an outstanding job in providing new classrooms. They will continue to do so, in my opinion, without the assistance that this bill provides and the assistance provided in this bill is not necessary.

I am convinced that the main force behind this bill is that group that is determined to put the schools of this country into the hands of the Federal Government. It is thought by them that they would have a better chance of passing this type of legislation than they would a bill for general Federal aid. They desire to get the Government's foot in the door, knowing full well that once the Federal Government gets in the education field there will be no chance of its removal but, rather, they will get in further and further, deeper and deeper, and in a few short years the entire educational system will be a part of the Federal bureaucracy.

As just stated, there are those in this country who are determined that the Federal Government take over the operation of the schools of our Nation. They are using this legislation as a stepping-stone toward their goal.

This legislation, if passed, will greatly endanger the future freedom of our people. The question to be decided in passing upon this legislation is very simple. We must decide whether the public schools are to be operated, maintained, and controlled by the localities and the States or whether the public schools of the Nation are to be turned over eventually to the Federal Government.

Our schools have been the foundation stone of our democracy. We must know that as the Federal Government gradually takes over the financial burden of the schools so will they take over the control of them. It is impossible to distribute Federal funds for public education without the imposition of a corresponding increasing measure of Federal control. Local control is fundamental and necessary to the continuation of our republican form of Government. To remove the responsibility of educating our children from the local level will necessarily and unavoidably weaken democracy at the grassroots. The separation of education and the Federal Government is as important as the separation of church and state.

There is now an all-out effort to federalize the schools and nationalize the lives of all American citizens. The vast majority of the proponents of this legislation desire the concentration of power in Washington and the centralization of all Government at the national level. We know that the adequate education of America's youth is essential to the preservation of the Republic and the welfare of the Nation. This can be provided by localities and States more satisfactory and equitably than by the Federal Government.

If we are to remain a free people and desire to retain our way of life, it is necessary that the control of the public schools remain at the local level. There is no such thing as Federal aid without Federal control, nor is there any such thing as a Federal handout.

The localities and the States are more able financially to provide the necessary educational opportunities for our youth. The States are better off financially than is the monstrous Federal Government today. There are those who would have us believe that the States are not able financially to carry on the proper educational program to meet the needs of our youth. They contend that the Federal Government has the financial ability to undertake this great task. Unfortunately, nothing is further from the truth. Sadly enough, the national debt now amounts to more than eight times State and local indebtedness. The Federal Government has a national debt of approximately $275 billion. Apparently, there is no hope in the foreseeable future that this debt will be reduced in any appreciable amount. It is saddening to see on all sides grasping bureaucrats and people who believe in centralized power trying to reach out on behalf of the Federal Government to continue to take over functions and obligations of the States and local communities. We are now at the crossroads. We are about to see this country embark on a gigantic longtime journey into the field of local public education. It is disheartening to me to see this administration sponsor such a program.

Truthfully, the 1958 budget of the Federal Government is such a bizarre combination of fantasy, mystery, and irresponsibility that it alone should convince any individual person of the necessity and urgency of stopping the growth of the Federal octopus. The defeat of this legislation is vitally necessary to the welfare of the freedom-loving people of this great Nation.

There are those, I am sure, who really believe that the States are unable financially to provide the necessary schoolrooms to meet the needs of the pupils. To this group I want to point out that the Federal Government is certainly not in a position to assist the States financially. The same taxpayers carry the burdens of both the States and Federal Government.

In addition, in 1954, a Commission on Intergovernmental Relations was appointed to look into matters affecting Federal and State relationships. Fifteen members of the Commission were appointed by the Chief Executive, 5 by the Speaker of the House of Representatives and 5 by the Vice President. This Commission appointed a study committee to make a thorough study and report on Federal responsibility in the field of education. This committee was composed of many able American citizens. They made an actual painstaking study of the problem of education, the responsibility of various segments of our society in this field as well as the ability of the several political divisions to carry out the necessary and proper educational program. A very fine report was made by this committee on October 19, 1954. I

am very much surprised indeed that the present administration should apparently discard such a splendid report from such an outstanding group of men from almost every walk of life in this great Nation of ours.

This study committee, after a most careful study of the financial problems facing this country and a painstaking analysis of the responsibilities of education of our youth, pointed out in no uncertain terms that the duty and obligation to educate the youth is a direct responsibility of the localities and the States. They have also in no uncertain terms found as a matter of fact that—

> The general conclusion is that Federal aid is not necessary either for current operating expenses for public schools or for capital expenditures for new school facilities. Local communities and States are able to supply both in accordance with the will of their citizens.

I heartily concur in the conclusion of the study committee and commend them for a most enlightening report, as well as for the outstanding job that they did. This study should be read carefully by every Member of Congress who is really interested in the welfare of this country of ours.

It is perfectly obvious to me that the ones who are shouting the loudest have ignored the facts in the case and are not willing to recognize realities but are determined to insist upon participation of the Federal Government in the financing of the local schools because they see a way of obtaining what they think is easy money from a benevolent Government without realizing the dangers of such action to the future welfare of our communities, our States, and the people generally.

Mr. BARDEN. Mr. Chairman, I yield the balance of my time to the gentleman from Kentucky [Mr. PERKINS].

The CHAIRMAN. The gentleman from Kentucky is recognized for 4 minutes.

Mr. PERKINS. Mr. Chairman, despite claims of the United States Chamber of Commerce and various other groups which follow its line, the public educational system of this country faces a real crisis in the form of a classroom shortage. The classroom shortage is in general throughout the Nation. It is true that some States have had better building programs than others, but one of the chief purposes of this bill is to give aid to those needy school districts in the Nation.

This bill requires a State plan to be approved by the United States Office of Education with preference being given to the needy school districts in the various States. One-half of the grant funds going into these needy districts will be governed by a formula rightly taking into consideration the income of the people of the State, the number of children to be educated, and the effort the people are making to finance education from their own resources.

Our committee, for many years, has given the school-construction problem serious consideration. Lengthy hearings were conducted by a Subcommittee on Education and Labor in 1952. The opposition all the way along have set out to minimize the needs for a Federal school-construction program. Mrs. Hobby told the Senate Labor and Public Welfare Committee early in 1955 that the classroom needs by 1960 would be 407,000. On March 20, 1955, a few weeks later, Mrs. Hobby told the House Committee on Education and Labor, and I quote:

> The State estimates show that the classroom deficit is much less than that projected in 1954.

She reasoned further that the rate of classroom construction had increased from 50,000 to 60,000 a year. Therefore, Mrs. Hobby concluded that the classroom need by 1960 would be only 176,000 rather than 407,000 classrooms.

I questioned Mrs. Hobby closely in committee on this discrepancy and it seemed to me that the administration's spokeswoman forgot to take into account the rising birth rate and increasing school enrollments of over a million a year. The Department of Health, Education, and Welfare now state, for 3 years in a row, State and local school officials have reported to the Office of Education that there are about two and a quarter million above normal capacity of the schools in use. This overcrowded condition affects many other millions in obtaining the proper school instruction. Perhaps here in the District of Columbia, or it was the case a short time ago, and in the surrounding communities, you will find half-day sessions because of the overcrowded conditions.

Taking the present estimate of the Department of Health, Education, and Welfare that an additional 79,000 rooms are needed to replace facilities which are unsafe and unfit, and their figure of 159,000 classroom shortage, we cannot afford to wait on this situation to take care of itself unless we are content with our children receiving a substandard education. I personally believe that the classroom shortage has been minimized to a great degree by the Department for the past several years.

We all know that extension of Federal taxation to new sources has depleted the taxable resources left to States and communities. If Kentucky could keep all the funds collected by the Federal Government on whisky and tobacco, certainly we would not be calling upon the Federal Government to assist us in any way with our schools. Much of the coal produced in the district that I am privileged to represent belongs to outside interests and the owners of the coal property pay their income taxes in such States as Illinois, Ohio, and Pennsylvania. The question now is one of applying the democratic American principle of taxing wealth where it is found and distributing the benefits where they are needed.

The argument of Federal control is only propaganda for the gullible. As a member of the Education and Labor Committee, I have assisted in writing legislation providing for grants for rural library services of $7,500,000; grants to States under an expanding vocational rehabilitation program of $38 million; and a vocational education program of more than $31 million annually.

Under the impacted bill that our committee sponsored, the school districts in the Nation received $113,050,000 during the last fiscal year and received $108,050,000 for school construction. More than 1,300 new elementary and secondary school buildings were constructed by the Federal Government under this program and more than 1,300 additions were built or partially built to existing school buildings. In fact, the Federal Government has expended more than $1¼ billion for school construction alone under the impacted program, and there has not been the first instance of Federal control.

I would suggest that some individual who feels the enactment of this legislation would lead to Federal control ask some agricultural teacher or some home economics teacher in the high schools of this country who are now receiving Smith-Hughes funds whether there has been any Federal domination or control.

Last year the Congress enacted legislation providing grants for waste treatment works construction in the amount of $50 million. I have seen areas in the Congressional district that I represent benefit from this program that was enacted in the 84th Congress. We also voted during the last session of the 84th Congress a long-term highway program, appropriating about $3 billion a year to help the States to build interstate highways. Attractive hospitals have been built all over the Nation as a result of Hill-Burton funds, and especially is this true in eastern Kentucky. We have provided grants to States for medical and child welfare amounting to $40 million annually, which has substantially reduced the death rate of children.

Very few individuals have appeared in the well of the House and objected to the hundreds of millions of dollars appropriated annually for funds to construct airports, agricultural research centers, and grants to States for public assistance. The 1956 amendments to the social-security law on public assistance increased the Federal share for old-age assistance, aid to the blind, and aid to the totally and permanently disabled to four-fifths of the first $30—$25 under the old law—of a State's average monthly payment plus one-half of the remainder up to a maximum of $60—$55 under the old law. They also increased the Federal share for aid to dependent children to fourteen-seventeenths of the first $17—four-fifths of the first $15 under the old law—of a State's average payment plus one-half of the remainder within the individual maximums of $32 for the adult caretaker and first child—$30 under the old law—and $23 for any additional child—$21 under the old law.

Mr. Chairman I want to reiterate that I feel that our schools for the children in this Nation are of at least of equal national importance to any of the appropriations that we have made for the other good causes.

The State of Kentucky and the local school districts are spending more than 3.40 percent of the total income of the entire State on elementary and secondary public schools. This, I believe, is above the national average.

I would like to take this opportunity to read into the RECORD a letter dated July 22, 1957, from Dr. Robert R. Martin, superintendent of public instruction, Frankfort, Ky.:

COMMONWEALTH OF KENTUCKY,
DEPARTMENT OF EDUCATION,
Frankfort, July 22, 1957.

The Honorable CARL D. PERKINS,
House of Representatives,
Washington, D. C.

DEAR CONGRESSMAN PERKINS: Information has come to us that the House of Representatives in the next few days will begin its consideration of House bill 1, the Kelly bill, as amended. Because of the tremendous importance of this proposed legislation to the schools of Kentucy, we are taking this opportunity to address an open letter to the Members of the Kentucky delegation in the House of Representatives. It is our opinion that the passage of this measure is most essential and we urge each Member of the Kentucky delegation to support vigorously this measure.

Kentucky needs now 7,500 new classrooms to replace unsafe, unsanitary, and outmoded facilities. We need, 1,500 additional classrooms to house the overflow from crowded classrooms, and 1,000 additional classrooms in the next 5 years to house the increased enrollment which is anticipated. This is a total of 10,000 new classrooms with the necessary central facilities which are needed to provide safe and reasonably satisfactory housing for the schoolchildren of Kentucky.

Kentucky at both the local and State level is making tremendous efforts to meet these needs but it becomes increasingly apparent that these efforts are not sufficient to solve the problem. During the current year the State for the first time is giving attention to the needs for capital outlay under the foundation program for education in Kentucky. Most school districts have found it necessary to issue revenue bonds to be retired by tax revenue which would otherwise be available for improving the current educational program. Some 66 of our 219 school districts have been successful in voting special building fund taxes to amortize revenue bonds for schoolhouse construction. During the fiscal year ending June 30, 1957, the department of education has approved plans for 2,053 classrooms. Most of these classrooms will be in use in September 1958. Some of these classrooms will replace unsatisfactory classrooms, some will relieve the overcrowding, and some will house the increased enrollment. The total amount of money involved is in excess of $25 million. Money for this construction will come from voted building fund taxes and the foundation program for education. But the truth is that our districts have reached or are rapidly approaching the limit of their ability to bond themselves, and the large number of classrooms already indicated are still needed. Even with the aid provided by the Kelley bill, the task of providing the additional 10,000 classrooms needed will be difficult; without such aid, the job will be well-nigh impossible.

In recent days and in recent months, the charge that Federal aid will bring Federal control has been made across this country. We have studied carefully the provisions of the Kelley bill and we are convinced that it provides every safeguard against Federal control and interference in the operation of our schools. We know that the Congress very carefully will protect those provisions and will defeat any proposed amendment which will weaken the provisions against Federal control of our schools. The charge that Federal aid for schoolhouse construction will mean Federal control of our school program is a fantastic one. To begin with, a very large number of the schools now in use in Kentucky were built by grants from the Works Progress Administration and Public Works Administration during the years of the depression. Without Federal aid in those days, our problem today would be immeasurably greater. That aid did not bring Federal control.

This year the Congress has provided for grants of $125 million for payment to our federally impacted area school districts, with an additional $30 million during the next school year for schoolhouse construction in these same districts. Those who have followed this program have seen clearly that it has not brought Federal control in these districts whose problems have been increased greatly as a result of Federal activities in those areas.

Grants for hospitals and medical-school construction amount of $130 million under the Hill-Burton Act. Many Kentucky hospitals have benefited from this program, but these hospitals are today being operated by local agencies without Federal interference. It has been indicated in the press that the new medical school at the University of Kentucky may receive as much as $9 million in Federal assistance for construction. We are certain these funds would not be accepted if they carried with them any semblance of Federal control. If great hospitals and medical schools may be constructed without Federal control, isn't it reasonable to imagine also that small elementary schools may be constructed with Federal assistance without Federal control?

Federal aid to education is certainly not new in this country. It is no revolutionary concept or a concept which goes contrary to the historical development of this country. It was provided for in the Northwest Ordinance of 1787; it was provided for in the Morrell Act establishing the land-grant colleges; it has been provided for generations in the Smith-Hughes and George-Barden Acts. It is the fair, the reasonable, and the American way to end the injustice of denying first-rate schooling to a substantial percentage of our children and youth. It has been endorsed in the platforms of both political parties and both parties stand committed to decisive action in aiding the States in meeting the school crisis.

We have seen military expenditures skyrocket from a few hundred million per year to more than $40 billion. We are planning a $30 billion Federal highway program on top of what is being done by the States to take care of the more than 50 million motor vehicles. We have accepted responsibilities in world affairs by providing military and technical aid to other countries at a cost of several billion dollars each year to the American taxpayers. It is increasingly clear that public education is the one public undertaking that has been discriminated against by the Federal Government.

Each year the national Government collects an increasingly greater percent of all tax revenues. It returns to the States a portion of its collections to aid other important undertakings. Even in the face of overwhelming popular support for Federal aid for schools, the national Government has continued to discriminate against public education.

The Kelley bill should be enacted into law without crippling amendments and without delay. If the House of Representatives fails to do its clear duty to the boys and girls of America, it will once again be a failure of statesmanship in Washington and a repudiation of the will of the people. In January 1957, the people of this Nation in an opinion poll showed that they favored Federal aid 4 to 1. The White House Conference on Education come out strongly in favor of Federal aid for schoolhouse construction. As we have said before the platforms of each of the principal parties carried strong commitments for Federal aid legislation for schoolhouse construction.

The Congress has the clear duty to appropriate funds to assist the States in providing these needed classrooms. The future welfare of the Nation demands that positive action be taken immediately. Again, we urge your active and vigorous support of the Kelley bill.

Cordially yours,

ROBERT R. MARTIN,
Superintendent of Public Instruction.
J. MARVIN DODSON,
Executive Secretary, Kentucky Education Association.

I also received a communication on this date from Dr. Lyman V. Ginger, president of the National Education Association, requesting the enactment of this legislation without extraneous amendments.

Dr. Martin and Dr. Ginger are, to my way of thinking, two of the outstanding school administrators in the country, who well realize the necessity for the immediate enactment of this legislation. In my home State we find that 75 school districts, serving more than half the school population of the State, have bonded indebtedness up to the maximum allowed under the State constitution. While this is little more than one-third of the total of 219 school districts in the State, it does mean the majority of Kentucky schoolchildren can look forward to no new classrooms in the immediate future unless outside funds for school construction are made available.

Kentucky has an income tax starting at 2 percent on the first $3,000 of income, progressively increasing to 6 percent on all above $8,000, with a surtax ranging up to 30 percent on income in excess of $100,000. The corporation tax is 5 percent on the first $25,000 and 7 percent on all above $25,000.

The maximum county school levy is $1.50 per hundred and I may say that most of the counties in Kentucky levy the maximum. The State of Kentucky has a constitutional limit on bonded indebtedness of 2 percent of the assessed valuation for counties and school districts. There is an additional provision whereby revenue bonds can be voted that increases the bonding ability of school districts to approximately 6.8 percent of the assessed valuation of any individual school district.

Current construction costs make this amount inadequate to provide desirable school facilities even in districts which had no bonded indebtedness prior to World War II. Many of these school districts, more than half of which are on a countywide basis, had consumed a substantial portion of their bonding ability to construct classrooms prior to the current emergency. Others have reached the maximum during the postwar period. An increase in real property values may raise this limit in many cases, but the increase will not approach the needs of the great majority of these districts.

Some mention was made on the floor yesterday about the types of buildings we have in Kentucky. Some of the illustrations on the floor were incomplete and not accurate. Kentucky, as a whole, is now spending 3.40 percent of its per capita income for education purposes. Certain areas in the district even that I represent have a lower per capita income than other counties. All of these counties are spending more than the national

average for education purposes and doing everything possible to see that their children have suitable school facilities. The total picture is similar to that of many parts of other States where there is a real need for classrooms.

Prof. C. H. Farley, superintendent of schools in Pike County, Ky., outlines the needs for that county in a telegram received today as follows:

Federal schoolhouse construction aid urgently needed here. Have 65 one-room frame buildings in poor condition, 35 badly needing replacement, 44 two-room frame buildings, 38 needing replacement, 9 three-room buildings, all needing replacement, 20 masonry buildings needing on average 50 percent increase in classrooms for minimum comfort this year; total immediate need 378 classrooms at estimated cost $3,402,000. Pupil's time most important factor, and many are missing rightful opportunities. Deplorable housing situation causing teacher exodus. Hundreds of children struggling through eight grades never taught by legally qualified person. Please do utmost for children's sake.

Additional classrooms are a must and the financial position of the States and local districts makes it impossible for them to construct the necessary classrooms within the foreseeable future.

Let us not turn our backs on the youth of our country. I, for one, stand ready to support any measure that will give these children an opportunity to obtain an education in modern classrooms which are not overcrowded.

The CHAIRMAN. All time has expired. Pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

SHORT TITLE

SECTION 1. This act may be cited as the "School Construction Assistance Act of 1957."

Mr. MATTHEWS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I regret very much that I must oppose this bill because of my affection for many of my colleagues who I know are tremendously interested in solving this classroom shortage. But I feel that in fairness to my convictions, and I do have deep convictions about this subject, I must rise in opposition to H. R. 1.

The main reason for my opposition, Mr. Chairman, is because whatever remarks are made here to assure us to the contrary notwithstanding, in my opinion, it will inevitably lead to Federal control. I appreciate the fact that the gentleman from Tennessee pointed to the remarks made by our distinguished colleague, the gentleman from California [Mr. ROOSEVELT] and the gentleman from Michigan [Mr. DIGGS] when, in my opinion, they did not abdicate this idea of putting a very specific reservation on the use of this money unless the schools were integrated. They showed us the courtesy, and I appreciate it, of giving us warning that when the appropriations bill comes up for consideration or at some other time in the future, an attempt will be made to place this reservation on H. R. 1.

Mr. Chairman, even without such an amendment, and even with the assurance of my wonderful friend from Arizona who is now standing, and I am sorry I cannot yield to him, how can he read the mind of the Supreme Court of the United States? What assurance can he give me about any future decisions of the United States Supreme Court? Can the gentleman read the mind of some future Attorney General, when some political action is at stake, who might say, "Now is the time to go down into the Deep South, whip the boys a little bit down there and get a few more votes in certain city areas of this country."

In light of the experience we have had here with the so-called civil rights bill, Mr. Chairman, who can assure me that down in my section of the country this bill will not be that final Federal action, if you please, that will represent the ultimate in the Federal control of our schools?

We hear many times the statement made that we must talk without emotion. Well, when you see the result of agitation that completely integrates schools overnight, as has been done here in the District of Columbia, and you see the results, how can you speak without emotion? I wonder if the people of America realize the problem in the public schools of the District of Columbia?

Mr. Chairman, I hate to speak of these things. I do not want to say anything that is unpleasant, but the idea was to do away with segregation, and yet we find it is necessary to have segregation in the so-called integrated schools. And the way they do it is by adopting what they call the track system, not the Seaboard track or the Atlantic Coast Line track, but tracks 1, 2, 3, and 4, based on ability. Now, if you look into these tracks, you will find there is a certain mixing of the races, of course, but check, Mr. Chairman, on the details and weep with me over what this pressure, to set an example here in the District schools, has done to the school system. Mr. Chairman, check the scholastic record of the schools in the District of Columbia during the past several years. Check this problem. It is a delicate problem. But, from September 10, 1956, to April 10, 1957, there were 190 expectant unwed mothers in the public schools in the District of Columbia that were known about, and of this number there were 178 Negro children and 12 white children. Now, here in the District of Columbia, with all its great advantages, when they have these problems that arise from this Federal control, if you please, or this control that is not what we consider State control, when we see these problems, do you wonder that we are a little bit concerned about it in other sections of the country as we think about this bill?

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

Mr. LONG. Mr. Chairman, I ask unanimous consent that the gentleman from Florida [Mr. MATTHEWS] may proceed for 5 additional minutes.

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

There was no objection.

Mr. MATTHEWS. I am very grateful for the indulgence of the Committee.

Mr. Chairman, I want to say one more word before I leave this problem of the District schools. There has been a tremendous displacement of white students. Their flight is to the suburbs. Of course, this flight we find in all big city areas. But, I think any objective analysis of that situation would prove to you that this so-called complete and immediate integration of schools has been the cause of most of this rapid movement here in the District of Columbia.

Now, then, may I go just one step further? I have enoyed very much the various Members of the House pointing with pride to what their States have done. I have listened with a great deal of interest to the gentleman from Tennessee [Mr. LOSER] and I wish he had time to brag about the jury system in the South. I wish he had a chance to compare what southern people do, no matter how they may think about a Supreme Court decision, when given the right to sit on a jury. Now, I do not know the details of that Clinton, Tenn., case, and I am not trying to judge it, but I am very grateful for the things which the gentleman from Tennessee [Mr. LOSER], the gentleman from Georgia [Mr. LANDRUM] and others have pointed out as to what their States have done in the matter of school construction.

Now, listen to what Florida has done. Since 1947 Florida has had a minimum foundation program. They paid $27 million a year out of State funds out of that program for capital construction last year, and that will be for a period of at least another 20 years. This last year the State legislature appropriated $23 million for 2 years for special matching funds for school construction. That is a total of approximately $38 million in just 1 year, and that will continue at least for the next year and, I am confident, on and on in the future. Now, that is just a small part of the total amount that Florida spent for school construction. Dade County, for example, several years ago, in one bond issue, voted $50 million. Hillsborough County, I understand, is considering a bond issue of $22 million, and on and on. The Governor of Florida recently said that the biggest problem he has is the tight money policy of the Federal Government that makes interest rates almost prohibitive on bonds that the State of Florida is issuing for school construction. I say that literally hundreds of millions of dollars have been spent in the State of Florida during the last few years for school construction, and the building of new schools in continuing.

In conclusion, I come back to my original thought. I am deeply and earnestly worried about Federal control.

What is the biggest problem facing the schools of America today? To hear some of our colleagues talk, you would think that great buildings can teach. These institutions with their antiseptic odors and their glistening marble cor-

ridors cannot teach. Can you tell me the biggest need in America today? I know that we have a need for school construction, but we have a larger need for money for teachers. And about 25 years from now, if this opening wedge comes about as a result of this bill, and the fiscal resources of our States and counties continue to be frittered away by our Federal fiscal policies, schoolteachers in the country who now receive such a pitiful salary will have to come to Congress for additional funds, and what do you think will be the answer? Funds for school instruction will be advocated. In fact, there are many organizations in America today who want funds from Federal sources for school instruction. I do not know what you think about it, but Socrates, without the benefit of a great building, did pretty well when he taught philosophy. Moses gave us the basis of all moral codes at Mount Sinai. The Prince of Peace, Jesus of Nazareth, was the best teacher the world ever knew and I do not believe he ever had a school building in which to teach.

Mr. Chairman, what I am trying to say is not in disparagement of the needs of school construction. But I say to you I would rather have my children under the instruction of a capable, well-paid schoolteacher than in the finest building in the world without a teacher who is well paid, well prepared and has the opportunity to get more education and to grow in the wisdom and stature he needs, because he has an adequate salary.

Mr. Chairman, I say to you that I would rather sacrifice the little old measly $6 million a year that the great State of Florida would get under this bill, than to get what I consider will be in the future an intellectual mess of pottage, due to the Federal control of our public schools.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I certainly hope that when the gentleman from New York [Mr. WAINWRIGHT] offers the so-called Powell amendment, it will be overwhelmingly voted down. If we fail to vote down that amendment, we know what is going to happen to this legislation before we have any rollcall on the measure. We know by what occurred last year when we had 77 Democrats who voted for the Powell amendment, and 146 against it. Then on final passage 119 Democrats voted for the measure and 105 voted against it. But it was significant that of those Democrats who voted for the Powell amendment none of them voted against the bill on final passage, whereas we had 148 Republican Members who voted for the Powell amendment, 46 against it; and on final passage 75 Republican Members voted for the bill, 119 voted against it. We had a switch of 96 Republican Members who voted for the Powell amendment who failed to vote for the bill.

There is no necessity for any amendment of that type because we well know that it will serve only one purpose which, as I stated, is to kill this bill. And this bill is too important to be killed.

I do not hold the fears that the gentleman from Florida [Mr. MATTHEWS] mentioned, that on an appropriation bill which may come here later on, there will be a rider attached to it to deprive any school district from sharing in this program, if that district practices segregation.

That issue has been decided by the Supreme Court and it is not up to us now to try to interfere with the progress the States are making in that direction.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield.

Mr. RHODES of Arizona. I want to compliment the gentleman on making the point he did, coming from a Southern State. I think it is very important that the Members of the House realize that if the Wainwright amendment is not agreed to every State in the Union regardless of the state of its schools as to segregation will share equally in the money which is paid to the school systems under this bill. I thank the gentleman for making that point.

Mr. PERKINS. I thank the gentleman for his contribution. I am speaking about the so-called Powell amendment that will be offered by the gentleman from New York [Mr. WAINWRIGHT].

Year after year, we have had appropriation bills on this floor for school construction and more than 3,000 school units have been built under Public Law 815 of the 81st Congress. No one has ever undertaken to attach the rider, but in the event they do in the future, certainly I hope this Congress will see fit to vote it down and vote any such rider down that may be proposed on any general school construction bill. So let us remove that fear from this argument here today.

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

Mr. PERKINS. I yield to the gentleman from Alabama.

Mr. ELLIOTT. Will the gentleman make the point also that we have under Public Laws 815 and 874 spent as much as we will spend under the grant section of this bill, in 4 years?

Mr. PERKINS. That is exactly correct, and we have touched more than 3,000 communities over this Nation under Public Laws 815 and 874, with no problem of Federal control and no complaints of such efforts.

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

Mr. PERKINS. I yield to the gentleman from West Virginia.

Mr. BAILEY. Under Public Law 815, in the last six years the State of South Carolina has received $12,837,000.

Mr. PERKINS. I do not yield any further. All the Southern States have shared in this program and but for that program what would have happened? I want to ask you that. The need is still there. It is only a question whether we are going to recognize the need or let extraneous issues override us in our decision.

Mr. BARDEN. Mr. Chairman, I move to strike out the last word. I shall not use the 5 minutes.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. BARDEN. Certainly.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HOFFMAN. Do they not alternate the debate?

