phasize economic assistance to nations such as India. Others will want to abolish foreign aid and concentrate on military assistance.

Our defense program, which cannot be separated from foreign policy, will also be widely debated. Some Members of Congress, with considerable background information at their disposal, will want to step up the missile program. They fear we are allowing the Russians to widen the present gap. Others will insist upon more emphasis on conventional arms, arguing that if we depend entirely upon atomic weapons it will be an invitation to the Russians to start small-scale local engagements which cannot be met with the hydrogen bomb.

Arguments over defense will not be partisan bickering. Sincere, dedicated and patriotic men will take issue with the President's position that our defense setup is adequate.

Bipartisanship in foreign policy was never intended to stifle debate. We need to discuss issues of such importance as foreign policy and defense. It would be tragic if the people, because of their great confidence in Mr. Eisenhower, resented legitimate debate of these issues and branded everyone who asks pertinent questions a political opportunist. I am sure Mr. Eisenhower would be among the first to insist upon the right of anyone to debate these questions in a logical, dispassionate manner.

But after all the debate is over and the policy on both foreign affairs and defense is agreed upon, the country will remain unified.

The people want peace. But they do not want peace at any price. That is why our people will continue to insist upon a strong defense, backed by the latest in new weapons, until the Russians prove by deeds, and not words, that they are ready to make fundamental changes in their policy.

SENATE

THURSDAY, FEBRUARY 18, 1960

(Legislative day of Monday, February 15, 1960)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by Senator SAM J. ERVIN, JR., of North Carolina, Acting President pro tempore.

Rev. John Douglas Smith, pastor, First Presbyterian Church, Morganton, N.C., offered the following prayer:

Almighty Father of all nations, by whose hand all are fashioned and fed, and by whose grace all are sustained and secured, be pleased to bless with Thy presence and Thy penetrating insight this day these leaders of this Nation as they assemble in this historic spot to deliberate and to decide upon matters so vitally affecting our people and those of other lands.

Lacking wisdom, as all men do, help them to seek it from above. Needing light in these times of darkness, as all men do, cause them to seek it from Thee, the Father of Light. Requiring purifying motives and guidance, as all men do, enable them to seek it from the divine sources in Thee, and having received it, to remember gratefully from where it came and comes.

Accept our thanks for these servants of the people, the homes from which they come, and the people they represent in their respective States; and grant that they, in working with the President and his colaborers, may have a sense of dedication, responsibility, and purpose that will enable them, under Thee, to discharge their great obligations with statesmanlike devotion and dispatch, that they will merit the coveted approval from on high, "Well done, good and faithful servant."

This we ask, as we commend the Members of the Senate unto Thy care, in the name and for the sake of Jesus Christ, our Lord and Saviour. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 18, 1960.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. SAM J. ERVIN, JR., a Senator from the State of North Carolina, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mr. ERVIN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. FREAR, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, February 17, 1960, was dispensed with.

MESSAGES FROM THE PRESIDENT

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

INTERNATIONAL DEVELOPMENT ASSOCIATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 345)

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which, with the accompanying special report, was referred to the Committee on Foreign Relations.

(For text of President's message, see House proceedings for today.)

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. JOHNSON of Texas, and by unanimous consent, the following subcommittees were authorized to meet during the session of the Senate today:

The National Aeronautics and Space Administration Authorization Subcommittee of the Committee on Aeronautical and Space Sciences.

The Public Health, Education, Welfare, and Safety Subcommittee of the Committee on the District of Columbia.

ANNOUNCEMENT BY SENATOR SYMINGTON OF INTENTION TO ADDRESS THE SENATE ON NATIONAL DEFENSE

Mr. SYMINGTON. Mr. President, for the information of the Senate I announce that, immediately following the morning hour tomorrow, I shall discuss on the floor of the Senate the question of our national defense.

TRANSACTION OF ROUTINE BUSINESS

Mr. FREAR. Mr. President, I ask unanimous consent that there may be the usual morning hour for the introduction of bills and the transaction of routine business, subject to a 3-minute limitation on statements.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

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

AIRCRAFT CONTROL AND WARNING FACILITY AT PUNTA SALINAS, PUERTO RICO

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, that approval has been granted for the construction of an aircraft control and warning facility with appurtenant roads and utilities, at Punta Salinas, Puerto Rico, at an estimated total cost of $140,000; to the Committee on Armed Services.

AMENDMENT OF CAREER COMPENSATION ACT OF 1949, RELATING TO INCENTIVE PAY FOR CERTAIN SUBMARINE SERVICE

A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to amend the Career Compensation Act of 1949 with respect to incentive pay for certain submarine service (with an accompanying paper); to the Committee on Armed Services.

CONTINUATION OF AUTHORITY FOR REGULATION OF EXPORTS

A letter from the Under Secretary of Commerce, transmitting a draft of proposed legislation to provide for continuation of authority for regulation of exports, and for other purposes (with an accompanying paper); to the Committee on Banking and Currency.

REPORT OF D.C. TRANSIT SYSTEM, INC.

A letter from the president, D.C. Transit System, Inc., Washington, D.C., transmitting, pursuant to law, a report of the operations of that system, for the calendar year ended December 31, 1959 (with an accompanying report); to the Committee on the District of Columbia.

REPORT ON PERSONAL PROPERTY RECEIVED FOR DISTRIBUTION AND REAL PROPERTY DISPOSED OF TO PUBLIC HEALTH AND EDUCATION INSTITUTIONS

A letter from the Acting Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report covering personal property received by State surplus property agencies for distribution to public health and educational institutions and civil defense organizations, and all real property

disposed of to public health and educational institutions, for the period October 1 through December 31, 1959 (with an accompanying report); to the Committee on Government Operations.

REPORT ON REVIEW OF FEDERAL-AID HIGHWAY PROGRAM, REGION 7—SAN FRANCISCO, CALIF.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of the Federal-aid highway program, region 7—San Francisco, Calif., Bureau of Public Roads, Department of Commerce, September 1958 (with an accompanying report); to the Committee on Government Operations.

REPORT OF PROVISION OF WAR RISK INSURANCE AND CERTAIN MARINE AND LIABILITY INSURANCE

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the provision of war risk insurance and certain marine and liability insurance for the American public, as of December 31, 1959 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

REPORT OF FEDERAL MARITIME BOARD AND MARITIME ADMINISTRATION

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of the Federal Maritime Board and Maritime Administration, for the fiscal year 1959 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

PUBLICATIONS OF FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, Washington, D.C., transmitting, for the information of the Senate, a copy of each of the following publications: "Map, Major Natural Gas Pipe Lines in the United States, June 30, 1959"; "Map, Principal Electric Facilities, 1958"; "Volumes 14, 17, and 18 of FPC Reports"; "Typical Electric Bills, 1959"; "Statistics of Natural Gas Companies, 1958"; "Steam-Electric Plant Construction Cost and Annual Production Expenses, 1958"; "Statistics of Electric Utilities, 1958, Privately Owned"; "Hydroelectric Plant Construction Cost and Annual Production Expenses, 1958"; and "Statistics of Electric Utilities, 1958, Publicly Owned" (with accompanying documents); to the Committee on Interstate and Foreign Commerce.

2D LT. JAMES F. RICHIE

A letter from the Secretary of the Army, transmitting a draft of proposed legislation for the relief of 2d Lt. James F. Richie (with an accompanying paper); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

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

By the ACTING PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Alaska; to the Committee on Interstate and Foreign Commerce:

"SENATE JOINT MEMORIAL 33

"To the Honorable Dwight D. Eisenhower, President of the United States; the Honorable Richard Nixon, President of the Senate; the Honorable Sam Rayburn, Speaker of the House of Representatives; the Honorable Warren G. Magnuson, Chairman, Senate Interstate and Foreign Commerce Committee; the Honorable Herbert C. Bonner, Chairman, House Merchant Marine and Fisheries Committee; the Honorable E. L. Bartlett and the Honorable Ernest Gruening, Senators From Alaska; and the Honorable Ralph J. Rivers, Representative From Alaska:

"Your memorialist, the Legislature of the State of Alaska in first legislature, second session assembled respectfully submits that:

"Whereas Public Law 85-739 as passed in August 1958, allows certain small vessels to transport merchandise to and from places within the inland waters of southeastern Alaska and Prince Rupert, British Columbia; and

"Whereas the vessels authorized by this law are operated by cooperatives and transport the merchandise of members on a nonprofit basis; and

"Whereas the large, scheduled vessels serving southeastern Alaska cannot economically and expeditiously provide service between small fishing villages and the larger commercial and processing centers of southeastern Alaska; and

"Whereas considering the numerous and diverse waterways of southeastern Alaska and the dependence of the area on the fishing industry it can be seen that the operation of such small vessels is essential to the total economy of that part of the State; and

"Whereas the present Federal law authorizes the use of such small vessels only until March 15, 1960; and

"Whereas this time limitation leaves the operators of such vessels in doubt as to the status of their activities, and has a depressive effect on that part of the Alaskan economy that is dependent on inexpensive and effective transportation between the inland ports; and

"Whereas S. 2669 and H.R. 9124 now before the Congress would relieve this situation by extending the time within which such service is authorized:

"Now, therefore, your memorialist urges that all necessary action be taken to encourage, pass, and approve such Federal legislation to extend the limits of Public Law 85-739.

"Passed by the senate February 9, 1960.

"WILLIAM E. BELTZ,
"President of the Senate.

"Attest:

"KATHERINE T. ALEXANDER,
"Secretary of the Senate.

"Passed by the house February 11, 1960.

"WARREN A. TAYLOR,
"Speaker of the House.

"Attest:

"ESTHER REED,
"Chief Clerk of the House."

A concurrent resolution of the Legislature of the State of Kansas; to the Committee on Interior and Insular Affairs:

"SENATE CONCURRENT RESOLUTION 6

"Concurrent resolution memorializing the Congress of the United States to enact pending legislation which would establish the Fort Scott national historic site at Fort Scott, Kans.

"Whereas there are now pending in the Congress of the United States two bills, H.R. 6656 and S. 1568, which, if enacted into law, would establish the Fort Scott national historic site at Fort Scott, Kans., which would include the old Federal fort in that city; and

"Whereas if action such as is contemplated by the bills pending in Congress is not taken at an early date it may become impossible to properly preserve the remains of the old Federal fort at Fort Scott; and

"Whereas in 1961 Kansas will be celebrating its centennial, and it would be extremely fitting and proper if the restoration of the fort in Fort Scott could be completed prior to that date: Now, therefore, be it

"Resolved by the Senate of the State of Kansas (the House of Representatives concurring therein), That we respectfully urge and request the Congress of the United States to speedily enact either H.R. 6656 or S. 1568, which are now pending in the Congress, and which, if enacted, would establish a national historic site at Fort Scott, Kans.; and be it further

"Resolved, That the secretary of state be directed to transmit a copy of this resolution to the President of the United States, the Vice President of the United States, and each Member of the Kansas delegation in the House of Representatives and the Senate of the United States.

"Adopted by the senate, February 8, 1960.

"JOSEPH W. HENKLE, SR.,
"President of the Senate.
"RALPH E. ZARKER,
"Secretary of the Senate.

"Adopted by the house, February 10, 1960.

"JESS TAYLOR,
"Speaker of the House.
"A. E. ANDERSON,
"Chief Clerk of the House."

Resolutions of the General Court of the Commonwealth of Massachusetts, favoring an investigation to determine the causes of inflation and to enact remedial legislation; to the Committee on Finance.

(See the above resolutions printed in full when presented by Mr. SALTONSTALL (for himself and Mr. KENNEDY) on February 16, 1960, p. 2562, CONGRESSIONAL RECORD.)

Resolutions of the General Court of the Commonwealth of Massachusetts, favoring the enactment of legislation to implement the decisions of the Supreme Court of the United States outlawing segregation in the public school system; to the Committee on the Judiciary.

(See the above resolutions printed in full when presented by Mr. SALTONSTALL (for himself and Mr. KENNEDY), on February 16, 1960, p. 2562, CONGRESSIONAL RECORD.)

A resolution of the Legislative Council of the State of Washington; to the Committee on Public Works:

"LEGISLATIVE COUNCIL MEMORIAL 1

"To the Honorable Dwight D. Eisenhower, President of the United States, the President of the Senate and Speaker of the House of Representatives, and to the Senate and the House of Representatives of the United States, in Congress assembled

"We, your memorialists, the Legislative Council of the State of Washington, in regular quarterly session assembled this 30th day of January 1960, respectfully represent and petition as follows:

"Whereas the State of Washington, and more particularly the counties of King, Skagit and Snohomish have recently suffered the most severe and devastating floods in 18 years; and

"Whereas the preliminary report of the district engineer of the U.S. Army Corps of Engineers estimates the damage in the said counties is in excess of $10,500,000; and

"Whereas immediate Federal and State action is essential in order to alleviate the danger of recurrence of such floods during the period of the spring runoff in the western Cascade Mountains within said counties; and

"Whereas the State of Washington has obligated all its available funds for flood control which were appropriated for such purpose by the last legislature; and

"Whereas we are advised that the U.S. Army Corps of Engineers can do emergency work only on flood control projects which were originally constructed under its supervision and can do original construction work only on projects approved by the Congress and for which funds have been made available; and

"Whereas we are also advised that Federal funds are only expended on projects which the U.S. Army Corps of Engineers has surveyed and reported that the benefits from such project would equal or exceed its costs; and

"Whereas we are aware that the most recent report of the U.S. Army Corps of Engineers in this respect was prepared in 1952 and recommended against major flood control expenditures in the counties herein referred to on the basis that the costs of ade-

quate flood control projects would exceed the benefits to be derived therefrom; and

"Whereas we are advised that our congressional delegation has requested that the U.S. Army Corps of Engineers be authorized and directed to survey the drainage basins and watersheds of the areas of the western Cascade Mountains in the State of Washington which are periodically subjected to inundation and report the findings of such survey to the Congress; and

"Whereas it is our firm belief that such survey being more recent than the 1952 report will determine that the present utilization and value of the land subjected to inundation and the economic loss to the communities involved is of such extent that the benefits now to be derived from flood control expenditures in the area will far exceed the costs; and

"Whereas recurring uncontrolled floods in the area will greatly compound the damages already suffered and unless measures are taken to provide flood control the area will ultimately be removed from productive use; and

"Whereas other requests and recommendations for flood control projects in the State of Washington are presently before the Congress or shortly will be presented for congressional and administrative approval:

"Now, therefore, your memorialists respectfully pray that the President of the United States and the Congress take action to authorize immediate emergency flood control work in the State of Washington and more particularly in those counties subjected to inundation by floodwaters of the streams and rivers of the western Cascade Mountains which present the immediate danger of springtime flooding and provide appropriations and otherwise make funds available to implement such emergency work; and be it further submitted, that we, your memorialists, respectfully pray that the President of the United States and the Congress take action to authorize construction of long-range flood control projects which will adequately provide future protection to the citizens of the areas of this State affected by previous floods and provide appropriations for early construction of such projects; and be it

"*Resolved*, That copies of this memorial be immediately transmitted to the Honorable Dwight D. Eisenhower, President of the United States, the President of the U.S. Senate, the Speaker of the House of Representatives of the United States, to each Member of Congress from the State of Washington, to E. C. Itschner, major general, U.S. Army, Chief of Engineers, U.S. Army Corps of Engineers, to R. P. Young, colonel, U.S. Army, district engineer, Seattle, U.S. Army Corps of Engineers, and to Hon. Albert D. Rosellini, Governor of the State of Washington."

A resolution adopted by the Panama Canal Society of Northern California, recommending that the U.S. Government should take a firm stand in its relations with the Republic of Panama, and strictly adhere to its obligations under the 1956 treaty with Panama; to the Committee on Foreign Relations.

A resolution adopted at a meeting of 67 Lithuanian organizations in Worcester, Mass., relating to Lithuanian independence; to the Committee on Foreign Relations.

Resolutions adopted by the Committee for Return of Confiscated German and Japanese Property, Washington, D.C., relating to support for liberal forces in Germany, and so forth; to the Committee on the Judiciary.

A resolution adopted by a convention of Republicans of the Fifth District of Oklahoma, protesting against the enactment of legislation to grant Federal aid to education; to the Committee on Labor and Public Welfare.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. HUMPHREY, from the Committee on Agriculture and Forestry, with amendments:

H.R. 9331. An act to increase the authorized maximum expenditure for the fiscal years 1960 and 1961 under the special milk program for children (Rept. No. 1095).

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. MUSKIE:

S. 3055. A bill to authorize and direct the Treasury to cause the vessel *Edith Q.*, owned by James O. Quinn, of Sunset, Maine, to be documented as a vessel of the United States with full coastwise privileges; to the Committee on Interstate and Foreign Commerce.

By Mr. JAVITS:

S. 3056. A bill to amend the Trading With the Enemy Act, as amended, so as to provide for certain payments for the relief and rehabilitation of needy victims of Nazi persecution, and for other purposes; to the Committee on the Judiciary.

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

By Mr. LONG of Hawaii:

S. 3057. A bill to amend the Federal Executive Pay Act of 1956 so as to increase the salary of the Governor of American Samoa; to the Committee on Post Office and Civil Service.

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

By Mr. FULBRIGHT (by request):

S. 3058. A bill to amend further the Mutual Security Act of 1954, as amended, and for other purposes; to the Committee on Foreign Relations.

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

By Mr. WILLIAMS of New Jersey:

S. 3059. A bill for the relief of Jesus Rodriguez Fernandez; to the Committee on the Judiciary.

By Mr. MURRAY:

S. 3060. A bill to establish Federal agricultural services to Guam, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. CHAVEZ:

S. 3061. A bill for the relief of Nikolas Katragazes (also known as Nick Katrys); to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 3062. A bill for the relief of Carl C. Golson; to the Committee on the Judiciary.

By Mr. MORSE (for himself and Mr. NEUBERGER):

S. 3063. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the upper division of the Baker Federal reclamation project, Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

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

By Mr. HUMPHREY:

S. 3064. A bill for the relief of Nicolasa Martin Ballestaros;

S. 3065. A bill for the relief of John Wong (also known as Nai Hong Wong); and

S. 3066. A bill for the relief of Rudolph Carl Bergman; to the Committee on the Judiciary.

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

S. 3067. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least one quarter of coverage, and for other purposes; to the Committee on Finance.

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

By Mr. MURRAY:

S.J. Res. 165. Joint resolution to provide for the designation of the 22d day of August of each year as National Children's Day; to the Committee on the Judiciary.

By Mr. SALTONSTALL:

S.J. Res. 166. Joint resolution authorizing the Architect of the Capitol to permit certain temporary and permanent construction work, on the Capitol Grounds in connection with the erection of a building on privately owned property adjacent thereto; to the Committee on Public Works.