The CHAIRMAN. The Chair always recognizes first the members of the committee, as the gentleman from Michigan well knows.

Mr. HOFFMAN. I am a Republican, on this side, and I am a member of the committee.

The CHAIRMAN. The gentleman from North Carolina was on his feet seeking recognition and the Chair recognized him. The gentleman will proceed.

Mr. BARDEN. Let me assure the gentleman I have no desire to take advantage of the position I happen to occupy, but I do say that I tried to the best of my ability to distribute the time fairly. I think the debate has been very fine. I have refrained from a discussion of the questions even though statements have been made of varying degrees of accuracy, according to my ideas.

Let me suggest that we read down through the findings and purposes of the act and then go ahead under the 5-minute rule. I think we can operate that way. Frankly, I have been under right much pressure to utilize the time as best we could this afternoon. There is an outside possibility, maybe, of finishing this bill this afternoon. That certainly shall be my effort.

With that, Mr. Chairman, I yield back the balance of my time.

The Clerk read as follows:

FINDINGS AND PURPOSE OF ACT

SEC. 2. The Congress finds that despite sustained and vigorous efforts by the States and local communities, which have increased current school construction to an unprecedented level, there is still a serious national shortage of classrooms requiring emergency action on the part of the Federal Government. The limited financial resources available to a number of communities are not adequate to support construction programs of sufficient size to eliminate their classroom shortages. Other communities, in their efforts to apply their potential resources to their needs, are confronted with restrictive debt and tax limits, an inability to borrow the necessary funds at reasonable rates, and other obstacles. While the Congress recognizes that responsibility for providing adequate school facilities lies primarily with the States and local communities, the national interest requires that the Federal Government assist State and local governments in solving these pressing problems. It is the purpose of this act to provide, on a temporary basis, alternative programs for the solution of these varied problems by authorizing (1) payments to State educational agencies for assistance on a grant basis to communities where this type of assistance can be most effectively utilized, as determined under priorities established by the State; (2) purchase of bonds issued by communities which are capable of financing their own school construction but cannot obtain such financing from other sources on reasonable terms; and (3) credit assistance to State school-financing agencies, to provide schools and related facilities in States in which such agencies exist or may be created.

Mr. BOSCH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not believe that the proponents of H. R. 1, the Federal aid to school-construction legislation, have sustained the burden of proof that a need exists for the Federal Government to get

into the educational field. I should like to briefly outline my primary reasons for opposing H. R. 1.

First. It has been argued that this is a temporary program. "Temporary," you ask? Then I say read title III of the bill carefully, and you will note that the Commissioner of Education, under its terms, could come to Congress for an appropriation for the fiscal year 1994 to pay off some of the obligations under this bill. Temporary—until 1994?

It is argued further that this legislation is necessary because of a dire shortage of classrooms. Yet the evidence has failed to substantiate this argument. In 1955 the testimony before the committee was to the effect that there was a shortage throughout the Nation of 407,000 classrooms. Testimony presented this year claimed a shortage of 159,000 classrooms. Thus the existing shortage estimated by the United States Office of Education has been cut to one-fifth of the originally reported 407,000 classrooms during the past 24 months—conclusive proof that the communities and States are able to do the job of building their own classrooms. I daresay that this shortage of 159,000 classrooms, if it were reexamined today, would be considerably reduced. I do not believe that there would be serious disagreement amongst most of my colleagues that a program of Federal aid would be a continuing one. The experiences of the past amply demonstrate how difficult it is to terminate these aid programs.

I further contend that, instead of stimulating the States by prodding them to do what they ought to do in meeting schoolroom needs, this legislation will have just the opposite effect. The States will let the Federal Government assume the primary role. There is evidence even now that certain States have slowed down their activities in this field, anticipating Federal Government assistance, and are using their moneys for other State purposes.

Finally, it is my considered opinion that once the Federal Government gets into this field of school construction, the next step would be for grant-in-aid legislation to help pay teachers' salaries, school maintenance, textbook costs, and so forth. Thus, the Federal Government, finding itself carrying the overall burden, could possibly claim the right to jurisdiction over the curriculum of the schools. This would surely pave the way for advocates of socialism, paternalism, and Communist ideologies to gain a foothold over the education of our children.

Second. I find this bill essentially unfair and discriminatory in the manner in which State allotments are computed. In title I, section 102, half of the $300 million in grants per year is allocated on the basis of school-age population. The balance is allocated on the basis of allotment ratio. Figured out partially on the basis of income per child of school age, we find that:

(a) All children of school age, whether attending public, private, or parochial schools, are counted in determining the initial Federal allotment.

(b) In determining the school effort index for the State no credit whatsoever is given for the vast sums which the citizens of that State spend out of their own pockets for private and parochial schools.

(c) In handing out Federal money none whatsoever can be used for private or parochial schools. Thus, enactment of H. R. 1 means simply that the parents of children attending private and parochial schools will have an additional burden of Federal taxes in addition to State and local taxes from which they get no benefit whatsoever.

Third. The bill is inequitable and discriminatory in that the State of New York bears 13.33 percent of the entire tax burden of the United States and would therefore contribute to the total annual appropriation of Federal funds $39,990,000. The State of New York to match full amount of allocation for grant-in-aid would be required to raise from State or local tax sources an additional $18,198,000. This means that New York to receive $18,198,000 as a grant-in-aid under title I of H. R. 1 would pay $39,990,000, leaving an amount of $21,792,000 unretrieved annually. As presently proposed, this program is to run for 5 years which would mean that New York State would lose a total of $108,960,000.

The commission to study the financial requirements for education in New York, headed by the distinguished educator Chancellor Henry T. Heald, of New York University, recommended additional State aid to local schools. In view of this financial program, supplemented by other action taken by the State legislature, the New York State Department of Education reports that there is now not a single school district which cannot finance necessary building construction from its own resources, augmented by moneys available from the State.

Mr. Chairman, under these circumstances, I cannot conscientiously vote for this bill which would mean such an increase in the tax burden of the taxpayers of New York State. We would get no benefit out of this legislation commensurate with the overall cost. I am firmly convinced that the best job can be done on a local, city, or State level where the people have constant touch with the problems affecting our children rather than to have another Federal bureaucracy created in another field in which the Federal Government has no place.

Mr. JOHANSEN. Mr. Chairman, I rise in opposition to H. R. 1. I wish particularly to commend the statements appearing on pages 30 and 57 of the minority report which forcefully challenge the claim that this is temporary legislation. I subscribe completely to the statement on page 57:

> Temporary? In our opinion this bill, if enacted, is just the beginning. This program, once begun, will grow and grow. There is no end. What is temporary today becomes the most permanent form of legislation tomorrow.

In my remarks on the floor of this House on June 29 of last year, in opposition to similar legislation, I documented in detail the frank pronouncements of numerous political and educational leaders acknowledging the fact that their purpose and intent was permanent, expanding Federal aid to education. Typical of these statements was the assertion of Adlai Stevenson before the National Education Association convention in Chicago in July 1955, in which, after outlining his own notions of Federal aid to education, Mr. Stevenson said:

> There should be no evading the fact that the composite program I am suggesting here will be expensive, and it is just a beginning.

How often, how clearly, how emphatically must we be put on notice as to the real purpose and intent before we will abandon the pretense that this is temporary, stopgap legislation and before we will accept the forthright declarations of intent from these powerful and determined advocates of permanent and ever-expanding federalization of education?

I do not intend to repeat the documentation I offered last year. But I should like to amend the record in 2 or 3 most important particulars:

First of all, I should like to point to unmistakable evidences that President Eisenhower—whose purpose that this be a one-shot, emergency, temporary measure has, I believe, been made absolutely clear—himself has continuing and deepening concern on this score.

In a news conference on April 3 of this year the President specifically identified this program as one that should be temporary and not permanent. The transcript of his statement, verified at the White House, reads:

> I recommend the school program for 4 years; I want 4 years, and I want it stopped, if necessary by a constitutional amendment.

In his recent address at the Governors' Conference in Williamsburg, the President said, relative to the temporary program of assistance to the States for school construction:

> Now, some have feared the sincerity of that word "temporary." I at once concede that, in government as with individuals, there is an instinctive inclination to persist in any activity once begun. But if it be the people's will, and I believe it is, I have no doubt at all that we can defeat that inclination in respect to Federal help in school construction, once the emergency need has been satisfied.

I am compelled to say again, as I said last year, and with complete respect for the President's intention and the complete sincerity of that intention, that I do not share the President's confidence on this score.

And one reason I cannot share that confidence is that in this instance we are confronted not only with "an instinctive inclination to persist in any activity once begun," but we are confronted with a deliberate, calculated and frankly proclaimed design and determination—on the part of powerful, well-organized and ruthless political and education forces—that this "activity once begun" will be steadily expanded and permanently continued.

I may say, at this point, that it is a matter of regret to me that some of the numerous exponents of this purpose and design were not summoned before the legislative committee of this House and required to confirm or repudiate their public pronouncements of intent on this score. Such a procedure, I am convinced, would have completely stripped away the cloak of pretense as to the temporary character of this legislation.

Second. By way of amending my documentation of a year ago as to the purpose and intent of this group of supporters of this bill, I should like to cite a few typical statements which have become available since that time.

Last year, in my remarks on this floor, I quoted the statement of Finis E. Engleman, Connecticut Commissioner of Education, writing in the October 1955 National Education Association Journal, as follows:

Since for many years funds (from Federal sources) will only be sufficient to supplement the State and local efforts, some safeguards must be erected to insure the continuance of local and State efforts to finance their schools.

I said, last July, that "the import of these words is that some day funds from Federal sources will do all—or at least the bulk—of the job." And I have since been told that this was reading entirely too much into Dr. Engleman's statement.

Be that as it may, I question the possibility of reading "too much" into the statements of the amazing trio of educators and economists who addressed the American Association of School Administrators at Atlantic City on February 18 of this year.

Economist Beardsley Ruml described Mr. Eisenhower's current proposal as a "harmless gesture of good intent," but "wholly inadequate," and evasive of what he termed "the central duty of Federal support for the public schools." Mr. Ruml proposed an immediate Federal grant of $750 million a year which would increase until it reached $3½ billion in 1962. No termination of the program was suggested, so far as I can determine.

Prof. Seymour Harris, of Harvard, proposed a start of $600 million a year now, with $6 billion a year by 1965.

Prof. Lester V. Chandler, of Princeton, did not bother with specific figures. He simply advocated that "financing education should be primarily a Federal responsibility," with local or State support only secondary.

There has been an even more recent affirmation of the permanent and expanding intent of this powerful segment of supporters of the present legislation. I refer to the address on July 4 of this year before the Centennial Convention of the National Education Association in Philadelphia by Mr. James E. Russell, secretary, Educational Policies Commission, National Education Association. The title of Mr. Russell's address, significantly, was "Federal Responsibility for Education."

Referring to what he terms the current controversy over Federal responsibility for education, Mr. Russell says that "inside the profession—of education—there is a high degree of agreement about it." He adds that "the National Education Association has favored Federal aid to education for decades."

Mr. Russell's basic premise is, in his own words:

That * * * it is on the American school, under the good providence of God, that the wealth, safety, and honor of this commonwealth chiefly depend; further, that the wealth, safety and honor of this commonwealth are the business of the Federal Government.

This, of course, is not an argument for temporary, emergency legislation. There is no pretense that it is such. This is an argument for permanent and expanding Federal support of education. Incidentally, as a clue to the kind of arguments and pressures to which the Congress will be permanently subjected once Federal aid to education is a fixed Federal policy, it is interesting to note Mr. Russell's comment regarding economy efforts in this present Congress. He says:

We have recently seen how an "economy wave" generated by a small and selfish minority can bring important programs of Government virtually to a halt and can hazard our future security.

This is fair notice of the type of attack to which any opponent or critic of any specific Federal aid to education appropriation proposal will be subjected if we set our foot in the path of Federal financing of education.

It is Mr. Russell's contention that "there is no reasonable prospect that the States will achieve levels of expenditure anywhere near those indicated as required." This is not the language of the advocate of temporary, emergency Federal aid and relief; this is the advocacy of permanent and expanding Federal financing of education.

Finally, Mr. Russell poses as a threatened alternative to Federal aid to education possible establishment by the Federal Government of "its own school system in competition with existing schools."

Of this possibility, Mr. Russell says:

At first glance you may think it fantastic that the Federal Government would establish its own school system in direct competition with local schools. May I remind you of the programs of the National Youth Administration and the Civilian Conservation Corps in the depression of the 1930's. Were those not really school systems? Did they not compete with local schools? They even paid the pupils to go to school. It would not take a very great shift in the climate of opinion in this country, I think, to re-create the possibility of such action. After all, centralized military forces were established for the reason that the States were unable to undergird our safety with their own forces. The same might be done to schools.

By way of comment, let me merely raise the question as to whether Federal aid to education rather than being an alternative to a Federal school system might not well prove to the preliminary to such federalization. To me the implications of a suggestion of such a Federal system from such a source are ominous indeed.

I believe this misgiving gains further credence from the statements of Dr. Theodore Brameld, professor of educational philosophy at New York University, in his book, Toward a Reconstructed Philosophy of Education, published last year.

Dr. Brameld urges:

The United States should spend annually at least $35 billion on education, nationally and internationally, during the next quarter century. * * * Moreover, not less than half of this amount should come from the Federal Treasury (p. 295).

I should point out, also, that Dr. Brameld does not flinch at the prospect of Federal control of education. On the contrary he advocates establishment of a permanent Federal educational authority.

In that connection, may I point out that the NEA and the American Association of School Administrators are on record as favoring creation of a National Board of Education as an independent agency, which would select a commissioner of education responsible to the board.

Dr. Brameld asserts:

The need for educational designs that * * * are parts of an organic whole embracing schools everywhere in the Nation and the world.

More specifically, he contends that educators "in agreeing to Federal aid acknowledge that final responsibility for schooling can no longer rest so exclusively where it has rested in the past—with the localities or States."

And he further argues that those who "separate the questions of Federal aid and Federal control" take the position that—

Whereas they are willing that Congress, as the representatives of the people, should provide funds, they are not willing that the representatives of the people should control them.

This—

Dr. Brameld concludes—

implies a distrust in representative government that Congressmen who hold genuinely democratic convictions should resent.

Finally, he advocates an education system that "is supported heavily by Federal taxation—supplemented by local resources—and controlled by the majority"; that "gears curriculums, teaching, guidance, and administration to the purposes of the economy of abundance, political order, scientific society, and esthetic pattern," and that "brings newspapers, radio chains, and other instruments of public enlightenment into direct cooperation with education and under similar controls."

Third. One final observation and this with further reference to the matter of Federal control of education.

I think it is absurd to suggest that any transfer of responsibility for public education to the Federal Government and Federal finances, on the scale envisioned in the statements I have cited, can be accomplished without actual or potential transfer of control over education.

Yet it is stoutly argued in recent testimony before the House subcommittee

that there is no threat of Federal control.

And it is pointed out that the proposed current legislation includes provisions that there must not be any Federal control.

How, as a practical matter, may I ask, can there be a massive transfer of citizen, community, and State dependence for financial support without a measure of transfer of control, regardless of these puny and temporary prohibitions?

One answer, of course, is that even to achieve the comparatively modest degree of participation in Federal aid proposed by the President's school building bill, many States must change their tax structure and their school-district setup—or face the prospect of Federal taxation without participation.

To argue that because tomorrow, or next year, there may not be Federal interference in, or dictation of, curriculum, educational standards or administrative policies, and conclude that therefore there is no actual or potential Federal control of education and no threat of such Federal interference and dictation subsequently is, it seems to me, to miss the whole point and meaning of control.

The unfortunate widow who signs over title to her home to a greedy relative in return for an ill-defined promise of financial support loses control of that home the moment she delivers the deed—not at some indefinite future when the new owner begins to dictate her activities or serves an eviction notice.

The ominous threat of Federal control of education, it seems to me, is clearly recognized and underscored by a statement of President Eisenhower in his special message of January 28 of this year.

President Eisenhower said:

> Once the accumulated shortage (of classrooms) is overcome, if State and local autonomy in education is to be maintained, the States and communities must meet their future needs with their own resources and the Federal-grant program must terminate.

The key words, in that statement, are, "If State and local autonomy in education is to be maintained."

That, in plainest possible language, means, in my judgment, "if State and local control of education are not to be replaced and supplanted, albeit gradually and at the outset imperceptibly, by Federal control of education."

So far as I am concerned, this is the conclusion of the matter:

Without transfer to the Federal Government of this vast and expanding reliance by the States and local school districts for financial support, the door to Federal control remains closed.

With such a transfer of reliance and dependence the door is opened—and there are those powerful elements who wait eagerly to pass through that door.

It is my hope that, by resounding defeat of H. R. 1, we will avoid taking the first perilous step toward unlocking the door to this ominous threat.

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

Mr. Chairman, you have heard it said repeatedly by the opponents of this legislation that nobody is in favor of it.

I would like to call the attention of my colleagues to this full page ad that ran in yesterday's Washington Post and Times Herald, signed by the American Parents Committee. The signatures in support of the facts contained in this ad are more than 150 of the outstanding business and industrial leaders of the United States, and the first man to sign it is Eric Johnston, former president of the chamber of commerce. Frank Stanton, president of Columbia Broadcasting Co. I just want you to know that the chamber of commerce does not speak for all the businesses and industrial people of the United States, as far as this so-called school legislation is concerned.

Speaking before the Rules Committee the other day, I made the point that somebody would have you believe that nobody is in favor of this legislation, and I gave to the members of the Rules Committee a list of the organizations which have endorsed this legislation. I will read them briefly into the RECORD:

American Parents Committee.

Council of Chief State School Officers.

National Congress of Parents and Teachers, a membership of 11,500.

I wonder whether you stop to consider that there are probably 20 votes in that organization to one in the United States Chamber of Commerce.

AFL–CIO, 16 million.

United Mine Workers, with an additional half a million.

I could go on, and before I am two-thirds of the way down this list of 29 national organizations, there are between 30 and 35 million people of the population of the United States who will pledge their support in passing this legislation. Yet you would have the Members of Congress believe that nobody is for the legislation.

I want also to call your attention particularly to the last two groups who endorsed this legislation, at least they are the last on my list here, that is the Republican Party platform and the Democratic Party platform of 1956. The gentleman from Illinois [Mr. ALLEN], in trying to defend the position of his party, read a paragraph out of the platform, but he did not read the one I am interested in and that you should be interested in. He said there was no definite commitment from the Republican Party for them to support school legislation. Listen to this:

> Four thousand communities studying their school populations and their fiscal and financial resources encouraged our Republican administration to urge a 5-year program of Federal assistance in building the schools to relieve critical classroom shortages.

He just did not read all of the platform.

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

Mr. BAILEY. I will not yield to the gentleman because he, like some others over there, has no good intentions toward this legislation. As far as I am concerned you can sit down and stay down.

Mr. WAINWRIGHT. I thank the gentleman for his usual courteous remarks.

Mr. BAILEY. Mr. Chairman, I would like to call attention to the fact that here are communications from thousands of individuals, copies of letters that have been sent to Congressmen by the thousands, urging support of this legislation. They come from labor groups, they come from every organization throughout the Nation.

So I want to dissipate in the minds of the Members of the House that nobody is for this legislation. I fear that if some of you are not awake to the possibilities of how the American people feel about this, some of you may be sorry at the next election, because there are too many of the common people of this country interested in doing something about their common schools, their elementary and secondary schools.

Mr. HOFFMAN. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, permit me to say to my good friend from West Virginia [Mr. BAILEY] that I hope my folks will not take your suggestion that they defeat me next election just because I am against this bill. They never have, but they may next time; no one can tell.

About this statement the gentleman from West Virginia [Mr. BAILEY] made. He said the folks over here had no good intentions toward this legislation. Maybe some want to improve it. How does he know they do not want to do that? Let us give them credit for the best of intentions. I am not for this bill under any circumstances, so he may cross me off his list.

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

Mr. HOFFMAN. I cannot refuse to yield to the gentleman from Texas. In my book he has always been an ideal legislator.

Mr. DIES. I just want to say that on this side of the aisle there are a few of us who do not have any good intentions toward it either.

Mr. HOFFMAN. With reference to the bill. Earlier in the debate I think it was the gentleman from Arizona [Mr. RHODES], who said that Federal legislation did not apply to any provision of this bill. Did I hear that? I ask the gentleman.

Mr. RHODES of Arizona. I did not say that.

Mr. HOFFMAN. Was the gentleman not talking from the well earlier today?

Mr. RHODES of Arizona. I was down there earlier but I did not say anything like that.

Mr. HOFFMAN. What did you say? The gentleman just said he was extending his remarks. I got the impression, from what the gentleman said that the Federal Government would not have anything to do with the operation of this school construction bill if it was adopted. Is that right?

Mr. RHODES of Arizona. I said that the Federal Government would have nothing to do with the operation of the schools once they were built.

Mr. HOFFMAN. All right. Put it that way if you wish. Let me read you something on that which shows it will have something to do with the construction of the schools and the cost thereof. Here it is, beginning on page 45 of the bill:

The Commissioner shall not make any payments under this title * * * construction of such project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended.

Does not that put the Federal Government squarely into it?

Then the next subsection (b):

The Secretary of Labor shall have, with respect to the labor standards specified in subsection (a) of this section, the authority and functions set forth in Reorganization Plan.

And so on. How can anyone contend that the Federal Government will not have a finger in the spending of Federal dollars?

Let me give you a concrete illustration. In the northern peninsula of Michigan, represented by the gentleman from Michigan [Mr. KNOX], a school unit voted bonds, sold them, and had the money on hand to build a school. The Federal Government did not have anything to do with it, not a thing. There was not a Federal dollar within 50 miles of the project. No one was asking for Federal money.

What happened? A contract was let and from a practical standpoint, you cannot let any contract for a sizable job there unless it carries a provision about prevailing wages, as this one did. The money voted would not build the school because in establishing the prevailing wage the Federal official got his finger in it. A wage was established that prevailed over another part of the State. So the school cannot be built and paid for until the voters vote another $100,000. You see how the cost goes up every time the Federal Government spends a dollar, no matter what the local people who provide the money want to do? Along comes some representative from Washington and increases the cost of construction and that sometimes makes it prohibitive.

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

Mr. HOFFMAN. I yield to the gentleman from West Virginia.

Mr. BAILEY. The gentleman must be aware of the fact that this provision covering the Davis-Bacon Act does not carry the provisions of the Walsh-Healey Act. It is just a plain Davis-Bacon provision that has been in every piece of legislation that the Congress has enacted.

Mr. HOFFMAN. That may be all right, but every bit of Federal legislation that affects cost of construction in some way finds its way into construction jobs. When we try to build a school you find Federal provisions tying it down and increasing the cost. The gentleman, I am sure, knows that.

I yield back the balance of my time.

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

Mr. Chairman, I would like to point out to the gentleman from West Virginia, who made such courteous and generous remarks about me earlier and who read from the Republican platform. While I commend him for doing just that, the gentleman did not read the full paragraph in regard to school construction. The gentleman from West Virginia and the gentlewoman from Oregon claim to be mystified as to why the President is not enthusiastic about the present bill. The President has said he is in favor of the platform. So I would like to read the next sentence which the gentleman from West Virginia conveniently omitted. It will edify him on the Republican platform:

The Republican Party will renew its efforts to enact a program based on sound principles of need and designed to encourage increased State and local efforts to build more classrooms.

This bill is not based on sound principles of need, as the gentleman well knows. It is an across-the-board handout. Please try to correct me if I am wrong.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise at this time to straighten the record as a result of the passage among you of a number of pictures, some of which were taken in Ohio, of either substandard or temporary school buildings, one or two of which were in my own district.

I want to point out, first of all, in the report on this bill, page 37, it shows very plainly from circular No. 490, issued by the Department of Health, Education, and Welfare, that by the end of this present fiscal year, the last day of June or July 1, Ohio had completed one-third and a little better than one-third of its needs for additional schoolrooms and within 2 years will meet all of its needs.

I would like also to make the point for the RECORD that Ohio in the last fiscal year, up to July 1, 1957, voted—the various school districts of our State voted upon themselves, the people—bond issues of $122,568,055 for the construction of school classrooms.

In a little over 10 years, between January 1946 and January 1957, the taxpayers of Ohio and the various school districts of my State voted bonds for construction totaling $910,293,396. In my own Congressional District, the 7th District of Ohio, during the past fiscal year, which ended on June 30, the people of that district voted school bonds in the amount of $3,019,000. One small county—the very small county in which some of these terrible pictures have been taken but which has also some of the finest public schools located in that State—Greene County, Ohio—voted bond issues in the past year alone for school construction amounting to $1,288,000.

For the record I want to say that Logan County floated a $75,000 new bond issue; Union County, $138,000; Champaign County, $75,000; Clark County, $1,050,000; Madison County, $85,000; Greene County, which I mentioned before, $1,288,000; Warren County, $106,000; and Clinton County, $202,000 in the past 12 months for a total, I repeat, of $3,019,000 in one small Congressional District in the State of Ohio.

In addition to all this, the State of Ohio is spending something like $230 million a year for the support of our local public-school system through State taxes, and in addition we have issued State bonds for school construction support, and the legislature has appropriated many additional millions of dollars. Therefore, in behalf of the fair name of the State of Ohio, the mother of Presidents, may I say to you, I want to publicly resent, if I may, some of the statements and some of the unfair pictures that have been presented as to the school condition in Ohio. We are meeting our obligation on a State and local level for our own schools in Ohio. We are for public education. We are expressing it by our votes and the issuance of bonds and by the fact that we do not vote down these levies and school bonds as some other States do. And, I rather resent the implication that we have not been meeting our obligations, because the record shows that Ohio has met her responsibility as she always has in the past on every other occasion and in every other situation.

Mr. WRIGHT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WRIGHT: On page 31, line 18, following the period, insert the following: "The Congress recognizes that responsibility for administration and direction of public school policies lies, and by right should lie, wholly with the States and local communities, and it is expressly not the purpose of this Act either to provide or to permit control or interference by Federal authority in any matters concerning school personnel, curriculum, textbooks and program of instruction, or local school administration policies."

Mr. WRIGHT. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

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

There was no objection.

Mr. WRIGHT. Mr. Chairman, I want to assure the Members of the House first of all that this is a very serious amendment; at least it is with me, and one which I believe goes to the very heart of one of the central issues in this debate.

The purpose of this amendment is to write into section 2, right here at the very outset of the bill, a clear, forceful and unmistakable expression that the Congress does not intend to provide or to permit Federal control over our public schools. Permit me to read to you again the language which appears in my amendment:

The Congress recognizes that responsibility for administration and direction of public school policies lies, and by right should lie, wholly with the States and local communities, and it is expressly not the purpose of this act either to provide or to permit control, or interference by Federal authority in any matters concerning school personnel, curriculum, textbooks and program of instruction, or local school administration policies.

I believe that such an expression needs to be included here, at this point, in the preamble which sets forth the purpose of this legislation. While section 2 as presently written makes reference to the primary responsibilities of the States and local communities for providing adequate school facilities, it says nothing about the sole and exclusive rights of the States and local communities to determine such matters as whom they may employ to teach in their schools, what textbooks they may select, what program of instruction they may devise, and what policies they may follow in the administration of their schools.

Time and again, Members who oppose this legislation have stood on the floor of the House and expressed their fear that, some day and somehow, this legislation may become the vehicle for Federal domination of our free public schools. That theme has pervaded all the fears expressed by opponents of this bill. And it is not sophistry, I beg you to believe. It is a very real fear on the part of a great many people.

On the other hand, all of the leading advocates of the bill have very firmly disavowed any intention whatever of setting up a situation in which Federal control could result. As a matter of fact, they have written into the bill in a later section a provision which aims at reaffirming this basic concept of local control over local schools, and disavowing any Federal control. If that is the belief and the conviction of all the opponents and of all the leading advocates of the legislation, then what harm could there possibly be in writing it out in clear and unequivocal language, here at the very beginning, at the outset of the bill, where we set forth the legislative purpose and intent?

I do not believe that the sponsors of this legislation intend that it should ever be used to force Federal domination upon our free public schools. I am prepared to accept the assurance that the present administration would never use legislation of this type or suffer it to be used for this purpose.

Yet the test of history is not what we intend but how our intent may in the future be interpreted. It behooves us, then, to make our position so perfectly clear that none can misconstrue it.

And the test of sound legislation is not how it will be administered by men of good will and honest restraint, but how it could be administered by evil or imprudent men, misguided zealots, or men of unrestrained ambition.