(See the remarks of Mr. SALTONSTALL when he introduced the above joint resolution, which appear under a separate heading.)

CONCURRENT RESOLUTION

ADDITIONAL COPIES OF FINAL REPORT AND INDEXES OF SELECT COMMITTEE ON IMPROPER ACTIVITIES IN THE LABOR OR MANAGEMENT FIELD

Mr. McCLELLAN submitted the following concurrent resolution (S. Con. Res. 90), which was referred to the Committee on Rules and Administration:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Select Committee on Improper Activities in the Labor or Management Field not to exceed six thousand additional copies of each part of that committee's final report to the Senate, and of each index to that committee's hearings and reports, made pursuant to Senate Resolutions 44 and 249, 86th Congress.

SETTLEMENT OF CLAIMS FILED UNDER SECTION 32(h) OF THE TRADING WITH THE ENEMY ACT, AS AMENDED

Mr. JAVITS. Mr. President, I send to the desk for appropriate reference a bill which is identical with House bill 6462, which has been favorably reported.

The bill which I am introducing seeks to provide a simple, inexpensive and prompt method of settling a large number of claims which have been filed under section 32(h) of the Trading With the Enemy Act, as amended. The bill is identical with H.R. 6462, which has been favorably reported; it is similar in its intent, although considerably more detailed as to the procedure, to section 12 of S. 672, as amended, and introduced by Senator OLIN JOHNSTON on May 28, 1959. Hearings were held on section 12 of S. 672 as amended on June 18, 1959. Neither in the House nor in the Senate hearings was there any opposition to the bill. The principle of the bill has, I understand, the support of the administration and of a number of organizations interested in its objectives.

Section 32(h) of the Trading With the Enemy Act was added to the Trading With the Enemy Act in 1952. It provided, upon application, that the President might designate successor organizations which would be empowered to file claims to so-called heirless property vested in the Office of Alien Property. This is property in the United States which belonged to individuals who, while technically enemy nationals, were in fact persecuted by the Nazis on religious, racial, or political grounds. Such individuals, or their heirs, have long been able, under the Trading With the Enemy Act, to recover their vested property. The 1952 amendment dealt with the situation in which these individuals and their entire families were exterminated, so that there was no living claimant.

Complications have arisen in the administration of section 32(h). As I remember, when it was originally adopted, it was contemplated that $3 million would be recovered under it, represented by the kind of property described, which would be used for various kinds of relief which were thought to be quite in line with what those very unfortunate people would have wanted had they been able to dispose of their own property.

Section 32(h) provided that the designated successor organization would devote the returned property or its proceeds to the relief of surviving and needy persecutees residing in the United States. It was strongly supported by the administration, was the result of bills introduced on a bipartisan basis, and was enacted by the Congress as a simple act of justice. The U.S. Treasury does not need, nor would it be appropriate for it to be the beneficiary of Nazi acts of slaughter.

The administration of section 32(h) has turned out to be difficult because of the thousands of claims which have been filed and the difficulties arising in a situation in which by definition the original owners and all of their immediate families are dead or missing.

The present bill, therefore, merely enables a bulk settlement to be made of these thousands of claims. It will relieve the Department of Justice of an enormous administrative headache. It will also make it possible for some funds to be made available in the near future to the needy and surviving persecutees who were intended beneficiaries of congressional action in adopting section 32(h).

So far as the amounts involved are concerned, the present bill proposes a bulk settlement in the amount of $500,000. This is an amount which the Office of Alien Property of the Department of Justice has indicated as reasonable. It is very far short of the $3 million maximum authorized to be returned under section 32(h).

I understand that the principle of the bill has the support of the administration and of a number of organizations interested in its objectives.

It is my hope that prompt action can be taken on this bill, particularly since hearings as to the substance of it have already been held.

I hope very much that the bill may receive very early attention in the Senate, and that, in accord with what has been done in the other body, we may, at long last, make this sum available in this tragic situation, as a simple act of justice which would cost the United States nothing, because all the property is vested in the Alien Property Custodian—indeed, very much more than is called for by the sum of $500,000. At the same time, we can relieve the Department of Justice of a great administrative problem.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). The bill will be received and appropriately referred.

The bill (S. 3056) to amend the Trading With the Enemy Act, as amended, so as to provide for certain payments for the relief and rehabilitation of needy victims of Nazi persecution, and for other purposes, introduced by Mr. JAVITS, was received, read twice by its title, and referred to the Committee on the Judiciary.

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

Mr. JAVITS. I yield.

Mr. KEATING. Is this not the matter upon which my distinguished colleague appeared before the Subcommittee on Trading With the Enemy?

Mr. JAVITS. It is.

Mr. KEATING. I remember the very forceful presentation there with regard to this item. I feel that he made a very persuasive case in that regard, and that this proposal is the very minimum that should be done.

I hope that in any legislation which is reported—and I hope legislation will be promptly reported—provision such as the Senator has suggested will be made.

Mr. JAVITS. I thank my colleague very much.

SALARY OF GOVERNOR OF AMERICAN SAMOA

Mr. LONG of Hawaii. Mr. President, I introduce, for appropriate reference, a bill to amend the salary provision for the Governor of American Samoa. Presently this position receives a maximum annual stipend of $15,150. The incumbent Governor, the Honorable Peter Tali Coleman, does not qualify for the 25-percent salary differential paid to Federal personnel appointed from the mainland United States to positions in American Samoa, since he was appointed as a resident of the territory.

Mr. President, Governor Coleman has been doing a fine job in the years he has held office. The responsibilities he bears in administering our most distant territory clearly indicate that his compensation is inadequate. By way of comparison, the Governors of the Virgin Islands and Guam receive $19,000 per annum. The bill which I am now introducing would increase the salary of the Governor of Samoa to $17,500. It seems to me that any lesser sum would continue an injustice to the Governor of American Samoa and a slight, however unintentional, to the people of that territory.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3057) to amend the Federal Executive Pay Act of 1956 so as to increase the salary of the Governor of American Samoa, introduced by Mr. LONG of Hawaii, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

MUTUAL SECURITY ACT OF 1960

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, the administration's proposed Mutual Security Act of 1960.

The day before yesterday I gave a preliminary opinion of the bill to the press. I ask unanimous consent that this statement to the press be printed at this point in the RECORD.

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

STATEMENT BY SENATOR J. W. FULBRIGHT IN CONNECTION WITH THE PRESIDENT'S MESSAGE ON THE MUTUAL SECURITY ACT OF 1960

Although I have been asked by the press to comment on the President's message on the proposed Mutual Security Act of 1960, copies of that message were delivered to the committee only a short time ago. I have not, therefore, been able to read it. This puts me at a disadvantage. However, last night I was briefed, along with other Members of Congress, by the President and representatives of the Department of State as to the general content of the Mutual Security Act of 1960. Furthermore, I have seen a copy of the draft bill, which I expect to introduce, by request, within the next day or so.

A quick examination of the bill itself indicates that there are several proposals which I will find most difficult to support. In the first place, section 101 of the bill would eliminate from the basic mutual security legislation applicable to military aid a ceiling on the amount of military aid which can be furnished to Latin America which was inserted by the Committee on Foreign Relations last year. The committee had many misgivings about the level of military aid in Latin America and inserted a provision that no more could be obligated for that purpose in the fiscal year 1960 than was obligated for military aid during the fiscal year 1959. I have not, of course, seen the President's detailed program for military aid to Latin America but if it is proposed to increase the amount of military aid for the fiscal year 1961 beyond that obligated for the fiscal year 1959, I would oppose such an increase.

In the second place, the administration's bill proposes to eliminate a new section 412 of the Mutual Security Act of 1954 which attempted to earmark mutual security program funds for special education and training purposes in underdeveloped areas. It is true that the appropriation act in effect canceled out that provision by denying funds for the purpose. If the administration has raised its programing priorities for education and training and has programed money elsewhere for the purpose, then I can understand deleting section 412. If it has not programed more money elsewhere for education and training purposes then I shall oppose the repeal of section 412.

I can make a similar comment with respect to the proposal in the administration's bill to delete section 504(d) of the Mutual Security Act of 1954 which relates to the furnishing of small machine tools and other

industrial equipment to underdeveloped countries. I realize that there is also authority in the act for doing this and strictly speaking section 504(d) is not necessary. The committee's proposal last year was to emphasize the usefulness of this kind of program. If the administration has given a higher priority to this program elsewhere in the bill then, of course, I would have less objection to the repeal of section 504(d).

I welcome the presence in the administration bill of a new section on the Indus Basin development. The administration and the International Bank for Reconstruction and Development, together with India, Pakistan, and other nations which participated are to be congratulated on the progress which has been made toward settling a problem which has long stood in the way of economic growth and political stability in south Asia.

I anticipated that the committee will begin hearings on this bill on March 4. Hearings this year should be somewhat shortened because military assistance has been authorized for 2 years, and I do not anticipate that the committee will go deeply into the military aspects of the program this year. We will be interested in seeing what the administration did to comply with the new requirement put in last year that military programs "shall be budgeted so as to come into competition for financial support with other programs and activities of the Department of Defense."

The absence of a military authorization and a Development Loan Fund authorization means that the total amount included in the bill which is to be considered by the committee this year is only $1,454,900,000, compared to $3,909 million last year.

It is normal at this time of year for us to hear from various quarters that the foreign aid bill is in trouble. This year will be no exception. I recognize the difficulty of enacting a forward-looking mutual security bill in an election year—a bill which would make it possible for the administration to make firm plans for the future and thus enable the United States to promote its foreign policy. It is most unfortunate at this particular moment when the Russians are taking the initiative not only in space and military weapons, but in the export of aid to underdeveloped areas, that we find ourselves hampered by an inability to respond with a carefully thought out and firm program extended beyond 1 year. Indeed, the administration is not even asking an appropriation for the Development Loan Fund as large as the amount authorized.

The American people ought to know what they are doing. By constantly attacking these aid programs, emphasizing their negative aspects instead of their positive aspects, and whittling away at the morale of able Americans serving overseas, we are downgrading our aid programs and letting the Russians move in. It's that simple—and I only hope that the administration will spare no effort in getting this story over to the American people.

Mr. FULBRIGHT. Mr. President, I also ask unanimous consent that the administration's bill and its section-by-section analysis also be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD.

The bill (S. 3058) to amend further the Mutual Security Act of 1954, as amended, and for other purposes, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mutual Security Act of 1960".

CHAPTER I—MILITARY ASSISTANCE

Military assistance

SEC. 101. Section 105(b)(4) of the Mutual Security Act of 1954, as amended, which relates to conditions applicable to military assistance, is amended by striking out the last sentence.

CHAPTER II—ECONOMIC ASSISTANCE

Defense support

SEC. 201. Title I of chapter II of the Mutual Security Act of 1954, as amended, which relates to defense support, is amended as follows:

(a) In section 131(b), which relates to general authority, strike out "1960" and "$751,000,000" and substitute "1961" and "$724,000,000", respectively.

(b) In section 141, which relates to conditions of eligibility for assistance, strike out "No such assistance" in the second sentence and substitute "No defense support or military equipment and material".

(c) In section 142(a), which relates to agreements, strike out "No assistance" in the introductory clause and substitute "No defense support or military equipment and materials".

Development Loan Fund

SEC. 202. Section 205(a) of the Mutual Security Act of 1954, as amended, which relates to management, powers, and authorities, is amended by striking out "Under Secretary of State for Economic Affairs" in the first sentence and substituting "Secretary of State".

Technical cooperation

SEC. 203. Title III of chapter II of the Mutual Security Act of 1954, as amended, which relates to technical cooperation, is amended as follows:

(a) In section 304, which relates to authorization, strike out "$179,500,000" and "1960" and substitute "$172,000,000" and "1961", respectively.

(b) Amend section 306, which relates to multilateral technical cooperation and related programs, as follows:

(1) In subsection (a), which relates to contributions to the United Nations Expanded Program of Technical Assistance and related fund, strike out "$30,000,000" and "1960" and substitute "$33,000,000" and "1961", respectively.

(2) In subsection (b), which relates to contributions to the technical cooperation program of the Organization of American States, strike out "1960" and substitute "1961".

Special assistance and other programs

SEC. 204. Title IV of chapter II of the Mutual Security Act of 1954, as amended, which relates to special assistance and other programs, is amended as follows:

(a) In section 400(a), which relates to special assistance, strike out "1960" and "$247,500,000" and substitute "1961" and "$268,500,000", respectively.

(b) In section 401, which relates to the United Nations Emergency Force, strike out "1960" in the second sentence and substitute "1961".

(c) In section 402, which relates to earmarking of funds, strike out "1960" in the first sentence and substitute "1961".

(d) In section 403, which relates to responsibilities in Germany, strike out "1960" and "$7,500,000" in the first sentence and substitute "1961" and "$6,750,000", respectively.

(e) Insert after section 403 the following new section 404:

"SEC. 404. INDUS BASIN DEVELOPMENT.—The Congress of the United States welcomes the progress made through the good offices of the International Bank for Reconstruction and Development toward the development of the Indus Basin through a program of cooperation among south Asian and other nations of the free world in order to promote economic growth and political stability in south Asia, and affirms the willingness of the United States, pursuant to authorities contained in this and other Acts, to participate in this significant undertaking. In the event that funds appropriated pursuant to this Act are made available to be used by or under the supervision of the International Bank for Reconstruction and Development in furtherance of the foregoing purposes, such funds may be used in accordance with requirements, standards, or procedures established by the Bank concerning completion of plans and cost estimates and determination of feasibility, rather than with requirements, standards, or procedures concerning such matters set forth in this or other Acts; and such funds may also be used without regard to the provisions of section 901(b) of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1241), whenever the President determines that such provisions cannot be fully satisfied without seriously impeding or preventing accomplishment of such purposes."

(f) Amend section 405, which relates to migrants, refugees, and escapees, as follows:

(1) In subsection (c), which relates to contributions to the program of the United Nations High Commissioner for Refugees, strike out "1960" and "$1,100,000" and substitute "1961" and "$1,500,000", respectively.

(2) In subsection (d), which relates to the continuation of activities undertaken for selected escapees, strike out "1960" and "$5,200,000" and substitute "1961" and "$3,500,000", respectively.

(g) In section 406, which relates to children's welfare, strike out "1960" and substitute "1961".

(h) In section 407, which relates to Palestine refugees in the Near East, strike out "1960" and "$25,000,000" in the first sentence and substitute "1961" and "$18,500,000", respectively; and strike out the proviso in the first sentence.

(i) In section 409(c), which relates to ocean freight charges, strike out "1960" and "$2,300,000" and substitute "1961" and "$2,000,000", respectively.

(j) Amend section 411, which relates to administrative and other expenses, as follows:

(1) In subsection (b), which relates to certain expenses of administering nonmilitary assistance, strike out "1960" and "$39,500,000" and substitute "1961" and "$40,000,000", respectively.

(2) In subsection (c), which relates to administrative and other expenses of the Department of State, strike out "to" after "appropriated" and substitute "for expenses of".

(k) Section 412, which relates to the President's special education and training fund, is repealed.

(l) In section 419(a), which relates to atoms for peace, strike out "1960" and "$6,500,000" and substitute "1961" and "$3,400,000", respectively.

CHAPTER III—CONTINGENCY FUND

SEC. 301. Section 451(b) of the Mutual Security Act of 1954, as amended, which relates to the President's special authority and contingency fund, is amended by striking out "1960" and "$155,000,000" in the first sentence and substituting "1961" and "$175,000,000", respectively.

CHAPTER IV—GENERAL AND ADMINISTRATIVE PROVISIONS

SEC. 401. Chapter IV of the Mutual Security Act of 1954, as amended, which relates to general and administrative provisions, is amended as follows:

(a) Section 504(d), which relates to small machine tools and other industrial equipment, is repealed.

(b) In section 505(a), which relates to loan assistance and sales, insert after the first sentence the following new sentence: "Commodities, equipment, and materials transferred to the United States as repayment may be used for assistance authorized by this Act, other than title II of chapter II, in accordance with the provisions of this Act applicable to the furnishing of such assistance.".

(c) In section 513, which relates to notice to legislative committees, insert before ", and copies" in the last sentence the following: "and under the last clause of the second sentence of section 404".

(d) Amend section 527, which relates to employment of personnel, as follows:

(1) In subsection (b), which relates to employment of personnel in the United States, strike out "seventy" and "forty-five" in the first sentence and substitute "seventy-eight" and "fifty-three", respectively.

(2) In subsection (c), which relates to employment of personnel outside the United States, strike out "Director" in the introductory clause and substitute "President"; and insert before the period at the end of paragraph (2) the following new proviso: ": *Provided further,* That Foreign Service Reserve Officers appointed or assigned pursuant to this paragraph shall receive in-class promotions in accordance with such regulations as the President may prescribe".

(3) In subsection (d), which relates to appointment of alien employees outside the United States, strike out ", at the request of the Director,".

(e) Section 531, which relates to security clearance, is repealed.

(f) In section 534(a), which relates to reports, strike out "six months" in the first sentence and substitute "fiscal year."

(g) In section 537(a), which relates to provisions on uses of funds, amend paragraph (3) to read as follows: "(3) contracting with individuals for personal services abroad: *Provided,* That such individuals shall not be regarded as employees of the United States for the purpose of any law administered by the Civil Service Commission;".

(h) In section 537(c), which relates to construction or acquisition of facilities abroad, strike out "$2,750,000" and substitute "$4,250,000."

CHAPTER V—TECHNICAL AMENDMENTS REFLECTING NEW LIMITS OF UNITED STATES

SEC. 501. The Mutual Security Act of 1954, as amended, is amended as follows:

(a) In section 205(c), strike out "continental" in the twelfth clause of the first sentence.

(b) In section 411(d), strike out "the continental limits of".

(c) In section 527(c), strike out "the continental limits of" in the introductory clause.

(d) In section 527(d), strike out "the continental limits of".

(e) In section 530(a), strike out "the continental limits of".

(f) In section 537(a), strike out "continental" in the last proviso of paragraph (5) and in paragraphs (13) and (17); and strike out "the continental limits of" in paragraph (10).

CHAPTER VI—AMENDMENTS TO OTHER LAWS

SEC. 601. Title II of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1721 et seq.), which relates to famine relief and other assistance, is amended as follows:

(a) In section 202, strike out "The" at the beginning thereof and substitute the following: "In order to facilitate the utilization of surplus agricultural commodities in meeting the requirements of needy peoples, and in order to promote economic development in underdeveloped areas in addition to that which can be accomplished under title I of this Act, the".

(b) In section 203, insert before the period at the end of the third sentence the following: ", and charges for general average contributions arising out of the ocean transport of commodities transferred pursuant hereto may be paid from such funds".

SEC. 602. Section 501(b) of the Mutual Security Act of 1959 (73 Stat. 256), which relates to international cooperation in health, is repealed.

SEC. 603. Section 2 of Public Law 174, Seventy-ninth Congress, as amended (22 U.S.C. 279a), which relates to United States membership in the United Nations Food and Agriculture Organization, is amended by inserting "such" before "sums" and striking out "not exceeding $3,000,000".

SEC. 604. Section 3(a) of Public Law 403, Eightieth Congress, as amended (22 U.S.C. 280b), which relates to United States membership in the South Pacific Commission, is amended by striking out "Not more than $75,000 annually" and substituting "Such sums annually as may be required".

The section-by-section analysis presented by Mr. FULBRIGHT is as follows:

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED MUTUAL SECURITY ACT OF 1960 AS SUBMITTED BY THE EXECUTIVE BRANCH

I. INTRODUCTION

1. Purposes of the bill

The proposed Mutual Security Act of 1960 ("the bill") has two main purposes. First, it authorizes new appropriations for various categories of aid, including defense support, technical cooperation, special assistance and other programs, and the contingency fund. Second, it effects certain substantive amendments in the Mutual Security Act of 1954 as heretofore amended ("the act") which will promote more effective and efficient operation of the mutual security program.

2. Authorizations

The following table shows the authorizations and appropriations requested by the executive branch:

	Authorization request	Appropriation request
CHAPTER I—MILITARY ASSISTANCE		
Sec. 103(a). General authorization	(1)	$2,000,000,000
CHAPTER II—ECONOMIC ASSISTANCE		
Title I. Defense support: Sec. 131(b)	$724,000,000	724,000,000
Title II. Development Loan Fund: Sec. 203. Capitalization	(1)	700,000,000
Title III. Technical cooperation:		
Sec. 304. General authorization	$172,000,000	$172,000,000
Sec. 306. Multilateral technical cooperation and related programs:		
(a) UNTA	33,000,000	33,000,000
(b) Organization of American States	1,500,000	1,500,000
Total, title III	206,500,000	206,500,000
Title IV. Special assistance and other programs:		
Sec. 400(a). Special assistance	268,500,000	268,500,000
Sec. 405. Migrants, refugees, and escapees:		
(a) Intergovernmental Committee for European Migration	(1)	10,000,000
(c) United Nations High Commissioner for Refugees	1,500,000	1,500,000
(d) Escapee program	3,500,000	3,500,000
Sec. 406. Children's welfare	12,000,000	12,000,000
Sec. 407. Palestine refugees	18,500,000	18,500,000
Sec. 408(a). NATO science program	(1)	1,800,000
Sec. 409(c). Ocean-freight charges on voluntary relief shipments	2,000,000	2,000,000
Sec. 411. Administrative and other expenses:		
(b) Administrative and other expenses (other than ch. 1 and title II of ch. II)	40,000,000	40,000,000
(c) State Department administrative expenses	(1)	8,300,000
Sec. 419(a). Atoms for peace	3,400,000	3,400,000
Total, title IV	349,400,000	369,500,000
Total, chapter II	1,279,900,000	2,000,000,000
CHAPTER III—CONTINGENCY FUND		
Sec. 451(b)	175,000,000	175,000,000
Total, all chapters	1,454,900,000	[2] 4,175,000,000

[1] Authorization is now contained in the act.
[2] This total does not include unobligated balances of prior year appropriations requested to be continued available.

In most cases the bill provides for the new authorizations by the technique of striking out the amount and the reference to fiscal year 1960 in the existing authorization and substituting the new amount and a reference to fiscal year 1961. The deletion of the amount and date in existing authorizations does not, of course, have any effect on funds made available pursuant to those authorizations. The act now contains continuing authorizations for appropriations for contributions to the Intergovernmental Committee for European Migration (sec. 405(a) of the act), for payment of U.S. expenses in the North Atlantic Treaty Organization (sec. 408(a) of the act), for certain expenses of the Department of State relating to the mutual security program (sec. 411(c) of the act), and for continuing the availability of unexpended balances of funds made available under the act (sec. 548 of the act). In addition, the act contains authorizations for fiscal year 1961 for military assistance and the Development Loan Fund; thus no new authorizations are needed for these purposes for fiscal year 1961.

II. PROVISIONS OF THE BILL

Chapter I. Military assistance

Conditions Applicable to Military Assistance

Section 101: Amends section 105(b)(4) of the act, which relates to conditions applicable to military assistance, by striking out the last sentence which imposes a ceiling upon obligations and reservations for military assistance to Latin America in fiscal year 1960.

Chapter II. Economic assistance

Defense Support

General authority

Section 201(a): Amends section 131(b) of the act, which relates to general authority,

by deleting the obsolete authorization for an appropriation for defense support for use beginning in fiscal year 1960 and substituting an authorization for an appropriation for this purpose for use beginning in fiscal year 1961.

Conditions of eligibility for assistance

Section 201(b): Amends section 141 of the act, which relates to conditions of eligibility for assistance, so as to exclude military assistance training and information from the requirement of the second sentence of section 141 of the act that a nation must agree to the undertakings specified in section 142 (a) of the act in order to be eligible for defense support and military assistance. The new language parallels the amendment made by the Mutual Security Act of 1959 to the additional conditions of eligibility for military assistance to Latin American countries set forth in section 105(b)(4) of the act. As amended, the requirement would continue to apply to defense support and to military equipment and materials.

Agreements

Section 201(c): Amends section 142(a) of the act, which relates to agreements, by revising the introductory clause to correspond with the new language of the second sentence of section 141.

Development Loan Fund

Management, powers and authorities

Section 202: Amends section 205(a) of the act, which relates to management, powers and authorities, by substituting a reference to the Secretary of State for a reference to the Under Secretary of State for Economic Affairs as a member and the Chairman of the Board of Directors of the Development Loan Fund. This is a perfecting amendment made in accordance with the provision of Public Law 86-117 which provides that any provision of law vesting authority in the Under Secretary of State for Economic Affairs is amended to vest such authority in the Secretary of State. The Secretary has designated the Under Secretary of State to serve as Chairman of the DLF Board of Directors.

Technical Cooperation

Authorization

Section 203(a): Amends section 304 of the act, which relates to authorization, by deleting the obsolete authorization for an appropriation for technical cooperation for use beginning in fiscal year 1960 and substituting an authorization for an appropriation for this purpose for use beginning in fiscal year 1961.

Multilateral technical cooperation and related programs

Section 203(b): Amends section 306 of the act, which relates to multilateral technical cooperation and related programs, in two respects:

Paragraph (1) amends subsection (a), which relates to contributions to the United Nations Expanded Program of Technical Assistance and related fund, by deleting the obsolete authorization for an appropriation for fiscal year 1960 for contributions under subsection (a) and substituting an authorization for an appropriation to be available for obligation during fiscal year 1961 for contributions under subsection (a) for calendar year 1961.

Paragraph (2) amends subsection (b), which relates to contributions to the technical cooperation program of the Organization of American States, by deleting the obsolete reference to fiscal year 1960 and substituting a reference to fiscal year 1961, so as to provide an authorization for an appropriation of $1.5 million to be available for obligation during fiscal year 1961 for contributions to the program of the Organization of American States for calendar year 1961.

Special Assistance and Other Programs

Special assistance

Section 204(a): Amends section 400(a) of the act, which relates to special assistance, by deleting the obsolete authorization for an appropriation for special assistance for fiscal year 1960 and substituting an authorization for an appropriation for this purpose for fiscal year 1961.

United Nations Emergency Force

Section 204(b): Amends section 401 of the act, which relates to the United Nations Emergency Force, by deleting the obsolete authorization to use during fiscal year 1960 special assistance funds for contributions on a voluntary basis to the budget of the United Nations Emergency Force and substituting an authorization to use during fiscal year 1961 special assistance funds for this purpose. The authority provided under section 401 of the act is in addition to other authority permitting U.S. support of the United Nations Emergency Force, including the making of assessed contributions and the detailing of personnel.

Earmarking of funds

Section 204(c): Amends section 402 of the act, which relates to earmarking of funds for financing the transfer of surplus agricultural commodities, by deleting the obsolete reference to fiscal year 1960 and substituting a reference to fiscal year 1961. The section, as thus amended, will require that not less than $175 million of the funds authorized to be made available in fiscal year 1961 under the act (other than those made available under title II of chapter II, the Development Loan Fund) are to be used for this purpose. This is the same minimum figure that applied in fiscal years 1958, 1959, and 1960.

Responsibilities in Germany

Section 204(d): Amends section 403 of the act, which relates to responsibilities in Germany, by deleting the obsolete authorization to use during fiscal year 1960 special assistance funds in order to meet U.S. responsibilities in Germany and substituting an authorization to use during fiscal year 1961 special assistance funds for this purpose.

Indus Basin development

Section 204(e): Adds in the act a new section 404 which affirms the willingness of the United States, pursuant to authorities contained in the act and other acts, to participate in the cooperative program for development of the Indus Basin. The section specifies that, in the event that funds appropriated pursuant to the act are made available to be used by or under the supervision of the World Bank for the purposes of the section, such funds may be used in accordance with the requirements, standards, or procedures established by the World Bank concerning completion of plans and cost estimates and determination of feasibility, rather than with requirements, standards, or procedures concerning such matters set forth in the act or other acts (e.g., section 517 of the act and section 103 of the Mutual Security Appropriation Act, 1960). It also provides that, where mutual security funds are made available to be used by or under the supervision of the World Bank for purposes of the section, such funds may be used without regard to the provisions of the 50-50 shipping requirement (section 901(b) of the Merchant Marine Act of 1936, as amended), whenever the President determines that such requirement cannot be fully satisfied without seriously impeding or preventing accomplishment of such purposes. Section 401(c) of the bill provides that the appropriate congressional committees shall be notified of any determination with respect to the 50-50 shipping requirement.

Migrants, refugees, and escapees

Section 204(f): Amends section 405 of the act, which relates to migrants, refugees, and escapees, in two respects:

Paragraph (1) amends subsection (c), which relates to contributions to the program of the United Nations High Commissioner for Refugees, by deleting the obsolete authorization for an appropriation for fiscal year 1960 for contributions to the program of the High Commissioner and substituting an authorization for an appropriation to be available for obligation during fiscal year 1961 for contributions to that program for calendar year 1961.

Paragraph (2) amends subsection (d), which relates to the continuation of activities undertaken for selected escapees, by deleting the obsolete authorization for an appropriation for fiscal year 1960 for the escapee program and substituting an authorization for an appropriation for this purpose for fiscal year 1961.

Children's welfare

Section 204(g): Amends section 406 of the act, which relates to children's welfare, by deleting the obsolete authorization for an appropriation for fiscal year 1960 for contributions to the United Nations Children's Fund and substituting an authorization for an appropriation to be available for obligation during fiscal year 1961 for contributions to that fund for calendar year 1961.

Palestine refugees in the Near East

Section 204(h): Amends section 407 of the act, which relates to Palestine refugees in the Near East, by deleting the obsolete authorization for an appropriation for fiscal year 1960 for contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East and substituting an authorization for an appropriation to be available for obligation during fiscal year 1961 for contributions to that agency for fiscal year 1961. In addition, the proviso of section 407 of the act is repealed, so that funds made available under that section may be used for relief and rehabilitation as well as for resettlement and repatriation.

Ocean freight charges

Section 204(i): Amends section 409(c) of the act, which relates to ocean freight charges by deleting the obsolete authorization for an appropriation for fiscal year 1960 to pay ocean freight charges on shipments by U.S. voluntary nonprofit relief agencies and substituting an authorization for an appropriation for the purpose for fiscal year 1961.

Administrative and other expenses

Section 204(j): Amends section 411 of the act, which relates to administrative and other expenses, in two respects:

Paragraph (1) amends subsection (b), which relates to necessary administrative expenses incident to carrying out the provisions of the act (other than chapter I, military assistance, and title II of chapter II, Development Loan Fund) and functions under the Agricultural Trade Development and Assistance Act of 1954, as amended, performed by any agency or officer administering nonmilitary assistance, by deleting the obsolete authorization for an appropriation for this purpose for fiscal year 1960 and substituting an authorization for an appropriation for this purpose for fiscal year 1961.

Paragraph (2) amends subsection (c), which relates to administrative and other expenses of the Department of State, by authorizing an appropriation to the President for such expenses instead of to the Department of State, in conformity with the other appropriations authorized by the act.

President's Special Education and Training Fund

Section 204(k): Repeals section 412 of the act, which relates to the President's special education and training fund.

Atoms for Peace

Section 204(l): Amends section 419(a) of the act, which relates to atoms for peace, by deleting the obsolete authorization for an appropriation for fiscal year 1960 for assistance designed to promote the peaceful uses of atomic energy abroad and substituting an authorization for an appropriation for this purpose for fiscal year 1961.

Chapter III. Contingency fund

President's Special Authority and Contingency Fund

Section 301: Amends section 451(b) of the act, which relates to the President's special authority and contingency fund, by deleting the obsolete authorization for an appropriation for fiscal year 1960 for the contingency fund and substituting an authorization for an appropriation for fiscal year 1961 for such fund.

Chapter IV. General and administrative provisions

Machine Tools and Other Industiral Equipment

Section 401(a): Repeals section 504(d) of the act, which relates to machine tools and other industrial equipment.

Loan Assistance and Sales

Section 401(b): Amends section 505(a) of the act, which relates to loan assistance and sales, by adding a new second sentence designed to clarify the language of the first sentence. The first sentence of section 505(a) of the act now authorizes assistance under the act to be furnished on a barter basis. The new sentence makes it clear that the commodities, equipment, and materials transferred to the United States in such barter transactions may be used for assistance authorized by the act, other than the Development Loan Fund, in accordance with the provisions of the act applicable to the furnishing of such assistance.

Notice to legislative committees

Section 401(c): Amends section 513 of the act, which relates to notice to legislative committees, so as to require that the appropriate congressional committees shall be notified of any determination under the last clause of the second sentence of the new section 404 with respect to the 50–50 shipping requirement (sec. 901(b) of the Merchant Marine Act of 1936, as amended).

Employment of personnel

Section 401(d): Amends section 527 of the act, which relates to employment of personnel, in three respects:

Paragraph (1) amends subsection (b) which relates to employment of personnel in the United States, by increasing (a) the ceiling on the number of personnel employed in the United States on programs authorized by the act who may be compensated without regard to the provisions of the Classification Act of 1949, as amended, and (b) the limitation on the number of such personnel within the above-mentioned ceiling, who may be compensated at rates higher than those provided for grade 15 of the Classification Act general schedule but not in excess of the highest rate provided for grades in such general schedule.

Paragraph (2) amends subsection (c), which relates to employment outside the United States, in two respects. First, it vests the authority of subsection (c) in the President, in conformity with the general structure of the act. Second, it provides that Foreign Service Reserve Officers shall receive in-class promotions in accordance with such regulations as the President may prescribe. This is designed to relieve an existing inequity for Foreign Service Reserve Officers appointed or assigned to perform nonmilitary functions under the act. Under section 625 of the Foreign Service Act these officers, after having been in a given class for 9 months or more, receive an in-class promotion on July 1 of each fiscal year. This means that personnel appointed before October 1 in any given year (i.e., more than 9 months prior to July 1) receive an in-class promotion on the next July 1, while those appointed after October 1 must wait a full year following the next July 1. It is contemplated under the proposed authority that Foreign Service Reserve Officers appointed or assigned pursuant to section 527(c)(2) of the act will receive in-class promotions on the anniversary dates of their appointment or assignment or of their last in-class promotion.

Paragraph (3) amends subsection (d), which relates to appointment of alien employees outside the United States, to authorize the Secretary of State to appoint aliens without the statutory requirement of a request from the Director of the Foreign Operations Administration. By virtue of Executive Order 10610 the functions of the Director of the Foreign Operations Administration were vested in the Secretary of State.

Security clearance

Section 401(e): Repeals section 531 of the act, which relates to security clearance, so that the International Cooperation Administration will, with respect to security clearance standards and procedures, be governed entirely by Executive Order 10450 which applies to all U.S. Government agencies.

Reports

Section 401(f): Amends section 534(a) of the act, which relates to reports, so as to require a report on operations under the act at the end of each fiscal year instead of every 6 months.

Provisions on use of funds

Section 401(g): Amends section 537(a)(3) of the act, which relates to provisions on uses of funds, so as to clarify the basis upon which the International Cooperation Administration contracts with individuals (Americans as well as aliens) to furnish technical advice and assistance to foreign governments subject to administrative and policy supervision and guidance by the ICA Mission. The Civil Service Commission has interpreted the provisions of these contracts relating to ICA supervision and guidance as establishing an employer-employee relationship, which normally may not be established by contract, and has suggested that authority to enter into such contracts be clarified. This authority will also be used, as is the present section 537(a)(3) of the act, to hire aliens by contract for other types of services abroad, such as custodial and housekeeping services.

Construction or acquisition of facilities abroad

Section 401(h): Amends section 537(c) of the act, which relates to construction or acquisition of facilities abroad, to raise the ceiling on the amount of funds made available for assistance in countries other than Korea which may be used for the construction or acquisition of facilities abroad under that section.

Chapter V.—Technical amendments

Reflecting New Limits of United States

Technical amendments

Section 501: Amends the various provisions of the act which refer to the "continental United States" or "continental limits of the United States" so as to make clear the references to the United States include all 50 States.

Chapter VI.—Amendments to other laws

Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480)

Section 601(a): Amends section 202 of title II of Public Law 480, which relates to famine relief and other assistance, to permit the use of surplus agricultural commodities under title II to promote the economic development of underdeveloped areas. One principal purpose of the amendment is to clarify authority under title II to carry out work relief projects on a continuing, rather than on an emergency, basis.

Section 601(b): Amends section 203 of title II of Public Law 480, which relates to famine relief and other assistance, to permit payment from funds available under title II of general average claims arising from shipments of title II commodities to recipient countries. At present, these claims (usually in foreign exchange), which arise against all parties in a sea venture when a portion of a ship or of a ship's cargo is sacrificed to save the remaining cargo or the ship, are left for the recipient country's account, since title II requires delivery of commodities to the recipient f.o.b. U.S. ports with consequent transfer of title before ocean shipment is undertaken. Although general average claims on title II shipments are a rare occurrence, they can be embarrassing to the United States since title II shipments are generally made for humanitarian noncommercial purposes.

Mutual Security Act of 1959

Section 602: Repeals section 501(b) of the Mutual Security Act of 1959, which relates to international cooperation in health.

Public Law 174, 79th Congress, as amended

Section 603: Amends section 2 of Public Law 174, 79th Congress, as amended, which relates to U.S. membership in the United Nations Food and Agriculture Organization, so as to eliminate the ceiling of $3 million on the appropriations authorized by that section for contribution to FAO each year.