In the absence of such an expression at this point in the bill, it certainly is not inconceivable that some future court might hold that the disclaimer of Federal control contained later in the bill is inapplicable to certain conditions.

Nor is it beyond the realm of our apprehension that some future administrator, enthused over his own ideology and impressed by his own power, might possibly seize upon the references to "the establishment of standards" which appear on page 38 and again on page 49 of the bill, or the language concerning "failure to comply" which appears on page 39, as a means of invading the domain of local control.

We are compelled to recall, with discomfort, that there have been uneasy moments in our Nation's history under the alien and sedition laws of the 1790's and during the reconstruction days following the Civil War, for instance, when certain people in authority have felt themselves licensed to impose a form of thought control upon the citizenry.

In recent times we have seen the dark cloud of central indoctrination snuff out the light of free inquiry in the schools of Nazi Germany and Communist Russia and Red China.

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

Mr. WRIGHT. I yield to the gentleman from West Virginia.

Mr. BAILEY. May I, speaking for the majority of the Committee on Education and Labor say that we have no objection on this side of the aisle to the amendment offered by the gentleman from Texas.

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

Mr. WRIGHT. I yield, of course, to the chairman of the committee.

Mr. BARDEN. I do not know for whom the gentleman speaks on this side of the aisle, but I would like to clarify that now.

Mr. BAILEY. We speak for about 13 or 14 members of the 17 Democrats on the committee.

Mr. BARDEN. I would suggest that if the gentleman is going to use the aisle as the line of demarcation, that he had better get his group on the same side of the aisle.

Mr. BAILEY. There would be some advantage to that, but it is just not possible.

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

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

Mr. NICHOLSON. I would like to ask the gentleman from Texas if he thinks that there is a State in this Union that cannot supply schoolhouses for the children in their respective States.

Mr. WRIGHT. I should like to answer that question by saying that I am not certain whether there are any States that cannot. I feel that my own State can. I do not feel that students should be penalized because they come from impoverished circumstances or because they come from backward areas which will not support their schools. But, above all, I feel that the consideration of complete local control is of overriding importance.

Mr. Chairman, at this point I want to confine my remarks, however, to this particular amendment because I think it will clarify a great deal, and it is something that all of us should favor if we mean what we say about being opposed to Federal interference and control.

From the very beginning, ours has been a Nation with a healthy distrust of centralized power. Our strength has been in our diversity. The education of each succeeding generation has been the historic prerogative of the States. Thus have we avoided the pitfalls of an ironclad conformity by which other peoples have been led down the dead-end corridor to enslavement.

Thomas Jefferson, the father of the system of public education in America, spoke of "the illimitable freedom of the human mind." Devoted as he was to the goal of an educated citizenry, he was not blind to the dangers inherent in centralized authority. His preamble to the very first general education bill enacted in this Nation begins with this warning:

> Whereas * * * experience hath shewn, that * * * those entrusted with power have in time, and by slow operations, perverted it into tyranny.

He who would control the future must first control the schools. Those of us who would insure the freedom of the future must be at special pains to insure the freedom of the schools from the control of any person or group of persons.

As important as adequate facilities admittedly are, a school is not merely sticks and stones and mortar. Of greater importance than the physical habiliments of our schools is the spirit of free inquiry and free expression which must pervade their classrooms.

If we are to enact such legislation as this, I believe we need to make our expression of legislative purpose so clear that none can mistake it, either now or in the future. To that end, I believe we need such a statement as this incorporated into section 2. I hope the Members of the House will agree with me that this amendment will be adopted.

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

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

Mr. McCONNELL. I commend the gentleman on the type of statement he is making, and say to him that as far as I know on this side we will be pleased to accept his amendment.

May I further say that I realize just as he does that words do not necessarily insure no control. Therefore, I tend to favor those types of loans or grants by the Government or participation by the Government which would not bring on control of education. I am opposed to maintenance and operation very strongly, but I am not opposed to the construction of schools where it is brick-and-mortar aid and then the Federal Government is finished with its responsibility.

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

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

Mr. FRELINGHYUSEN. May I ask the gentleman, with respect to his amendment and its effects, what effect, if any, it has on any language in the bill which provides insurance against Federal control?

Mr. WRIGHT. May I say with regard to section 405 that I think it is a good provision. I do think this additional provision is necessary.

Mr. FRELINGHUYSEN. The gentleman has not sought to eliminate section 405?

Mr. WRIGHT. No; it is not my thought to eliminate section 405. This

expression which I have offered in my amendment should by rights be at the outset of the bill in the expression of legislative purpose and intent, so that our intentions as to the future might never be misinterpreted or misconstrued by any court or any administration.

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

Mr. WRIGHT. I yield to the gentleman from Kentucky.

Mr. PERKINS. I wish to compliment the gentleman on the kind of speech he has made. It was the intention of the committee to get wording into the bill to do just what the gentleman is describing in his amendment. I feel that his amendment is further clarifying, and personally, I shall be glad to support it.

Mr. WRIGHT. I thank the gentleman.

Mr. BARDEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in commenting on this amendment, there is virtually exactly the same language in section 405 of the bill. Frankly, it has no bearing on the bill. The bill does not deal with teachers, it does not deal with instructions, it does not deal with anything that this amendment refers to. It has no bearing on it and will not help the bill one particle. It will not hurt the bill one particle. It is simply an amendment dealing with something with which the bill does not deal. The bill deals with construction, financing, the handling of bonds, the providing of wage scales by the Secretary of Labor, the instructions by the Commissioner to the State agencies, telling the State agencies what they shall do and what they will have to do, and giving the Commissioner authority to approve and disapprove under certain circumstances. It simply does not touch one particle upon classroom instruction or teachers, or the influencing of teaching in the schools. It has no more bearing and will have no more bearing on this legislation than if you were to print today's weather report in its place.

I see no harm that it can do. Nor can I, with the greatest stretch of my imagination, see any good that it will do. It is one of those things that you can write in the front and in the back and it does not touch anything between the front and the back of the bill. That is exactly what it is. I see no need of us confusing ourselves or attempting to confuse ourselves over the effect of it—it has no bearing upon the bill and that is all there is to it. If the gentleman wanted to put some meat in the amendment, he could have dealt with some of the powers and some of the authority that is between the front sheet, the introduction, you might say, and the last section in the bill. This was very thoroughly discussed in the committee and it was finally determined—well, what is the use of fussing about it; it will not do any good and it will not do any harm. So that is the way it got into the tail end of the bill. That is the best statement that I know how to make, and I do not think anyone would question my statement of the effect of it on this piece of legislation. I do not oppose it and certainly there is no reason for me or anyone else to develop any enthusiasm for it.

Mr. UDALL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I feel, as the gentleman from Texas said, that it does help strengthen and clarify this business of the desire of the Congress to have no Federal control. We have had this Federal control argument thrown around a great deal today. I want, if I might, to summarize what I think is the attitude of some of us on the committee who are in favor of this legislation. This argument of Federal control—this bugaboo—any time you talk about doing something in the field of education it seems that that argument about Federal control is suddenly omnipresent in the air. We can pass bills in this country aiding the farmers and the farming people and heaven knows that they need it. We are doing so in this country this year to the extent of $5 billion. But is the cry ever raised that Federal control is going to wipe out or drive our farmers and our farming people out of the country? Not at all—but like Banquo's ghost when we get to the field of education, there you find the argument about Federal control. I am afraid that many of us are influenced by it. It so happens that some of us who served on this same subcommittee that drafted this bill also serve on the committee as I have for the past 3 years, that also considers legislation and changes in Public Law 815 and Public Law 874. Many of you whom I have heard in the well expressing yourself as objecting to this legislation on the ground of Federal control and fear that by Federal interference in the affairs of local school boards and the local people—almost every one of you, I daresay, has a school district in your own Congressional District that has received aid under Public Laws 815 and 874.

Many of you who are unalterably opposed to this bill on that ground have come to us time after time to urge that these laws be extended and that they be liberalized, and you have told us what fine legislation those laws are. I said to you last year, and I believe the year before, we passed liberalizing and extending legislation on the Consent Calendar of this body and no one raised the argument about Federal control. My only experience in public office prior to coming to the Congress 3 years ago was as a local school-board member. I happened to be in an impacted area. We participated in Public Laws 815 and 874. We dealt then directly with the Federal Government as all these school districts in your Congressional Districts do today under these programs. They supervised the building of the buildings. They checked on us to see that we were spending the money properly, and you had a certain amount of Federal control. It is not in this bill, I say to you. There is far less Federal control and opportunity for Federal dictation in this legislation than in Public Laws 815 and 874. This argument, and you have heard it before, and I want to reiterate it—I would like to ask those who are going to use the Federal-control argument to say, because I think they have to say, that they are also opposed to Public Laws 815 and 874 because you cannot say that there are bad Federal controls in this legislation and that the controls in that legislation are somehow beneficial. So I think that is an unanswerable argument, and as far as I am concerned the amendment proposed by the gentleman from Texas [Mr. WRIGHT] will help clarify and strengthen the desire of the committee and the Congress to have legislation in this field and not to have Federal control of any kind.

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

Mr. UDALL. I yield.

Mr. WAINWRIGHT. The gentleman mentioned the agricultural program. I thought the gentleman would be interested in the fact that the farm program was voted out in my district because they did not want the Department of Agriculture traipsing around over the farms telling them what to do.

Mr. UDALL. When we consider an appropriation bill and any authorizing legislation, I do not recall having heard anyone say "I am opposed to this. There is Federal control in it and we are going to regulate the farms, we are going to tell them how to plant the crops and harvest the crops." But you just mention education and we have the ghost of Federal control, and it walks here today.

The CHAIRMAN. The time of the gentleman from Arizona [Mr. UDALL] has expired.

Mr. GWINN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this legislation has been put through with these limiting words "Federal aid without control." As the gentleman from North Carolina [Mr. BARDEN] points out, this language would not affect it. Yet it might fool somebody into thinking that because the language is in there it means "no control."

Now let us read the language itself:

SEC. 104 (a) Any State which desires to accept the benefits of this title shall submit to the Commissioner, through its State educational agency, a State plan which shall—

(1) provide that the State educational agency shall be the sole agency for administering the plan;

(2) set forth a program under which funds paid to the State under this title will be expended solely for school-facilities construction projects approved by the State educational agency;

(3) set forth principles for determining the priority of projects in the State for assistance under this title which will assure that first priority will be given to local educational agencies which, upon making an effort commensurate with their economic resources, are unable, solely because of lack of such resources, to finance from the resources available to them the full cost of needed school facilities.

Let us illustrate the kind of control that the control of the purse puts on most of these poorer districts that will receive the money. In one of the States there are many school districts that have less than 50 pupils in the high schools of that district. They believe in the little old red schoolhouse idea. They hold on to that. They will not consolidate their

school districts so as to bring about a proper base for taxation, and the Federal Government says, and the Commissioner of Education says, "True enough, you have exhausted your resources. You are too poor to build the kind of school you ought to have for a 50-pupil high school." Thus, the Federal Government fixes the little red schoolhouse. There is nothing in that community. It is too poor to do what it should do because it holds on to the fiction, to the prejudice, and the Federal Government finances the prejudice, and that is the worst kind of control this bill proposes to set on a community.

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

Mr. GWINN. I yield.

Mr. McCONNELL. I am a little confused in connection with this argument. We talk about State plans in this bill. State plans, and all that is involved in them, has to do with the construction of needed school facilities. My understanding of what we are after in this amendment is to amplify section 405 and put it in the front of the bill as well as in the back; that, "In the administration of this act, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over personnel, curriculum, or program of instruction of any school or school system."

I think that is clear enough, and I understand that is what the amendment referred to. I, therefore, see no harm in its being included in this bill, and for that reason I accept it.

Mr. BARDEN. Mr. Chairman, will the gentleman yield to me for a question?

Mr. GWINN. I yield to the gentleman.

Mr. BARDEN. Does the word "personnel" in here refer to the personnel constructing the building?

Mr. McCONNELL. It refers to the personnel used in the maintenance and the running of the school, as I understand it.

Mr. BARDEN. Yes. I understand it refers to the teaching personnel and those operating the school building. That is the only way it affects the bill.

Mr. McCONNELL. That is right. That is what I understand it refers to; therefore, I see no reason why this amendment should not be accepted.

Mr. BARDEN. I have no objection to the amendment except I do not want it to go in there and fool people into thinking it had anything to do with the bill.

Mr. THOMPSON of New Jersey. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I commend the gentleman from Texas for this amendment and agree with the majority of the members of the committee with whom I have discussed it, that it should be adopted, and I hope that it will be adopted very shortly.

Mr. Chairman, this school construction legislation would give New Jersey $6,300,000 a year. The New Jersey Education Association is vitally interested in it.

Dr. Frederick L. Hipp, executive secretary, told me only today that—

> The New Jersey Education Association is very interested in having H. R. 1 enacted into law and feels that it is very much needed and will do a great deal of good in helping to build schools in New Jersey.

Gov. Robert B. Meyner told a recent education meeting that—

> We are watching with interest the progress of the school construction legislation in Washington.

I was struck by something Walter Lippmann, the political commentator, told a meeting of the National Citizens Commission for the Public Schools some time ago. He said the power of the western democratic nations has been declining since 1900 from the point where liberal democracy in America, France, and England was the acknowledged model of new governments throughout the world to the present period of insecurity and anxiety brought about by the cold war. He pointed to what I think is a startling parallel, the ratio of educational effort to public task which in 1900 was 1 to 2 has fallen during the past 50 years to a ratio of 1 to 6.

Mr. Lippmann's conclusion was that—

> The two ratios, the one at the beginning of our rise to the position of the leading great power of the world and the other the ratio of half a century later, when we carry the enormous burden abroad and at home, these two ratios show that the effort we are now making to educate ourselves has fallen in relation to our needs.

New Jersey spent in the school year 1945–46, 10 years ago, $1 million. In 1955–56 New Jersey spent $96 million and in the last year spent $88 million. This will probably go up again in connection with trying to meet the high school needs of the State.

This legislation would certainly be helpful to New Jersey in meeting the problems it is facing today in the matter of school construction.

Mr. Chairman, for the second time in 12 months this House is confronted with the choice of voting for a school construction bill or of burying it in a welter of crippling and confusing amendments and finally killing it. We have in H. R. 1 a bill that will pay $300 million in grants to the States for 5 years, $1½ billion in grants to be matched by the States or localities. In addition H. R. 1 will permit Federal purchase of school bonds and Federal credit assistance to State school building authorities. This money will be repaid to the Federal Government with interest. The billion and a half in grants in title I will not be repaid, not directly, that is.

Of course, Mr. Chairman, this money will be repaid eventually in the benefits to this Nation of good education under proper conditions. We have abundant proof now, and I will not weary the Committee with figures, that the soundness of our economy and the increased and increasing productivity of the American worker is a direct consequence of good schools. Even the chamber of commerce, a bitter opponent of this bill, admits this. What we spend now for schools, whether this money comes from local, State, or Federal revenues, is an investment that will be repaid manifold.

From the violence with which this bill is being opposed one would imagine that H. R. 1 had been devised by wild-eyed radicals out to overthrow the established order of things. One would imagine this Congress had never committed itself to Federal grants for education. One would think, for instance, that this Congress had never yielded 1 inch on proposals for Federal aid to vocational education, or for aid to federally affected areas, yet we have not only passed such bills, but year after year, sometimes by simple unanimous consent, we have extended these programs and appropriated funds for them. Why, then, do we boggle at H. R. 1, a bill as fully in the American tradition of Federal assistance to education without Federal control as the George-Barden Act or Public Laws 815 and 874?

I think the answer is found in these three objections which I keep hearing made to the bill. Some say that H. R. 1 will bring Federal control of education, that officials here in Washington will tell teachers what to teach, and superintendents where to build their schools. Others say that H. R. 1 is bad because it makes some States pay out more than they get back. Coming from a wealthy State like New Jersey, I hear this objection frequently from chambers of commerce and taxpayers associations. Finally, there are those who fear H. R. 1 will be used to implement the Supreme Court's decisions on racial segregation in schools.

The opponents of H. R. 1 think that we who support it must prove beyond a doubt that the bill will not bring Federal control. I say the burden of proof is on them. Where, in any of the existing Federal-aid programs for which they vote funds so enthusiastically is the Federal control? Is it in vocational education, in the act that bears the name of the distinguished chairman of the Education and Labor Committee? Of course not. Is it in Public Laws 815 and 874 under which we have spent more than a billion dollars in Federal funds since 1951? Are schools in federally affected areas controlled by the aid they get from the Federal Government? The answer is "No," according to a study of these schools by Dr. Robert Sperber, of the Westfield, N. J., public schools. According to the New York Times for June 30, Dr. Sperber found that there was not only no control of education in these federally aided schools but that in the opinion of the school officials in those districts citizens were more willing to support their schools as a result of getting Federal aid. Thus we explode not one myth but two, the myth of Federal control and the myth that Federal aid is destroying local initiative.

What about the argument that those of us from wealthy States like New York, Pennsylvania, Ohio, Illinois, Indiana, and New Jersey, just to name a few, are supporting a bill that will cost our States money? Let us look at this one a little bit. Some business groups tell me that under H. R. 1, New Jersey will pay out $3 or $4 and only get back $1. How do they come to this conclusion? Why they

take the percentage of Federal revenue collected in New Jersey, about 3½ percent according to the latest available figures, multiply that by the $300 million in grants under H. R. 1 and then compare the result with New Jersey's allocation until title I of H. R. 1. I say to them, so what? Is New Jersey likewise entitled to have 3½ percent of all Federal funds that are spent on roads, power dams, rivers and harbors, and hospitals? Should New York, where 20 percent of all Federal revenues are collected, get 20 percent of all Federal services? The question is too absurd to require an answer.

We do not operate our Federal system of taxing and spending on the benefit theory, and I do not know of many State of local governments that do so either. Opposing H. R. 1 because some States pay out more than they get back is like opposing a new firehouse on the other side of town because you are already paying taxes on a firehouse down the block. I say to those who insist on the antiquated benefit theory of taxation, "Wake up, gentlemen, we abandoned the Articles of Confederation a century and a half ago; we are living under a Federal Constitution now."

Finally, what about the problem of Federal aid to schools in those States which still maintain segregated schools? Last year, the gentleman from New York [Mr. POWELL] and others urged that the school construction bill be amended to deny Federal funds to such States. Many of my colleagues were sincere in their support of this antisegregation amendment, as it was called. But I think they have learned a bitter lesson after seeing the use to which this amendment was put by those who voted for it and then voted against the bill.

I rank myself second to no Member of this House in support of civil-rights legislation. I voted for the civil-rights bill now pending in the other body, and I hope to be able to vote for a conference report on that bill. H. R. 1, the bill now before us, is not a civil-rights bill; it is a school-construction bill. I believe we can and should keep the two issues separate. As we all know, no public school in the United States, whether in the North or the South can legally justify operation on a racially segregated basis. Those public schools that are maintaining segregation are doing so because the Supreme Court very wisely recognized that a long-established pattern affecting the welfare of many thousands of children cannot be overturned in a day, or even in a year. The Court is doing all it can to allow local school districts sufficient time to work out new patterns of operation that will bring them in compliance with the decision of 1953 and the decrees of 1954.

Those who want to shortcut this process by an antisegregation amendment are not the friends of the Court that they think they are. They want to substitute legislative fiat for judicial process. They want each school district now operating on a segregated basis to be presumed guilty until it can prove its innocence. Nothing, in my opinion, could be further from what the Court intended.

I began my remarks with a discussion of Federal control over education. Let me close with this observation. There is no Federal control of education written into H. R. 1. There will be none unless we write it in there. And, I for one, will not join forces with those who plan to vote for an antisegregation rider to H. R. 1 and then oppose the bill because it might bring Federal control of education. To my colleagues whose idealism may be prompting them to support an antisegregation amendment I say, "Look before you leap."

And to my colleagues on the other side of the aisle who are hanging back in support of H. R. 1 say, "Your President has called for action on a school bill. His able Secretary of Health, Education, and Welfare has expressed hope for action on this bill. Members of the President's party on the Education and Labor Committee voted for this bill and have spoken in its support on the floor. You have a responsibility to your party, but overriding all this is a greater responsibility, the responsibility to the schoolchildren of your State and of this Nation. You will never regret voting for H. R. 1."

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

Mr. THOMPSON of New Jersey. I yield.

Mr. FRELINGHUYSEN. Inasmuch as we are talking about New Jersey taxpayers, I wonder if the gentleman would agree that perhaps the most intelligent way that the tax money of which States can be used is to see that it is spent where it is needed most, which may not be in the State where the money is raised. In other words, it should be sent to those areas where the need is greatest, that if we can provide a degree of equalization we are providing a more intelligent use of our Federal money than we would if we tried to get back as much as possible for our own State without regard to need.

Mr. THOMPSON of New Jersey. I could not agree with the gentleman more. In listening to the gentlewoman from Oregon, and others, point out the statistics and the number of people rejected for the armed services from our State, it is relatively and surprisingly high but amazingly low compared to other States. I think the New Jersey taxpayers would invest this in the lives of the children of the States. I commend both gentlemen from Pennsylvania for the magnificent work they have done in this regard. I could not be more firmly in favor of this legislation and it is going to be interesting when the Wainwright amendment is voted on to see whether those who campaigned as great friends of the schools and those who criticized the Democratic Party for the failure of this bill last year, will destroy it by voting for the Wainwright amendment and that is what they will do if they vote for it. Last year there were two responsible votes, in my opinion, either for the Powell amendment and for the bill, or against the Powell amendment and for the bill. Those who voted for the Powell amendment and against the bill were irresponsible.

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

Mr. Chairman, this bill, the School Construction Assistance Act of 1957, like every piece of legislation, I evaluate simply on its merits, so let us look at the bill at face value. Beginning at the beginning, the bill says:

> There is still a serious national shortage of classrooms requiring emergency action on the part of the Federal Government.

The minority report statistics clearly disproves this. Next:

> Limited financial resources available to a number of communities are not adequate.

This is incorrect too, since all money comes from the pocketbook of the taxpayers and it takes more to reroute it through Washington rather than spending it locally. Then the mention of restrictive debt and tax limits, an inability to borrow—well, if there are such, the people in the local communities desire it that way else they would change it. On the next page—page 31:

> While the Congress recognizes that responsibility for providing adequate school facilities lies primarily with the States and local communities, the national interest requires that the Federal Government assist State and local governments in solving these pressing problems.

Since when is there any national interest of greater character or need than the local and State interest of parents in the education of their children? Then the bill mentions:

> It is the purpose of this act to provide on a temporary basis.

Now we all know Federal Government does not operate on a temporary program but rather on a self-perpetuating basis. Thereafter in the bill, there are 35 pages spelled out in intricate detail—how the States must comply in order to get this Federal money. And some would have us believe Federal aid does not mean Federal control. As United States Commissioner of Education John Tigert pointed out, there must be either Federal control where there is Federal expenditure or there will be waste or mismanagement, one or the other.

The committee report, both majority and supplemental views, as opposed to minority views, present us a flat contradiction as to the facts. Certainly this is confusing. But to me the principles and the facts are clearly evident to be right in the minority views and I commend those Members for their clear statement. This minority report covers the ground far better than can I. Therefore, I shall limit my remarks to those in which I am something of an authority; namely, my State and my district.

Texas at the grass roots level is against this bill. The people are against it, the State legislature is against it and so

notified all Congressmen by the following resolution:

Resolved, That the House of Representatives of the State of Texas, the Senate concurring, most urgently recommends that the Texas Congressional delegation in Washington oppose the bills now under consideration which would provide Federal financial assistance to local school districts, whether for construction of classroom facilities, supplementing teachers' salaries, or for other similar purposes; and be it further

Resolved, That copies of this resolution be sent to members of the Texas delegation in the Congress of the United States.

It is a matter of principal with us, as I feel it must be throughout this land. After all, Texas will get a large share of this program by any formula, whether it be by size or population. It might be of interest to present quickly some figures concerning population, number of students, and how we are taking care of the situation in Texas at this time.

Dallas population, county 827,000, up one-third since 1951.

School attendance up 84 percent.

But, in same period, pupil-teacher ratio up from 24 to 1 to 28 to 1.

Pupil-classroom ratio up 27 to 1 to 31 to 1.

Per capita expense up from $81.70 in 1941 to $248 today.

Dallas city budget, 1951, $30.8 million.

School budget, 1951, $11.2 million or about one-third.

Dallas city budget, 1956, $55.7 million.

School budget, 1956, $29 million, or over half as much as total for all city services.

State budget, 1940, $165.7 million.

State school budget, 1940, $58.6 million, 35 percent of total.

State budget for 1950, $527.3 million.

State school budget, 1950, $211.8 million, 40 percent of total.

State budget, 1955, $720.8 million.

State school budget, 1955, $299.5 million, or 43 percent of total.

Total, $650 million approximate.

Sources of money spent on education in Texas, 1953 to 1954, $441 million total. Federal funds, 3.4 percent; State funds, 43 percent; county funds, 0.04 percent; local school districts, 52 percent.

Another matter: The imposition of a Federal wage scale on school construction is simply another obvious violation of States rights and further proof of Federal control accompanying expenditure of Federal money. Texas has a right-to-work law and you will violate our State laws by this bill. As for the Constitution, just what are we doing to the 10th amendment which reserves all rights to the States and the people not delegated specifically to the United States? This includes education. Coincidently controlling the minds of our youth is the Communist design for the United States, which master plan should serve as a warning to us all in weighing the provisions of this bill.

Perhaps the best expression against this bill is found in the statement in 1931 by the National Advisory Committee on Education to the President. The committee said:

It is possible that standards can be more quickly raised, in the large communities at least, by federally controlled State plans. But the price of such immediate gains is the stifling of much local experimentation, which is essential to the virility and continuing growth of every type of education. The inevitable result of centralized interference is the weakening of that intimate popular responsibility for education which has made American education unique because of its final responsiveness to the sensed needs of a democratic people with all of their differing aspirations and local conditions.

An expression of President Eisenhower also says it well when he said:

Geographical balance of power is essential to our form of free society. If you take the centralizing shortcut every time something is to be done, you will perhaps sometimes get quick action. But there is no perhaps about the price you will pay for your impatience; the growth of a swollen bureaucratic monster government in Washington, in whose shadow our State and local governments will ultimately wither and die.

Finally, I would like to commend to your attention a recent study prepared for a number of Members of Congress concerning the "Adverse Effects of the Expanding Activities of the National Government on the Private Economy and Federal System: The Case for Free Enterprise and Local Self-Government," in which Federal aid in education results in: First, centralizing Government responsibility; second, retarding State and local reforms; third, creating ill effects on our system of Government generally; fourth, the wasting of Federal aid by States leading to further Federal control; fifth, building inferiority complex in States, and others.

These views which I here express I sincerely believe to be the views held by the vast majority of my constituents and are a part of my testimony before the Education and Labor Committee, beginning on page 1200 of the committee hearings, part 3.

Letter to President, 1955, page 1206.

Let me call your attention to my letter to President Eisenhower in 1955 (p. 1206 of the hearings):

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., December 6, 1955.

The PRESIDENT,
The White House,
Washington, D. C.

DEAR MR. PRESIDENT: It is my belief that the educational conference just concluded is not indicative of the grassroots opinion of the citizens of our country. There were too many delegates connected with education professionally—and a system employed wherein no votes were taken to get the majority view.

Whatever the reason, I am certain that Federal aid to education is not desired by the majority of Dallas County citizens for the same reasons you outlined so clearly in your Congressional message last year.

"For unless education continues to be free—free in its response to local community needs, free from any suggestion of political domination, and free from impediments to the pursuit of knowledge by teachers and students—it will cease to serve the purpose of free men."

Education would not be free from political domination, or Government control in some form, once Federal funds are used. Citizens expect a fiscally responsible Government to oversee expenditures, so controls would be mandatory. Experience in other Government programs has shown that Government control follows financial aid. No one, to my knowledge, contradicts this time-tested fact. Those who promise that no Federal control will accompany Federal funds, it seems to me, are wishfully thinking.

It is my hope that you will not hastily adopt the conference findings as a basis for requested legislation, but in view of the criticisms recognize that we still need a truly grassroots digest of opinion. As one suggested, would it not be sensible to secure the views of the delegates in writing together with their relationship with education?

If the principle is wrong, then any amount of Federal aid is wrong; even a small amount would be "a foot in the door" and would be followed by more. To quote you once again:

"Federal aid in a form that tends to lead to Federal control of our schools could cripple education for freedom. In no form can it ever approach the mighty effectiveness of an aroused people."

As aroused people, we can do this job at the local and State level; otherwise, we will lose freedom of education, jeopardizing our children's and the Nation's future, a result certainly not sought by a majority of grassroot Americans.

With warm personal regards.

Respectfully,

BRUCE ALGER.

Mr. LANHAM. Mr. Chairman, I rise in favor of the amendment. It will improve the bill and help make the intent of Congress clear.

Mr. Chairman, I take the floor for two purposes. In the first place, I want to say that I would like to be able to vote for this bill. I think that the Federal Government does have a responsibility and an obligation to help educate its people, because without an educated electorate democracy simply cannot function properly. Of course, the primary responsibility rests upon the local school districts and the States. But the Federal Government has a responsibility, too.

I agree with my distinguished friend from Georgia [Mr. LANDRUM] that we should not consider what it will cost in trying to arrive at a proper solution to this problem of building sufficient classrooms for our children. Education is so important to the national welfare that cost is of secondary importance. I want to call attention again to the magnificent job that my own State of Georgia has done in building schoolhouses.

Mr. Chairman, I thought you might be interested in how it was done in Georgia. The State of Georgia cannot issue bonds, but we set up a building authority, a school building authority, which has the power to issue revenue bonds. Now, they sell those revenue bonds and then build schools all over the State of Georgia which they then lease to the various school districts and municipalities.

The revenue that results from those leases pays for these bonds. It has worked well in Georgia, and, as a matter of fact, we can get along in Georgia without any Federal aid. Additional help to complete our program would be welcome if we could get it without strings attached.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. I am glad to yield to the gentleman from Arizona.

Mr. RHODES of Arizona. I want to add my word of compliment to what the State of Georgia has done in building schools. I think it has done a better job

comparably than any other State in the Union, when we take into consideration per capita income of the States. I think if every State had done the same kind of job that Georgia has done, we would not be here today talking about this bill. But they have not, and therefore it is necessary.

Mr. LANHAM. I appreciate the statement of the gentleman.

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

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

Mr. FRELINGHUYSEN. I think it might be well to point out that one reason for title III of the bill, which would provide some Federal assistance to those States and financing authorities of States is the excellent example of the Georgia Authority, the success it has had in building a great many schools. But I think it has disappointed many to hear the gentleman say that he is reluctant to support the bill, because the bill would certainly encourage the kind of effort that is being made in the State of Georgia.

Mr. LANHAM. Mr. Chairman, I would like to explain why I have to vote against the bill. I think it is very evident from the threat or the warning, shall we call it, of the gentleman from California, that while for strategic reasons they are not going to try to write into this bill any provision that would prevent any of this money from going to States that do not have integrated schools, they are going to try to do that on the appropriation bill. That is fundamentally why I am opposing the bill.

Apparently those Members are more interested in trying to change the customs and mores and the way we have conducted our schools, than they are in the children of America. They are going to do it, and if they do not do it, they have been promised that there would be an Executive order that would prevent the spending of this money in any of the Southern States that have not integrated.

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

Mr. LANHAM. I yield to the gentleman.

Mr. BELCHER. Does the gentleman feel that the amendment of the gentleman from Texas would prevent the Powell amendment from being attached to the appropriation bill when it comes before us?

Mr. LANHAM. I do not think it would prevent it. I do not think you can write anything into this bill that would prevent offering such an amendment to the appropriations bill.

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

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

Mr. METCALF. The fact that Federal money is going into various areas of the South has not affected the course of these segregation decisions. There has not been a single case where a State has been denied Federal money for the reason stated.

Mr. LANHAM. I realize that, and I want to explain what has happened. That has been just "chicken feed," and the integrationists have not thought it worthwhile to deny to States that have not integrated the races in the schools. If they succeed in denying such States money under this bill, they will then try to deny us money under the laws known as 874, 815, and under the vocational education program.

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

Mr. LANHAM. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

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

There was no objection.

Mr. LANHAM. As a matter of fact, I do not know what my State would have done if we had not had the help of Public Laws 874 and 815. I must agree that there has been no effort whatever to dictate to the State of Georgia in the administration of those funds except to see that they were properly spent for the purpose for which they were appropriated. The same thing is true of vocational education. The distinguished gentleman from North Carolina [Mr. BARDEN], of course, is one of the coauthors of the bill that now provides for vocational education. I think even he will agree with me that in the past there has been no effort on the part of the Federal Government to dictate to the States as to the manner in which those funds are spent.

Mr. Chairman, the second reason I arose was to pay a compliment to the distinguished gentleman from Pennsylvania [Mr. MCCONNELL]; to wish him well as he leaves us, and to say to him that he is one good Republican. When I was a boy, I was brought up to believe that the only good Republican was a dead Republican, but I have found that was not true. I want to say that my association with the Republicans has been most interesting and enlightening, and I am happy to count many of them among my good friends.

I do want to pay a tribute to the gentleman from Pennsylvania [Mr. MCCONNELL] for his interest in the schools. He has meant so much to us as we have from year to year had to continue Public Laws 874 and 815, which have meant so much to my State. He has always championed these laws and helped tremendously to make their passage possible.

The same thing is true as to my good friend from West Virginia [Mr. BAILEY]. I cannot say too much in praise of the splendid work he has done on these bills. And he has worked hard and faithfully to bring this bill to the House. Because of his interest in it, I doubly regret that I cannot support it. He has worked year in and year out for better educational facilities and funds to further the cause of education. He has done this unselfishly, because his own district and State have not profited very much from these laws.

I can say the same thing for the gentleman from Pennsylvania [Mr. KELLEY], that he, too, has been interested in the education of our people and has done a good job in bringing this bill before us.

However, I know and you know, I think every one of you know that we are not going to get any of this money in the South. If you cannot do it by amending the appropriation bill there will be an injunction brought to prevent the payment of this money. If that does not work, there will be an Executive order sent down preventing the use of any of this money in those States that have not integrated their schools.

It happened with reference to the airport at Atlanta. We passed a bill appropriating funds to help communities construct airport facilities. There was an Executive order sent down to the city of Atlanta saying, "You can't use this money at all if you use it for separate facilities." They were rather generous, however, and the city of Atlanta got out of it by saying, "We will build some of these facilities with our own money, and we won't use any of this money to construct restrooms and retiring rooms and that sort of thing." But that is what will happen if this bill is passed. I know that is what is going to happen. For that reason, I simply cannot support this bill.

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

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

Mr. SCHERER. Would the gentleman mind telling us to what extent the State of Georgia has used the lease-purchase method of building schools in Georgia?

Mr. LANHAM. We have not used the lease-purchase method at all. What we did was set up a school building authority to which the legislature gave the power to issue revenue bonds. Those revenue bonds were sold on the market. We found no trouble in selling them either. The schools were built all over the State. I may say in passing that very many of these new schools were built for the colored race. As a matter of fact, in Georgia today, many of the best schools in the State are schools that were built for the Negro race.

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

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

Mr. LANDRUM. As a matter of fact, 54 cents out of every dollar we have spent in this building program have gone for the construction of colored schools.

Mr. LANHAM. I imagine some of those buildings that my colleague showed you here today were schools that were built for the colored people. If an effort is made to force us to integrate the races in these buildings, or to bribe us with Federal funds, the progress in improving race relations and the building of school facilities for the Negro race will come to a sudden halt. For we will not be forced or bribed into integration in the schools. Neither race wants to mix the races in our schools. Both Negro teachers and colored children seem happy and satisfied with their improved facilities and the teachers' pay, which is the same as that paid the white teachers.

Mr. BARDEN. Mr. Chairman, I rise to see if we cannot agree on time on this particular section, which is the findings and purposes of the act, and vote on this amendment, and then continue.

Could we agree on closing debate immediately and then continue?

Mr. SCRIVNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SCRIVNER. Would that prevent my offering a substitute for the entire bill?

The CHAIRMAN. It would not prevent the gentleman's offering a substitute, but the time would be divided. The gentleman would be entitled only to his portion of the time.

Mr. SCRIVNER. Then I object, Mr. Chairman.

Mr. BARDEN. Mr. Chairman, I probably did not make myself clear. I am quite sure the gentleman did not understand me. I am asking unanimous consent that all debate on the pending amendment do now close. Of course, the gentleman cannot offer his amendment until this is disposed of.

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

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. WRIGHT].

The amendment was agreed to.

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

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

There was no objection.

Mr. WEAVER. Mr. Chairman, the voices of opposition to the School Construction Act of 1957 have not been silent. I want to add my voice to this growing opposition so that we can defeat this legislation, which, in my opinion, would be damaging to the best interests of the modern American community.

Mr. Chairman, the legislation before us, which would provide for Federal money to build public schools, is a deliberate interference in the affairs of every American community. Furthermore, this interference is not needed, was not asked for, and is unwanted. If we were to take a glance into the history of American education, we would find that the establishment and maintenance of public schools at the local level was of great concern to our first American communities. The Massachusetts Law of 1642 imposed a fine on those who neglected the education of their children. Five years later, in 1647, Massachusetts passed a law that towns of 50 householders must provide a teacher for that community, and a town of 100 householders must provide a Latin grammar school. This precedence of community support for the common schools is an accepted American characteristic and forms much of the essence of American community life in the North, South, East, and West. It is synonymous with the great personal liberties that we enjoy as Americans.

We cannot deny the fact that our communities today are vitally aware of the problems that confront them in education. As in the past, they have proven that no sacrifice is too great in order that schools might be maintained for the education of our youth. In the true spirit of American ingenuity and self-reliance, our communities have done and are doing much to remedy the classroom shortages that confront them each school year. This has been accomplished, except in federally impacted areas, without any financial assistance from the Federal Government.

Let us consider a few facts as to what has been done, beginning with the sale of school bonds. In the minority report on H. R. 1, the distinguished members of the Committee on Education and Labor stated:

> Further basis for our belief that most of the States and local school districts are meeting and will meet their own needs for schools can be found in the fact that sales of school bonds are steadily increasing and have been for almost a year, in spite of the promise of Federal aid.

The committee then produces figures showing the actual amount of school bonds purchased.

In the third quarter of 1956, the amount of $370,688,000 was spent for school bonds, in the fourth quarter of 1956, the amount of $435,667,000 was spent, and in the first quarter of 1957, a total of $694,581,000 was spent on school bond sales by the communities of this Nation. To emphasize the words of the committee, I should also like to quote former Treasury Secretary George M. Humphrey, who declared in the recent hearings before the Senate Finance Committee the following:

> During the last 9 months more elementary and secondary school bonds were sold than in any 9-month period in our history. In the past 4 years, $8.8 billion has been spent for school construction—more than had been spent in the preceding 20 years.

Furthermore, as we know, the increased bond sales by the States themselves have far exceeded the $300 million that this proposed legislation wishes to furnish to the States. Here is a situation that will become ridiculous and completely out of perspective if we allow the passage of this school construction legislation.

The Bureau of Labor Statistics in the United States Department of Labor also furnishes statistics that are pertinent and of interest. In its report on the value of new construction put in place in 1957, for the first 5-month period, $1,089,000,000 is listed as the figure for public construction of an educational nature.

These figures are all indications that our American communities, your town and mine, Mr. Chairman, are able to meet all of their own needs, and want to continue to do so in the accepted American way.

Have the school districts petitioned the Federal Government for aid? I know of no such request. The citizens I represent, Mr. Chairman, like yours, are alert and responsive to their needs and they do not want to be confused by the doubletalk of entrenched Washington bureaucrats. Out of some 62,000 school districts throughout our land, not one has sent a delegation to Washington to ask for financial assistance on the grounds that they were too poor or lacked the will to meet their own needs in regard to schoolhouse construction.

Let us now turn our attention to the actual classroom construction that has been accomplished by the States and local school districts in recent years. There is no doubt but that the depression years, the shortages of material and labor caused by World War II, along with the increased birth rate, have helped to produce the crowded school conditions that exist today. But the hometowns of our country have not been indifferent to this situation. In 1946–47 we increased the number of classrooms in American schools by 9,000. By 1955–56 we built seven times this number, approximately 63,000. This increase trend was substantiated by Mrs. Oveta Culp Hobby, former Secretary of the Department of Health, Education, and Welfare, on March 29, 1955, before the Senate Committee on Labor and Public Welfare. Mrs. Hobby testified:

> On the basis of the reports * * * received * * * we find a substantially different picture of classroom needs from the projections previously made on the basis of the 1951 survey * * *. Our rate of classroom construction has increased since 1953 from 50,000 to 60,000 classrooms per year * * *. We find that the estimated classroom deficit by the year 1959–60 would be 176,000 classrooms, rather than 407,000.

From this testimony, it is clear that, without Federal aid, American communities can build and have built approximately 60,000 a year. With this in mind, Mr. Chairman, let us consider the testimony of Mr. Marion B. Folsom, now Secretary of the Department of Health, Education, and Welfare. On January 5, 1957, Secretary Folsom in referring to classroom construction told the Committee on Education and Labor:

> The States will build even more this year—perhaps up to 69,000. * * * The latest estimates by the State education agencies place the total shortage at approximately 159,000 classrooms at the start of the school year.

Once again we must face the facts—supporters of Federal aid to education themselves admit that without Federal aid, the States are capable of building 69,000 classrooms a year. Simple reasoning and arithmetic prove that, if this be the case, then the stated classroom shortage of 159,000 as of September 1956 can be eliminated within 3 years.

Bearing in mind the financial potential of the States let us turn our attention to the wishes of the people we represent as to whether or not they want Federal aid for school construction. In the 1,300 pages of testimony presented before the subcommittee of the House Education Committee, the majority of witnesses were against such Federal aid.

In addition to the official testimony presented at the subcommittee hearings, we have the results of the survey conducted by Time magazine, published in its May 13 issue of this year. Following an account of the conditions and opinions in the States throughout the country, the editor of this survey concludes:

> Of all the items in President Eisenhower's domestic program, few seem less likely to succeed than Federal aid for school construction. But would the defeat of this proposal be as great a calamity as its backers insist?

Last week Time surveyed the 48 States to find out. The answer: No. Though the Nation as a whole must keep building classrooms faster than ever before, a surprisingly big proportion of the States do not need—or do not want—any help from the Government.

It is true that highly organized groups have given overwhelming support to this legislation. But in comparing those who are for it, and those who are against it, we find that the average American, the citizen of your district and my district, Mr. Chairman, is usually against this legislation. These average citizens, I am proud to say, make up our American communities. We have seen from their words and actions that they want the job of providing for their own school needs regardless of the financial responsibility involved. The Federal Government of ours, with its $276 billion in debts would seem the least able to assume at this time greater financial responsibility. Local government and local management of the community's schools can, as a rule, lower the administrative costs or keep them at a minimum.

Local management of the school is also an activity that seeks to unite and bring more closely together the people of a community. It stimulates their interests, their pride in community life. It helps them to realize what a vital institution their school can be, both in a present and a future sense. Federal aid and Federal responsibility for building schools would be damaging to this initiative which in the past has been the source of much growth in the American way.

Proponents of this legislation argue that this Federal aid bill will cause the States to improve their financial systems and reduce the legal redtape that is involved in contracting for schools. The sale of school bonds and the actual construction that has taken place is proof that such actions have already been accomplished. We do not need Federal aid to reduce redtape. If we stay away from Federal aid in this instance, there will not be any redtape. We do not need to have Federal legislation of this type to force the States to do what they are already doing. The States and local communities have shown that they can do these things for themselves. Once we depend upon Washington supporters of bureaucracy to handle matters at a local level, we are giving in to the persuasion of the dollar instead of relying on commonsense, good judgment and local initiative.

In my opinion, our American communities want to adhere to what Charles W. Eliot, the former president of Harvard, termed as the "genuine American method" in handling school problems. His words were the following:

> The fatal objection to this subsidizing process is that it saps the foundation of public liberty. * * * Let us cling fast to the genuine American method. * * * The essential features of that system are local taxes for universal elementary education voted by the citizens themselves, local elective boards to spend the money raised by taxation and control the schools, and for higher grades of instruction permanent endowments administered by incorporated bodies of trustees. This is the American voluntary system * * * (which) breeds freemen.

So, Mr. Chairman, I would heartily urge that we here work for the interests and progress of the modern American community. The people of Nebraska have indicated to me on many occasions that they are well able to resolve these matters themselves. Together, Mr. Chairman, we can help all of our fellow countrymen if we defeat the legislation contained in H. R. 1. This action will guarantee the "genuine American method" which is cherished and wanted and used by Americans in the conduct of their schools.

Mr. SCRIVNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. SCRIVNER of Kansas: On page 30, strike out all after the enacting clause and insert "That in lieu of all legislative proposals providing for school construction, 1 percent of all Federal income tax, collected in each State and Territory, shall be covered quarterly into the treasury of each State and Territory, to be expended only for aid to education, including school construction, in accordance with the budget of each State or Territory."

Mr. SCRIVNER. Mr. Chairman, this substitute for H. R. 1 is the language contained in H. R. 8397 to which I made reference earlier in the afternoon. We have listened for several hours and we do not yet have a full and complete explanation of all the intricate details of H. R. 1. We have heard repeated statements that one thing we do not want and should not have and will not tolerate is Federal interference with the education problems in the various States and communities. We have been told repeatedly we want no Federal controls in education; that we want no Federal domination of education, and that we want no Federal dictation of education. If that is what is wanted and if a simple, concise and equitable bill is desired to accomplish the purpose of building schools and schoolrooms which are allegedly needed, and if they are needed in one State, I assume they are needed in all the 48 States, and I do not believe there is any State in the Union that has all the schoolrooms they would like to have either today, tomorrow or next year—if that is what you want—here is a simple, a direct, and equitable method of doing it without any Federal domination or dictation whatsoever because there is no possible chance of it. There could be no Federal bureaucracy. No new Federal employees would be required. This 1 percent which will be covered into the treasury of each State every quarter will furnish $600 million annually for the construction of schools approximately the same amount as H. R. 1. It will require no additional tax burden by the various States which, as we have heard here today, are already overburdened with taxes. The taxpayers of the States do not have to raise any matching funds. Some of the States now are so heavily burdened that to raise the additional matching funds would stretch their financial situation, still further limited as many are in their bonded indebtedness. This language is in complete compliance with the suggestion made by the President to the governors that we pick out a certain program and see where it is that the State governments can take over and finance it. In case someone says you cannot cover money into State treasuries, let me point out that when this Congress enacted the organic act for Guam, it provided therein that 100 percent of the income tax earned on the Island of Guam by American citizens, whether they were residents of Guam or the mainland—that 100 percent of the income tax earned in Guam should be covered into the treasury of the Guamanian Government for governmental purposes as provided by the Guamanian budget.

Now, if you can leave 100 percent of the income taxes earned in Guam for governmental expenses on Guam, you can leave 1 percent in each of the States to take care of what has been described as the pressing schoolroom problem in each of the States. The 48 sovereign States will build the schools if this money is left where it is earned. That is all this substitute does—it simply leaves 1 percent of the tax money earned in that State, right in that State, to be used for educational purposes as its State legislature and budget provides. There is no chance for Federal dictation or domination. School construction is only the first step. In many States they will tell you that the big need they have is more funds to more adequately pay their teachers and retain their services, therefore the next step will be demands for Federal aid to pay the teachers, and then the Federal Government will tell you what the qualifications of the teacher must be, the conditions under which they work. The next logical step would then be textbooks, and right on down the line, and you could have Federal control of education from top to bottom. That we must never have. Federal control can never be had under the substitute.

Mr. Chairman, I trust this substitute will carry so we may have a simple, direct program which will help the States help themselves in the solution of this problem.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. SCRIVNER] has expired.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

I shall not use the 5 minutes. I just want to point out that this amendment was offered last year by another Member. It was decisively defeated.

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

Mr. THOMPSON of New Jersey. I yield.

Mr. SCRIVNER. This is slightly different from the amendment offered last year, although the principle and the results are the same.

Mr. THOMPSON of New Jersey. I hope the result will be the same, because that amendment last year was defeated overwhelmingly.

I might point out that in New Jersey, for instance, a tremendous number of corporations have their actual principal place of business in districts represented by a majority of new members, but they

are incorporated and they pay their income taxes in New Jersey. The same obtains in the State of Delaware. I venture to say that New Jersey and Delaware have incorporated in those 2 States as high as 60 percent of the major corporations of the United States. That would leave the money earned in your districts and in your States to the people of the State of Delaware and the State of New Jersey. We would get a disproportionate amount. Our attitude is that we are willing to pay our share for the education of children everywhere. If we get less than a dollar back on our taxes, reliable sources from the State of New Jersey, Public Opinion Research sources, indicate that there is an overwhelming sentiment for Federal aid for school construction in our State. This amendment perhaps should not be characterized, but it is little short of absurd, because of the inherent inequities in the tax structure, and it should certainly be defeated.

I yield back the remainder of my time, Mr. Chairman.

Mr. FRELINGHUYSEN. Mr. Chairman, I feel constrained as a member of the committee, to advise against voting for this amendment. After due consideration of a similar proposal our committee rejected it as an unsound approach to the problem which we are trying to meet in this legislation. I refer to pages 27 and 28 of the report which discussed this situation, and I would like to quote a statement by Senator Taft:

> This amendment violates every principle of Federal finance. It is based on the supposition that in some way a State has some property right to the taxes collected from sources within its boundaries. If for one moment we admitted such a principle, the entire Federal financial system will crash, because a State has no such interest.

It should also be pointed out, in addition to what the gentleman from New Jersey [Mr. THOMPSON] said, that this would be more favorable to the wealthy States and less favorable to the States that need it most. It would tend to displace State and local effort, which is a basic principle in this Federal program which we are advocating. There is no required matching on the part of either State or local communities in this kind of program. It would, in effect, be a crude kind of grant program, without the multipronged program which we feel is necessary if we are going to tackle the classroom shortage in an effective way.

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

Mr. FRELINGHUYSEN. In a moment.

The gentleman from Kansas has also pointed out that about $600 million would revert to the States. Were this program to be adopted that would be far more expensive, far more costly to the Treasury. It certainly would not be directed, of necessity, at the particular program which we are trying to meet through this particular bill. I think it is thoroughly unsound.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. The administration is asking for a bill based entirely on need. Is it not true that the Scrivner amendment is in direct contradiction to such a formula?

Mr. FRELINGHUYSEN. I think it would be a very inadequate attempt to aim additional revenues at areas of need. As I have already indicated, to my mind, this would give by far the largest amount to the States in those areas of our country where the need was least. For that reason I think it is thoroughly unsound.

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

Mr. FRELINGHUYSEN. I yield.

Mrs. LANDRUM. What the gentleman from New Jersey has just said is simply that if this amendment offered by the gentleman from Kansas is adopted it would remove all possibility of the Federal Government getting any control over this money. Is not that right?

Mr. FRELINGHUYSEN. If I had the time I would simply say that I think this bugaboo of Federal control is overrated.

Mr. LANDRUM. Is not that what the gentleman said in his argument against the language, that this removes all possibility of the Federal Government having any control over the money?

Mr. FRELINGHUYSEN. No; it removes all possibility that the Federal Government will make any kind of effective contribution toward the elimination of a serious problem. It does not provide any control and does not provide any way in which we can help eliminate the problem.

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

Mr. FRELINGHUYSEN. I yield.

Mr. THOMPSON of New Jersey. The gentleman from Montana [Mr. METCALF] just points out to me that the Montana Power Co. is a New Jersey corporation which derives 100 percent of its income from service provided to the people of Montana, yet it pays taxes in the State of New Jersey. Under this amendment the State of Montana would not get 5 cents. Does the gentleman agree that this would be unfair even though we did not benefit greatly?

Mr. FRELINGHUYSEN. I think the unfairness of this proposal lies primarily in the fact that there is no attempt and no possibility of directing the money which would revert to the various States and it would not eliminate the backlog of classroom shortage which is the basic thing we are after.

Mr. GWINN. Mr. Chairman, I would like very briefly to point out the fact that now, with this amendment, there is no sharing of wealth in this bill. That is one reason that I am for it. It starts a reversal of the Federal program. It leaves exactly in each State its percentage of the taxes paid. There is no inequality about that; and, indeed, in relating only to the needy States the report shows a list of the needy States including Alabama, Arkansas, Kentucky, Mississippi, South Carolina, Virginia, and Utah. The Folsom formula is a formula by which the needy States are given a percentage. The President's program is very largely defeated, because only 14 percent of this vast sum we are talking about under H. R. 1 goes to those States.

The inequality of the present bill is perfectly tremendous. New York and the other States would get sums of money that they cannot possibly use year by year.

Under the Scrivner amendment they could put the money in the bank and wait until they had need for schools.

Under the present bill they have to build year by year schools which they do not want and do not need. Therefore it makes an impossible State situation. Many of the States hold their legislative sessions every 2 years and it might be 2 years from now before they can determine whether or not they would participate in these funds. So they are defeated there. Whereas, under this program we simply keep for purposes of the State a sum of money we can use as and when we need it, whether it be now or 5 years from now.

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

Mr. GWINN. I yield to the gentleman from West Virginia.

Mr. BAILEY. Let me remind the gentleman from New York that this legislation is elective, not compulsory. If New York does not want it, they do not have to make application and there will be that much more funds to build schools elsewhere.

Mr. GWINN. If New York declines to take its money, would that money be reallocated to other States?

Mr. BAILEY. That is exactly right and there is a provision in the bill to that effect.

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

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

There was no objection.

Mr. VORYS. Mr. Chairman, my State, my district, does not need or want this legislation.

Under its complex, compromise formulas, the whole State of Ohio would receive an allotment of $13,428,000 per year, according to the committee report. My own district, Franklin County, Ohio voted $15,735,858 last year in bonds for school construction. During that same year, over the State of Ohio, $122,568,055 in school construction bond issues were passed. This shows how Ohio is taking care of its own needs, including my own district, and how trifling this Federal allotment is, in comparison to what we are doing for ourselves.

On the other hand, after spreading most of the money around to States that do not need it, this bill would allot, in grants and bond money, only 14 percent of the total to the 7 States, 6 in the South, with over half of the claimed classroom shortage, and this would still leave these States with a shortage of classrooms 5 years from now.

Obviously, such a bill will not solve the temporary schoolroom shortage and therefore it cannot be intended to be temporary legislation. Whether its proponents realize or admit it or not, this is the opener for general Federal aid to our schools.

Proponents want Federal aid without controls. In other matters, we insist on Federal controls when Federal funds are used. If we are to have Federal aid to schools, Congress should insist on following the funds to insure that they are spent properly. For instance, I would be unwilling to have any Federal funds go into construction of segregated schools to be operated in defiance of the Constitution.

I believe in States rights, but no State has a right to retain in its constitution or its laws provisions as to bonds, taxation or anything else, that prevent its raising sufficient money for its own schools, and then demand help from the Federal Government. States rights involve States duties, when it comes to schools.

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

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

There was no objection.

Mr. ADAIR. Mr. Chairman, I rise in opposition to H. R. 1, the Federal aid to education bill. While it may be said that there are a few isolated areas in these United States that do want for a lack of adequate schoolroom space, most of the States, including our own Indiana, are providing new classrooms at a rate which indicates that most deficiencies will be rapidly met.

Under the guise of pushing for a costly Federal program of school construction in the various States, we do not want another Federal bureaucracy arising to direct the local communities in providing for the education of our youth. That is just what would happen, I fear, if we act favorably on H. R. 1.

As a former teacher, the problem of properly educating our young people is one close to my heart. At first hand, I have watched the growth and development of many young folks as they were nurtured in the fundamental concepts of freedom and opportunity in our Hoosier school system. At all times, I found the people of the school communities conscious of the need for educating the coming generations and willing to furnish the necessary financial support to accomplish that end. In fact, their forward-looking appraisal of the increasing need for school buildings has usually been ahead of the demand.

We realize that the war years did curtail school construction. But immediately upon the cessation of hostilities, with materials becoming available, the conscientious public officials in our communities started actions to get new buildings ready for the increase in population. As a result, the need is met or is well on the way.

Even the Indiana State Legislature memorialized the Congress to oppose this legislation. Our Governor, the Honorable Harold Handley, told the legislature that the shortage of classrooms is not as critical as the advocates of Federal aid to education have indicated.

He declared:

> We are providing these new classrooms twice as fast as the advocates of federalized education say we should be building them.

Furthermore, in the last 2 years, the State of Indiana has annually expended more than $59 million for new school construction, and from September 1957, until September 1961, the State, through its local communities, expects to spend $236 million annually. These expenditures in our State are expected to produce 8,845 classrooms between now and 1961.