Public Law 403, 80th Congress, as amended

Section 604: Amends section 3(a) of Public Law 403, 80th Congress, as amended, which relates to U.S. membership in the South Pacific Commission, so as to eliminate the ceiling of $75,000 on the appropriations authorized by that section for contribution to the Commission each year.

AMENDMENT OF SOCIAL SECURITY ACT TO PROVIDE DISABILITY INSURANCE BENEFITS FOR THE BLIND

Mr. HUMPHREY. Mr. President, on behalf of myself, and the senior Senator from New York [Mr. JAVITS], I introduce, for appropriate reference, a bill amending the Social Security Act to provide for full disability insurance benefits for persons who are blind.

The sudden occurrence of blindness is a shocking and devastating experience. It need not, however, be a disastrous one. Loss of sight is merely the loss of a physical sense—but in no other way does this change or alter the individuals. Of course, blindness does impose certain limitations, but today these limitations may be substantially reduced by the prompt receipt of proper adjustment training in the recognized techniques of blindness. Given this training soon after the onset of blindness, many blind individuals are able to return to regular em-

ployment, are able to resume their responsibilities as providers for their families; but the road back is not an easy one. Public attitudes toward blindness and those who are blind create roadblocks in their way.

A person who is trained in the techniques of blindness, a person who learns to travel freely with the use of the long cane and who receives sufficient training to qualify for practice of a profession or employment in business or industry, still encounters great difficulty in obtaining employment. Too often, if he is so fortunate as to obtain any employment at all, the work will be of an unskilled and repetitive nature—uncertain in duration, meager in compensation.

Individuals who are blind need the minimum financial security that my bill would provide. Such financial security would serve to encourage and stimulate them to greater rehabilitative efforts. I believe it would help in converting them from dependence upon their families or public assistance to economically self-sufficient taxpaying citizens. The bill which I am introducing contains four provisions:

First, it would eliminate so far as blind persons are concerned the age of 50 as a requirement for the establishment of eligibility for disability insurance benefits.

Blindness is a disruptive and demoralizing occurrence at any time in a person's life; but, it is far more disruptive when it occurs during an individual's working years. It is at such time, during such years, that the financial security offered by disability insurance can be of the greatest assistance in the restoration of disabled persons to lives of value to themselves, their dependents, and to the Nation. To deny the benefits of the disability insurance program to blind persons who have not yet attained the age of 50 is to deny to these persons the help which they need at a time when they need it most, at a time when they can still reshape their lives.

Second, my bill provides for the inclusion in the disability insurance program of the definition of blindness which is generally accepted and employed throughout the Nation. Blindness, according to the terms of this definition, means central visual acuity of 20/200 or less in the better eye with correcting lenses, or visual acuity greater than 20/200 if accompanied by a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees. Inclusion of this definition into the disability insurance law would lessen confusion and provide an ophthalmological standard for the determination of blindness.

Once a blind person has established his eligibility for disability insurance benefits in accordance with the terms of this definition, he shall be entitled to receive full benefits for the duration of the disability.

This provision seeks to make the disability insurance sections of the Social Security Act a true insurance program for the blind. Benefits would be conditioned upon the existence and continued existence of the disability of blindness. This provision recognizes that an economic loss is sustained when an individual loses his sight, and it endeavors by means of disability compensation to minimize the economic impact upon the individual.

Third, the bill would delete the present requirement that a beneficiary of disability insurance accept vocational rehabilitation from the appropriate State agency before his eligibility can be established permanently. The effect of this requirement is twofold.

The bill negates the insurance concept of the disability insurance program by conditioning receipt of benefits upon a consideration other than the existence of a medically determinable disability.

This requirement also makes of rehabilitation, which by its very nature is brought about by the voluntary action of a disabled person, a compulsory and coercive force—which endeavors by threat of punishment to compel a man to rebuild his life. Rehabilitation can be achieved only when disabled persons are encouraged and stimulated to the efforts necessary for its attainment. Wise and patient guidance and counsel is needed if disabled persons are to be assisted in rebuilding their lives.

Fourth, the bill would reduce the length of time blind persons must have worked in covered employment in order to establish eligibility for disability benefits. The present minimum of 20 quarters of covered employment would be changed, insofar as the blind are concerned, to a minimum of 1 quarter. There is nothing magic in the current minimum requirement. The requirement that an individual must have attained age 50 in order to be eligible for disability benefits fails to recognize the consequences which inevitably occur when a younger head of a household becomes disabled and can no longer support his family. The current coverage requirement has the same impact on the individual who cannot meet the requirements which it imposes. A contributory insurance program which denies benefits to younger members who become disabled does so at a time when they may be responsible for the support of small children. Aside from its economic impact, the loss of sight can have a devastating effect upon the family head. My bill seeks to correct this inequity.

According to the best available estimates the Nation has a blind population of approximately 350,000. Some 50 percent of these men and women became blind after attainment of age 60, and it is anticipated that this percentage will increase gradually. Many of them are already covered by the old age and survivors and disability insurance benefits under title II of the Social Security Act. Approximately 22,000 American citizens lose their sight each year. If enacted, my bill would make benefits under title II of the Social Security Act available to an estimated 10 to 15 thousand newly blind persons each year.

The bill which I am introducing is similar in all respects to H.R. 8218 and H.R. 8219, introduced in the House of Representatives by Representatives VICTOR L. ANFUSO and ALBERT H. BOSCH, respectively. It is my hope that the appropriate committees will hold prompt hearings on these bills during this session and will adopt them into law.

I ask unanimous consent that the bill may be printed in the RECORD.

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

The bill (S. 3067) to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least 1 quarter of coverage, and for other purposes, introduced by Mr. HUMPHREY (for himself and Mr. JAVITS), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 223(a)(1) of the Social Security Act is amended—

(1) by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B) has not attained the age of sixty-five and, unless his disability is blindness (as defined in subsection (c)(2)), has attained the age of fifty,"; and

(2) by striking out "or he attains the age of sixty-five" and inserting in lieu thereof "or he becomes entitled to old-age insurance benefits (in the case of an individual whose disability is blindness (as defined in subsection (c)(2)) and who is not fully insured when he attains retirement age) or attains the age of sixty-five (in the case of any other individual)".

(b) Section 223(c)(1) of such Act is amended—

(1) by inserting ", other than an individual whose disability is blindness (as defined in paragraph (2))," after "An individual"; and

(2) by adding after subparagraph (B) the following new sentence: "An individual whose disability is blindness (as defined in paragraph (2)) shall be insured for disability insurance benefits in any month if he had not less than one quarter of coverage before the quarter in which such month occurs."

(c)(1) Section 223(c)(2) of such Act is amended by striking out the first sentence and inserting in lieu thereof the following: "The term 'disability' means (A) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration, or (B) blindness. The term 'blindness' means central visual acuity of 20/200 or less in the better eye with the use of corrective lenses, or visual acuity greater than 20/200 if accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees."

(2) Section 216(i)(1) of such Act is amended—

(A) by striking out "blindness" and all that follows in the first sentence and inserting in lieu thereof "blindness (as defined in section 223(c)(2)."; and

(B) by striking out the second sentence.

(d) The last sentence of section 223(c)(3) of such Act is amended by inserting ", except an individual whose disability is blindness (as defined in paragraph (2))," after "for any individual".

SEC. 2. The first sentence of section 222(b)(1) of the Social Security Act is amended by striking out "an individual entitled to disability insurance benefits" and inserting in lieu thereof "an individual (other than an individual whose disability is blindness as defined in section 223(c)(2)) entitled to disability insurance benefits".

SEC. 3. The amendments made by this Act shall apply only with respect to monthly benefits under title II of the Social Security Act for months after the month in which this Act is enacted. In the case of an individual who satisfies section 223(a)(1)(B) of such Act on the date of the enactment of this Act solely by reason of such amendments, the waiting period (as defined in section 223(c)(3) of the Social Security Act) may not begin before the first day of the fifth month before the month in which this Act is enacted.

AUTHORIZATION FOR CERTAIN CONSTRUCTION WORK ON CAPITOL GROUNDS

Mr. SALTONSTALL. Mr. President, I introduce, for appropriate reference, a joint resolution to authorize the Architect of the Capitol to permit certain temporary construction work by the John A. Volpe Construction Co. here on Capitol property in connection with the construction of the new national headquarters of the International Brotherhood of Carpenters and Joiners.

The construction now in process on this building requires the temporary removal of a sidewalk on Louisiana Avenue which is within the Capitol Grounds. The sidewalk is to be replaced when the building is completed, along with other improvements which will, of course, be subject to the final approval of the Architect of the Capitol.

This request is made necessary because of the fact that the proposed new headquarters will abut directly the property line of the Capitol Grounds. The Architect of the Capitol has been consulted in the preparation of this joint resolution, and I am informed he has no objection to its passage. There are necessary safeguards in the provision of the joint resolution providing for the exercise of approval power by the Architect of the Capitol. The net result of the work to be done by the Volpe Construction Co. on the property of the Capitol Grounds will, I am informed by the contractor and by the Architect of the Capitol, be an improvement which will be of benefit to the Government.

There is ample precedent for the passage of this joint resolution. An identical situation occurred recently during the construction of the new headquarters building for the Teamsters Union and necessary permission was granted by Public Law 83–14.

Mr. President, I ask unanimous consent to have the joint resolution and a brief explanatory statement of its purposes printed in the RECORD.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and explanatory statement will be printed in the RECORD.

The joint resolution (S.J. Res. 166) authorizing the Architect of the Capitol to permit certain temporary and permanent construction work on the Capitol Grounds in connection with the erection of a building on privately owned property adjacent thereto, introduced by Mr. SALTONSTALL, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Architect of the Capitol is hereby authorized to permit (1) the performance within the United States Capitol Grounds of excavation, temporary construction, or other work, that may be necessary for the construction of a national headquarters building, and other related facilities, for the United Brotherhood of Carpenters and Joiners of America on the property immediately northwest of the intersection of Constitution Avenue Northwest, and Louisiana Avenue Northwest, in the District of Columbia; and (2) the use of Capitol Ground property located west of the street curb on Louisiana Avenue Northwest, between Constitution Avenue Northwest, and First Street Northwest, for purposes of ingress and egress to and from the building site during such construction. No permanent construction shall extend within the United States Capitol Grounds except as otherwise provided in subsection (b) of this joint resolution.

(b) The Architect of the Capitol is hereby authorized to permit the following improvements of a permanent nature to be made on Capitol Ground property located west of the street curb on Louisiana Avenue Northwest, between Constitution Avenue Northwest, and First Street Northwest:

(1) The removal of the existing driveway which provided access to a gasoline station which formerly occupied such site; the patching of the existing curb; and the regrading and sodding of the area comprising such driveway;

(2) The extension of existing sewers and the building of new manholes under the sidewalk along Louisiana Avenue Northwest, between Constitution Avenue Northwest, and First Street Northwest, to accommodate service laterals from the proposed new building, and the installation of necessary laterals;

(3) The installation of service laterals from existing gas and water mains located on Capitol Grounds property located at Louisiana Avenue Northwest, between Constitution Avenue Northwest, and First Street Northwest.

(4) The removal and replacement of existing sidewalks located on Capitol Grounds property at Louisiana Avenue Northwest, between Constitution Avenue Northwest, and First Street Northwest;

(5) The planting of seven additional trees between street curb and new sidewalk along Louisiana Avenue Northwest, between Constitution Avenue Northwest, and First Street Northwest, such trees to be selected by the Architect of the Capitol;

(6) The regrading and resodding of the remaining area; and

(7) The plugging and filling of a portion of the abandoned brick arch sewer located at the northeast corner of the proposed new building.

SEC. 2. The United States shall not incur any expense or liability whatsoever, under or by reason of this joint resolution, or be liable under any claim of any nature or kind that may arise from anything that may be connected with or grow out of this joint resolution.

SEC. 3. No work shall be performed within the Capitol Grounds pursuant to this joint resolution until the Architect of the Capitol shall have been furnished with such assurances as he may deem necessary that all areas within such grounds, disturbed by reason of such construction, shall, except as otherwise provided in this joint resolution, be restored to their original condition without expense to the United States; and all work within the Capitol Grounds herein authorized shall be performed under conditions satisfactory to the Architect of the Capitol.

SEC. 4. Nothing in this joint resolution shall be construed as conveying to the United Brotherhood of Carpenters and Joiners of America any right, title, or interest in or to any of the temporary or permanent improvements made by it within the Capitol Grounds pursuant to this joint resolution.

The explanatory statement presented by Mr. SALTONSTALL is as follows:

BRIEF REGARDING REQUEST TO PERFORM CONSTRUCTION WORK OF PERMANENT AND TEMPORARY NATURE ON CAPITOL GROUNDS PROPERTY LOCATED WEST OF STREET CURB ON LOUISIANA AVENUE NW., BETWEEN CONSTITUTION AVENUE NW., AND FIRST STREET NW., DISTRICT OF COLUMBIA

1. It is the desire of the International Brotherhood of Carpenters and Joiners of America to construct a new headquarters building to be located on property immediately northwest of the intersection of Constitution avenue NW., and Louisiana Avenue NW., in the District of Columbia.

2. The building is to be of monumental construction with an exterior composed of Georgia white marble with miscellaneous granite trim and terrace paving. Window walls on the first and fifth floors are to be of stainless steel and windows on intermediate floors are to be of African mahogany. When completed the building will cost nearly $5 million and be located on property costing nearly $2 million. The completed building should prove to be an attractive addition to the structures surrounding Capitol Hill.

3. It is the desire of the International Brotherhood of Carpenters and Joiners of America to provide planting boxes for shrubbery adjacent to the property line along Louisiana Avenue and in order to accomplish this construction it will be necessary to encroach temporarily on Capitol Grounds property located immediately southeast of the Louisiana Avenue property line. It is the desire of the owner to connect to and make use of existing utilities located on the Capitol Grounds property referred to previously. When completed these utilities will be hidden from view, however, their installation will require demolition of existing sidewalk necessitating a request for permission to remove and replace the existing walks. The request to plant additional trees and install new sod is based on the owner's desire to further improve the appearance of the property.

4. The Capitol Architect, while cognizant of the International Brotherhood of Carpenters and Joiners' desire to perform this work, advises that he is unable to grant the necessary approval unless specifically permitted by law.

5. This situation occurred recently during construction of the new headquarters building for the Teamsters Union and the necessary permission was granted by Public Law 14, 83d Congress, chapter 15, 1st session, H.J. Res. 229.

6. Drawings showing the proposed work and a rendering showing the anticipated results are attached.

7. All proposed work is to be done at no expense to the U.S. Government and to the satisfaction of the Capitol Architect.

8. The U.S. Government is to be held harmless of all liability resulting from performance of this work.

FREE MARKETING OF GOLD—AMENDMENTS

Mr. MURRAY submitted amendments, intended to be proposed by him, to the bill (S. 590) to permit the free marketing of gold, and for other purposes, which were referred to the Committee on Banking and Currency, and ordered to be printed.

CLARIFICATION OF RIGHT OF STATES TO SELECT CERTAIN LANDS—ADDITIONAL COSPONSOR OF BILL

Mr. MOSS. Mr. President, on the second day of February, the senior Senator from Alaska [Mr. BARTLETT] introduced for me the bill (S. 2959) to clarify the right of States to select certain public lands subject to any outstanding mineral lease or permit. I ask unanimous consent that the name of my colleague, the senior Senator from Utah [Mr. BENNETT] may be added as a cosponsor of the bill.

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

PRESIDENTIAL CONFERENCE TO STUDY MEANS FOR CONTROLLING DISTRIBUTION OF OBSCENE MATTER AND MATERIALS — ADDITIONAL COSPONSORS OF JOINT RESOLUTION

Mr. SCOTT. Mr. President, on February 15 I introduced a joint resolution—Senate Joint Resolution 160—to provide for a conference consisting of Federal, State, and local officials, and members of public and private groups or organizations to consider and propose methods of, and to coordinate action for, combating the traffic in obscene matters and materials. The joint resolution was permitted to lie on the table for further cosponsors.

I ask unanimous consent that the names of Senators BENNETT, BIBLE, BUSH, BRIDGES, COOPER, FONG, GREEN, HOLLAND, KEATING, KEFAUVER, KUCHEL, MURRAY, NEUBERGER, PROUTY, SCHOEPPEL, YOUNG of North Dakota, and SPARKMAN may be added as additional cosponsors of the joint resolution.

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

NOTICE OF HEARING ON NOMINATION OF CHARLES F. PAUL TO BE U.S. DISTRICT JUDGE, NORTHERN DISTRICT OF WEST VIRGINIA

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to announce that a public hearing has been scheduled on the nomination of Charles F. Paul, of West Virginia, to be U.S. district judge, northern district of West Virginia, vice Herbert S. Boreman, elevated, for 10:30 a.m., on Thursday, February 25, 1960, in room 2228, New Senate Office Building.

At the indicated time and place all persons interested in the nomination may make such representations as are pertinent. The subcommittee consists of the Senator from South Carolina [Mr. JOHNSTON], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

NOTICE CONCERNING CERTAIN NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Rowland K. Hazard, of Rhode Island, to be district attorney for the Canal Zone, for a term of 8 years, reappointment.

Warner Hodges, of Tennessee, to be U.S. attorney, western district of Tennessee, for a term of 4 years, vice Millsaps Fitzhugh, resigned.

George C. Harrison, of Tennessee, to be U.S. marshal, western district of Tennessee, for a term of 4 years, vice John T. Williams, term expired.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the Committee, in writing, on or before Thursday, February 25, 1960, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

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. WILEY:

Letter written by him to Senator HOLLAND, chairman, Commerce Department and Related Agencies Subcommittee of the Senate Appropriations Committee, dated February 18, 1960, relating to the reinstatement of certain funds for the weather research program.

MEMBER OF BOARD OF VISITORS TO THE U.S. COAST GUARD ACADEMY

The PRESIDING OFFICER. The Chair has been requested by the Vice President to announce his reappointment of the Senator from Connecticut [Mr. BUSH] as a member of the Board of Visitors to the U.S. Coast Guard Academy, pursuant to the provisions of Public Law 78, 75th Congress.

MEMBER OF BOARD OF VISITORS TO THE U.S. MERCHANT MARINE ACADEMY

The PRESIDING OFFICER. The Chair has been requested by the Vice President to announce his appointment of the Senator from New York [Mr. JAVITS] as a member of the Board of Visitors to the U.S. Merchant Marine Academy, pursuant to the provisions of Public Law 301, 78th Congress.

Is there further morning business?

Mr. FREAR. 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 further proceedings under the quorum call be dispensed with.