The President has said that he would oppose an aid program of this kind as a continuing activity. When all evidence shows that most of the States, through already established and locally controlled agencies, can reasonably be expected to eliminate current classroom shortages and meet new classroom needs by 1961, there is no valid reason for supporting H. R. 1 at this time.

By assuming its own responsibilities in the field of school construction, each local community not only can do the job better, but it also is in a position to utilize materials and labor resources best suited to accomplish the desired results.

Too often we have found that whenever the Federal Government pays part or all of the cost of any kind of project, it is more costly. Moreover, each time the Federal Government takes on a new task, it dips into the local taxpayers' pockets and spends on administration and supervision far more than would otherwise be necessary. The taxpayers' dollar is never returned to the local community at its full value—it shrinks while on the trip to and from Washington.

It has been emphasized by many of my colleagues, speaking on the subject, that the overwhelming reason for opposing this bill is that its adoption means the future possibility of the Federal Government—remote, bureaucratic, and ambitious in the hands of those least familiar with local school problems—attempting to dictate school programs and policies. This reason alone is sufficient for the rejection of H. R. 1.

Let us not invite Federal control over our local schools.

Mr. ANFUSO. Mr. Chairman, after considerable thought regarding the school crisis in the country, particularly the lack of sufficient classrooms, I am glad to support the bill under consideration, H. R. 1. This bill authorizes several methods of Federal assistance to States and local communities in financing the construction of additional schools.

The interest and the welfare of the children of America demand the enactment of this legislation, and the sooner it is done the better it will be for the whole country. The longer we neglect to deal with this problem, the worse it is bound to get and the higher the price will be later. The biggest victims are our children who must attend overcrowded schools, large classes, and have fewer teachers. This is depressing the educational level and standards throughout the country. We cannot and should not tolerate such a situation.

Figures available from the United States Office of Education show that there is at the present time a shortage of 159,000 classrooms. Of these, 80,000 are needed to accommodate the excess enrollment in the schools, and 79,000 classrooms are needed to replace facilities in buildings which have become obsolete and unsafe for children. As for the number of children above the normal capacity of the schools, it is estimated that this number reaches 2¼ million children. Thus, we must find the space for these 2¼ million children in order to alleviate the present overcrowding and do away with half-day sessions which many children have to attend. Our Nation cannot afford to give its children a half education. We have too much at stake for the future.

On the basis of these shortages in classroom facilities, it is clear that our public schools have long been neglected and our school-age population has so far outstripped existing school facilities that a strong effort must be made to meet the educational needs of the Nation in the years ahead. Our children are entitled to an adequate education. Unless this bill is enacted now, many of them will be denied this right and our whole educational system may suffer for a long time to come.

Population figures since the last war show a considerable increase in the school-age groups. School enrollments show a greater increase in the past 5 years than ever before in our history, and indications are that in the next 5 years enrollment will be even greater. Unfortunately, both during and after the war, school construction has not kept pace with the growing school population. It is the purpose of this bill to help all communities, large or small, to build the necessary classroom facilities.

I believe that the solution of this problem cannot be further postponed. Our children come first. For their sake and for the sake of the future of our Nation, I urge the enactment of this measure. Let us not economize at the expense of our children. The most economical investment this Nation can make is in the education of its children.

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

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

There was no objection.

Mr. VURSELL. Mr. Chairman, I am opposed to the Federal aid to education bill before us for a number of reasons:

First, I am confident that there is not a State, a county, or a school district community in the Nation that cannot properly house and educate their children if they have the interest and will to do it.

Furthermore, with the cooperation of the State, county, and local governments, I am sure that the communities are more able financially to construct the necessary classrooms than is the Federal Government.

The education of the youth of our country has always been the responsibility of the States and the local communities. They have taken pride in discharging that responsibility, and to rob them of this responsibility and pride would be to take away the incentive to which they are accustomed, and would doubtless weaken the educational efforts

throughout the communities of the Nation which have helped to develop it into the greatest Nation in the world.

The States and communities have done this job well in the past, and are spending billions of dollars of their money in the construction of classrooms and new school buildings will within a short period of time overcome the present shortage in certain communities if the Federal Government can be kept out of it in the future—as it has in the past.

Mr. Chairman, if the communities meet the responsibility of building their own new school facilities at the local level, using the money of the local taxpayers, the dollars will go further and build more classrooms than if such facilities are financed by the Federal Government.

We should defeat this bill by such a vote today that the various cities and communities of the Nation will be convinced they need not wait longer and look for Federal aid from the Government to help them out with school construction.

Mr. Chairman, when that decision is made, then the interest of people of every community, and the pride that has been theirs throughout the years of educating their children will surge forward with a remarkable increase in school construction throughout the Nation.

Mr. Chairman, I would like to point out that most of the governors of the States are opposed to this proposed legislation. We in Illinois are building our own school facilities, and are proud to do it. The facts are that the people generally on the farms and in the villages of our country, yes, and in the cities, do not want the intrusion of the Federal Government to be encouraged with an entrance of this kind to extend Federal control—even to a limited degree—into our school system.

Mr. Chairman, for instance, the great American Farm Bureau Federation and the Illinois Agricultural Association are adamantly opposed to this bill. The other great farmers' organization, the Grange, is opposed to it. The State chambers of commerce, and the businessmen in practically every village and city in Illinois and the Nation, by a great majority, are opposed to it, and are willing to burden themselves with additional taxes, if necessary, to continue to make their contribution in educating the youth of their communities.

Mr. Chairman, in the past several years the subject of Federal aid to education has been the subject of many heated debates in the branches of government and among the citizens of this great country of ours.

Perhaps over the long run the gravest danger in our country, is the thought of Federal control of our children's minds through federally controlled schooling. That great educator and late president of Columbia University, Nicholas Murray Butler, stated the case wisely when he said:

> Unless the school is both the work and the pride of the community it serves, it is nothing. A school system that grows naturally in response to the needs and ambitions of a hundred thousand different communities will be a better school system than any which can be imposed upon those localities by the aid of grants of public money from the Federal treasury accompanied by Federal regulation, Federal inspection, Federal reports and Federal uniformities.

It has been strongly recommended that the Federal Government join with the States in helping allegedly financially needy communities eliminate their backlog of shortage. The theory is that once this asserted backlog of need has been removed, the States and communities can and should meet the future needs on their own. There are a few optimists that fail to recognize the fact that no Federal program for public schools has ever been discontinued. For example, the original Smith-Hughes Act to promote vocational education has been repeatedly amended and the amounts authorized under this program continue to increase both in money given by the Government in the form of aid and in the Federal control over this program.

Governor Stratton has stated on the subject of Federal aid to education and I quote:

> We don't need Federal aid for schools in Illinois.

The Governor added:

> It is my feeling, particularly about classrooms, that there have been ideal or wishful estimates. I think the average figures sent out from Washington 2 or 3 years ago were, from a practical standpoint, exaggerated.

I would like to quote from a statement made by the Educational Committee of President Eisenhower's Commission on Intergovernmental Relations:

> The American people have built up, over the last century and a half, the greatest school system in the world under State and local responsibility.
>
> The public educational system has shown tremendous and consistent progress and proven flexible enough to meet new and greater challengers. We believe that it will continue to do so.

For example, in such States as Alabama or Kentucky, where classroom needs are reported to be large, there is an obvious ability to do much more than is now being done to meet school needs. Another State reported that only 122 of its existing 4,616 school plants were satisfactory. The implication was that Federal funds should be used in large volume. And yet—this State has the lowest school debt limit in the United States. It has low assessment on property, no State debt, and has abolished its sales tax. Why cannot this State pay its own way instead of depending on Federal aid? I will answer my own question: Because the above-mentioned States under current proposals would be among the heaviest recipients of Federal tax funds. Certainly, their lack of effort to meet their own needs raises serious doubt as to whether they are morally entitled to financial subsidization from the more heavily burdened taxpayers of other States.

The Federal Government cannot give anything to the States unless it first takes it away from their residents—either through taxes or through inflation—by deficit financing.

All of America's income or wealth is located within the borders of the 48 States and is more or less subject to their taxing powers. If the Federal Government took less, the States could more adequately support their own activities. If the people of the Nation are not interested in trying to supply what are thought to be the adequate schools for their children, why should the Federal Government worry about their problems?

If the Congress passes legislation in the form of so-called Federal aid to education, the different States are going to have to match the funds given them by the Government. Let me give an example of what the people of Illinois would receive from each dollar that they donate or rather pay to the Federal Government for Federal aid to the State's own schools. The State of Illinois would give $23,499,000 to the Federal Government and in return receives $11,125,000. This would give the State 47 cents for each dollar that they give the Government for aid to education. By contrast, the State of Alabama would give the Federal Government $2,687,000 to the fund for Federal aid, and in return would receive $11,148,000. This would give the people of Alabama $4.15 for every $1 that they would pay in taxes. It appears that the State of Illinois along with 15 other States and the District of Columbia would be called upon to support the schools in the other 32 States. Why should the people, the overburdened taxpayers, of the 16 States and the District of Columbia support these other States. And yet this is what would happen if the legislation is passed for so-called Federal aid to education. If the moneys were kept in the State of Illinois, the people could, if they wished, build an additional 412 schoolrooms for the children in that State. Why could not the people of other States raise their own money by taxes and other means, the same as the people of my State of Illinois are doing?

If the Federal Government obtained control of our wonderful school system we have now in the United States, here is what we could have: Standardized schools; fixed curricula; textbooks approved; teacher training regimented; sectional cultures smothered; personal responsibility thwarted; local initiative stifled; mediocrity enforced. Is it the wish of the people of these United States to have this monster loosed on our school-age children? I believe not.

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

The motion was agreed to.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. WALTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 1) to authorize Federal assistance to the States and local communities in financing an expanded program of school construction so as to eliminate the national shortage of classrooms, had come to no resolution thereon.

RESIGNATION FROM COMMISSION

The SPEAKER laid before the House the following resignation from a commission:

Hon. SAM RAYBURN,
House of Representatives,
Washington, D. C.

DEAR MR. SPEAKER: I submit herewith my resignation as a member of the Migratory Bird Conservation Commission to become effective as soon as some Member has been appointed to take my place on the Commission.

I have advised the minority leader, Hon. JOSEPH MARTIN, JR., of my desire to resign from the Commission.

Respectfully yours,
AUGUST H. ANDRESEN,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ORPHAN LEGISLATION NEEDED

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

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

There was no objection.

Mr. PORTER. Mr. Speaker, at this very moment, in an orphanage in Seoul, Korea, some children, orphans of mixed parentage, are awaiting entry into our country. Most of these children have already been adopted by American parents. Their entry can be speeded only by positive action of Congress.

The youngsters I refer to have temporary haven in an orphanage set up by Harry Holt, of Creswell, Oreg., a man from my district who has shown a thousandfold his interest and love for his neighbors of the world. Harry Holt visited me earlier this session. He was then en route to Europe to learn of the need there for help to youngsters unable to help themselves. Since that trip, Harry Holt has returned to Seoul.

What he found there, I sincerely believe, is a situation which this great body must strive to correct. A news story appearing in the July 7, 1957, issue of the Portland Oregonian stated that seven orphans have died in that city where, despite utmost precautions, summer heat and disease have wreaked their bitter toll. Seven children, who had parents awaiting their arrival in the United States, have died. That story will be repeated unless we take definite steps and therefore, today, I cannot urge too strongly that this august body favorably consider passage of H. R. 8123 when it is reported from the Judiciary Committee.

This bill, proposed by Representative FRANCIS E. WALTER, of Pennsylvania, chairman of the Immigration and Naturalization Subcommittee, would permit entrance into this country of an unlimited number of children until June 30, 1959. The age limit is 14.

It is humanitarian and noncontroversial and benefits the proud heritage of our country. It contains other noncontroversial items which I consider needed.

On January 29, 1957, I introduced H. R. 3783 which would permit entrance into this country of 10,000 orphans. There was no time limit set on their entrance. The age limit proposed was 12 years. Therein lies the major differences of these 2 bills with reference to orphans. But I do not consider these differences to be insurmountable. Therefore, I urge that my colleagues on the committee report H. R. 8123 as soon as possible to hasten entry of the young boys and girls desired and sought by their new parents. This legislation is practical and offers also help to persons already here.

Since I have been privileged to become a Member of Congress, I have received hundreds of letters from parents and prospective parents throughout the United States and especially from Oregon. Some say simply: "We are childless and hope to obtain a child in this way."

Other married couples tell me that all adoption agencies inform us that there are at least 10 prospective parents for every available child in the State of Oregon. Why cannot some of the 10,000 little children who are orphaned in foreign lands be brought to American homes for the enrichment of the lives of all concerned, since this is truly one world?

From the State of Connecticut, residents write that they are working for passage of legislation which would permit entrance into this country of the children. I have been asked by scores for 5, 10, 100, and even more copies of my bill, which these writers would distribute among their friends. I have, instead, sent them one copy and suggested they mimeograph the copies they need.

My office staff has taken many calls from staff members of my colleagues who have been asked about the status of pending orphan legislation.

I could extend these examples indefinitely. I think they point up the genuine interest in this problem, interest I add that urges favorable consideration by the Members of Congress of the legislation involved.

It is my understanding that H. R. 8123 will be before us soon. I believe that this proposed legislation goes far in brightening the torch of world leadership which we hold. I pray that torch will not be dimmed by hasty action.

May I read you a letter from one of my constituents?

ROSEBURG, ORE., *April 8, 1957.*

DEAR SIR: I am writing this letter to urge you to continue to work for passage of House bill H. R. 3783 regarding visas for orphans which you authored. Every day's delay in the enactment of this bill means that these orphans are denied the love of a mother and father that much longer.

There are over 6,000 families waiting now for these children, all depending on you and other Members of Congress, to make it possible to hold in their arms these dear little babies.

I am sure that you must have read The Seed From the East by Mrs. Harry Holt. If you have, you know how mightily God worked for this same cause. We know He is again working and will see that this bill is passed and these children brought home. If only every Member of Congress would read this book, I know that this bill would be passed immediately.

There are thousands of people praying unceasingly for just this very thing. The Bible says, "If God be for us, who can be against us." We know God is with us in this work. We thank you for what you have done and are continuing to do for these little ones.

God bless you,

Mrs. VIVIAN BLACKWELL.

Mrs. Blackwell's letter is similar to those I receive almost daily.

But some of the letters are not gentle. They come from constituents and from residents of other districts who cannot understand this delay in reporting out legislation. And they write similar letters to Oregon Senators MORSE and NEUBERGER. Both Senator MORSE and Senator NEUBERGER are working to bring to fruition the dream of so many American couples. My bill, H. R. 3783, is identical to their S. 866.

I must confess that I am concerned with grapevine reports I hear that there may be no immigration legislation forthcoming this session. As humanitarians, as members of the democratic world's leading legislative body, I urge that we clothe ourselves in the legislative garb our constituents rightfully seek—legislation which permits entry of homeless children whose new parents await them.

Let us not forget the words of Emma Lazarus:

Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore, send these, the homeless, tempest-tossed, to me: I lift my lamp beside the golden door.

I do want to state for the record that I am aware of the need of a thorough look at our present immigration laws. This is a matter that demands care and careful investigation. Because of this, I feel sure that there remains not time enough in the session for the work, nor does it appear likely that the committee can report out such major proposed legislation before Congress adjourns. Under these circumstances and because there is reason to believe that at least this pressing need of orphan relief can be solved, I favor passage and enactment of H. R. 8123.

I want to assure my concerned constituents that I, too, am cognizant of this Nation's need for immigration changes. Let me remind them and the committee that our work this time must be satisfactory and in keeping with the heritage our immigrant Founding Fathers bestowed upon us.

EFFECTS OF RADIOACTIVE FALLOUT AND RADIATION

Mr. COAD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

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

There was no objection.

Mr. COAD. Mr. Speaker, for some time there has been a large amount of discussion concerning the effects of radioactive fallout and radiation. Often, such discussion has been mere argument that has only confused the issue. Claims and counterclaims have been made.

Responsible scientists, themselves, have not agreed on what constitutes dangerous levels of radiation. But, it has been almost unanimously agreed by all who are concerned with this problem that far too little factual information exists.

Recently the New York Times carried an article describing a possible expanded AEC research program on all phases of nuclear fallout and radiation hazards. One research method suggested was statistical studies of persons who have been subjected to large amounts of radiation. I would like to call the attention of the gentlemen of the House, this morning, to just such a statistical study as an example of the type of factual information which we can secure by support of research in this area.

The report of this study appeared in a recent issue of Science—May 17, 1957—one of the Nation's most distinguished scientific journals.

The title of the article is "Ionizing Radiation and Leukemia." It is a statistical study by Prof. E. B. Lewis, of the California Institute of Technology.

Now, we are all exposed to some ionizing radiation during our lifetime. There is a certain quantity of natural background radiation from cosmic rays and the earth's crust. Whenever we have our chest or teeth X-rayed we absorb a certain quantity of ionizing radiation. However, Professor Lewis was able to find data on four groups of people who had been exposed to unusually large amounts of ionizing radiation, and he has statistically analyzed this data and its relation to leukemia.

As you know, leukemia is a form of cancer, and medical scientists have long felt there was a connection between leukemia and ionizing radiation. Leukemia is a disease that we are all anxious to see eliminated, or the incidence reduced.

In the article which I have noted, the author has taken data from four sources and has attempted to relate the dosage or quantity of ionizing radiation received by these groups of people to the incidence of leukemia and then compared this to the incidence of leukemia among the general population.

The four groups of data which the author analyzed were:

First. Data on incidence of leukemia among the survivors of the Hiroshima and Nagasaki bomb bursts.

Second. The incidence of leukemia among 1,400 individuals who as children had been treated by radiation for thymus gland condition.

Third. The incidence of leukemia among 11,287 male patients treated with X-rays for a hereditary disease of the spine—ankylosis spondylitis.

Fourth. The percentage of deaths from leukemia among radiologists in contrast to that of physicians as a whole. As you all know, a radiologist is a doctor of medicine who specializes in and works with X-rays and other radiation sources.

Now I do not propose to attempt here to discuss the highly technical methods used and results secured in these studies. I only wish to call attention to the basic results which the author secured from his study of the data cited above.

In all cases studied, the author found from his statistical studies, that the incidence of leukemia was significantly greater among the four groups of individuals who were exposed to unusually large amounts of radiation than the incidence among the general population.

Such a conclusion may have tremendous importance for the future well-being of mankind.

We have been told by atomic experts that development of a large, worldwide, peaceful atomic power industry may mean the release of more radioactive byproducts into the atmosphere than has been released from bombs. This possibility gives us cause to take heed of such studies and, as a legislative body responsible for the well-being of our people, should give us reason to support and encourage more studies of this nature, in order that we may acquire the facts so essential to the solution of such technical problems. Thank you.

[From the New York Times of July 14, 1957]

AEC MAY EXPAND RADIATION STUDY—5-YEAR RESEARCH PROGRAM PROPOSED ON ALL PHASES OF NUCLEAR FALLOUT

(By John W. Finney)

WASHINGTON, July 13.—The Atomic Energy Commission is considering an expanded, long-range research program into the effects of nuclear radiation on man.

The program would place renewed emphasis on all phases of atomic radiation. This would include its creation and distribution from a nuclear bomb explosion or the reactor of an atomic powerplant, its absorption by plant, animal, and human life, and the effects it has on present and future generations.

The proposed expansion of research stems from the recent hearings conducted by a Joint Congressional Atomic Energy Subcommittee in to the dangers of radioactive fallout from atomic-bomb explosions.

The hearings pointed up the sharp differences in scientific opinion about the dangers of radiation and the present lack of definitive knowledge about the effects of the dangerous byproduct of the atomic age.

As a result, subcommittee members, with concurrence of scientific witnesses, urged the commission's division on biology and medicine to draft an enlarged research program that might fill in the wide gaps of ignorance about atomic radiation.

Consequently, the Biology and Medicine Division has proposed a 5-year program of accelerated and expanded research into the effects of radiation.

The proposal has been submitted to the Commission for approval before being submitted to Congress. The proposal is expected to be considered sympathetically by the Commission.

The expanded program would explore some new areas of radiation. For the most part, however, it would broaden studies already being made by the Commmission and other Government agencies.

There is still no firm estimate of how much the expanded 5-year program would cost. Commission officials said, however, that at least in the first year there would only be a modest increase over the present research program. One of the limiting factors is the shortage of scientists to carry out basic research in the new field.

TWENTY MILLION DOLLARS A YEAR

The Commission's Biology and Medicine Division now is spending about $20 million annually for research on radiation. This, however, does not indicate the extent of the overall research effort, since studies are also being sponsored by other Government agencies. Among them are the National Science Foundation and the Public Health Service.

The fields of expanded research under the proposed program would include the effects of radiation on future generations. Studies of the genetic effects of radiation thus far have been limited largely to animals.

Increased emphasis would be placed on genetic changes in humans. This might be the study of the offspring of survivors of the atomic bombings of Hiroshima and Nagasaki in Japan, particularly in families where cousins have married.

Distribution and uptake of radioactivity also would be studied under the new research program. This would include study of the natural and manmade radiation in the plants, animals, and environment of various regions. The results would give a useful reference on how the amount of radioactivity is increased in an area by military or peaceful uses of the atom.

The expanded sampling program also should provide more definitive information on the rate at which such deadly radioactive substances as strontium 90 pass up the food chain, from plant life to human consumption, into human bones. At present, there is wide difference of scientific opinion on this point.

The physical effects of radiation on humans also would be a subject of the wider research. One of the major points of controversy in the subcommittee hearings was whether there is a threshold or a level below which radioactivity has no harmful physical effects.

The Commission scientists still have not decided how to tackle this important and difficult problem. One avenue of research might be statistical studies of persons who have been subjected to large amounts of radiation in medical treatment or in their work and persons who live in areas of higher natural radioactivity.

FHA SCANDAL IN ILLINOIS

Mr. MACK of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include extraneous matter.

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

There was no objection.

Mr. MACK of Illinois. Mr. Speaker, homeowners in the St. Cabrini subdivision of Springfield, Ill., have good cause for being aggravated by the action—or, I should say, inaction—of an agency of the Federal Government.

This subdivision was laid out 4 years ago with the approval of the Federal Housing Administration. FHA, therefore, must bear the responsibility for the deep ruts, the 2½-foot deep holes and the sunken sewers that have put the plight of the St. Cabrini residents on the front page of the daily newspapers of Illinois' capital city.

After repeated complaints to the Springfield FHA office failed to bring results, every homeowner living on three streets of the subdivision signed a letter of protest which was sent to the Washington FHA office on June 4, 1957. But, so far, no repairs have been made.

This is what happens when Federal positions of power are used as political plums. The Springfield FHA director, Harold W. Prehn, is a recent appointee of the Eisenhower administration. For many years Mr. Prehn has been the chief money raiser in Sangamon County

for the Republican Party. As far as I know, however, he has had no experience at all in the housing field.

I have called this situation to the attention of the Honorable Norman P. Mason, Commissioner of the Federal Housing Administration. So that the House may be fully informed of the background of this FHA scandal in Springfield, I have obtained unanimous consent to have printed in the RECORD a front-page news story by Joan Muraro which was published in the Illinois State Journal on July 18, also an editorial from the Journal for July 19. Incidentally, the Journal is a Republican newspaper and a strong supporter of the present administration.

I also include a letter to the Journal from one of the residents of the St. Cabrini subdivision and a letter which I wrote to Mr. Mason on July 24. Mr. Mason has since agreed to discuss this matter with me in a conference which has been scheduled for Friday, July 26.

[From the Illinois State Journal of July 18, 1957]

RESIDENTS PROTEST TO WASHINGTON

(By Joan Muraro)

Tired of being mired in chuck holes up to 2½ feet deep and having to navigate down streets with ruts big enough to trap a mail delivery truck, residents in the St. Cabrini subdivision south of North Grand Avenue have taken to bombarding Washington with letters seeking relief. Meanwhile residents have also posted derisive signs near some of the larger obstructions warning "Danger—FHA Approved Streets."

Thomas B. Blanko of 525 St. Mary Street, unofficial spokesman for the 120 residents on the 3 streets making up St. Cabrini Court, said the residents have been trying for months to get the conditions corrected, without result.

Blanko said protests to the local FHA, which approved the subdivision when it was laid out 4 years ago, have been unsuccessful. Residents were referred to E. D. Olinger, who subdivided the area, Blanko said. Olinger, in turn, has also failed to correct the conditions resulting from faulty installation of sewers, failure to install some drains, and improper grading of streets and lots, residents say.

For lack of a drain to carry water away from the subdivision, rainwater piles up at a low point on St. Mary Street, sometimes reaching a depth of 2 feet, and spilling over onto adjacent lawns. Community-minded neighbors got together to dig a ditch from Blanko's property a while back, to let water, which covered his lawn right up to the door, drain down to the small lagoon on St. Mary Street, where they figured conditions were already so bad a little more water wouldn't hurt. Blanko said that for lack of a drain, the water has nowhere to go.

Sewers which were not flushed when installed have settled along the streets, adding to the problem, residents say. As they collapsed, the blacktop street has followed suit, causing the numerous chuck holes which the residents pitch in periodically to fill.

Discouraged at getting no result locally, the residents signed a petition and sent a protest to the Federal Housing Administration in Washington, listing eight complaints.

These included charges that the streets have reached a condition where they are a hazard to lives; the condition is worsening daily, decreasing value and desirability of their property.

They also alleged that the original roadbed was not properly built and no drain or storm sewers were provided to carry the water out of the subdivision and we believe that the FHA has the responsibility and necessary power to compel the subdivider to comply with requirements that should initially have been enforced to protect us as homeowners.

A petition held that persistent efforts to get the local FHA office to take action have met with no cooperation and the same efforts to get the subdivider to take action have brought promises but no results.

Blanko said he has a copy of an agreement Olinger gave the local FHA, dated last December 13, in which Olinger promised he would, as soon as weather permitted but no later than June 1, regrade the intersection of St. Mary's and Trinity Avenue, to correct the error in grading that was made when the street was constructed. However, Blanko said, the deadline passed a month and a half ago with no action.

When the protest to Washington brought no response, the protestors wrote Rep. PETER F. MACK, and wrote again to the FHA in Washington, asking the courtesy of a reply and threatening a march on the local FHA office in protest.

In response to that letter, Blanko received a letter from the Washington FHA, stating that a detailed review is being conducted and promising to send word promptly on further developments to Blanko and to MACK.

MACK replied he also investigated and was told a survey was being made. The FHA letter was dated July 1, and nothing has been heard since, Blanko said.

Typical of their complaints, residents say, is a gully running down the middle of Trinity Lane where a sewer has sunk, collapsing the road. When piling dirt into the opening failed to lessen the danger, residents put three or four wheelbarrow loads of bricks into the gap, reducing the drop if a car tire sinks in. It was this rut that the mail delivery truck was trapped recently, having to call for a tow truck to get it out when a wheel slipped in.

The county highway department has said it cannot accept the roads for maintenance in the shape they're in now, Blanko says, since its obligation is to maintain streets and roads in the condition they are in when it accepts jurisdiction of them which sure wouldn't help much in our case.

Blanko said the neighbors are still trying to set up a meeting with the local FHA officials and Olinger, and will continue writing Washington for relief. Meanwhile, they'll also continue shoveling dirt and gravel into the larger holes as they continue to sink.

[From the Illinois State Journal of July 19, 1957]

SHODDY SUBDIVIDING PLUS REDTAPE: ST. CABRINI COURT'S PROBLEM

The buck-passing and runaround that the residents of St. Cabrini Court have experienced in their efforts to obtain decent streets, drainage, and sewers sound like something out of 1884. It would be ludicrous and laughable if it weren't a serious matter. It is a supreme example of how Government redtape can become so entangled that the health and welfare of a people come out second best.

However, the Federal Housing Administration is not the only "goat" in this situation even though it does have the primary responsibility. The city council could have prevented it if it had moved years ago to enact ordinances to control the building of new subdivisions.

The Howarth administration, it is commendable to note, has taken steps to correct any future occurrences like the St. Cabrini Court debacle. Next Tuesday a public hearing will be held at the city hall to discuss a proposed subdivision ordinance. It would give the city government authority to control subdividing in the city and for an area extending 1½ miles beyond city limits.

In announcing that hearing the other day, Mayor Howarth stated:

"Every person buying a home in a new subdivision in the Springfield area has a right to assurance that he has a decent permanent street and no sewer or drainage problems. If land is subdivided with inadequate, unpaved streets and improper drainage, it becomes a blighted area as soon as the newness wears off; and property owners soon have problems a city government cannot solve."

That is exactly what happened to the St. Cabrini Court area. The subdivider apparently did a shoddy job of providing sewers, roads, and drainage when the area was built 4 years ago, And apparently the local FHA slipped up in seeing that the subdivider did a good job.

The fiasco is none of District FHA Director Harold Prehn's making. Mr. Prehn was only appointed last winter. However, Mr. Prehn has inherited the mess, and we know he will do everything in his power to correct the matter.

What has happened here furnishes plenty of arguments why the proposed subdivision ordinance should be adopted. Howarth described it as "the most important legislation this council can complete during its 4-year term." And that it is. Whether Springfield expands and develops on a planned, orderly basis, or grows in a haphazard fashion as it has in the past is involved in this proposed ordinance.

The ordinance sets up specific standards for road paving, sewers, curbs and gutters, sidewalks, and water supply. Subdividers would be required to come up to those standards or they coudn't do business. Thus it has teeth. It should be adopted.

RESIDENT OF ST. CABRINI SUBDIVISION WRITES TO THE ILLINOIS STATE JOURNAL

DEAR SIRS: We, as residents of St. Cabrini subdivision, wish to thank your newspaper for the fine pictures and story concerning our efforts to get decent streets in our area.

You may rest assured we intend to continue to fight to get what we have paid for, and are paying for with each tax installment. We intend to forward copies of the Journal to the FHA office in Washington, D. C., to Congressman PETER MACK, to United States Senators DOUGLAS and DIRKSEN, and to whomever we feel can help us to right this particular condition and to prevent recurrences in other subdivisions.

It is not our wish to be vindictive but rather to induce public officials charged with responsibility to carry out the duties for which they are being paid, rather than to pass the buck from one person to another, from one agency to another, until those seeking help give up from sheer frustration.

We are certain the FHA was intended as an agency to help safeguard the interests of the public and not as a political haven. We can remember when the label "FHA Approved" meant something; at least it meant materials used came up to FHA specifications and was not merely a rubber stamp. It also meant building plans, elevations of streets, the layout of the subdivision, engineering, etc., had been checked and that periodic inspections would have been made.

JULY 23, 1957.

Hon. NORMAN P. MASON,
Commissioner, Federal Housing Administration, Washington, D. C.

DEAR MR. MASON: In my opinion the conditions that have been permitted to continue uncorrected in the St. Cabrini subdivision in Springfield, Ill., are nothing short of scandalous.

I call your attention to the enclosed front page news story and photographs in

the Illinois State Journal of July 18. Enclosed also is a copy of an editorial published by the same newspaper on July 19.

These articles and photographs graphically portray a situation which I called to your attention more than 6 weeks ago. On June 12 you wrote me that you had asked H. W. Prehn, director of the Springfield FHA office, to furnish a complete report on this matter. You said you would send this report to me as soon as it was received. Since I have heard nothing further from you, I assume that you have not received the report from Mr. Prehn.

Thus, I cannot entirely agree with the Journal editorial, which absolves Mr. Prehn from any blame for the St. Cabrini fiasco. Although the Journal may be correct in saying this mess was not of Mr. Prehn's making, he surely has had sufficient time to investigate and initiate whatever action is necessary to relieve these unfortunate homeowners of a plight that was none of their making either. Instead, there has been nothing from Mr. Prehn but a long silence.

Mr. Prehn and his associates have stood idly by while faulty sewers collapsed and chuckholes in the streets got deeper. Mr. Thomas B. Blanco, a resident of this subdivision, has written me as follows: "The impression fast gaining ground, in the minds of our people, is that the FHA is primarily interested in protecting the subdivider and the lender and not the persons who have the homes built and who actually pay through inspection fees and inetrest rates for services. FHA inspectors make a great fuss about an iron railing needing a second or third coat of paint or a yard needing a few wheelbarrows full of dirt to give the lot the proper slope. They, however, seem to have closed their eyes when it comes to requiring proper roadbeds, drainage, and storm sewers. Could it be that the people don't count?

I was very much impressed by a highly complimentary article on yourself, Mr. Mason, in the June 1957, issue of House & Home magazine. I was particularly interested by this paragraph from the article:

"Mason has also espoused another new concept: Since the Government assumes a contingent liability for all FHA mortgages (by its unconditional guaranty of the debentures with which FHA pays off defaults), the Government has a legitimate interest in seeing that the right kind of houses are built in the right places. 'FHA's chief mission should be to help the average man get a good house to live in,' he (Mr. Mason) says."

This is certainly a praiseworthy objective and one which I wish your Springfield subordinates would have uppermost in mind in handling problems like those of the St. Cabrini subdivision. In this same area, Mr. and Mrs. Emil Kolar, 22 Rosaria Road, have been trying for months to get five structural defects corrected. I have done my best to keep you fully informed of this situation, too.

You have a report from Mr. Prehn on these defects. That report was written March 20, 1957, following an inspection of the Kolar home by Mr. C. T. Morrisett, FHA chief architect in Springfield, and Mr. Herbert Miller of your Washington office. Mr. Prehn, at that time wrote the contractor and asked that he give immediate attention to these repairs "in view of the length of time that has elapsed." Nothing has been done, however. Instead of prodding the contractor to remedy the defects, the Springfield FHA office has supported the contractor's efforts to reach a settlement with the Kolars. Needless to say, the settlement proposed by the contractor falls far short of agreeing to the corrections your own inspectors said were necessary.

In view of the unsatisfactory status of these complaints, I am sure you will wish to give them your personal attention. I would appreciate an early opportunity to discuss these matters with you. I hope you will be able to arrange such a conference within the next few days.

Awaiting your reply, I am,

Sincerely yours,

PETER F. MACK, Jr.,
Member of Congress.

GOVERNMENT EMPLOYEES CANNOT STRIKE

The SPEAKER. Under previous order of the House, the gentleman from Massachusetts [Mr. LANE] is recognized for 10 minutes.

Mr. LANE. Mr. Speaker, Government employees cannot strike.

Neither they nor the organizations that represent them have a legal recognition or standing, insofar as the administrators of United States Government agencies are concerned.

They have no voice in the settlement of individual and group grievances, or participation in the promulgation of all personnel regulations and working rules. In isolated instances where they dare to speak up, they find themselves the victims of subtle reprisals.

Nineteenth century policies prevail in relationship between the Government and its employees.

The Government is "boss" in the high-handed and arbitrary way of "the old days," and there is nothing that the employees and their associations can do about it except to petition Congress for the enactment of personnnel-management legislation that will guarantee to them at least some of the rights enjoyed by their fellow citizens who are employed in private enterprise.

At present, we have the unfair and indefensible situation where the Government as an employer, fails to practice what it preaches.

It compels industry to bargain with labor unions, but refuses to accord this recognition and this right to its own employees.

This outmoded master-and-servant relationship is manifestly unjust; it is a stubborn holdover of ancient practices; and is the cause of much bitterness and demoralization among Government employees. This in turn, leads to a wasteful turnover of personnel, and a deterioration in service.

We have never had a clear and just policy concerning the legitimate rights of both Federal employees and agency administrators in their relations affecting the public interest.

Government cannot function properly without a modern and efficient civil service, based on an equitable labor-management relationship.

We have got to bring the calendar up to date; and legally recognize the right of Federal employees through their associations to have some say in the settlement of grievances that arise in the course of their work.

Under the bill I am introducing for your earnest consideration "it is hereby declared to be the policy of the United State to eliminate the causes of obstructions to the carrying on of public business, and to mitigate and eliminate these obstructions by encouraging the practice and procedure of meetings between management and the employee groups for the free flow of ideas and by protecting the right of Federal workers of full freedom of association, self-organization, and designation of representatives of their own choosing for the purposes of negotiating the terms and conditons of their employment and other mutual aid and procedure."

We seek to write into law a permanent governmental policy of cooperation between organized employees and management.

We want legal recognition of the right to:

First. Inform Federal Administrators of the Federal employees' views on all matters relating to their welfare, and thus to make a positive contribution to the development of sound personnel practices. This is to be accomplished by recognition of the Federal employees' associations and unions.

Second. Be consulted by the heads of Government agencies or their designated representatives before the adoption or modification of policies which determine working conditions, or the progress of the employee in his employment.

Third. Represent their members in the settlement of grievances or the adjustment of any situation which threatens to place the individual employee at a disadvantage or lead to his reduction in pay or status, or to loss of his job.

Fourth. That they shall have the aforementioned rights without restraint, coercion, interference, intimidation, or reprisal.

Nothing in this act, except specifically provided for herein, shall be construed as taking away from any person his or her preference in employment under Public Law 359, 78th Congress, as provided for in the Veterans' Preference Act of 1944.

Employees shall have the right to self-organization to form, join, or assist labor or other employee organizations, to bargain with employers through representatives of their own choosing, and to engage in other concerted activities for the purpose of bargaining or mutual aid or protection, and shall also have the right to refrain from any or other such activities.

Numerous complaints have come to me through the years regarding the unilateral action taken by certain Federal Administrators in violation of the Veterans' Preference Act and other laws governing Federal employees, whether veteran or nonveteran.

Sometimes the aggrieved employee, because there was no recognized organization to plead his case, was forced to accept this Soviet-type denial of his legitimate rights in silence.

This is a very unhealthy situation. It prevails because we have neglected to appreciate the dignity of the workers who toil for the Federal Government. We have been remiss in giving legal recognition to their organizations, and in acknowledging their equal status with Federal Administrators in the settlement of grievances and in the adjustment of other problems affecting the Federal employee at his work.

We have management-labor legislation, imperfect as it is, to protect the workers in private employment.

To be consistent, we can do no less for those who work for the Federal Government.

If we fail to do so, we shall be risking a serious deterioration in their morale, which would be very costly in the long run.

TO DECLARE MASSACHUSETTS A DISASTER AREA

The SPEAKER. Under previous order of the House, the gentlewoman from Massachusetts [Mrs. ROGERS] is recognized for 5 minutes.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I am asking the President to declare the State of Massachusetts a disaster area. The drought there has had most disastrous effects.

Since early May there has been less than a half inch of rain. The ground is baked into a dry dust. It is estimated this lack of rain will affect everyone in Massachusetts.

Farmers in particular are losing heavily. This is now being considered the most devastating drought in the history of the Commonwealth. It is shocking to learn farmers are losing at the rate of approximately a quarter of a million dollars every day.

The corn crop is ruined. So is the cranberry crop; vegetable crops of cabbage, tomatoes, beans, squash, beets, asparagus are about ruined. One farmer stands to lose a $25,000 tomato crop. Another vegetable grower stands to lose $150,000.

Many of the farmers are discouraged. They are at the end of their rope. They have loans at the bank they expected to pay with the money received from their crops. There will be no crops. These farmers need help. They need help badly. The drought is as much a disaster as a tornado or hurricane.

I requested the President to declare Massachusetts in a state of disaster so that all or any Federal help can be made available to those farmers and others needing immediate assistance.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. WOLVERTON, for 2 days, on account of illness in family.

To Mr. ANFUSO (at the request of Mr. COOLEY), for an indefinite period of time, on account of official business for the House Committee on Agriculture.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. JACKSON, for 1 hour, on Thursday, August 1.

Mr. LANE, for 10 minutes, today.

Mr. PORTER, for 30 minutes, on Thursday, August 1.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the RECORD, or to revise and extend remarks, was granted to:

Mr. SMITH of Califorina and to include extraneous matter.

Mr. DOOLEY notwithstanding that it will exceed 2 pages of the RECORD and is estimated by the Public Printer to cost $231.

Mr. FORRESTER.

Mr. WATTS and to include an editorial.

Mr. SIEMINSKI and to include extraneous matter.

Mr. CELLER (at the request of Mr. MCCORMACK) and to include extraneous matter.

Mr. COOLEY (at the request of Mr. MCCORMACK) and to include extraneous matter.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 192. An act to provide that members of the Board of Education of the District of Columbia may be removed for cause.

ADJOURNMENT

Mr. MCCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 19 minutes p. m.), the House adjourned until tomorrow, Thursday, July 25, 1957, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1058. A letter from the Secretary of Health, Education, and Welfare, transmitting a report to the Congress on modifications made in the Tennessee Valley Authority retirement system to adjust to old-age and survivors insurance coverage, pursuant to Public Law 880, 84th Congress; to the Committee on Ways and Means.

1059. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation entitled "A bill to repeal section 8f of the Agricultural Adjustment Act of 1933, as amended"; to the Committee on Agriculture.

1060. A letter from the Chairman, Theodore Roosevelt Centennial Commission, the interim report of the Theodore Roosevelt Centennial Commission, pursuant to Public Law 183, 84th Congress; to the Committee on the Judiciary.

1061. A letter from the Acting Attorney General, transmitting a draft of proposed legislation entitled "A bill to provide for the relocation of the National Training School for Boys, and for other purposes"; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. VINSON: Committee on Armed Services. H. R. 8547. A bill to authorize the disposal of certain uncompleted vessels; without amendment (Rept. No. 866). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARENDS: Committee on Armed Services. H. R. 8522. A bill to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes; without amendment (Rept. No. 867). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'HARA of Illinois: Committee on Foreign Affairs. S. 1063. An act vesting in the American Battle Monuments Commission the care and maintenance of the Surrender Tree site in Santiago, Cuba; without amendment (Rept. No. 868). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORAND: Committee on Ways and Means. H. R. 17. A bill to repeal the cabaret tax; with amendment (Rept. No. 869). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOPER: Committee on Ways and Means. H. R. 232. A bill to amend the Internal Revenue Code of 1954 with respect to the readjustment of tax in the case of certain amounts received for breach of contract; with amendment (Rept. No. 870). Referred to the Committee of the Whole House on the State of the Union.

Mr. COOPER: Committee on Ways and Means. H. R. 6894. A bill to amend the Tariff Act of 1930 as it relates to unmanufactured mica and mica films and splittings; with amendment (Rept. No. 871). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS of Louisiana: Committee on Armed Services. H. R. 8531. A bill to provide an interim system for appointment of cadets to the United States Air Force Academy for an additional period of 4 years; without amendment (Rept. No. 872). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 361. Resolution for consideration of S. 1856, an act to provide for the development and modernization of the national system of navigation and traffic control facilities to serve present and future needs of civil and military aviation, and for other purposes; without amendment (Rept. No. 873). Referred to the House Calendar.

Mr. THORNBERRY: Committee on Rules. House Resolution 362. Resolution for consideration of H. R. 7244, a bill amending the Packers and Stockyards Act, 1921, to permit deductions for a self-help meat promotion program; without amendment (Rept. No. 874). Referred to the House Calendar.

Mr. SMITH of Virginia: Committee on Rules. House Resolution 363. Resolution for consideration of H. R. 8456, a bill to amend the Agricultural Adjustment Act of 1938, as amended, to exempt certain wheat producers from liability under the act where all the wheat crop is fed or used for seed or food on the farm, and for other purposes; without amendment (Rept. 875). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LANE: Committee on the Judiciary. H. R. 7654. A bill for the relief of Richard

M. Taylor and Lydia Taylor; with amendment (Rept. No. 865). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. REED:

H. R. 8881. A bill to amend section 812 of the Internal Revenue Code of 1939; to the Committee on Ways and Means.

By Mr. BURNS of Hawaii:

H. R. 8882. A bill to amend Joint Resolution 32 of the Session Laws of Hawaii 1957, relating to the Hawaii Aeronautics Commission, authorizing the issuance of $14 million in aviation revenue bonds, and approving said Joint Resolution 32 as so amended; to the Committee on Interior and Insular Affairs.

By Mr. KEAN:

H. R. 8883. A bill to amend the Social Security Act and the Internal Revenue Code to provide benefits for dependents of disabled workers, authorize payment for rehabilitation services of disabled workers from the disability trust fund, increase benefits to workers who delay retirement, extend coverage to physicians, and for other purposes; to the Committee on Ways and Means.

By Mr. McMILLAN:

H. R. 8884. A bill to amend the act entitled "An act to create a Recreation Board for the District of Columbia, to define its duties, and for other purposes," approved April 29, 1942; to the Committee on the District of Columbia.

By Mr. SCUDDER:

H. R. 8885. A bill to provide direct aid to the States and Territories and the District of Columbia for school construction; to the Committee on Ways and Means.

By Mr. SMITH of California:

H. R. 8886. A bill to provide penalties for membership in the Communist Party, and to permit the compelling of testimony relating to such membership and the granting of immunity from prosecution in connection therewith; to the Committee on Un-American Activities.

By Mr. FORAND:

H. R. 8887. A bill to amend the Internal Revenue Code of 1939 to provide a credit against the estate tax for Federal estate taxes paid on certain prior transfers in the case of decedents dying after December 31, 1947; to the Committee on Ways and Means.

By Mr. KEAN:

H. R. 8888. A bill to extend the unemployment compensation program; to the Committee on Ways and Means.

By Mr. LANE:

H. R. 8889. A bill to provide facilities for the mediation of disputes between Federal employee organizations and agencies of the United States Government, to equalize legal responsibilities of employee organizations and agencies of the United States Government and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. THOMSON of Wyoming:

H. R. 8890. A bill to amend the act granting the consent of Congress to the negotiation of certain compacts by the States of Nebraska, Wyoming, and South Dakota in order to extend the time for such negotiation; to the Committee on Interior and Insular Affairs.

By Mr. DELLAY:

H. R. 8891. A bill to amend section 37 of the Internal Revenue Code of 1954 to make eligible for the retirement income credit housewives, disabled individuals, and other individuals who are age 65 or over but ineligible for such credit by reason of the 10-year work test; to the Committee on Ways and Means.

By Mr. HARRISON of Virginia:

H. R. 8892. A bill to amend the Internal Revenue Code of 1954 to extend the time within which a minister may elect coverage as a self-employed individual for social-security purposes, and for other purposes; to the Committee on Ways and Means.

By Mr. DOOLEY:

H. J. Res. 418. Joint resolution creating a commission to assist in the celebration of the 350th anniversary of the exploration of the Hudson River; to the Committee on the Judiciary.

By Mr. O'BRIEN of New York:

H. J. Res. 419. Joint resolution creating a commission to assist in the celebration of the 350th anniversary of the exploration of the Hudson River; to the Committee on the Judiciary.

By Mrs. ST. GEORGE:

H. J. Res. 420. Joint resolution to create a commission to assist in the celebration of the 350th anniversary of the exploration of the Hudson River; to the Committee on the Judiciary.

By Mr. SMITH of Virginia:

H. J. Res. 421. Joint resolution designating the year 1958 as the James Monroe Bicentennial Year, and creating a commission to supervise and direct the observance of such year, with particular emphasis on the period between April 28, 1958, and December 2, 1958; to the Committee on the Judiciary.

By Mr. TAYLOR:

H. J. Res. 422. Joint resolution creating a commission to assist in the celebration of the 350th anniversary of the exploration of the Hudson River; to the Committee on the Judiciary.

By Mr. WHARTON:

H. J. Res. 423. Joint resolution creating a commission to assist in the celebration of 350th anniversary of the exploration of the Hudson River; to the Committee on the Judiciary.

By Mr. WATTS:

H. Res. 364. Resolution to authorize a study and investigation of certain censorship practices of radio and television networks; to the Committee on Rules.

By Mr. SIKES:

H. Res. 365. Resolution to authorize a study and investigation of certain censorship practices of the radio and television networks; to the Committee on Rules.

By Mr. MATTHEWS:

H. Res. 366. Resolution to authorize a study and investigation of certain censorship practices of the radio and television networks; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented as follows:

By the SPEAKER: Memorial of the Legislature of the State of Delaware memorializing the President and the Congress of the United States relative to endorsing the cooperative program of the Federal Government and the Conference of Governors to define and restore to the States their respective rights and responsibilities; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES:

H. R. 8893. A bill for the relief of Margaret Rose Hicks; to the Committee on the Judiciary.

By Mr. BRAY:

H. R. 8894. A bill for the relief of Mrs. Betty L. Fonk; to the Committee on the Judiciary.

By Mrs. CHURCH:

H. R. 8895. A bill for the relief of Maria Romanski; to the Committee on the Judiciary.

By Mr. WALTER:

H. R. 8896. A bill for the relief of Lina Miaslowsky; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Need and Purpose of Integrated Federal Water Program for Texas

EXTENSION OF REMARKS

OF

HON. LYNDON B. JOHNSON

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Wednesday, July 24, 1957

Mr. JOHNSON of Texas. Mr. President, recently I have asked the Chief of the Corps of Army Engineers and the Commissioner of the Bureau of Reclamation to coordinate the efforts of their agencies, down to the field level, in establishing and carrying out an adequate water-development program for Texas.

In a memorandum addressed jointly to the heads of the two agencies, I set forth briefly the need for such a program and what it should accomplish. I ask unanimous consent that the memorandum be printed in the CONGRESSIONAL RECORD.

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

MEMORANDUM TO MAJ. GEN. E. C. ITSCHNER, CHIEF, CORPS OF ENGINEERS, AND WILBUR A. DEXHEIMER, COMMISSIONER, BUREAU OF RECLAMATION, FROM LYNDON B. JOHNSON, UNITED STATES SENATOR—SUBJECT, INTEGRATED FEDERAL WATER PROGRAM IN TEXAS

Texas must have a predefined, realistic Federal water program that embraces both flood control and water supply requirements. This program must be so designed that (a) Texas will receive maximum benefits from its water and (b) The Federal Government will get maximum return on its water investment in Texas.

Texas has suffered disastrously from 7 to 10 years of drought; total cost estimated at $2.7 billion. Texas has suffered periodically, and specifically this year, from floods; cost this year estimated at $106 million.

The future annual loss to Texas will be measured in billions of dollars unless a firm water supply is provided for industry, cities, and agriculture. Water supply is the controlling key in the future of Texas. Unless effective action is taken immediately, Texas will literally run out of water in 10 or 15 years. The water problem is the only limiting factor on the continued growth and economic expansion of Texas.

Texas is 25 years behind other Western States in dealing effectively with its water problem.

In view of these facts, I consider it of the utmost importance that the Corps of Engineers and the Bureau of Reclamation collaborate closely down to the lowest field level in establishing and carrying out a program that will insure adequate supplies of water in Texas and that will reduce to the minimum loss of life and property from floods.

The State government of Texas will be requested to coordinate its efforts with those of the Corps of Engineers and the Bureau of Reclamation.

I urgently request that the Corps of Engineers and the Bureau of Reclamation, working together, devise and submit to me, not later than April 30, 1958, a "mockup" of a Texas statewide water program where Federal funds are involved with an initial division of responsibilities as between your two agencies. This is to be a coordinated Corps-Reclamation program, particularly where water supply is involved in an integrated, inter-basin activity. Since water supply for all needs is the key, the controlling element in a realistic Texas water program, other facets such as hydro power, flood control, etc., will necessarily be integrated into the basic water supply decisions.

It is assumed that directives will go to the corps and Bureau, field level offices requiring:

1. Immediate collaboration on the programs of the two agencies.

2. Reappraisal of proposed reservoirs of each agency in accordance with the realities of water supply requirements as now established.

3. Submission of future reservoirs for authorization on a basis of complete field level agreement as to space allocations prior to the interagency comment process.

I want to receive from the corps and the Bureau proposals on a basin-account system for water sales from Federal reservoirs concerned with the interbasin water plans to support irrigation. In this connection I request that the two agencies initiate discussions to the end of establishing in Texas a uniform policy for disposal of conservation space in Federal reservoirs to the appropriate State agency.

The Bureau of Reclamation has been ordered to formulate a statewide water supply plan. This investigation is now about two-thirds finished and the final report is due in approximately 30 months.

The Bureau has defined water needs by areas for (a) agriculture and (b) municipal and industrial use. It is now known what key dams will be required and on what streams in order to meet water requirements of an integrated, statewide water supply plan. About nine corps dams now authorized, will have to be increased in size to meet water supply requirements of the statewide plan. The Bureau of Reclamation will propose 12 or 14 new dams, primarily for water supply.

The probable total cost over a period of 25 to 30 years of the Federal water supply program in Texas, including Bureau and corps projects, will approximate $1,300,000,000. It is on this program that I request from the corps and the Bureau a mockup by April 30, 1958.

Your comments on the above are invited.

Civil-Rights Legislation

EXTENSION OF REMARKS
OF
HON. E. L. FORRESTER
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 24, 1957

Mr. FORRESTER. Mr. Speaker, the question has been raised by Senator LAUSCHE, of Ohio, and others as to who is the author of the civil-rights legislation. This question has been asked many times in and out of the halls of Congress.

For the information of the United States Congress, I advise that the National Lawyers Guild on July 27, 1955, wrote the gentleman from Massachusetts, Hon. THOMAS J. LANE, chairman, Subcommittee No. 2, House Committee on the Judiciary, a letter, a copy of which was sent to the other members of that subcommittee, and amongst other things, that letter said:

> The National Lawyers Guild, which has pledged its full effort to secure a comprehensive civil-rights statute and which drafted the model civil-rights bill, urges you to report favorably upon one of the pending comprehensive bills, such as H. R. 389 or H. R. 3688, in this session of the 84th Congress.

On April 23, 1956, the National Lawyers Guild wrote the various members of the House Committee on the Judiciary, and, among other things, said:

> The guild drafted the model omnibus Civil Rights Act because we believe that the passage of legislation can have a strong effect upon the positive action of individuals, as well as providing a method of punishing those who violate the constitutional and moral principles of equal protection of the law and equal treatment regardless of race, color, or creed. The United States Supreme Court's decisions outlawing discrimination and segregation in public schools, universities, and recreational facilities have laid down a pattern which has already been followed in some parts of the country and in some aspects of life, and it only needs the coercive force of some additional Federal legislation to give the 14th and 15th amendments new life and strength.

Reference to hearings before Subcommittee No. 5 of the Committee on the Judiciary, House of Representatives, 85th Congress, 1st session, pages 170–187, will show the contents of H. R. 389, and on pages 187–204 will be found H. R. 3688, both introduced in the 84th Congress.

Reference to the same hearings, pages 325–347 will show the legislation proposed by the then Attorney General, Hon. Tom Clark, before the House Committee on the Judiciary in the 81st Congress, together with his arguments and his legal discussions.

A casual reading of H. R. 389 and H. R. 3688, together with the legislation proposed by Attorney General Tom Clark in the 81st Congress, will completely demonstrate that there is nothing new and novel in the proposals of Attorney General Brownell which are now pending in Congress. Indeed, a study of that legislation will show that the same drastic powers for injunctive relief, to be instituted by the Attorney General, were then and there recommended. The only difference that I have been able to discover is that the Brownell legislation provides civil remedies, whereas the other legislation provided for civil and criminal remedies. With this single exception, there is a marked similarity.

Doubtless the National Lawyers Guild claims great credit for the pending legislation. It might be well to ask them if the Brownell legislation substantially represents their brain child.

Certainly it is interesting to observe that the omnibus legislation heretofore referred to, which the National Lawyers Guild in a resolution passed at their 1956 convention said they proposed, contains almost identical provisions relating to the setting up of a commission, the duties of the commission, the salaries of the commission, the use of uncompensated personnel, the establishment of a civil-rights division, and the appointment of an Assistant Attorney General, deals with the same provisions in the conspiracy statute on civil rights, and empowers the Attorney General to seek injunctive relief. Certainly, the Attorney General must have had these omnibus bills before him when he prepared this legislation, although it is possible that he did not investigate the authorship. I feel reasonably certain that the Attorney General did not know the claimed authorship of those omnibus bills, because he is proceeding to have the National Lawyers Guild listed as subversive.

Read It and Weep

EXTENSION OF REMARKS
OF
HON. ALFRED D. SIEMINSKI
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 24, 1957

Mr. SIEMINSKI. Mr. Speaker, where our money goes, everybody knows.

It goes to run the three branches of our Government.

Each Cabinet official takes a chunk of it to run his department.

A few other outlets handle the rest.

This is an attempt to personalize our budget, to show who handles the money and how he stacks up with his colleagues.

Too bad the post office does not issue each year a series of stamps, one for each Cabinet official showing how much of a chunk he takes out of the budget. So that when you got your mail you could see Charlie Wilson with 53.5 percent credited to him, George Humphrey with 11.1 percent, Ezra Benson, 7 percent; and you would be surprised to see how little the rest take.

The stamps would be issued at the same time the President reads his budget message to Congress. The people would immediately know that the President and his Cabinet meant what they said. Then Congress could go to work on the budget and appropriate the money needed.