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

ANNOUNCEMENT OF CONSIDERATION ON TUESDAY NEXT OF TREATIES ON EXECUTIVE CALENDAR

Mr. JOHNSON of Texas. Mr. President, for the information of the Senate, after conferring with my beloved friend the minority leader [Mr. DIRKSEN], we have decided that it would be in the interest of most of the Members of the Senate to have an announcement as to the time we shall proceed to the consideration of the treaties on the Executive Calendar. It is our opinion that the best time to do that would be the middle of the afternoon on Tuesday next.

Therefore, I announce, for the information of all Members of the Senate, that we expect to have at least one rollcall, and perhaps others, on the treaties now on the Executive Calendar, and that rollcall will be some time in the middle of the afternoon on Tuesday next, after the minority leader has concluded with certain business he has scheduled for that time.

EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of nominations on the Executive Calendar.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Without objection——

Mr. STENNIS. Mr. President, reserving the right to object, does the Senator refer to the nominations on the present Executive Calendar?

Mr. JOHNSON of Texas. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

There being no objection, the Senate proceeded to consider executive business.

EXECUTIVE MESSAGES REFERRED

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

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

The PRESIDING OFFICER. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

INTERNAL REVENUE SERVICE

The legislative clerk read the nomination of Hart H. Spiegel to be Assistant General Counsel (Chief Counsel of the Internal Revenue Service).

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. JOHNSON of Texas. Mr. President, the reason why I am seeking to have the Senate consider the nominations on the Executive Calendar now is that my beloved friends from Alaska, Senator GRUENING and Senator BARTLETT, are very anxious to have the nomination of the district judge for Alaska confirmed. I am delighted we have the opportunity to have that done at this time.

U.S. DISTRICT JUDGE

The legislative clerk read the nomination of Walter H. Hodge to be U.S. district judge for the district of Alaska.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. GRUENING. Mr. President, both my colleague [Mr. BARTLETT] and I are extremely happy at the confirmation of this appointment. Judge Hodge has been a distinguished Federal judge in Alaska, twice appointed by this administration, twice confirmed. He is now serving as an associate justice of the State supreme court. His appointment and confirmation have the unanimous approval of the Alaska bar. I thank the Senate for acting upon this nomination, immediately upon receipt of the favorable Judiciary Committee report. The judicial system of the 49th State is now ready to function.

U.S. ATTORNEY

The legislative clerk read the nomination of Kenneth G. Bergquist, of Idaho, to be U.S. attorney for the district of Idaho for a term of 4 years.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

U.S. MARSHALS

The legislative clerk read the nomination of Dudley G. Skinker, of Maryland, to be U.S. marshal for the District of Columbia for a term of 4 years.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of William K. Holt, Jr., of Georgia, to be U.S. marshal for the middle district of Georgia.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

TIGHT MONEY HITS SMALL BANKS

Mr. PROXMIRE. Mr. President, one of the leading articles on the first page of the Wall Street Journal this morning relates to the issue of tight money. It is entitled "Money and Main Street—Banks in Small Cities Tighten Credit as It Eases a Bit Elsewhere."

The article reports that the tight money policy is now having its most serious effect on small banks in the smaller communities of the country, rather than in the great financial centers like New York, Chicago, and San Francisco. The article states:

"Money may be easing in New York City, but it's just as tight here as it's ever been."

Speaking is a Plainfield, N.J., banker whose institution is located a scant 2 dozen miles from the manmade canyons of the Nation's financial capital. His comment points up an often overlooked fact: Money market trends usually spread slowly to smaller cities and towns.

The article points out:

Only in more recent weeks, however, has tight money's impact spread to most smaller cities and towns. Small businessmen, farmers, and other would-be borrowers are finding it both more difficult and costly to secure loans.

Many bankers figure the easier-money trend in the major financial centers is only temporary. The Federal Reserve System has shown no signs of easing its pressure on the banks, and bank business loans are heading upward. If money grows tighter in major cities—or stays as tight as it is now—the impact of the smaller-city money squeeze could extend far beyond local borrowers.

Then the article reads:

"Smalltown banks have to assess the relative riskiness of their loans," says an officer of the Chicago Federal Reserve Bank. "In a small town most borrowers tend to be dependent on the same or similar influences such as the closing of one total factory or a poor crop due to adverse weather. So the smalltown banker can't afford to carry too big a loan portfolio; most of his loans might go bad at once. In a big money market, lending is done to a widely diversified list, so the portfolio is safer."

The article points out that the tight money squeeze is now really exerting pressure not only on our small banks, but also on our smaller communities and towns.

I should like to conclude by calling attention to something not mentioned by the Wall Street Journal, to wit, the fact that the real pressure on the small bank is that most of its liabilities are in the form of time deposits that do require the bank to pay interest, not demand deposits, that require the bank to pay no interest.

This means that as interest rates rise, the small banks have to pay interest as well as receive interest. In Wisconsin the typical small bank has two-thirds of its deposits in time deposits, on which it must pay interest. In New York, on the other hand, the typical big bank has only 5 percent, or one-twentieth, of its deposits in time deposits. Most of those deposits do not bear interest. So that while the tight money policy is a bonanza for the big banks, because it means soaring income with very little interest cost increase, it is a serious problem for the smaller banks, because interest costs rise right along with interest income.

EQUAL RIGHTS LEGISLATION FOR RETIREMENT DEDUCTIONS FOR THE SELF-EMPLOYED

Mr. SMATHERS. Mr. President, one of the most respected and widely read financial reporters in the United States, Miss Sylvia Porter, whose articles are syndicated across the Nation, had published in the Washington Evening Star, night before last, an article entitled "Tax Break for Self-Employed." In the article she states very ably and very clearly, I think, the value of the enactment of the proposed legislation for the benefit of the self-employed, who for many years have experienced an inequity affecting them, because they have not been given the same privilege of taking tax deductions for retirement funds as have those who have been working in industry and have received from the Treasury approval of certain pension programs.

In the article Miss Porter points out that this proposed legislation is now before the Finance Committee, and that there is some indication from those in the Treasury that, although previously they had fought the enactment of such legislation, they now are beginning to see that this inequity should no longer exist, and they recognize the demand of some 10 million people in the United States who are self-employed, and the fact that they are not going to stand much longer for this inequity.

As one of the authors of this proposed legislation, I very much appreciate the article; and I am greatly encouraged by the position of the Treasury in recent weeks when, either recognizing the validity of the arguments made against the present situation, or else recognizing the political pressures being made on the Members of the Congress, and realizing that something is going to happen, those in the Treasury have changed their position.

I think I can say that it will not be too much longer before the so-called Smathers-Morton-Keogh-Simpson bill will be on the statute books. When it is on the statute books, we shall be able to take great pride because an inequity in our tax laws will then have been eliminated.

Mr. President, I ask unanimous consent that the article written by Miss Porter be printed at this point in the RECORD, in connection with my remarks.

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

TAX BREAK FOR SELF-EMPLOYED

(By Sylvia Porter)

The odds are mounting that equal rights legislation for America's 10 million self-employed in planning for retirement will come out of Congress this session.

If you are among the self-employed—which includes small businessmen, doctors, lawyers, accountants, engineers, etc.—this event can help you in providing for your future financial independence. Certainly, the legislation will remove a glaringly un-

fair discrimination against the self-employed person trying to build up a retirement pension.

In briefest summary, here's the story, up to date.

Within a few weeks the Senate Finance Committee will take up H.R. 10, also known as the Smathers-Morton-Keogh-Simpson bill. H.R. 10 passed the House last year.

BILL IS OUTLINED

Under the bill, you, as a self-employed person, would be allowed to deduct from your Federal income tax up to 10 percent of your annual net earnings, or $2,500 (whichever is less), provided you put this money into a retirement program as specified in the legislation.

You could take your deduction for 20 years, permitting you a maximum lifetime deduction of $50,000.

When you received your benefits under your retirement program, your investment plus your accumulated earnings on it would be treated as ordinary income and taxable as such.

The above three paragraphs give you the heart of the legislation although there are other details on age limits, withdrawals, etc.

From 1951 to 1959 Representative KEOGH, Democrat of New York, persistently introduced bills to give the self-employed a tax break on their retirement savings comparable to that which employees covered by employer-financed pension plans have had for years.

The Treasury just as persistently opposed the bills, though, because it argued the Government cannot afford to lose the $365 million a year in revenues it figures would be involved.

But on March 16, 1959, despite the Treasury's opposition, a bill sponsored by Mr. KEOGH and the late Representative Simpson of Pennsylvania, was overwhelmingly approved by the House.

ONE NEW ANGLE

Now the bill has moved to the Senate Finance Committee under the sponsorship of Senator SMATHERS, Democrat, of Florida, and Senator MORTON, Republican, of Kentucky. The only new angle is that the Smathers bill would become effective in 1961, a bit later than the House bill's effective date.

A careful survey indicates that if the bill reached the Senate floor today, it would pass by a comfortable margin.

If it goes through, the self-employed individual who wants to set up a pension plan will get a tax break similar to that which an estimated 18 million employees under corporate pension plans now enjoy.

If it goes through, a major and long-admitted discrimination against the self-employed will be wiped out.

If it goes through, financial institutions of various types will immediately create retirement funds and accounts for the self-employed. Many major financial institutions are set to go now.

Legislation to give equal rights to the self-employed in setting up retirement plans is inevitable. With the administration forecasting a fat budget surplus and with the effective date for the legislation put off to 1961, the chances are the brightest yet that the remaining opposition will crumble and the bill will become law this year.

Mr. SALTONSTALL. Mr. President, I concur with the remarks of the Senator from Florida [Mr. SMATHERS] regarding the article by Miss Sylvia Porter.

Sylvia Porter aptly describes H.R. 10, a bill now pending in the Senate which enables self-employed persons to establish retirement pension programs of their own, as equal rights legislation. Her discussion is worthy of note by all of us and not only because of her excellent treatment of H.R. 10 and her endorsement of it, but because of the importance of this legislation itself.

Mr. President, fair and equitable tax treatment is fundamental under our democratic form of Government. Yet for many years the self-employed—lawyers, accountants, plumbers—in all 31 groups—have been denied the opportunity now afforded to persons working for a corporation to establish funds for their old age and their retirement.

I believe H.R. 10 to be among the most important subjects before the Congress in this session. The problems of the aging are of important concern to the Congress and the executive branch. The White House has held national conferences on the problem. We debate in Congress methods by which the Government can aid and assist persons after their retirement—for instance, in the fields of medical insurance and increased social security.

These methods involve a heavy expenditure of taxpayers' funds. H.R. 10 I submit, Mr. President, offers a simple, straightforward way in which the Federal Government can encourage self-employed persons to help themselves—to provide for their own retirement and to plan their own savings for their old age in an orderly way without involving the expenditure of any Federal funds and with a minimum loss of revenues—in fact, merely a deferral of revenues. Both in principle and in practice H.R. 10 is sound legislation.

Sylvia Porter's column expresses the need for Congress to act and to remedy the penalty that is now levied against 10 million self-employed persons.

NATIONAL STUDENT COMMITTEE FOR THE LOYALTY OATH

Mr. BRIDGES. Mr. President, I invite attention to the recent organization of the National Student Committee for the Loyalty Oath. Second only to the discussion revolving around the missile gap is the discussion regarding the flabbiness of our educational system as compared to that of the Soviet Union. Congress, having great concern in regard to that matter, developed a program in the National Defense Education Act which was designed to strengthen the Nation's educational facilities, particularly in regard to the sciences.

In its wisdom, Congress provided that recipients of aid under the National Defense Education Act should take a non-Communist oath and make a disclaimer of Communist belief. As might be expected in a country such as ours, where the utmost of freedom of expression is encouraged, there has been some objection to the oath and disclaimer requirements. I am happy to report, however, that the objection comes from a very tiny minority of the participating colleges, only 12 out of approximately 1,300.

To my mind, the refusal of the available Federal funds was more of a dictation to the student bodies involved than was the case in the oath and disclaimer requirements. These colleges have taken the very paternalistic attitude of "Father knows best," and have denied to their students the freedom of choice as to whether or not the student himself wished to avail himself of the funds with the oath and disclaimer requirement.

It is most heartening to me that an organization of the students themselves has come into being, dedicated to the preservation of the oath and disclaimer. Particularly heartening is the fact that membership comes from some of the colleges which have denied their students the freedom of choice. I was most happy to give this organization my endorsement.

Mr. President, I ask unanimous consent that there be included at this point in the RECORD the statement announcing the organization of this committee and its purposes.

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

NATIONAL STUDENT COMMITTEE FOR THE LOYALTY OATH

A national student organization founded for the object of preserving the student loyalty oath and nonsubversive affidavit in the National Defense Education Act was announced here today.

The organization's name is the National Student Committee for the Loyalty Oath. Twenty-five colleges and universities across the Nation are represented on its governing board and more are to be announced in the near future.

Chairman of the organization is Douglas Caddy, a senior at Georgetown University in Washington, D.C. Caddy is presently State chairman of the Young Republican College Federation for the District of Columbia. Executive secretary-treasurer of the student committee is David Franke, a junior at George Washington University in Washington, D.C. Franke is also at the present time the editor of the Individualist, official student publication of the Intercollegiate Society of Individualists.

The committee is bipartisan in political character. Its activities will be confined solely to fighting for the preservation of the loyalty oath and affidavit presently embodied in the National Defense Education Act and will not enter into the other areas of controversy currently attached to the National Defense Education Act.

Colleges represented by students on the governing board of the organization include Harvard University, Boston College, University of Connecticut, City College of New York, Manhattan College, College of New Rochelle, University of Indiana, Butler University, University of Wisconsin, Antioch, Marquette University, St. John University (Minnesota), University of Michigan, Wittenberg College (Ohio), Iowa Central College, Kansas State University, William and Mary University, University of Houston, University of Arizona, University of New Mexico, Georgetown University, George Washington University, American University, Dunbarton College, and Trinity College.

The committee has been given the endorsement and blessing of Senator STYLES BRIDGES, of New Hampshire, chairman of the Senate Republican policy committee. Senator BRIDGES in a recent letter to the committee wrote, in part:

"The formation of your nationwide committee has come to my attention, and I offer my congratulations for the example of patriotism being expressed by our young American college and university students. It should serve to inspire our future leaders in

every field of endeavor to renew their knowledge of the fundamentals upon which our Nation was founded.

Throughout our history thousands of our young people have daily saluted the American flag and repeated the pledge of allegiance without any thought of hesitation. It has always been my belief that it was an honor to take any pledge of allegiance or subscribe to any oath of loyalty on behalf of our Nation. Why this should become unpopular in some circles is almost beyond my belief and comprehension.

I wish the committee well and hope it receives support throughout the country. It is most certainly a worthwhile endeavor.

STYLES BRIDGES,
Chairman, Senate Republican Policy Committee.

In announcing its formation, the student committee termed "deplorable" the actions of the 19 colleges and universities who have refused to or withdrawn from participation in the National Defense Education Act because of the loyalty oath requirement. The committee raised the questions (1) whether it is proper for the officials of these colleges and universities that have refused participation to act as a super legislature and deny qualified students the opportunity to seek the benefits under a public law designed to aid them individually, and (2) whether such officials are not by administrative fiat depriving the students of the very freedom they seek to preserve. The committee called attention to the fact that while only 19 institutions have refused participation in the National Defense Education Act, over 1,370 other institutions are participating without protest of the benefits of the National Defense Education Act.

LOYALTY OATH PROVISIONS OF THE DEFENSE EDUCATION ACT

Mr. BRIDGES. Mr. President, it is argued by some that the loyalty oath provisions of the Defense Education Act unfairly single out students and others in intellectual pursuits.

As my colleagues know, I believe any American should welcome all opportunities to reaffirm his loyalty. To be singled out to reaffirm loyalty to the United States is a singular privilege, it seems to me.

But I do not intend to make a speech on the subject at this time.

I would like, however, to invite to the attention of my colleagues a timely speech given recently by Martin B. McKneally, national commander of the American Legion. The speech is entitled: "What Is a Loyalty Oath?" It was delivered in Tucson, Ariz., December 14 last.

I shall not quote at length from the speech, but I do want to read five short sentences from it. I shall then ask that the whole speech be printed in the RECORD. Here are the five sentences:

Let us recognize that teachers and intellectuals occupy an exalted place in our society. They are the ones to whom we look for leadership and for light in this complex world. In short it may be said that they are the ones upon whom we ordinary people must ultimately depend. Are we asking more than they are willing to give in requiring this simple affirmation of loyalty to our country? Surely, no one in his right mind interprets this as a slander or a reflection upon them as a practical proposition.

I urge my colleagues to reflect upon those five sentences, and I hope that students and educators will do likewise.

Mr. President, I now ask unanimous consent that the speech referred to be printed at this point in the body of the RECORD.

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

WHAT IS A LOYALTY OATH?

(By Martin B. McKneally)

I am glad to be in Tucson for it gives me an opportunity to visit again with old friends and to enjoy the great hospitality for which Arizona has become so famous. This is my first visit to this State and I have looked forward with anticipation to it, and in no instance have I been disappointed. The color and the majesty of your countryside is matched by your kindness and the warmth of your welcome to all visitors.

I come to you on this visit as the national commander of the American Legion and I can report well of your organization. It is sound and vigorous in all of its divisions. We have done a fair amount of traveling and have talked before many groups and the prestige of the American Legion is high because it has supported a policy founded upon one thing only and that is what is best for America. Its prestige is high because its voice is clear and its voice is clear because it has always managed to see things in their proper perspective. It has seen what was there, not something else. I suppose this is so because the average legionnaire views the events of our time with the 20–20 vision of undiluted patriotism. We have taken our stand on the great issues confronting the country and will continue to do so in spite of the fact that we differ from highly articulate and sometimes over-emotionalized critics and scorners and cynics. One of the interesting developments in the new public philosophy is the perfection of the smear technique; the use of the broad unsupported generalization. The American Legion has in the past been insulted because of its devotion to nationalistic ideals, the exaltation of the flag and the preservation of the sovereignty of the United States. These are great causes and if they fail it will be because the American Legion has been unable and in somewise prevented from bringing home to all Americans their indispensability to life, liberty, and the pursuit of happiness. If we are unable it is due to our lack of concern, if we are prevented it is due to the web of confusion which has been spun around reasonably simple issues.

One cannot but look with concern on signs that the image of America abroad has become distorted and distasteful, and indications of failure and decadence at home.