Had the Cabinet stamps been issued last January, in addition to the 53.5 percent shown in halo form over Charlie Wilson's head, and 11.1 percent over George Humphrey's head, and 7 percent over Ezra Benson's, we would have for Mr. Folsom 4.2 percent, Mr. Dulles 0.3 percent, Mr. Brownell 0.3 percent, Mr. Mitchell 0.6 percent, Mr. Seaton 1 percent, Mr. Summerfield 0.1 percent, and Mr. Weeks 1.3 percent.

Just how the stamps would dramatize three other items is not known. But they

would show 20.4 percent for independent offices and miscellaneous items, 0.1 percent for legislative, and 0.1 percent for judiciary branches.

The budget could become so personalized and so easy to understand that soon people would realize that the 11.1 percent of the Treasury chunk contains interest on the national debt. Some people think that the interest they get on their bonds comes from money earned by Uncle Sam, money that Uncle Sam gets from profitable investments and not from taxes people pay each year. They would realize that if they are not buying bonds, they are certainly paying taxes to cover interest due on other people's bonds and maybe more would get on the bandwagon.

The budget could become so personalized and so easy to understand with the issuance of Cabinet stamps, that soon people would realize that about a penny out of every tax dollar taken in by Uncle Sam goes to cover the post-office deficit.

The budget could become so personalized and so easy to understand with issuance of Cabinet stamps that soon every housewife and every schoolchild would be able to rattle off where the other 99 cents of every tax dollar Uncle Sam takes in goes and why.

As a step in that direction, Mr. Speaker, I am citing below a budget chart. In its form, I think it is new, simple, and easy to understand. It is conspicuous by its absence of words, phase lines, and programs.

In a flash, it can tell us, if at all, who is rocking the boat; too much to the left or too much to the right?

I hope it helps. Perhaps there are artists like Herblock and Berryman, of the Washington press, who can drive Uncle Sam's budget home on a more personal basis come next January. It follows:

Distribution of 1958 budget estimates by branch and Cabinet office

Branch and department	Expenditures		Obligational authority	
	Millions of dollars	Percent	Millions of dollars	Percent
Legislative	122	0.2	95	0.1
Judiciary	44	.1	45	.1
Executive:				
Agriculture	5,330	7.4	5,158	7.0
Commerce	772	1.1	944	1.3
Defense	38,700	53.9	39,203	53.5
Health, Education, and Welfare	2,831	3.9	3,071	4.2
Interior	704	1.0	718	1.0
Justice	226	.3	235	.3
Labor	418	.6	438	.6
Post Office	58	.1	67	.1
State	230	.3	230	.3
Treasury	8,132	11.3	8,154	11.1
Independent Offices and miscellaneous items	14,240	19.8	14,983	20.4
Total	71,807	100.0	73,341	100.0

Resolution Calling for a Study by the House Interstate and Foreign Commerce Committee of the Censorship Practices of Television and Radio Networks

EXTENSION OF REMARKS
OF
HON. JOHN C. WATTS
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 24, 1957

Mr. WATTS. Mr. Speaker, I have been shocked by recent reports that major television and radio broadcasting networks pursuant to pressures from minority groups, have been, as a matter of general policy, banning references in the texts of Stephen Collins Foster's songs which are allegedly objectionable to such groups.

This, to my mind, suggests strongly the type of action taken by communistic Russia in its suppression of certain styles of literary writing deemed by the despotic leaders in that country to be objectionable and non-Marxist.

As of today, so far as I know, this policy has been made applicable to such of Foster's works as My Old Kentucky Home, Kentucky's State song, which is known and loved throughout the world. However, the logical application of such a policy might well equally apply to the literary works of Margaret Mitchell, William Faulkner, Mark Twain, Harriett Beecher Stowe, and to such currently popular musicals as Damn Yankee, The King and I, and so forth. The list could be a long one.

With a slight modification of the policy, according to the wishes of those who make the policy decisions for the major networks, the policy could be broadened so that most any type of economic, political, religious, or literary censorship could be invoked according to the likes or dislikes of the censor.

I maintain that these censorship acts are repugnant to our constitutional rights of freedom of speech. In fact, this is the worst incidence of book burning that has been called to my attention in the United States in modern times.

Of course, I am not criticizing the right of the networks or radio stations to edit material for adaptation to particular programs or for different uses. But there is quite a difference between such editorial license and a general policy banning particular phrases or references in literature, news, or other material.

Television and radio facilities are operated under license by a Federal agency and are granted monopolistic privileges in the dissemination of material to the general public. A thorough study of this policy should be made for this reason. I offer the following resolution calling for an investigation by the House Interstate and Foreign Commerce Committee of the policy and the authority of the Federal Communications Commission to cope with it in the light of our constitutional safeguards.

One Hundred and Tenth Anniversary of Arrival of Mormon Pioneers in the Valley of the Great Salt Lake

EXTENSION OF REMARKS
OF
HON. FRANK CHURCH
OF IDAHO
IN THE SENATE OF THE UNITED STATES
Wednesday, July 24, 1957

Mr. CHURCH. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a statement I have prepared in commemoration of the 110th anniversary of the arrival of the Mormon pioneers in the Valley of the Great Salt Lake.

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

STATEMENT BY SENATOR CHURCH

Today many of the people of my State join those of our good neighbor to the south, Utah, as well as hundreds of thousands of Latter-day Saints throughout the world in commemorating the arrival of the Mormon pioneers into the valley of the Great Salt Lake. One hundred and ten years ago this afternoon, Brigham Young and the rest of his train arrived in that barren valley bordering the American Dead Sea. Earlier President Young had uttered unforgettable words as he looked from the top of the Wasatch Mountains onto the valley, "this is the place."

This was the place for the pioneers who traversed a thousand miles of the Great Plains and the Rockies to establish their refuge from the unjustifiable persecution they had found to the east. But, despite their courageous and wearying trek, the persecution was still to continue. Exactly one century ago this afternoon, President Young and the residents of the valley were celebrating the 10th anniversary of Pioneer Day in the mountains above Salt Lake at Brighton when news came that the largest peacetime Army ever assembled in this country was being sent to further punish them. This time, however, for all practical purposes, they emerged victorious, victorious without taking the life of a single member of Johnston's army.

But the Saints had more important things to do than fight wars. When Brigham Young said that "This is the place," he did not only mean the valley of the Great Salt Lake, but the entire great basin and intermountain area. President Young sent his followers to all parts of this region, establishing for himself a reputation as the greatest colonizer in this country's history, a history illustrious with the names of such men. The Latter-day Saints established the first settlement in my own State of Idaho, Fort Lemhi, in 1855, as well as the first permanent settlement at Franklin in 1860, where they founded the first school. The Saints went on to colonize the whole eastern part of Idaho, making it verdant with irrigated crops.

The Mormons were the first people to make significant use of irrigation on this conti-

nent. They turned that valley of sagebrush that President Young first looked over into one of the most beautiful cities in America today, Salt Lake City, and they made "the desert blossom like the rose" wherever they settled. The Lombardy poplars you will see if you travel through many parts of the West are not native to the region, but were most likely planted and watered to maturity by members of the Church of Jesus Christ of Latter-day Saints. The Western States have followed their example in irrigation, but it is unlikely that any group without the unity of the Mormon Church could have brought to productivity many of the places of beauty that can be seen in the West today.

The epic of the Mormons is a noble and dramatic one, one which members of all faiths in my State honor and respect. The Latter-day Saints have achieved a position where "All is well" for them with other peoples. They are completely accepted as they so completely accept those from outside their faith. My State is one of harmony, and on this day we pause to pay tribute to the people that settled much of our great West, the Mormon pioneers.

Legislation To Provide Penalties for Membership in Communist Party

EXTENSION OF REMARKS
OF
HON. H. ALLEN SMITH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 24, 1957

Mr. SMITH of California. Mr. Speaker, I am today introducing a bill, the title of which is as follows: "To provide penalties for membership in the Communist Party and to permit the compelling of testimony relating to such membership and the granting of immunity from prosecution in connection therewith."

I have long felt that the Communist Party should be outlawed and that it should be a crime to be a member thereof. In view of the recent Supreme Court decisions, I am introducing a bill to that effect and also to try and take care of the situation whereby a Congressional committee can hold appropriate hearings and obtain information from the witnesses to avoid the problem recently raised by the Supreme Court decisions.

In view of the many Federal laws now on the statute books including the Smith Act, the Communist Control Act of 1954, the Internal Security Act of 1950, and the various sections having to do with compelling testimony and granting immunity, this is an extremely difficult and complicated situation.

The approach is as follows: to amend the first paragraph of section 4 of the Communist Control Act of 1954 in order to provide specific penalties for membership in the Communist Party, if such membership is acquired or retained with knowledge of the purpose or objective of said party. At the present time, section 4 of the Communist Control Act of 1954 provides generally that members of the Communist Party, or any similar organization shall be subject to the provisions and penalties of the Internal Security Act of 1950 as members of a Communist-action organization.

The amendment made by my bill substitutes specific criminal penalties in lieu of incorporating the provisions and penalties of the Internal Security Act of 1950 by reference. The reference to similar organizations is eliminated as duplicating in substance the so-called membership clause of the Smith Act—Title 18, United States Code, section 2385—which provides penalties for membership in "any society, group, or assembly of persons who teach, advocate, or encourage the overthrow," by force or violence, of the Government of the United States, or the government of any State, Territory, District, or possession thereof. The bill provides penalties of not more than $10,000 or imprisonment of not more than 10 years or both for anyone who knowingly and wilfully becomes or remains a member of the Communist Party with knowledge of the purpose or objective thereof.

Section 2 of the bill amends section 3486 of title 18, United States Code to permit Congressional committees to compel testimony with respect to membership in the Communist Party in the course of any investigation relating to interference with, or endangering of, the national security or defense of the United States by "membership in the Communist Party or its successors." Section 3486 is also amended to permit any grand jury or court of the United States to compel testimony with respect to violations of section 4 of the Communist Control Act of 1954, as amended by the first section of the bill. Section 3486 contains established procedures for compelling any such testimony and for the granting of immunity in connection with such testimony.

As a former member of the FBI I have always felt that the Communist Party should be outlawed as such. However, I realize that the argument that this will cause them to go underground has considerable validity. But in view of the recent Supreme Court decisions it seems to me that we must now squarely face this matter and pass appropriate legislation relative thereto. I intend to send copies of the bill and an explanation thereof to Mr. J. Edgar Hoover, Director of the FBI, to the Attorney General, and to other leading authorities requesting their opinion as to whether or not this bill will meet with their approval and be of benefit toward preserving America from continuous attack by members of the Communist Party and fellow travelers.

Random Thoughts on France, Frenchmen, and Algeria

EXTENSION OF REMARKS
OF
HON. EMANUEL CELLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 24, 1957

Mr. CELLER. Mr. Speaker, recently, the French National Assembly made history, highly important history, when it approved 2 treaties with the avowed purpose of merging the economies of 6 European nations into an economic whole and also into an atomic power bloc. These nations comprise 175 million people. The action of France puts into effect treaties previously approved by Italy, Belgium, Netherlands, West Germany, and Luxembourg. These treaties laid down the legal foundation for, first, European Economic Community, and, second, European Atomic Energy Community.

The first, for short, is called Euromarket and the second Euratom. These communities will function under a supranational executive, as well as parliamentary and judicial systems. To these three branches, executive, legislative, and judicial, the component nations surrender some of their national sovereignty. It is hoped that these unions are only a beginning; that they will inevitably lead to a final European federation and that eventually also Great Britain will join the plan.

In both these projects, the six nations mentioned, under the aegis of the North Atlantic Alliance and under the protection of their own defense forces, in effect, deliver a massive defeat to Soviet Russia. Khrushchev and his gang have done all and sundry to prevent the formation of these communities. There were threats, coercions, blandishments, and inducements—all used to prevent any European unification. To the great credit of France and the other nations, the efforts of Russia were successfully resisted. Each of these nations will partake of the strength of each other and will help restore the old European continent as a major war power. Under Euromarket, France and her five neighbors create a single market in the nature of a customs union where all custom barriers will be gradually leveled off, save against those nations outside the union. The plan will give a new impetus in turn to the British plan for a Free Trade Zone associated with Euromarket, and including most of the other free European nations.

We in the United States welcomed the action of the French National Assembly and the approval of these momentous treaties. We do well to lend every aid and comfort to France and those other countries in this undertaking.

I have been in France many times. Sometimes I wonder whether the French appreciate fully the glories and beauties of their own country. I believe it was George Bernard Shaw who paraphrased one of his own bon mots. He said, "France is a wonderful country. Why waste it on the French?" Many thousands of Americans appreciate France and flock to it every spring and summer. It is indeed the favorite mecca of American tourists. I love everything in France, except its bad plumbing.

Criticism is free in the United States and it is equally free in France, and the Americans and the French frequently carp at each other but no two countries or no two peoples have had such a long record of mutual friendship. America has never made war on France and France is the only major power in the world that has never made a war—hot or cold—on the United States. We have

fought against the British, the Spanish, the Italians, the Germans, the Japanese, the Chinese. Our present cold war with Russia has burgeoned with more animosities and hatreds than any hot war we fought, but France has been the ally of the United States and her friend ever since we were a Nation and declared our independence.

There is a famous document in the Archives in Washington; it is a letter sent by Gen. George Washington to his military envoy in Paris on April 9, 1791, which reads as follows:

We are at this hour suspended in the balance * * * our troops are fast approaching nakedness. Our hospitals are without medicines and our sick without nutrition. In a word, we are at the end of our tether and now or never, our deliverance must come.

That deliverance did come. It came from France when our fortunes indeed were at low ebb.

It is well to remind some of the detractors of France of that Washington letter. I would remind a certain gentleman of a famous legislative body of our long hallowed friendship for and with France. He probably did not know of that letter when he made a recent speech which has subjected him to condign criticism—a speech which added fuel to a raging fire. He suggested that the United States use its good offices to solve the Algerian problem. That was a rash statement. It betokened most serious criticism of French policies. We are all entitled and may be under duty sometime to criticize the policies of the American administration on the Algerian issue, but when we consider the ill wind and distrust and jealously that have been created in France by previous pronouncements of our officials and nonofficials on this subject, intervention of this character at this time is a very risky business. The gentleman in question rather oversimplified the whole issue. He disregarded the many complications inherent therein. He has indeed made a bad situation worse. The idea that he created—that the United States should intervene on behalf of Algerian nationalists—has already stiffened thier resistance against the French and has given rise to considerable outbreaks of brutality. The gentleman forgot that much of the trouble stemmed from the aid and comfort given nationalists by the Egyptian megalomaniac, Nasser. The latter has constantly fulminated against the French over his Cairo radio. He has been constantly sending arms and ammunition received from Soviet Russia into the rebel nationalist territory.

It was refreshing to note that Secretary Dulles promptly and properly demurred to the suggestion of intervention. Our ally, France, is deserving in her hour of need of our help—not our acute criticism and condemnation and inane suggestion of interference.

I have been to Algeria. I am somewhat acquainted with the situation. France, far from being guilty of imperialism, as charged, has steadily sought to raise the standards of the people of Algeria through the years. I have seen great evidence of economic, cultural, and spiritual progress. The gentleman in question gave no credit to France for all this. It may be true that France might have done more.

Algeria has been in French hands for almost 200 years. It is a legal part of Metropolitan France, just as Alaska is a part of the United States. Most of its inhabitants are citizens of France. To show her anti-imperialism, France only recently gave independence to Tunisia and Morocco and helped convert her mandates over Lebanon and Syria into independent countries.

France is on her way toward making peace with Algeria. Delicate diplomacy rather than intemperate attack is essential. I can testify that the people of Algeria at this time, particularly those in the south, are not ready for independence, eager as they are to move forward and undoubtedly working hard to reach such readiness. France plans to spend vast sums of money for the future education and advancement of Algerians. She is well-nigh impoverishing herself for this purpose. France has built many schools and hospitals and will build more. She has done much to remove the tin-can shanties and hovels found in the crowded Casbah of Algiers.

The city of Algiers has a population of about 600,000, half of whom are Europeans. The municipality is led by a liberal, forward-looking mayor, Jacques Chevalier, who has made heroic efforts for slum clearance and good housing developments.

Americans are prone to judge other countries by American standards. This is a fatal mistake. Gen. Leon-Augustin Guillaume, an able soldier who spent much of his career in north Africa, said of Morocco and Moroccans:

You Americans always confuse the nationalists here with your own American forefathers, seeing them as fighters for independence against a colonial tyrant. You are quite wrong. The Moroccans are not this historic equivalents of the American colonists. If you must seek historical parallels, then the truth is that the Moroccans are the Indians, the indigenous people. Your American colonists never had to cope with native nationalism because they drove the Indians off the land, killed most of them, and cooped up the survivors on reservations. We French, however, did not drive our Indians off the land. Instead, we showed them how to care for it with modern farming methods. We explored the subsoil and found great mineral treasure. We did not steal those treasures from them by offering them glass beads in exchange. We nationalized the phosphate fields of Morocco for the Moroccan state so that all the profits would go to the Moroccan people and you Americans call us colonial exploiters. Really, my friend, it is most exasperating.

I believe Guillaume was eminently right. In his statement I would substitute Algeria and Algerians for Morocco and Moroccans.

It is all very well for Americans to talk glibly on independence. Independence does not necessarily mean democracy. It is, indeed, highly questionable whether Algeria should at this time receive self-government. Such a gift may actually be dangerous, if not fatal. As Thomas F. Brady said, in a recent New York Times magazine article:

To want to fly with one's own wings implies serious preparation, trained men, stability, and political equilibrium—all things that cannot be acquired in a day or a year.

Unfortunately, at this date violence in Algeria shows no abatement. The national liberation front seems as strong as ever. The European element, numbering 1,200,000, opposes any real concessions to the Moslems. The Moslems outnumber them 7 to 1. Many of the Berbers and Arabs want peace, but they are so cowed by the ruthless pressure of nationalist rebels that they dare not openly stand by France. We find in Algeria a bleak picture. American Members of the House and Senate should be very careful in their remarks, lest they exacerbate the serious situation. Certainly, it is ridiculous to urge cavalierly that the French grant immediate independence and ignore the labyrinth of difficulties inherent in the area. Meanwhile, the Arab-Asian bloc in the United Nations is driving for a United Nations General Assembly debate—a debate which will only fan the embers of discontent and conflict.

Whenever I get into mixed American company and I speak of France, many questions arise to the lips of my listeners. These are some of the questions: Will the French fight? Is France a reliable ally? Why do they have 2-hour lunches? Why do not the French pay their taxes? Are the French anti-American? And so forth.

Will the French fight? I will say they will, when properly provoked. Will the French fight? They have been doing nothing else for a century, indeed, for the past thousand years. The French have made manifest their courage in fighting many times in history. Reflect but a moment. See the bloody battle of Verdun. Verdun is a badge of courage that any nation would willingly wear with great pride. For almost a year the disciplined Germans and the undisciplined French were locked in a deadly embrace, but it was the so-called tough Germans who gave way, and the French triumphed.

Sometimes we hear it said that the French will not fight a crusade against Russia or against communism. Those who query forget that the Communists were thrown out of the French Government and purged from the army and the police away back in 1947, 10 years ago, and have not been able to come back into the army or the police or the Government ever since. The French resisted all Communist endeavors to keep her out of the Atlantic Pact and to keep the Atlantic Alliance headquarters out of France.

All this is to the credit of the democratic French and they were able to challenge successfully, not only the Communists outside but inside of France. There are many nominal Communists in France. Remember, at times 1 out of every 4 French citizens vote Communist. The question might be asked, "Why do so many Frenchmen vote Communist?" The preponderant number of French Communist voters are not Communists. There are about 4 million who are malcontents, fed up with the failures and broken promises of some of the weak governments, and some of the administrations of France have been weak.

These voters are tired of being gouged by profiteering speculators. They are weary of hot, cold, and colonial wars. They say, "Where else can I register my protest? How else can I frighten the Government into cleaning up whatever mess there may be?" They also add, "If I thought there was any chance the Communists would come into power in France, I would never vote for them."

If the Communists ever try a coup d'état as they did in Prague, these so-called French Communists would go out on the barricades to stop them.

Remember, General Eisenhower did not choose Paris for his headquarters or France as a key area for NATO because he liked French wines or French hotels or the Champs-Elysees. Indeed, France strategically is a keystone of any European coalition. General Gruenther has put it this way:

France is essential to the Atlantic Alliance. We need and want German troops, but not as a substitute to the French. No defense of Europe is possible without the participation of France.

And the French do pay their taxes. Remember, the French national tax burden is as heavy as that of the United States, but unfortunately is not as equitably shared or as directly assessed as our taxes. Tax evasion is practiced by the peasants and shopkeepers. They are difficult to control. But most Frenchmen pay taxes, very heavy taxes.

They also eat 2-hour lunches, but they do not take morning coffee breaks and afternoon teatime recesses, like the Americans and the British. Also, they work later. They work until 7 or 8 o'clock. New York offices are empty at 5.

Are the French anti-American? Some are, but most are not. They criticize us, we criticize them. But when we need them, they are on our side.

One cannot praise France too much for its artistic creations. More than a half-million foreign students have enrolled at the Sorbonne, more than at any other university in the world. From every corner of Europe and Asia have come students, writers, painters, architects, engineers, to study in Paris.

Here is an interesting bit of information: John Howard Payne wrote Home Sweet Home, one of the most homespun of American songs—in Paris. James Farrell wrote of that American boy, Studs Lonegan—in Paris. James Fenimore Cooper wrote of The Prairie of America while sitting in the sidewalk cafes in Paris. James Joyce, Gertrude Stein, Ernest Hemingway, John Dos Passos, John Steinbeck—all have made the pilgrimage to Paris and partaken of her inspirations and written glowingly.

What would doctors do without the stethoscope? It was designed by Dr. Laennec in 1890. The stethoscope is a French instrument. The blind of the world can read, thanks to the ingenuity of a Frenchman named Louis Braille, who was also blind. When you next drink a glass of pasteurized milk, you might well give a toast to the great French biologist, Louis Pasteur. A measure of electrical current has been immortalized by the name of a French physicist, André-Marie Ampère. Louis-Jacques Daguerre gave us the French photographic invention, the daguerrotype. Neon lights are the invention of the Frenchman, Georges Claude. The adding machine, the balloon, the gyroscope, the screw propeller, smokeless powder, the machinegun, rayon, the thermometer—all were French inventions. Pierre and Marie Curie discovered radium. Marie Curie was the first person, and the only woman in history, to win the Nobel prize twice.

Despite its political vicissitudes, France is the only major power on the continent of Europe that has remained loyal to democratic traditions. In the past 50 years, Russia has gone Communist; Italy, Fascist; Germany, Nazi; Spain, Phalangist. France alone of the important continental powers never succumbed to any of these "isms" that seize Europe. She stood alongside democratic Britain and democratic America.

In evaluating France, we Americans must see the picture whole. We cannot lose sight of the forest for the trees. We cannot pick out a little incident here and another incident there that might not be to our liking and judge her exclusively by those limited factors. France was a great country; France is a great country, and will remain such.

Food for Civilian Survival in Event of War

EXTENSION OF REMARKS
OF
HON. HAROLD D. COOLEY
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 24, 1957

Mr. COOLEY. Mr. Speaker, we are confronted today by the startling fact that this Nation is utterly without a plan to meet the emergency food needs of its civilian population, in event of a nuclear war.

This frightening situation is brought forcefully to the attention of the American people in a report just released by the Consumers Study Subcommittee of the House Committee on Agriculture.

The report sets forth the further fact that we have no plan in being to meet the emergency food needs of our allies, should war break upon us.

Mr. Speaker, this subcommittee, headed by Representative VICTOR L. ANFUSO, of New York, has rendered the Nation an immeasurable service in focussing attention on what it so fittingly describes as "perhaps the weakest link in the chain of defense planning." This bipartisan group issued its report by a unanimous vote, without thought of politics but in consideration of the safety of our Nation.

With the unanimous consent of the House, I shall insert the report in the CONGRESSIONAL RECORD, so that the text may be readily available not only to the membership of the Congress but will be circulated throughout the Nation.

The Consumers Study Subcommittee's report on food for civilian survival in event of war follows:

FOOD FOR CIVILIAN SURVIVAL IN EVENT OF WAR

In the event of nuclear war the United States is utterly without a plan to immediately feed its civilian population, including its Territories and possessions. Moreover, there is no design in being for immediate availability of food for our allies.

This constitutes perhaps the weakest link in the chain of defense planning, within America's boundaries, and in concert with other nations of the Free World.

The subcommittee is aware of the many important civil-defense studies and programs which are in process or have been completed. It recognizes that at the Federal level very good work has been done in developing civilian-defense programs, and these have been carried out in cooperation with the State and Federal agencies. These programs have included emergency feeding of people evacuated from military installations and urban communities. Valuable experiences also were gained in the national alerts in 1956 and in 1957. Yet the subcommittee is forced to conclude that if war should strike tomorrow the United States would find itself without an adequate emergency food-reserve program.

The Federal Civil Defense Act, known as Public Law 920, was enacted by the Congress in 1950. It was designed to protect life and property in the United States from attack. It was foreseen that the attack could be "in any manner by sabotage or by the use of bombs, shellfire, or atomic, radiological, chemical, bacteriological, or biological means, or other weapons or processes" (sec. 3). The act is to be administered by an administrator known as the Federal Civil Defense Administrator with power to delegate responsibility for preparing national plans and programs and to delegate any of these responsibilities to the several departments and agencies of the Federal Government. There is nothing in Public Law 920 designed to sustain or protect the civilian population in any foreign country where the United States now has, or in the future will be required to have, military forces.

The Consumers Study Subcommittee was created on March 14, 1957, by Representative HAROLD D. COOLEY, chairman of the House Committee on Agriculture. One of its functions is to study and investigate the stockpiling of food for national emergencies.

REPORTS AND VIEWS ON STOCKPILING PRESENTED

On June 12 and 13, 1957, the subcommittee held hearings on food stockpiling. Witnesses appeared from the Department of Defense, Department of State, Department of the Interior, Department of Agriculture, the Office of Defense Mobilization, the National Grange, and the National Farmers Union. A representative of the Office of Civil Defense also attended these hearings.

The subcommittee finds that 7 years after the enactment of Public Law 920 there is not in being a comprehensive or otherwise adequate overall food program aimed at maintaining sufficient emergency food supplies for the civilian population in the United States, its Territories and possessions. Of deep concern to the subcommittee, also, is the fact that there is no plan in being to protect civilian populations in foreign territories which are part of the defense orbit of allied military operations.

The Department of Defense reported to the subcommittee that it maintains only minimum stocks of food for the Armed Forces. Large additional quantities of food would be required for the military in the event of an attack. The Department of Defense depends upon the Department of Agriculture for assurance that the needed food supplies will be available when and where needed. Yet no plan for strategically located civilian food stocks has been developed.

The Department of Interior reported that United States Territories and possessions import from 20 to 90 percent of their food supplies from the mainland. Interruptions in ocean shipping would cut off normal food

imports. For example, 2 of our most strategic areas, Guam and Alaska, import 90 and 80 percent, respectively, of their food supplies. Another and perhaps even more serious example is Hawaii, where the people are dependent on food imports from the United States mainland. In the event of war enemy submarines or other type of warships could isolate the islands and force the people thereon to capitulate for lack of food. Yet no plans have been developed for emergency feeding in our Territories and possessions.

The Department of State reported that our foreign policy embraces assistance to friendly countries who wish to build up reserves or strategic stockpiles of food. In some cases a part of the purchases of surplus foods under title I of Public Law 480 have been used to build more adequate food reserves, notably in India and Poland. Yet no plans have been formulated for United States cooperation with other countries in building strategic food reserves to buttress our NATO and other military alliances.

The Department of Agriculture presented to the subcommittee a detailed statement embracing explanations of what it has done in the way of formulating an overall program of food preparedness. The Department concluded its statement as follows:

"The need for stockpiling must be critically examined, and it must be clear that there is a justifiable need, and that there is no satisfactory and less costly alternative for the safety of our people, before undertaking this difficult and expensive task."

FARMERS WANT CITY POPULATIONS PROTECTED

The subcommittee was impressed by the position of the National Grange, a major farm organization, on the stockpiling of food near major centers of population. The Grange presented a statement saying in part:

"The National Grange is particularly pleased that this subcommittee is holding hearings on food stockpiling for defense. It is a subject of tremendous importance. The welfare of millions of Americans is involved and perhaps even the survival of our country in time of war.