I call to your attention as proof positive that the soul of America is in great danger to a book of recent publication written by Eugene Kinkead, entitled "In Every War But One." This book is a treatment of the collapse of morale among prisoners of war in Korea. One out of three technically collaborated with the enemy. One out of seven did the business of the enemy, 21 elected to remain with the enemy, 75 returned home as espionage agents of the enemy. Thirty-eight percent died in captivity. No one escaped. For the first time in America's long record of military exertions, Americans were found to have lost the bond that unites free men together. For the first time the inevitable kinship among men which is the result of service to a great ideal was broken and Americans were at war with one another—a war in many of its aspects more cruel and more distressing than the one they fought with the enemy, for in this war Americans fought Americans, Americans betrayed Americans, Americans murdered Americans. I suppose that unmatched in the whole catalog of human infamy will be the crime of one Gallagher who cast two of his fellow prisoners, sick with dysentery and fatigued to the bone, out into the night where they died of the cold in shock and in disbelief of their fate.

Where I ask you, do you fit these statistics into a nation with an exalted mission?—a mission the like of which has never been equaled in the history of mankind. For the great burden of our country, ladies and gentlemen, is to keep the fires of individual freedom burning brightly in the hearts of all Americans and to keep this America clean and sure of its purpose as the hope of all men and women abroad.

Not only must our sense of mission be strong but the policies of our country, in this duel with communism, must be courageous and responsive to the will of the people. In my travels in the last several weeks I have had a great opportunity to discuss with many Americans the issues facing this country and the role the American Legion must play in helping face these issues.

I have found to a man a dreadful concern about the situation in Cuba. It is abundantly clear to all now, that Castro is not the modern George Washington he was called by a New York City television master of ceremonies one Sunday night. He is something quite different. We do not know all that he is but this we do know—he is doing the business of our enemy.

And I shall say this as one American that any head of state who consigns men to the firing squad, without just and fair trials, because of a failure on their part to support the revolutionary movement, inspires in me no confidence that he understands the nature of freedom or that he is a person worth conciliating. One cannot help but view the continuing passivity on the part of our Government to the continuing insults to our flag and to our citizens as a species of appeasement and we all know appeasement has never worked and is particularly vile when it is engaged in to the prejudice of our own sovereign citizens. I say to you, we shall continue to play the role of "Obliging Oliver" to our peril if, indeed, not to our doom, in this area and in other areas abroad.

We shall not win that way, this war for the minds and the hearts of men. If policies without courage will not help us abroad, much less will they help us in all of the problems confronting us at home. A question of much moment before the American people is the one concerning what is called the loyalty oath.

The American Legion, by resolution of its 1959 convention, supports the loyalty oath provision of the National Defense Education Act. It does so on this theory: The National Defense Education Act is a part of the enactments of Congress providing for the security of the United States and as such those receiving benefits under it are special persons, they are singled out as special beneficiaries for a special reason and as such their loyalty to the United States and their freedom from the taint of disloyalty is properly an issue.

To read the debate on the Kennedy-Warren bill which sought, at the last session of Congress, to repeal the section of the act which required every student-beneficiary to sign an affidavit to the effect that he does not believe in and is not a member of and does not support any organization that believes in or teaches the overthrow of the U.S. Government by force or violence or by any illegal or unconstitutional means is to take an exercise, a lengthy exercise in evasion, begging the question and missing the point. One would think that loyalty to the sovereign state is the exaction of an onerous, burdensome thing to the average American. One would think that subversion was not the Communist business. One would think that

freedom, in this desolate age, was not dying all over the world. One would have to conclude that the great states that have been overthrown, since 1945, were not helped to disaster by certain disloyal citizens within their boundaries. The fact of the matter is that loyalty is an issue and the United States must be protected against disloyalty.

The fact of the matter is that those of us who support this affidavit, and have ourselves taken such an oath gladly, find in it no reflection on our integrity and our loyalty. When we insist upon our position we are disdained as anti-intellectual and as descendants of those who called for a religious test in the Middle Ages. This is specious nonsense.

A man's traffic with his God is a personal affair and is answerable in a forum over which we have no control. Treason to one's country is another story. A tightly organized society such as our own, exists by virtue of certain understandings, certain compacts: man to man. We are all participants in it and every man is affected by the deeds of his fellows. This principle is indeed part of the tradition of the common law. For instance, I must so use my property that it does not do injury to my neighbor. I may speak freely but I may not expect my freedom to extend to me the right to shout "Fire" in a theater and thereby cause panic and injury to my fellows. Freedom, indeed, is a qualified thing. I cannot in any case commit injury to my fellow citizens without penalty. This is purely a social responsibility and its violation throws me out of step.

Treason or betrayal of the common good as constituted in a duly authorized way is an act which violates the responsibility of one citizen to another. The average American is unable to follow the tenuous reasoning which identifies a religious test in the Middle Ages with a loyalty affidavit of today, except insofar as it identifies the loyalty oath with something admittedly bad for the purpose of destroying it.

I have said to you that around the world in this age of brainwashing techniques and indoctrination, loyalty is in issue. "With every dawn," Camus tells us of our time, "masked assassins slip into some cell." "Murder is the question before us." This is the solemn keynote of our time. Shall we fail to heed it? According to the over-anxious reasoning of certain college presidents? And in this connection it is worth noting that the hearings in the Senate catered to the opponents of the loyalty oath and entertained not a voice in support of it. It is interesting further to note that not one student voice was heard. After all this bill provides for a relationship between Government and student, and those university boards and presidents who have withdrawn their institutions from it have deprived thousands of American youths of the personal benefits of this program and the benefits to the Nation, by summary action based upon unsubstantial reasoning may charge us with anti-intellectualism (and I am not sure what that term really means) but I do know this: they inspire me with no great admiration for their position.

The battle against communism is a struggle for men's minds and in this struggle we shall not win by the mounting confusion of words that surround great issues. It has been argued that if the loyalty oath is to be included in a security measure then it should also be included in a farm subsidy law. This is in effect to say that a farmer raising corn is in the same position as a man working in the field of molding men's minds. Let us recognize that teachers and intellectuals occupy an exalted place in our society. They are the ones to whom we look for leadership and for light in this complex world. In short it may be said that they are the ones upon whom we ordinary people must ultimately depend. Are we asking more than they are willing to give in requiring this simple affirmation of loyalty to our country? Surely, no one in his right mind interprets this as a slander or a reflection upon them as a practical proposition. Teachers operating under the New York school system have been taking such an oath for years. No one has thought less of them for taking it.

Now the subject of this discourse has been in defense of the loyalty affidavit and opposed to the reasoning used in an effort to defeat it. I would give the opponents of the loyalty oath a large measure of credit if they would base their case on the fact that the oath has little practical use in protecting the Nation against subversion instead of trailing off into vaporish, thin skinned expressions of injured pride. Perhaps it is nothing more than a symbol of loyalty. Is symbolism bad? When a man tips his hat to a lady, he uses a symbol of respect; his head bowed in prayer is a symbol of his reverence. His use of the term His Excellency, to a Governor, is a symbol of his submission to the authority of the law. Are these bad? Do we think more of a man if he fails to observe them? The loyalty oath is probably nothing but an expression of devotion to one's country in this day of its darkest peril. But even if this is all that it is, who can deny that such an expression does some good? I have said to you that the battle of communism is one for the minds of men. It must be fought in the classroom.

But the battle against communism must also be fought on the level of faith, not only across the plains of economic and scientific achievements. Communism proposes that life is material and a man is a product of nature with no purpose, no will, and no soul. This is a harsh doctrine but because they have succeeded in dressing it up with appeals to ideals and equality, they have succeeded in winning in many instances, the battle for the heart and the minds of men. Ours is a society and a system based upon ideals. Our job as legionnaires is to keep the eyes of all Americans focused on the ideals of our country and our job as Americans is constantly to translate the image of America abroad in terms of his ideals.

We as members of the American Legion must keep alive the spirit of patriotism, love of country. This is our challenge. To those who have grown listless in their appreciation of individual freedom and the great gift of citizenship in this country let us constantly recount their blessings. They are neatly summed up in a passage written by a refugee—one who came to these shores from Herr Hitler's concentration camps and eventually became a citizen of these United States. He wrote:

"I am an American citizen * * * a member of the greatest fraternity on earth. * * * The brotherhood of free men because a million American citizens have died and millions have suffered in the wars of our Republic. I have greater freedom than any other citizen of any other nation in any other period of mankind. I have greater freedom to work, to worship, to love, to learn, and to play. Mine is the freedom to compete, to invent, to save, to invest, to create, to promote, to own. I have freedom to choose, to join, to vote, to speak, to travel, and to walk erect with head high. I am free to be my own self as an individual human soul. I am free to glorify God."

THE FEDERAL NOOSE

Mr. BRIDGES. Mr. President, from time to time we have heard of some strange and ludicrous examples of farmers being penalized for growing crops for their own use.

Now we have the case of the State of Ohio. According to an editorial in the February 12 issue of the Wall Street Journal, entitled "The Federal Noose," we find that the United States is bringing a suit against that sovereign State because eight of its mental and penal institutions grew more wheat than the Federal Government told them they could. Because of this, the State of Ohio was fined $28,000 and the Government has gone to court to collect it.

The State of Ohio says the suit brings up a constitutional question of great import. Ohio maintains that a State cannot be regarded the same as an individual.

The editorial comments that:

What the Government can do to an individual, the Government can do to a State as well wherever individuals or States have abdicated their rights and responsibilities to a central power.

The editorial points out an interesting angle by saying that it might not be too great a disaster for the Federal Government to win this case because that "might make both the public and the State officials come to realize that whether it has to do with aid for wheat or aid for roads or aid for schools, the Federal purse strings can also become a Federal noose."

The handwriting is on the wall. Now we have a bill to pay nearly all school expenses from Washington, D.C. Next we will order what kind of books may be used in schools.

It goes on and go. The Federal noose gets tighter and tighter.

Because of the grave importance of such a trend, I ask unanimous consent that this editorial be printed in the body of the RECORD at this point.

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

THE FEDERAL NOOSE

The sovereign State of Ohio seems somewhat surprised at a suit brought against it by the United States of America. Seems Ohio's eight mental and penal institutions grew more wheat than Uncle Sam told them they could.

Because Ohio's institutions exceeded their quotas, the State was fined $28,000 and the Government has gone to court to get it. The quota system was devised to prevent wheat from piling up in the Government's surplus which, of course, it hasn't prevented. But this Ohio wheat wasn't raised either for the market or for the surplus; it was raised to feed livestock and to make flour for the inmates of the institutions.

Governor DiSalle says the suit brings up a "constitutional question of great import." A State, he says, can't be regarded by Uncle Sam the same as an individual, and so he thinks the Supreme Court eventually will decide this question of Washington dictating to a sovereign State.

We hope Mr. DiSalle does fight this suit. Since most State Governors are pretty careful to guard their prerogatives when Uncle Sam seeks to trespass on the statehouse, Governor DiSalle can count on having lots of States on his side.

But where were the States when the Government was moving against individuals for exceeding quotas in exactly the same manner Ohio has? We didn't hear of many State officials rushing to the defense of Farmer Stanley Yankus, of Dowagiac, Mich.,

when the Federal agents grabbed half his bank account for growing excess wheat to make chickenfeed. The wheat he grew never left the Yankus farm. Mr. Yankus is not the only individual who's suffered the heavy hand of Government aid.

What the Government can do to an individual, the Government can do to a State as well wherever individuals or States have abdicated their rights and responsibilities to a central power.

Since that is so, it might not be too great a disaster for the Federal Government to win this wheat suit in the Supreme Court. Because that might well make both the public and the State officials come to realize that whether it has to do with aid for wheat or aid for roads or aid for schools, the Federal purse strings can also become a Federal noose.

U.S. RELATIONS WITH PANAMA

Mr. BRIDGES. Mr. President, since the end of World War II this country has roamed the highways and the byways of the world extending foreign aid, mutual security, economic aid, military aid, and technical assistance among free world friends. This great humanitarian effort has had notable successes and perhaps equally notable failures. Although distance lends enchantment, we have not overlooked our neighbors on the broad avenue of the Americas, North and South, including the Republic of Panama.

Let us explore the situation in regard to Panama. The origin of and the succession of events which have led to the present could take hours of tracing and recitation. It would be sufficient for my purposes, for the moment, to put just one segment of this sorry situation under the magnifying glass.

The Panama Canal stands as one of the great engineering feats of the ages, and it is especially significant that we, as a still young Nation in terms of existence and technical know-how, took over where others had failed and made the project an accomplished fact. In the years since the canal was officially opened in 1914, it has been one of the greatest boons for mankind on this earth. It has contributed greatly to the economic and cultural development of the world, and after being constructed by this Nation, it has been maintained by this Nation, for the benefit of one and all, at the most moderate of tariffs, sufficient to barely meet the cost of its operation and maintenance.

Despite all of the foregoing, the sovereignty of the United States in the Panama Canal Zone is today being seriously challenged to the end of eventual nationalization by the Republic of Panama, which of itself would be sufficiently disturbing, but also there is the fact that, once again, the movement seems to be inspired by the constant Communist probing into the affairs of this hemisphere.

Let us look for a moment at the history of our sovereignty in the Panama Canal Zone. The Hay-Pauncefote Treaty of 1901 between this country and Great Britain accomplished the relinquishment by Great Britain, exclusively to the United States, of whatever rights Great Britain then possessed. In 1903, under the Hay-Bunau-Varilla Treaty with Panama, this country acquired in perpetuity the use, occupation, and control of the Canal Zone for the construction of the Panama Canal and its perpetual maintenance, operation, sanitation, and protection. This is under article II of the 1903 convention. Article III of the convention gave utter sovereignty to the United States over the Panama Canal Zone in the following language:

> The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

Finally, by the Thomson-Urritia Treaty of 1914, proclaimed in 1922, this country concluded with Colombia the restoration of amity, which had been previously impaired by the fact that Panama had revolted from Colombia and our previous treaty with Panama in regard to the Canal Zone had given status to the revolutionary Panamanian Government. Also included in the treaty with Colombia was the acquisition of the Panama Railroad by payment to the title holders of interest.

In the interpretation of treaties and statutes, it is always enlightening to read the statements of intention of those who participated therein, or who were in a position to evaluate and define immediately after the fact. Bunau-Varilla, Panama's Minister to the United States and one of the principal draftsmen of the treaty, stated succinctly:

> To cut short any possible debate, I decided to grant a concession of sovereignty en bloc.

He goes on to say, further, the course which seemed best was to grant the United States:

> All the rights, power, and authority which the United States would possess and exercise if it were the sovereign of the territory; to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, and authority.

Secretary of Government Tomas Arias of Panama stated in a note to Gov. George W. Davis of the Canal Zone:

> The Government of the Republic of Panama considers that upon the exchange of ratifications of the treaty for opening the interoceanic canal across the Isthmus of Panama, its jurisdiction ceased over the Zone.

The terms of the treaty and the statements against interest of the officials of the Panamanian Government itself would seem to have settled for all time the matter of United States sovereignty in the Canal Zone.

Times change and policies of state shift for good or for ill with those times; however, the ebb and flow of the tides of State Department policy had no effect on this ironclad arrangement until the Hull-Alfaro treaty in 1936. Here the erosion begins. Without laboring Senators with the historical recitation of treaties and agreements giving away right of eminent domain, giving up vital real estate holdings, and continuing on through stupidity in choice of words when, in 1946 in the United Nations, we listed the Panama Canal as U.S. occupied territory, let us skip to the present time. The erosion has now become so complete that U.S. sovereignty in the Panama Canal Zone is now being vigorously challenged in what can be interpreted only as the opening wedge in the drive for nationalization.

As I have pointed out, the grant of sovereignty to this country was clear and unequivocal, both in the language of the treaty and the statements, notes, and memorandums of those participating. The sole possible claim of residual Panamanian sovereignty would exist only if, in the first place, this country had not successfully constructed the canal, and in the second place, it had not operated it, maintained it, and provided for defense, policing, and sanitation.

There is no charge that this country has failed in any of those obligations. What do we find in the face of this challenge to our sovereignty but a rather spineless sort of apathy as far as the State Department is concerned? In a letter of January 23, 1960, from William B. Macomber, Jr., Assistant Secretary, Department of State, to Representative DANIEL J. FLOOD, he states that the words which he has underscored, "if it were the sovereign," from article III of the 1903 convention, which I have cited above, "have an important bearing on the matter under discussion." He does not go on to elaborate. He does not go on to explain the importance, but it is clear that these words, taken out of treaty context, are to be used in justification for further erosion to the extent that we lack sovereignty in the Canal Zone altogether. Taken in context, it is clear that what is intended is to give the United States sovereignty in the Canal Zone to the same extent as the Panamanian sovereignty in the surrounding territory, in which the Canal Zone is located.

Just how, specifically, is the final erosion of our sovereignty to be accomplished. The Panama Government now demands that the Panama flag fly with the U.S. flag throughout the Canal Zone, and that every ship passing through the Canal display the Panamanian flag, as would be the case of any foreign ship entering the port of another country. It has been axiomatic throughout civilized history that the display of the flag of a country establishes sovereignty. When the world was being explored and conquered by the European civilization, the first act of conquest and the first act of proclamation of sovereignty was the planting of the flag on the land claimed. That concept has been completely carried through to modern times and is memorialized by a notable work of sculpture within the District of Columbia, which preserves for the ages the GI's proclamation of sovereignty at Iwo Jima when that heroic group of marines raised our flag to signify our sovereignty over that hard-won crest.

Our complete and utter sovereignty over territory in a foreign country, and as proclaimed by our flag, is not unusual. It exists in all of our embassies throughout the world. I can see no useful pur-

pose in denying our sovereignty in the Canal Zone by accession to demands for the display of the Panamanian flag which have been made.

I, for one, do not intend to stand idly by and watch further erosion of our position in the Canal Zone through outright treaty revision, through carelessness of State Department language, or through attempts at appeasement. Although it may be a sad commentary, I am, nevertheless, happy to see that notice has been served in the Department of Commerce appropriations bill, H.R. 10234, as it came from the House, which on page 20, states:

Provided further, That no part of any appropriation contained in title II of this act shall be used to construct a flagpole, platform, or any other device for the purpose of displaying the flag of Panama in the Canal Zone, the sovereign control of which is vested in the U.S. Government by virtue of long-standing treaty.

It is indeed a sorry day when limitation of expenditure language has to be used to counteract the soft approach of useless appeasement.

I want to say I cannot consent to the Senate, the Congress, or the Government, permitting a softening in the situation so far as our sovereignty in the Panama Canal Zone is concerned, without at least raising one voice in the U.S. Senate against it. For that reason, I have made my position clear today.

ANNIVERSARY OF SUCCESSFUL ARMENIAN REVOLT AGAINST SOVIET DOMINATION

Mr. PROXMIRE. Mr. President, today marks the anniversary of an event of very great significance in the recent political history of the world; it was 39 years ago today that the courageous people of Armenia rose up and overthrew a Soviet regime which had marched in force into the independent Armenian nation, ended its brief reign of freedom, and suppressed the liberty of its people.

Only an inspired and gallant people who love their nation and their freedom with a tremendous depth of feeling could rise up against the overpowering might of Soviet arms. City dwellers and peasants alike with meager arms and tremendous spirit, drove the Red army from their nation.

This was the first time in the history of the Soviet Union that any subjugated people had successfully broken away from Soviet domination. Unfortunately, it was also the last time that this has happened so far, despite equally valiant and patriotically motivated attempts such as the historic revolt in Hungary in 1956.

It is an unfortunate truth, of course, that a nation as small and relatively powerless as Armenia cannot long stand up to the colossus of the Soviet Union, no matter how brave and freedom-loving are its people. Thus, after enjoying only 6 months of this hard-won freedom, Armenia was again overwhelmed by powerful Soviet forces.

But the blood men spill in the cause of liberty is never wasted—it is never shed in vain. Armenia's fight for freedom will forever be recorded as one of the noblest struggles in recorded history, and a magnificent symbol of the sacrifice a free people will make to preserve their heritage.

The Armenian rebellion also has a more immediate significance in the context of the troubled world political situation of today. It provides a clear and dramatic indication of the reaction of a free people to forceful imposition of Soviet rule. The history of an independent Armenia is a tragically short one. Only after World War I was the independence of Armenia recognized by the world, following 600 years of foreign rule and partition, and then it was maintained for only 2½ years before Armenia fell under a combined Turkish-Soviet attack. But the national identity and the cultural heritage of the Armenian people spans hundreds of centuries—it is one of the world's oldest.

One constructive result of the Armenian rebellion of 1921 and the brief period of independence it brought is that many Armenian leaders were enabled to escape from Soviet territory. Today, those of their number who still survive, and their descendents in Armenian communities throughout the world, carry on the cause of Armenian independence. They are organizing and carrying out activities directed toward ending Soviet domination and restoring the independence of their ancient homeland.

To them, and to the people in Soviet Armenia today, go the hopes and prayers of thousands of loyal and dedicated Armenian-Americans, and the sympathies of all freedom-loving people of the world. It is therefore entirely appropriate that the Senate of the United States should recognize this date today.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 3151) relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 558. Concurrent resolution providing for printing additional copies of the panel discussions entitled "Income Tax Revision"; and

H. Con. Res. 579. Concurrent resolution authorizing the printing of additional copies of a "Veterans' Benefits Calculator."

The message informed the Senate that, pursuant to the provisions of 46 U.S.C. 1126c, the Speaker had appointed Mr. HOLTZMAN, of New York, and Mr. MCINTIRE, of Maine, as members of the Board of Visitors, on the part of the House, to the U.S. Merchant Marine Academy.

HOUSE BILL REFERRED

The bill (H.R. 3151) relating to withholding, for purposes of the income tax imposed by certain cities on the compensation of Federal employees, was read twice by its title and referred to the Committee on Finance.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were referred to the Committee on Rules and Administration:

H. Con. Res. 558. Concurrent resolution providing for printing additional copies of the panel discussions entitled "Income Tax Revision."

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Ways and Means, House of Representatives, ten thousand additional copies of the panel discussions entitled "Income Tax Revision".

H. Con. Res. 579. Concurrent resolution authorizing the printing of additional copies of a Veterans' Benefits Calculator.

Resolved by the House of Representatives (the Senate concurring), That there be printed fifty thousand two hundred and forty additional copies of a Veterans' Benefits Calculator prepared by the Veterans' Affairs Committee of which two thousand copies shall be for the use of the Veterans' Affairs Committee, two thousand copies for the use of the Committee on Finance, thirty-seven thousand four hundred and eighty-five copies for the use of the House of Representatives, and eight thousand seven hundred and fifty-five copies for the use of the Senate.

STATE AND LOCAL WITHHOLDING OF INCOME TAXES

Mr. CLARK. Mr. President, I hope my colleagues in the Senate will give favorable consideration and that the committee will give favorable consideration to the bill just received from the House, dealing with the important matter of the withholding of State and local income taxes from the salaries of Federal employees. I shall have something further to say when the bill is before the Senate for consideration. This is a matter of greatest importance to my State, and I invoke the sympathetic consideration of all the Members of the Senate.

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

Mr. CLARK. I am happy to yield to the distinguished Senator from Georgia.

Mr. RUSSELL. It so happens that my own State has recently enacted a withholding tax law. I have not had occasion to investigate the matter. Do I correctly understand, from the remarks of the Senator from Pennsylvania, that there is no comity as between the States and the Federal Government as to the matter of withholding taxes?

Mr. CLARK. The Senator is correct. The States withhold the Federal income taxes from the salaries of State employees, but the Federal Government will not withhold the State and local income taxes from the salaries of Federal employees. This seems to me to be a very real injustice.

Mr. RUSSELL. Mr. President, not only is that true, but this involves the rights and the integrity of the several States of this Union. I certainly do not see any reason why the States should be impelled to withhold taxes for the Federal Government if the Federal Government is not going to extend the same

comity where the salaries of Federal employees are concerned.

Mr. CLARK. There is no Member of this body with whom I would rather fight shoulder to shoulder on this issue than the distinguished senior Senator from Georgia.

Mr. RUSSELL. The Senator flatters me, and causes me to feel good early in the day.

Mr. KEATING. Mr. President, I share completely the views of the Senator from Pennsylvania and the Senator from Georgia, with whom I find myself in complete agreement in this very unusual and difficult situation which is faced by the States in collecting their income taxes. I hope there will be speedy action on the proposed legislation.

Mr. RUSSELL. Mr. President, I know of no Senator whom I would welcome more gladly—even temporarily—into a States rights meeting than the Senator from New York and the Senator from Pennsylvania.

Mr. KEATING. Mr. President, I am very happy to find myself in agreement with my distinguished colleague from Georgia.

Mr. JAVITS. Mr. President, I am informed by my colleague [Mr. KEATING] that there has just come over from the House bill 3151, relating to withholding, for purposes of the income tax imposed by certain cities on the compensation of Federal employees. The bill which has just come over would allow income taxes levied by the States to be collected by the Federal Government.

I join with my colleagues and other Senators in expressing the interest of my State in this measure, and my gratification at the fact that such a bill has come over from the House.

EZRA TAFT BENSON AND THE BOY SCOUTS OF AMERICA

Mr. LONG of Hawaii. Mr. President, the Boy Scouts of America, one of the greatest organizations in the world, has just celebrated the 50th anniversary of its founding. A group of 50 Eagle Scouts, one representing each of the States of the Union, recently convened in Washington.

One of the most significant meetings in their program here was held on February 9 in the Jefferson Auditorium of the Department of Agriculture. During the program the Honorable Ezra Taft Benson, Secretary of Agriculture, presented the Department's Conservation Citizenship Award to the Boy Scouts of America.

Equally significant to the award itself was the fact that it was presented by a great American who has had over 40 years of active scouting. Ezra Taft Benson grew up with the Scout movement. There may be a difference of opinion about some of Mr. Benson's policies in relation to agriculture—it would be amazing if there were not—but there is little or no difference about him as a great human being.

As a family man, as a church man, as a citizen, and as a Scout—with all the Scout honors including the Silver Buffalo—he is associated with qualities that proclaim greatness of character.

These qualities were reflected in the remarks which Secretary Benson made to the assembled Scouts and Scout leaders as he presented the citizenship award. I ask unanimous consent, Mr. President, that his remarks be printed in the RECORD.

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

REMARKS BY SECRETARY OF AGRICULTURE EZRA TAFT BENSON IN PRESENTING U.S. DEPARTMENT OF AGRICULTURE CONSERVATION CITIZENSHIP AWARD TO THE BOY SCOUTS OF AMERICA, JEFFERSON AUDITORIUM, WASHINGTON, D.C., FEBRUARY 9, 1960

It is a personal pleasure to share in this occasion with such an outstanding group of young men—Scouts from all of our 50 States—and with all of you friends of scouting who are here.

This occasion gives me both personal and official satisfaction. We see in you young men our finest citizens of the future. You are our great Nation's future leaders—its capable and God-fearing adults of tomorrow.

My personal interest in Boy Scouts dates back a long way.

As scoutmaster in a southeastern Idaho town some 40 years ago, I had the challenging and rewarding experience of leading 24 boys in the first Boy Scout troop in that community. I can tell you they kept me on my toes—but they were true Scouts and they grew up to be responsible citizens.

I have taken pleasure, too, in the fact that both of my sons, Reed and Mark, worked long and hard to attain the coveted rank of Eagle Scout.

My interest in, and appreciation of, the Boy Scouts of America, however, extends far beyond my four decades of close personal association with the movement.

We in the Department of Agriculture devote a large part of our efforts to helping all the people of the United States conserve and use wisely their precious resources of soil, water, forests, grasslands, and wildlife.

You boys and men in scouting, and your predecessors for the half-century that this fine movement has been a vital force in the life of our Nation, have made a continuous contribution in conservation—conservation of both our natural and human resources.

Today I have been thinking of scouting as I have known it over a period of many years. I have been thinking of some of the exceptional good turns it has done. Good turns as quietly constructive as the planting of trees. Perhaps a single tree that can be watched as it grows with the boy. Not infrequently a reforestation project that will grow with a region and our Nation.

I recall many times when Scouts have joined with our Smokey Bear in fire prevention work.

And I admire the energy and courage these youngsters have displayed on numerous occasions when they joined with adults in fire control work, fighting and conquering wildfire in important sections of our valuable forests.

Statistics come alive for me when I envision these young men pitching in, often at great personal risk, to aid during a single year in fighting more than 2,500 forest fires.

And the story is the same with their achievements in soil and water conservation work. Present and former Scouts are in the ranks, front and center, of the many of us who today seek to preserve our soil and water resources.

It is heartening to me, and to countless other Americans, to know that important parts of the Nation's wildlife conservation efforts grow in the hearts and minds of our Boy Scouts, present and past, and find realization through their work.

It is most impressive to be reminded that Scouts have earned approximately 2 million merit badges in conservation, resource use, and agriculture.

Our Nation will always collect dividends from these conservation good turns. We are today deeply indebted to the Boy Scouts of America for continuing contributions through conservation citizenship.

I now come to a proud moment in my experience as Secretary of Agriculture. It is indeed a great privilege to present to the Boy Scouts of America, through Dr. Arthur A. Schuck as chief Scout executive, this Conservation Citizenship Award by the U.S. Department of Agriculture.

I want to read from this parchment the richly deserved tribute to all Boy Scouts everywhere in the United States:

"The U.S. Department of Agriculture honors the Boy Scouts of America for outstanding conservation citizenship.

"Through their continuing conservation programs, the Boy Scouts have made noteworthy contributions to the conservation of our Nation's natural resources. They are helping their fellow Americans to know, appreciate, and practice one of the prime essentials of good citizenship—the wise use, protection, and improvement of our God-given heritage of soil, water, forests, grasslands, and wildlife."

God bless you all and each member of every troop in our fair, free land. Be good Scouts and good citizens always.

AID TO EDUCATION

Mr. LONG of Hawaii. Mr. President, President Eisenhower recently stated that he was opposed to Federal aid for teachers' salaries because "I do not believe the Federal Government ought to be in the business of paying a local official." Although this point was fully debated during consideration of the Federal-aid-to-education bill which passed the Senate, I ask unanimous consent to have published at this point in the RECORD an editorial from the Washington Post and Times Herald of February 13 which I believe effectively answers the President in his latest statement on this subject.

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

"I do not believe the Federal Government ought to be in the business of paying a local official," said President Eisenhower at his news conference in answer to a question about the aid-to-education bill passed recently by the Senate. "If we're going into that, we'll have to find out every councilman and every teacher and every other person that's a public official of any kind, or public servant, and try to figure out what his right salary is. And I think—I can't imagine anything worse for the Federal Government to be into."

Well, neither can we. But what its got to do with the aid-to-education bill is a conundrum we are not educated enough to resolve. The bill passed by the Senate would give Federal financial grants to the States, to be matched by them and to be used for school construction or teachers' salaries, or both, as the States prefer. The President will not have to go around tipping teachers individually, any more than he would personally have to pay the wages of carpenters who worked on schoolbuildings financed through his own aid-to-education proposal.

At the present time, Federal grants for old-age assistance, aid to dependent children, aid to the blind, and aid to the permanently and totally disabled are made to States that have plans for these programs approved by

the Department of Health, Education, and Welfare. Federal grants for aid to education would be made to the States in much the same way and for much the same reasons—to help States render a service of vital interest to the national welfare, the financial burden of which is beyond their resources.

The President need have no fear that if the Federal Government helps States improve their public schools by raising the salaries of their teachers it will be obliged to help them improve local fire departments by raising the pay of firemen. The local fire departments do not so vitally affect the rest of the Nation as do the local schools. The simple truth is that the only real difference between the kind of help he has proposed for education and the kind of help proposed by the Senate is that the Senate's help is a good deal more helpful.

NEW MEXICO SALUTES FAMOUS NATIVE COMPOSER

Mr. CHAVEZ. Mr. President, on February 22 and 23 of this year, the State of New Mexico is paying tribute to one of the Nation's great composers—Mr. Ignacio Brown—better known to his thousands of colleagues and music lovers throughout the Nation as Nacio Herb Brown.

Mr. Brown was born February 23, 1896, in Deming, N. Mex. The old family residence on Copper Street still stands. Like a true son of New Mexico, Nacio occasionally goes back to his hometown to relive old memories.

Ignacio, perhaps I should also say Nacio, attended the public school in Deming and, many years later, the Musical Arts High School in Los Angeles. Like many other great composers—while striving to find fame and fortune in his chosen profession and in order to pay the rent when due, he became a pianist in the vaudeville circuits of that day. Though he came from humble parents, fame could not be denied him.

In the early twenties, the first of his songs won nationwide acclaim, and he became eligible to join that great organization, the American Society of Composers, Authors, and Publishers, known the world over as ASCAP. We today from New Mexico are very proud to say he is one of its most distinguished members.

Like the great State of New Mexico, Mr. Brown has grown in stature through the years. When one listens, as millions do, to some of his famous songs, we from New Mexico can trace the ruggedness of our mountains and the broad sweep of the Rio Grande in his melodies that whisper themselves into the hearts of music lovers the world over.

Like the majority of songwriters, his name is less well known than his songs. When one hears such famous compositions as "The Pagan Love Song," the never-to-be-forgotten "Temptation," the loveliest of all love songs "You Were Meant for Me" and, of course, such other priceless musical gems as "Love Is Where You Find It," "Singin' in the Rain," "You Stepped Out of a Dream," the name of Nacio Herb Brown acquires a new meaning as one of the greats of the American Society of Composers, Authors, and Publishers, together with Gershwin, Berlin, Hammerstein and Rodgers, Cole Porter, and hundreds of others who contribute to the musical culture of our great Nation.

Nacio was not only blessed with the gift of a prolific pen, but he also carved out a niche in the Hollywood Hall of Fame when he produced such outstanding musical films as "Meet Me in St. Louis," "Wintertime," "The Kissing Bandit," "On an Island With You," and last but not least, one that is dear to all of our hearts, "Holiday in Mexico." So it is only fitting that on February 23, Governor Burroughs of New Mexico is declaring Mr. Brown's 64th birthday as Nacio Herb Brown Day all over the State. He will journey from Hollywood to personally attend, and will take part in the great Deming celebration. But the great State of New Mexico is going further than that. The city park in Deming is being named Nacio Herb Brown Park. In honor of our native son, on February 23, the park will be dedicated and a monument will be unveiled with a bronze plaque engraved with the name of Nacio Herb Brown.

In appreciation of what our State is doing for him, Nacio has taken time out from his busy life to write a brandnew composition entitled, "The New Mexico March." During the 2-day celebration, the big Deming High School band will play this stirring march along with many other Nacio Herb Brown melodies.

It is my understanding that Mr. Robert Tobey of the chamber of commerce of Deming is chairman in charge of all the festivities taking place during those days. And furthermore, it has come to my attention that a number of Mr. Brown's distinguished colleagues from ASCAP, including the immediate past president, Mr. Paul Cunningham, will journey out to our beloved State and Mr. Brown's hometown to join with the people of New Mexico in paying tribute to this native New Mexican composer. Unfortunately, due to the press of legislative business here in Washington, I will not be able to attend this event which undoubtedly will be an outstanding one, not only for Mr. Brown, but for my great State of New Mexico.

WHAT TO DO WITH THE TELEPHONE TAX

Mr. KEATING. Mr. President, during the past few weeks there has been considerable discussion as to what we should do with the 10 percent Federal excise tax on local telephone service.

As is well known, last year Congress passed legislation allowing the 10-percent Federal excise tax to expire on July 1 of this year. Since then, Governor Rockefeller has recommended that this tax be discontinued at the Federal level and that it be levied instead at the State level to be used for educational purposes. The Governor's request in this matter is based on the premise that since this particular service being taxed is a service performed at the State level, the tax should likewise be levied by the States.

Mr. President, it is felt by many that Governor Rockefeller's proposal that the local telephone excise revert to the States for educational purposes would be of great benefit to our Nation's schools, and at the same time would not raise the problems which worry those who oppose outright Federal grants for education.

Some feel that the requirements of the President's 1961 budget make it mandatory that we continue this tax for the present time and that we use this revenue to reduce our overwhelming Federal debt. Others favor continuing the tax for 1 year and then discontinuing it in the case of those States which choose to levy this tax to finance needed State and local governmental services. Still others favor cutting the tax out altogether when it expires on July 1 and "letting the chips fall where they may."

There are many large questions involved in this controversy. For example. What are and should be the roles of the States with respect to governmental services and with respect to taxes? Is the Federal Government obligated to discontinue a given tax if it was originally levied on an emergency or temporary basis? Should a given tax be collected at the level of Government at which the particular type of income being taxed is earned? Can the States, if allowed to take over certain Federal taxes, significantly expand and improve the services which they render?

These several questions go to the very heart of larger and more basic issues concerning political and economic relations between the Federal Government and State and local governments, and perhaps even more importantly, concerning the size and scope of the Federal Government in the years that lie ahead.

I have always taken a special interest in this very crucial field. Last year I introduced and worked hard on behalf of a resolution establishing a Joint Committee on Federal-State Economic Relations. Although this particular resolution was not passed, the Congress did enact legislation setting up a Commission in the executive branch to examine and study various problems in the field of intergovernmental relations. This Commission is presently in existence and is now hard at work on its various studies.

Mr. President in concluding my brief remarks today, I want to congratulate Governor Rockefeller for focusing attention on the far-reaching questions raised by his proposal that the Federal excise on local telephone service revert to the States. In doing this, he has performed a valuable service for all of us who favor a reevaluation and revision of the role and functions of the Federal Government and of State and local governments throughout our Nation.