"The National Grange favors the establishment of food reserves at strategic locations throughout the country. We consider such reserves as a matter of fundamental prudence and a basic part of national preparedness.

"As well as we have been able to learn, there is no emergency food plan in existence today. If there is one, it's a well-kept secret.* * *

"If Baltimore (as an example) were hit by an enemy missile or bomb today, several hundred thousand people from Washington—along with survivors of the Baltimore attack—would be roaming the hills and valleys of Virginia west of here by tonight or tomorrow. The Virginia counties west of here are not prepared to feed and take care of several hundred thousand refugees from Washington and Baltimore. The food isn't there. Without food and without a plan, there would be extreme disorder, to say the least."

Conditions would even be more chaotic in cities like New York, Boston, Pittsburgh, Los Angeles, San Francisco, and the rural areas surrounding them.)

"There could be wheat in Minnesota, corn in Illinois, and beef in Nebraska, but it might as well be a million miles away unless there is an orderly and practical plan for getting it to the hills of Virginia in time to be used. * * *

"If there ever is an attack—or even the imminent possibility of an attack—it will be the farm countryside that will bear the burden of feeding and caring for the millions of our fellow Americans who come out from the cities to stay with us during the emergency. The farmlands would become the support areas—the place where a great many Americans would catch their breath and organize for the next step in fighting back. We hope against hope that all this may never happen, but if it ever does, we think food stockpiles will be vital—and cheap at any price."

FINDINGS

The survival and safety of the civilian population are the basic responsibility of Government in times of enemy attack. This is not to say the States, private organizations, and individuals can abdicate their responsibilities.

In this respect it must be noted that in any major war the first enemy blow may be expected to fall upon concentrated civilian populations, to cripple industrial potential and in the expectation of destroying a people's will to resist.

Food is the one indispensable element in survival and morale. Its presence would be likely to lessen fear and prevent panic and terror in an evacuating population of a city.

The subcommittee finds (1) that such plans as have been devised under the Federal Civil Defense Act of 1950 are by no means sufficient in the event of an attack to take care of our American civilian population within the continental limits of the United States, its Territories, and possessions; (2) that there is absolutely no plan in being to sustain or protect civilian populations of foreign countries having allied military operations or bases; and (3) that there is too much delegation of responsibility under Public Law 920.

Insufficient urgency has been attached to the planning of emergency food supplies.

We recommend that the Government move swiftly to formulate plans and gather facts to assure that emergency stocks of food commodities will be available at accessible locations as reserves against possible disaster.

We have heard testimony regarding the vital importance of adequate food supplies in strategic locations in case of military operations. We consider an adequate emergency food program both within the United States and in friendly countries a vital part of our program of national and international defense. We consider the cost of such a program as much a part of the general cost of defense as the payments made for aircraft, bombs, missiles, ships, and tanks.

This subcommittee recognizes that an emergency food program involves a number of problems, such as rotation of stocks, not encountered in other defense supply programs. None of the peculiar problems are insurmountable, however, if the technical staffs of the executive agencies are given instructions to develop remedies.

We believe there should be a relocation of food-storage facilities throughout the country so that each major city will have strategic reserves in the accessible rural areas. We believe that these facilities can be planned, constructed, and operated in such a way that the food stocks can be rotated into normal trade channels and that the facilities can contribute to our ever-growing civilian needs for additional food storage.

We recommend that consideration be given to the utilization of existing underground facilities in the large metropolitan areas and the development of such new facilities which, while serving a peacetime purpose, can be used to stockpile essential food, water, and other necessities as a part of our national-defense program.

We are convinced that the departments of Government mentioned in this report recognize the necessity for an overall food program attuned to possibilities of war or other national emergency and that each department wishes to cooperate in the solution of this problem. However, we believe that this matter of strategic food stockpiling is too important and too complex to be handled entirely by any single department of Government, and that the authority created under Public Law 920 is insufficient to provide for all of the emergencies contemplated by this report.

CONCLUSION

The subcommittee finally recommends in the light of the above findings that the President give this important problem his immediate attention, that he create a new coordinating board or council from personnel of existing agencies of Government, and that he delegate to it the specific authority and responsibility of devising plans for national and international food programs designed (1) to protect the civilian populations in the event of attack, and (2) that this subcommittee be kept informed of the planning of said board or council in order to propose such legislation as may be necessary to make the work of said board or council more effective.

Address By Hon. Gordon H. Scherer Before the Westchester County American Legion

EXTENSION OF REMARKS
OF
HON. EDWIN B. DOOLEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 24, 1957

Mr. DOOLEY. Mr. Speaker, the Honorable GORDON H. SCHERER, of Ohio, was the recipient of the sixth annual Americanism award of the Westchester County American Legion, at a ceremony at Mamaroneck, N. Y., on July 12.

Because the ceremony was significant and meaningful, I request, Mr. Speaker, that I be permitted to extend my remarks in the RECORD and include the speech of the Honorable GORDON H. SCHERER.

The award was presented by James B. White, chairman of the county Americanism committee, who praised Congressman SCHERER for his militant defense of American ideals.

In accepting the award before a throng including many distinguished notables, among whom were a number of Westchester village and county officials, Mr. SCHERER stated that—

> Unless recent decisions of the United States Supreme Court hampering attempts of investigators to uncover the Communist conspiracy to overthrow this country by force can be nullified, there will be a resurgence of Communist activity in the United States that will not only make your hair curl but your stomach turn.

It was my pleasure to join with Mayor Joseph Dalfonso of Mamaroneck in extending to Congressman SCHERER a warm welcome on behalf of the village and the community. In welcoming Congressman SCHERER, Mayor Dalfonso told the crowd of more than 250 persons that Mamaroneck was proud of its own Legion post and was happy that the convention had come to the friendly village. He praised the work of the Legionnaires in deterring un-American activities.

Among the guests introduced were Rabbi Benjamin Schultz, executive director of the American Jewish Legion Against Communism; Gardner Osborn of the Federal Hall Memorial Association, and past president of the American Coalition of Patriotic Societies; Joseph C. Keeley, editor of the American Legion

magazine; Archie Roosevelt, son of the late President Theodore Roosevelt, and president of the Alliance Corp.; Alfred Kohlberg, head of the China Lobby; George Mead, past president of the New York department, commander, and rehabilitation chairman; and Norman Marks, vice commander of the department of Italy.

The address follows:

ADDRESS BY HON. GORDON H. SCHERER, OF OHIO

Chairman White, County Commander McKay, distinguished officers of the American Legion, Father Flynn, Rabbi Schultz, Mayor Dalfonso, Mr. Archiband Roosevelt, Mr. Gardner Osborn, Mr. Alfred Kohlberg, and my colleague, EDWIN DOOLEY, who is so admirably representing the people of New York in the Congress of the United States, a generation ago an award such as you are giving me tonight would have been applauded by most people. Today the honor you confer upon me brings wide and varied reactions. They range from approbation by America's fast-waning patriotic societies to contempt and hatred by the Communist conspirators within our American community.

The ill will of the latter, our sworn enemies and would-be destroyers, we accept without question. They are the challenge we must face in our time. They are the Marne, the Anzio beachhead, and the Iwo Jima of today, tomorrow, and God only knows when after that.

And then there is that fast-growing, cynical segment of the populace which scorns and scoffs at an Americanism award. To them patriotism represents immaturity, narrowness, and old-fashioned sentimentalism. To them reverence for the flag is an emotional display for those who relish parades and silly rituals. To them Americanism is not even secondary to one-worldism. To them the American heritage and basic constitutional rights should be chipped away and even surrendered when political expediency—a Girard case—demands.

We then come to that group of so-called loyal citizens to whom the world Americanism is distasteful although they will not admit it. They are the extreme left-wing, who for one reason or another have lost faith in the American system. They love socialism and have even flirted with Marx and Lenin. These are the boys who through the years, wittingly and unwittingly, have given their names, money, and prestige to the innumerable Communist-front organizations in this country. They are the boys who are the foolish and naive puppets of the Communist agents within. They are the boys who, more vigorously than all others, have fought and attempted to discredit the Americanism Commission of the American Legion and the investigating committees of the Congress. Why?

The answer is simple. The Commission and the committees are the forces which have turned back the cover and shown how these gentlemen were foolishly and carelessly sleeping in the same beds with the agents of the Kremlin. They did not like the exposé and ever since have been attempting to discredit those who put the spotlight on the naked truth of Communist-front subversion within the United States.

So it is evident that not all applaud an Americanism award. However, I am deeply grateful and in all humility I thank God that I am on the American Legion's side in this fight.

Yes, it was the American Legion—which on the battlefields of the world had repelled aggression from without—which first saw the threat from within. It was the Legion and a few kindred spirits which first recognized that the United States and the Free World were faced with a new method and weapon of warfare. Legionnaires who had fought the enemy with gun and bayonet soon learned that there was a new, subtle, and more deadly weapon created for our destruction—a weapon more effective than the hydrogen bomb, namely, the internal subversion of our country and the Free World.

The Legion early recognized the subtle, diabolical strategy of boring from within, not only in the various agencies of Government but into every activity and institution of American life, for the purpose of weakening those institutions so that, when the time came to move in, the task would be so much easier of accomplishment.

The Legion saw how one country after another of the Free World was taken behind the Iron Curtain by this new weapon, this new method of warfare—the internal subversion of these countries.

Legionnaires saw what was happening in America. They saw how agency after agency of the Federal Government was infiltrated by Communist conspirators. They knew that one agent within was more dangerous to our safety and security than 10,000 enemy troops poised on the other side of the Iron Curtain.

They knew that the Communist Party was not a political party as we know political parties in the United States—that we were not dealing with an economic or political philosophy. They knew then, as was pointed out years later by E. H. Cookridge in his book, that we were dealing with the sordid story of theft of atomic and NATO secrets, or arson, sabotage, poisoning, assassination, and abduction, plotted in Moscow and carried out all over the world.

Members of the Legion knew how to deal with enemy troops; they had demonstrated that ability on the battlefields of Europe. They were, however, a little uncertain how to deal with the Communist agents who worked underground in the agencies of government, in the school and in the shop.

They pondered the statement of George Dimitrov, one of the top world Communists, who said:

"As Soviet power grows, there will be a greater aversion to Communist parties everywhere. So we must practice the techniques of withdrawal. Never appear in the foreground: Let our friends do the work.

"We must always remember that one sympathizer is generally worth more than a dozen militant Communists. A university professor, who without being a party member lends himself to the interests of the Soviet Union, is worth more than a hundred men with party cards. A writer of reputation, or a retired general, is worth more than 500 poor devils who don't know any better than to get themselves beaten up by the police.

"Every man has his value, his merit. The writer who, without being a party member, defends the Soviet Union, the union leader who is outside our ranks but defends Soviet international policy, is worth more than a thousand party members."

The Legion realized it needed help in its fight because Americans in high places would not listen to its warning.

The Legion was accused of seeing ghosts, of witch hunting. It realized it was necessary to expose these agents of the Kremlin and their activities to the cold light of common day so that all America might understand this new and subtle weapon of modern warfare, so that all America might see that the same thing was happening to it as had happened in other parts of the world.

It was the American Legion which went to its Government for help.

It was the American Legion which played a leading role in the creation of the Un-American Activities Committee of the Congress of the United States. The American Legion has walked shoulder to shoulder with this committee for more than a decade.

The Federal Bureau of Investigation had patiently and carefully put its finger upon the traitors within, yet it could not expose or prosecute. It could not pass legislation needed to deal with this sinister conspiracy.

It was the investigating committees of the Congress which finally brought to light the penetration of this fifth column. Law after law was recommended by the Un-American Activities Committee and adopted by the Congress so that we could deal more effectively with this threat from within.

With one fell swoop in the last few weeks the Supreme Court of the United States has seriously weakened, if not destroyed, most of the weapons that have been available to deal effectively with the Communist conspiracy.

Our committee was commencing hearings in San Francisco 3 weeks ago last Monday when the Supreme Court handed down the Watkins decision and the one freeing the convicted California Communists. On that day—Red Monday—a former chairman of the Communist Party in California rejoicingly exclaimed that it was "the greatest victory the Communist Party in America has ever received." She said:

"It will mark a rejuvenation of the party in America. We have lost some members in the last few years, but now we are on our way."

The committee saw and felt that rejuvenation at the San Francisco hearings. During the last few years, the Communist hangerson at such hearings had diminished. Enthusiasm had been dampened. The witnesses exhibited less confidence in the rightness of the Communist cause.

All this was changed in San Francisco. The Communists filled the large hearing room and overflowed into the corridors. Their snide and vituperative remarks to committee members as they passed through the halls and on the elevators were again in evidence. The witnesses and the lawyers were jubilant as well as arrogant. The delaying tactics, the evasiveness, and the long Communist propaganda speeches returned.

As we grappled during the hearings with the strangling directives of the Court, we came to the conclusion that Justice Tom Clark, in his dissenting opinion, was right when he said that the investigating committees and the Federal Bureau of Investigation "may as well close up shop" and go home. Yes, it was a great day for the Kremlin but an ominous one for the people of the United States.

I predict that, unless these decisions can be nullified by action of the Congress, there will be a resurgence—a rejuvenation—of Communist activity in the United States that will not only make your hair curl but your stomach turn.

Lenin, Stalin, and other top Communists have always predicted that the United States would be destroyed from within, as have been most of the countries that have been taken behind the Iron Curtain since 1933. Their predictions have a far better chance of becoming a reality as a result of these decisions.

Perhaps I can illustrate by example how one of these decisions, namely, the one in the Watkins case, affects the committee's fight against subversion. Following the public hearings in California, the committee on Saturday held an executive session for the purpose of obtaining evidence in the commencement of an investigation into a new and unexplored field of Communist subversive activity in the United States.

The hearings were held in executive session because it was imperative that for the time being at least the objectives of our investigation be kept highly secret and that no notice be given to the Communists as to the fact that the committee had even any knowledge of these particular operations.

It was apparent that if they had such knowledge, the whole investigation might fail completely. As an example, some witnesses and documents would conveniently disappear; witnesses would be alerted and

their testimony changed or slanted. Of course, if Communist agents were aware of the fact that we had knowledge of the activity, it might be discontinued or go underground.

Now let's see what happened. When the witness appeared, his lawyer, armed with the decision in the Watkins case, demanded, before he would let his client even answer as to his occupation, that we outline in detail the nature and object of our investigation and then explain fully how each question we asked his client was pertinent to the subject and object of the investigation.

Obviously, we had no alternative except to dismiss the witness and forego the investigation. Certainly it was better to do this than to tell the Kremlin what we knew.

The tragedy of the Watkins decision is that the conclusion reached by the Court is based on a false premise. The Court assumes that the Un-American Activities Committee is investigating communism as an economic and political philosophy and that the Communist Party in the United States is a political party as we know political parties in this country. On the basis of this false assumption, the Court comes to an apparently logical but novel conclusion.

However, every school boy should know by this time that the Communist Party is not a political party but a conspiratorial apparatus—a fifth-column arm of the Soviet Union with whom we are at war even though it may not be a shooting war. In fact, the Congress of the United States has by law so stated.

Perhaps the Court has never read the secret oath an individual takes when he joins the Russian conspiracy—the Communist Party. This oath reads:

"I pledge myself to rally the masses to defend the Soviet Union, a land of victorious socialism. I pledge myself at all times to remain a vigilant and firm defender of the Leninist line of the party, the only line that insures the triumph of Soviet power in the United States."

Much has been said and written recently about the influence which the law clerks of the Supreme Court have on its opinions.

But there has been little or no discussion of the activities of certain professors and the part they may have played in these recent unorthodox decisions. It is no longer a secret that there is a considerable amount of ill will, bordering in some cases on hatred, by these professors for Congressional investigating committees. They have determined in one way or another to destroy these committees ever since some of their clique were subpenaed to tell about their Communist and Communist-front activities.

As examples, on March 1, 1956, Lawrence Raymond La Valle, a professor at Dickinson College, Carlisle, Pa., who had been identified under oath as a Communist, was called before the Un-American Activities Committee. He did not deny his Communist activity. He refused to answer all pertinent questions on the ground that to do so might tend to incriminate him. The board of trustees of the college, after an investigation, removed him. Within a few days the American Association of University Professors severely censured the college for its action.

Two years before Prof. Byron Darling was discharged after a hearing by the president of Ohio State University, following his appearance before our committee where he had been identified as an active Communist while he was doing research work on a project for the Government of the United States. The same American Association of University Professors censured Ohio State for its action. There are other instances in which the association acted similarly.

These professors have been indoctrinating students not only with their pet philosophies but also with their animosity against the investigating committees.

A short time ago I spoke to a group at a university. Before the meeting I overheard two students discussing the fact that their professor, who had a violent antagonism toward Congressional investigating committees, had insisted that they attend so that they might heckle me. In fact, he had supplied them with questions which he felt certain would stump the witch hunter.

Some of these young indoctrinated law students, with no practical experience in the practice of law and the realities of life, wind up as clerks in the Supreme Court.

I have read in some of the recent shocking Supreme Court decisions almost the exact words, phrases, and arguments that have been used by some of these professors in their attacks against the committees.

The Justices and the clerks have been hesitant to explain to the press what part these law clerks play in the preparation and writing of decisions. It would be interesting to know and to be able to trace the source of some of the language and conclusions found in recent opinions. There are some telltale paragraphs which might indicate that they come from minds which have lived in ivory towers, far removed from the realities of the trial of causes in the courtroom or the functioning of investigating committees of the Congress.

There is another phase of this whole discussion that has not been given too much attention. It must be remembered that this long series of decisions, freeing common criminals and Communist conspirators, have been reversals of the so-called lower Federal courts by the Supreme Court. It is significant to note that these varied cases arose from different parts of the country. Different Federal district judges and members of the United States Circuit Court of Appeals tried and reviewed each of these cases.

The same lawyers appeared; the same briefs were filed; the same arguments were heard attacking the constitutionality of laws passed by the Congress and the procedures of its investigating committees. These Federal courts and some State courts have sustained these convictions, have sustained the constitutionality and validity of the laws involved and the procedures of the Congressional investigating committees.

It is generally recognized that most of the lower court judges, both at the State and Federal level, are career men, have more experience and are better versed in the law than the members of the Supreme Court and their law clerks. Can these Federal and State judges always be wrong in these particular matters?

From what I say, I would not want you to believe that the dilemma in which we find ourselves in this whole field which I am discussing today has been caused 100 percent by the Supreme Court. The Congress and the executive branch both today and in the past, share some of the responsibility.

Let's look for a moment at just one phase of the Girard case. Here Congress shares part of the responsibility for not passing the Bricker amendment; the Executive in yielding to expediency; the Supreme Court for avoiding the real constitutional issue involved.

Let's take this brief look at the result. Within the last few weeks we find that an alien Communist in this country, dedicated to its overthrow by force and violence if necessary, is not guilty under the Smith Act until and unless he takes actual steps in urging some specific act or deed toward the overthrow of the Government by violence. He is now free to thumb his nose at Congressional committees when asked to name his fellow conspirators and tell about their activities in the conspiracy.

The Federal Bureau of Investigation and congressional investigating committees are strangled, handcuffed, and hogtied by new and undreamed-of restrictions so that they cannot deal effectively with a member of Russia's fifth column or a common rapist.

By contrast, last week the Supreme Court placed the stamp of approval on the policy of this Government and the law which permits an American boy who is drafted into the Army and compelled to serve in a foreign country, to be tried by the courts of that country. He has no choice as to whether that service will be performed in the country of a friendly ally or in one which was bombing him at Pearl Harbor or sniping at him on Corregidor or Iwo Jima.

This American boy, away from the restraints of home, in a community where there is always animosity against occupying troops, if he transgresses the law, can be and has been tried against his will by the people of a foreign country.

His trial not only starts in a biased, prejudiced, and often hysterical atmosphere, but he is also deprived of the basic constitutional rights of every American—rights which his country gives to an alien Communist conspirator and a common rapist. He may be tried without a jury—without the presumption of innocence—without the right that his accuser be required to prove his guilt beyond a reasonable doubt—without the right of habeas corpus, without the right to face his accuser, without the right to cross-examine the witnesses against him, as provided by American procedures.

Then, if this American boy is found guilty, he is often compelled to serve a sentence in a foreign jail, where the accommodations and standard of treatment are far below those in this country. In many instances, for the same offense in this country, he would be placed on probation.

Gentlemen, the Constitution and the flag no longer follow the American soldier.

But the strange thing about all of this is that the leftwing liberals in this country—who shed oceans of crocodile tears over some Communist being asked embarrassing questions by an investigating committee—have applauded or have been strangely silent about the loss of these basic constitutional rights by the guardians of our liberty and security—the American boy.

The investigating committees of the Congress, the American Legion, the Daughters and Sons of the American Revolution, the Minute Women, and other patriotic organizations during the years have had some dark days in their fight against the internal subversion of the United States. We have been bitterly attacked and maligned. We might as well admit that we and the American people have suffered in the past few months some rather disastrous defeats.

There are times when the situation becomes so frustrating and seemingly hopeless that one is ready to give up. It is not the Communists who discourage us. It is their apologists in this country, so-called respectable and influential citizens who are constantly vilifying the anti-Communists, who dishearten one. These are the people who are trying to convince the great mass of apathetic Americans that, if there ever was a danger, it is past—that we who are in this fight are beating a dead horse for publicity and personal aggrandizement—that Americanism commissions and investigating committees should be abolished and buried in ignominy. This cabal is making some headway with help from high places, as high as the Supreme Court of the United States.

As Al Smith, a great Governor of your State, once said: "Let's look at the record."

J. Edgar Hoover, perhaps the greatest authority on international subversion, in his Independence Day warning to the American people just last week said.:

"Public apathy is the sure way to national suicide—to death of individual freedom. It allowed the Communists to penetrate and make satellites of once free countries, and it is presently enabling them to honeycomb and weaken the structures of the remaining

countries, and there is today a terrifying apathy on the part of Americans toward the deadliest danger which this country has ever faced. Some of that apathy is deliberately induced.

"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 objective, which is to make you believe that it is shattered, ineffective, and dying. When it has fully achieved this first objective, it will then proceed inflexibly toward its final goal.

"Let no one for a moment forget that the Communist Party, United States of America, is part and parcel of an international conspiracy whose goal is conquest of the world. The Communist conspiracy will not halt its march automatically; it must be halted. Those who try to minimize its danger are either uninformed or they have a deadly ax to grind."

Within the last year the Attorney General of the United States, in his report to the President, said:

"Communists and their agents will remain a serious threat to our internal security so long as Communist dictatorships threaten the peace of the world. It is only by continuing to expose their tactics and activities that we shall prevent the resurgence of this international conspiracy in the United States."

That is in part what the investigating committees of the Congress are doing. That is what the Americanism Commission of the Legion, the Firing Line, and the American Legion magazine are doing.

In spite of these and many more warnings by men who are in a position to know, many segments of our people, including the Supreme Court, are falling into line and making a reality of the Communist Party's present objective.

People are told that the investigating committees are beating dead horses; that they are exposing and smearing persons who merely joined the Communist Party many years ago as an intellectual excursion into Marxism.

This is not so.

As an example, let's look at a recent revelation of the committee, to determine the truth or falsity of these charges.

Last year the committee began an investigation of the illegal use of passports by American Communists and fellow travelers. A great hue and cry went up from the left-wing against the committee. It was charged with censorship and violating civil rights—the right of Americans to travel freely abroad.

The clamor, however, died down. The critics became strangely silent and turned their attack in another direction when the hearings revealed that passports were being obtained by fraud and perjury. Passports thus obtained were being used by Communists to go behind the Iron Curtain and attack the United States at phony peace meetings and other gatherings.

Let me give you just one example out of hundreds to show what was happening.

Louis Wheaton, a college-trained man, in his application for a passport, stated under oath that he wanted to go to France and Switzerland to further his education. Instead he went to Peiping, China. He made a series of radio talks over the Communist radio. They were monitored by our State Department. In his first speech, he said:

"It is necessary to end war now being conducted with such horror and savagery. What has been done in the name of the United States against the peoples of Korea and China is an unspeakable shame before history and humanity.

"I have seen the evidence that we are using bacteriological warfare and jellied gasoline to burn defenseless women, children, and the aged. I say the evidence is damning."

A few days later, in another vicious attack against the United States, Wheaton charged American boys with ruthless and inhuman behavior. He said that in one village in Korea, he saw more than 300 children put into a warehouse, their mothers into another building: That gasoline was poured around the warehouse and set afire; that American boys then machinegunned the mothers as they rushed to save their children in the burning building.

Is there any doubt that Louis Wheaton was giving aid and comfort to the enemy in a time of war?

Yes; as I have said, there were those who claimed the committee was wrongfully interfering with Americans and their right to travel freely abroad when it was attempting to obtain evidence to warrant recommending legislation to plug up loopholes and strengthen the laws relating to passports.

An incident which brought world-wide attention in the last 2 weeks demonstrates the necessity for such legislation.

Russian-born George Zlatovski and his wife were indicted for espionage and spying. Two years ago these two people made application for a passport. The court said that the State Department must either give them a passport or disclose why it was being refused.

It is obvious from what has now happened that the security of the United States would have been jeopardized if the State Department had revealed that these people and others were being investigated for espionage. Therefore, under a court ruling which invades the prerogatives of the executive branch, the State Department was compelled to issue them a passport. As a result, we have had persons now indicted for espionage traveling freely abroad for 2 years on a United States passport. Now we must try to get them back to face prosecution.

No, the Communist threat is not something that is dead, something of the past, not something that is present in every other place in the globe but strangely absent in the United States.

The Soviet leaders over the years have themselves laid down the challenge and blueprinted their program, which even the left-wing cabal should be able to read.

Dimitri Z. Manuilsky, who was an instructor in the Lenin School of Political Warfare in Moscow, said as early as 1931:

"War to the hilt between communism and capitalism is inevitable. Today, of course, we are not strong enough to attack. Our time will come in 20 or 30 years." (Thirty years will be up in 1961.)

"To win we shall need the element of surprise. The bourgeoisie will have to be put to sleep, so we shall begin by launching the most spectacular peace movement on record. There will be electrifying overtures and unheard of concessions. The capitalist countries, stupid and decadent, will rejoice to cooperate in their own destruction. They will leap at another chance to be friends. As soon as their guard is down, we shall smash them with our clenched fist."

If the skeptical think that this is simply the mouthing of one of the Russian conspirators and that, as has been so often stated, the Communist Party of the United States has no such objective, I call attention to the statement of William Z. Foster, chairman of the Communist Party in the United States. Foster said:

"When a Communist heads the Government of the United States—and that day will come just as surely as the sun rises—the Government will not be a capitalistic government but a Soviet government, and behind this government will stand the Red Army to enforce the dictatorship of the proletariat."

My friends, is there any question but that we are engaged at this very moment in a war—in a struggle to the death with the Soviet Union?

Americanism commissions of the American Legion all over the country are in the forefront of the battle with this new, deadly, and sinister weapon of modern warfare. May God give us strength, courage, and wisdom to carry on to the end that we may combat the autocracy of both the classes and the masses, and safeguard and transmit to posterity the principles of justice, freedom, and democracy.

SENATE

THURSDAY, JULY 25, 1957

(Legislative day of Monday, July 8, 1957)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

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

Our Father, God, to this ancient altar of our deepest faith we come, at the beginning of another day of deliberation, seeking light upon our darkened way and strength and cleansing within, knowing that out of the heart are the issues of life. Teach us to value a conscience void of offense and the royalty of self-respect above all the pedestals, prizes, and preferments earth can give. With Thy benediction upon them, may those who here speak and act for the state face the issues of this day with motives which see only the Nation's good, with clear thinking which no fallacies distort, and with honest dealing which despises deceit and sham in the sure knowledge that all great and noble service in this world is based on gentleness and patience, tolerance and truth. In the Redeemer's name we pray. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the proceedings of Wednesday, July 24, 1957, was approved, and its reading was dispensed with.

THE CIVIL-RIGHTS BILL

Mr. JOHNSON of Texas. Mr. President, the Senate—after thoughtful consideration—has decided one of the basic issues in the civil-rights debate. It has been concluded that this should—in the main—be a measure to protect voting rights.

We are now approaching another basic issue—the question of the jury trial. This issue is far from simple. It will require the careful analysis of thoughtful, reasoning men, because highly-trained lawyers who put the bill together took a criminal offense and, by sprinkling a little legal holy water on it, sought to convert it, by means of the bill, into a civil offense, in order to make enforcement easier and to make the bill more effective to give the voter greater protection.