Mr. President, I ask unanimous consent that an excellent editorial which appeared recently in the Washington Evening Star and which discusses these other facets of this important issue be printed at this point in the RECORD.

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

WHO'S ON THE PHONE?

There is a lesson of some sort contained in the current understanding between President Eisenhower and New York's Governor

Rockefeller about the 10 percent Federal tax on local telephone service. The understanding, in brief, is that the President will stand firmly by his recommendation that Congress extend the tax—now due to expire on June 30—but that it would not be inconsistent for Governor Rockefeller to recommend permissive legislation by which his State would impose the tax in event the Federal Government does not.

The lesson, and not a new one either, is that once a tax is born, it dies hard—if at all. This one, like many others, is a World War II emergency tax—enacted not only to raise revenue, but also with the idea that it would help lighten the load of nonessential use of the Nation's telephone system. There seems to be no concern now about how many persons use the telephone (the war has been over for nearly 15 years) but the revenue involved looks mighty attractive. For the Federal Government, for example, it figures to be about $350 million per year—not an insignificant amount in a year when the administration hopes to tote up a $4.2 billion budget surplus. For New York, a State well stocked with telephones and people to use them, it could mean $70 million—which Governor Rockefeller says he would like to spend on educational needs.

Somewhat ironically, the President in the past has recommended shifting part of this tax to the States if they would take on certain local services now supported by the Federal Government. In a sense, Congress jumped the gun last year by voting an end to the tax without any provision for shifting programs to local levels. The White House says that Mr. Eisenhower expressed full sympathy for Mr. Rockefeller's principle, but that Uncle Sam now needs the money.

As it happens, not unusually, no level of government seems to be expressing full sympathy for the taxpayers who are picking up both the telephone and the tax bills.

THE STELLA SCHOOL DISTRICT

Mr. DIRKSEN. Mr. President, late yesterday we had a rather tearful session about the alleged plight of the schoolchildren in the Stella school district in Missouri. I went home last night rather late, filled with a sense of compassion and the thought that perhaps I should do something about it. So this morning I checked the matter with the Department of Justice and with the Department of the Army. The simple facts are about as follows.

Mr. STENNIS. Mr. President, will the Senator speak louder?

Mr. DIRKSEN. The children are attending school in the Stella school district. What is involved in this whole matter is the payment of rent to the Army. When the school burned and the school district took over the present quarters, the insurance money was not enough with which to liquidate the rental paid to the Army. On advice of their attorney, they did not pay it. Whether it was an outright refusal, I am not prepared to say. But I checked this morning with the Assistant General Counsel of the Army and with others. The Army is not disposed to press the claim, so long as there is a possibility of handling the matter by legislation. So there is no urgency, and we have plenty of time to deal with the question effectively.

The Army in itself, of course, is not the prosecutor in a Federal claim case. It would send the claim to the Department of Justice. I checked with the Department of Justice this morning, and I learned that the claim has not even been referred to the Department of Justice. If it were, they would make every effort to effect a settlement of the claim, rather than to prosecute it.

One other thing I should add: This matter was handled by Mr. Milton Pearl, of the Corps of Engineers. He testified before the House committee. Among other things, he said that public bodies were treated differently than private citizens in this regard. Thus there is no disposition on the part of the Army to push these tender little children out into the snow. There is no disposition on the part of the Department of Justice to hurl them out, unshorn, into the wintry blasts. So all the compassion, all the tears, and all the heartaches which were expressed last night seem to be slightly on the unavailing side.

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

Mr. DIRKSEN. I yield.

Mr. STENNIS. Perhaps in view of the remarks the Senator from Illinois has made, he would now wish to withdraw the bill, it not being necessary to consider it now, after all.

Mr. DIRKSEN. Oh, the bill, Mr. President, is a vehicle. Since the children are in school, there is not only no need to withdraw the bill, but there is no need to entertain a unanimous-consent request to deal with the Stella School District at this time. So I must emphatically and earnestly reassert the objection I entered last night.

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

Mr. DIRKSEN. I yield.

Mr. KEATING. I hope my colleague will not rest by simply placing this statement in the RECORD, but will make these views known to the distinguished Senator from Arkansas [Mr. FULBRIGHT] and perhaps also to the distinguished Senators from Missouri [Mr. HENNINGS and Mr. SYMINGTON], in order that they may realize that this is not such an urgent matter that we need to deal with it immediately, but that it can wait the regular legislative practice.

Mr. DIRKSEN. I trust that these circumstances will now come to the attention of the distinguished Senator from Arkansas and the distinguished Senators from the great sovereign State of Missouri.

Mr. STENNIS. If I may speak for the children, I wish to thank the Senator from Illinois for his great compassion and interest in them. It is characteristic of him and shows him in his true form.

Mr. DIRKSEN. Frankly, I would not want to see the children deprived of a single hour's opportunity for education. If I thought for one moment that there was some insistence by any Government agency or department to pursue a somewhat heartless course and wreak a peculiar kind of vengeance on these children, I would stand up to the death and defend them.

I was about to make a proposal last night that if the Government ever got to that point, I would solicit the services of the distinguished former attorney general of New York [Mr. JAVITS], I would volunteer my own feeble services as a member of the bar, and I would enlist another great lawyer from New York, the eminent Mr. KEATING, and perhaps other Senators, and we would, on our own time and at our own expense, journey to the great Commonwealth of Missouri and defend this school district against the heartless incursions of a Federal agency.

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

Mr. DIRKSEN. I yield.

Mr. JAVITS. Each House, apparently, knows how to proceed to solve its own problems, so I am very glad to state to the Senator from Illinois what I have just learned; namely, that the House Rules Committee has just voted a rule to take up early next month the question of civil rights without limiting amendments, and with 15 hours of debate.

I point this out to the Senator from Illinois because I think a real tribute is due him and the majority leader for having honored this commitment, which was made so many months ago, and for having honored it in a way which is compatible with our rules, which will bring about an ultimate result, and which does not hurt the little schoolchildren of this fine small town in Missouri.

I think that each House is showing a capability, where there is a real majority sentiment—and I am confident there is in both Houses—to follow a procedure which will meet the needs of the broad public interest. I believe that the broad public interest will not be sacrificed upon the altar of small views as to its procedure. I am grateful to my colleague.

Mr. DIRKSEN. I thank the Senator from New York.

LEASING OF PORTION OF FORT CROWDER, MO.

Mr. CLARK. Mr. President, is morning business closed?

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Is there further morning business? If not, morning business is closed.

The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from Illinois [Mr. DIRKSEN].

INTERNAL REVENUE SERVICE APPROPRIATIONS, FISCAL YEAR 1961

Mr. CLARK. Mr. President, the President of the United States has asked Congress to appropriate $18.3 million to provide for the hiring of 3,050 new Internal Revenue Service employees in fiscal 1961. I applaud his action in making this request. It is fully justified.

It it also a belated confession of a gross error made by the administration

7 years ago, when it slashed 3,000 persons from the Revenue Service rolls.

Last May, when the Senate was considering the 1960 Treasury appropriation bill, I called attention to the fact that there were 3,076, or 13 percent, fewer enforcement personnel in the Internal Revenue Service at the end of fiscal 1958 than there were at the end of the Truman administration, although the workload of the service had increased by more than 15 percent. I proposed an amendment to the bill to appropriate sufficient funds to permit the hiring of 2,350 new revenue enforcement in addition to the 726 new personnel for whom funds were asked in the budget. This would have brought the IRS enforcement staff up to its 1952 level again.

The amendment was defeated by a six-vote margin after it was announced during the floor debate that high administration officials had stated that the Revenue Service could not possibly absorb 3,000 new officers in 1 year. The distinguished minority leader added that it would be impossible to recruit that many new persons, and that all that was needed was a pay increase to get better enforcement results.

Apparently these administration spokesmen meant to say that it was impossible to recruit and train 3,000 new men during any one year of the Eisenhower administration. They now say that the succeeding administration will have no difficulty recruiting and training 3,050 personnel during its first year in office. Moreover, they tell us that similar personnel increases will probably be needed in each of the next 5 years, totaling 15,000 new personnel.

Mr. President, a deathbed conversion is better than none at all. I welcome the administration's budget makers to the ranks of those of us who are convinced that there is a clear and urgent need for greatly stepped-up tax enforcement.

That need is more acute than ever and increasing in magnitude. At the end of fiscal 1959 there were 856 fewer IRS enforcement personnel than there were a year earlier; 3,952 fewer than in 1952. In terms of total personnel, including supporting clerical and other help, there are now 9,493 fewer persons employed by the Revenue Service than in 1946, 14 years ago. IRS receives 95 million returns annually now. By 1970 it will be receiving 130 million returns yearly.

The revenue lost as a result of these personnel cuts would have made up a good part of the cumulative deficits of the Eisenhower years. In fiscal 1951, audit operations resulted in the collection of more than $1.8 billion in additional taxes plus interest and penalties. This represented about 3.7 percent of that year's total tax take of $50.4 billion. In contrast, fiscal year 1958's additional collections of $1.6 billion amounted to about 2 percent of the total tax revenue of $80 billion.

I remind Senators that Commissioner of Internal Revenue Latham testified last year that $25 to $26 billion of taxable income is unreported each year. If the average prevailing tax rate of 23 percent were applied to these unreported sums, it can be seen that we are losing $6 billion of revenue yearly. If we could collect these sums which are owed to the Government, we could more than double the much-vaunted $4 billion surplus estimated for fiscal 1961.

Hearings on the 1961 Treasury Department appropriation bill have already been completed, and the House Appropriation Committee is scheduled to meet to act on the bill tomorrow. I hope the committee will see fit to approve the entire sum requested for the Internal Revenue Service, and, in addition the sums, if any, by which the Budget Bureau cut down the initial IRS submission. The appropriation of this entire amount will not even bring the Service back up to its 1952 strength, but it will permit a significant improvement in tax enforcement. By the Government's own estimate, funds for new enforcement personnel will bring the Treasury a 13-to-1 return in tax yields. It would be folly to appropriate less.

Mr. President, I know it is going to be said by some who do not want to go along with the President in this regard that automation has made it unnecessary to hire so many brains; that Univac, IBM, and Remington Rand can take the place, in tax collection efforts, of the agents who were discharged following the Truman administration.

I submit that this is one case in which the Eisenhower administration is 100 percent correct: that these extra brains are necessary in order to audit the returns and obtain the funds of which the Government is being cheated, and that the request of the administration is completely and totally justified.

When this matter comes to a vote on the floor of the Senate—and I have no doubt that it will—I hope we shall find that our friends on the other side of the aisle, who last year voted almost as a body to oppose the requested increase in the Internal Revenue Service, because it then was said that it would be impossible to recruit and to train the men will have the same "deathbed" conversion that has been had by the Bureau of the Budget, the Treasury, and the President, during the intervening months. I also hope that all Senators on this side of the aisle will strongly support the President of the United States on this nonpartisan matter. On this, at least, he is correct.

I ask unanimous consent to have printed at this point in the RECORD two recent editorials from the Philadelphia Inquirer, one from the Philadelphia Bulletin, and a recent feature article from the Washington Post and Times Herald, all dealing with the need for better tax enforcement.

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

[From the Philadelphia Inquirer, Dec. 10, 1959]

TAX THOSE 24 BILLIONS OF HIDDEN INCOME

Declaration by former Commissioner of Internal Revenue Russell C. Harrington that individual taxpayers failed in 1957 to report $24 billion—or 8 percent—of their income brings a vital problem before the Nation, and Congress, in a dramatic way.

If income reporting was shortchanged to the tune of $24 billion or anything like it in a single year it is a symptom of year-by-year delinquency of immense magnitude. The problem this represents is one which Congress must deal with soundly and vigorously and at the earliest possible time.

There is in prospect a general revision of the tax laws, the taxing system and, it may be hoped, of the tax collection machinery. It is badly needed.

Reforms, notably including measures to reduce tax cheating to a minimum, are required to eliminate escape hatches and loopholes so as to insure taxes shall be paid in full by those who should pay them.

Anything like $24 billion of income unreported in 1 year means a big loss in the country's revenue; in money sorely needed for defense, for health, for schools; for the countless activities of the Government.

The result of what is really a snide performance on the part of too many citizens is that the deficiency for which they are responsible is made up by people who honestly meet all income tax requirements. It is imperatively necessary to catch up with the evaders.

Mr. Harrington made his declaration before the House Ways and Means Committee. In addition, C. Harry Kahn, of the National Bureau of Economic Research at Rutgers University, testified that self-employed persons on the average have been reporting only about 75 percent of their incomes. Farmers appear to be worse sinners. Mr. Kahn said in 1955 they reported only 56 percent; in 1957 only 66 percent. At least, they got a little better.

A streamlining of the Internal Revenue—the tax collecting—Service is decidedly in order, possibly with increased personnel to track down frauds. Reforms in the tax system itself are also required. These are up to Congress to work out with an eye to getting what is coming to the Government and also to cut down injustice to those who pay, and end rank inequities on the part of those who don't.

[From the Philadelphia Inquirer, Dec. 19, 1959]

GET ALL THE TAXES—AND CHEATERS, TOO

Making sure we get the sour with the sweet, the Internal Revenue Service announces that on December 26, the day after Christmas, postmen will begin delivery throughout the Nation of 59,300,000 income tax forms to persons who filed returns for 1958.

That gives us until April 15, next year, to file returns for 1959. And it is important not to let the foot slip. If, for some reason or another, Uncle Sam fails to send you your form, don't make something out of that and skip the annual task of computing and filing. Any potential taxpayer who doesn't receive his form through the mail is in duty bound to go somewhere and get a form, anyway.

That's the law, according to the IRS, and anyone who neglects to obey is likely to be in trouble.

Just on this subject of getting into income tax trouble there is a question of great importance for all honest and sincere taxpayers. What about the hidden taxpayers—or nontaxpayers—who duck, cheat, or dodge?

Estimates differ, but run as high as $24 billion in 1957, according to a former IRS Director, as to taxable incomes never reported to the Government. These estimates mean that taxes in very large amounts are never paid.

Besides the mechanical clerical job of printing up tax return forms and mailing them out by the millions, it is very plainly

incumbent on the Internal Revenue Service to enforce the tax laws on a fully adequate scale so that tax dodging to a possibly astronomical extent will be brought down within more reasonable limits.

Such action is highly necessary. There are a number of quirks in our national taxation system. With relation to some of them Congress is at work trying to devise ways to equalize taxes, close up big and little loopholes and overcome various inequities. Progress in these matters is certainly desirable.

But first it is essential to eliminate wide-scale tax evasions. If the IRS needs more agents and more money to deal with this problem, sufficient additional appropriations by Congress for the purpose would be a sound investment.

For every tax cheater the rest of us have to pay stiff penalties.

[From the Philadelphia Bulletin, Dec. 10, 1959]

BURIED TREASURE

The House Ways and Means Committee, now holding hearings with a view to rewriting the Internal Revenue Act, was given a clue on Tuesday to a rich load of additional income.

Individual taxpayers in 1957, the committee was informed by Russell C. Harrington, former Commissioner of Internal Revenue, probably failed to report $24 billion in taxable income. This means that the Treasury was gypped out of almost $5 billion.

Actually, of course, it was not the Treasury that was cheated. It was the honest taxpayers who had to make up what the dishonest ones failed to pay.

It has never been any secret that revenues would be enormously increased if every taxpayer could be made to pay what he really owes.

The House committee has received a hint of a leaky spot that justifies its close attention. C. Harry Kahn, of the National Bureau of Economic Research, said that a Rutgers University study indicated that self-employed persons apparently reported an average of about 75 percent of their taxable income. Farmers were apparently the worst offenders, reporting about 56 percent of their income. Employees receiving wages or salaries, by contrast, reported 97 percent.

If the House committee can devise means for enforcing greater honesty in reports of income, it will increase the tax revenues enormously without pain to anyone but the cheaters.

[From the Washington (D.C.) Post, Dec. 15 1959]

INCOME TAX CHECKUPS ARE LAGGING

(By Julius Duscha)

The Government is auditing fewer tax returns today than it did 10 years ago.

Less money is being recovered through audits than was obtained by checking returns in 1949, even though the total Federal tax revenue has almost doubled during the last decade.

It has been estimated that $25 billion in personal and business income is not being reported each year. If this money were taxed at the minimum rate it would yield $5 billion in revenue.

Although the Government calculates that it collects $13 for every $1 spent on tax enforcement, the Internal Revenue Service is chronically short of accountants and auditors.

Every year the Service asks the Treasury Department, of which it is a part, for more money, and each year Treasury reduces the enforcement funds it seeks. Then the Budget Bureau cuts the request still further. Finally on Capitol Hill, where Internal Revenue has few friends, its budget usually is reduced a bit more.

Senator JOSEPH S. CLARK, Democrat of Pennsylvania, and several other Senators who have been trying to get Congress to appropriate more money for tax enforcement are becoming increasingly alarmed over the indifference to the problem on Capitol Hill.

CLARK believes that better enforcement of the tax laws could yield several billion dollars in additional Federal revenue.

He fears that the lagging enforcement programs will encourage tax evasion and may lead to tax scandals that would make those of the Truman administration in 1950 and 1951 look like a deduction for medical expenses.

TO SEEK MORE FUNDS

Fred C. Scribner, Jr., Under Secretary of the Treasury, told CLARK recently that additional funds for enforcement would be sought from Congress next year.

Although Internal Revenue Commissioner Dana Latham stresses the importance of voluntary compliance with the tax laws, he, too, has urged Congress to appropriate more money for enforcement.

His predecessor, Russell C. Harrington, also appealed to Congress for more enforcement funds.

The Eisenhower administration reduced its Internal Revenue payroll of 56,000 by almost 10 percent from 1953 to 1955. More than 3,000 of the 5,500 jobs dropped were in enforcement work.

EFFICIENCY HAILED BY IKE

T. Coleman Andrews, the administration's first Internal Revenue Commissioner, was praised when he resigned in 1955 by both President Eisenhower and George M. Humphrey, then Secretary of the Treasury.

Mr. Eisenhower said Andrews had improved the overall efficiency of the Service. Humphrey said that Internal Revenue had improved notably in the increased effectiveness of its collection work.

In 1956 when Harrington was Commissioner he said: "We are continually adding personnel to our collection staff and strengthening collection procedures."

Today Internal Revenue has about 24,000 persons in enforcement work, 2,500 fewer than it had when the Eisenhower administration took office in 1953.

To process returns the Service now uses machines which it did not have 6 years ago, but as yet it has no electronic devices that can do more than check the accuracy of a taxpayer's arithmetic.

AUDITS COMPARED

In fiscal 1949 the auditing of 4.4 million income tax returns produced almost $1.7 billion in additional revenue. This amounted to 5.7 percent of total income tax collections of more than $29.6 billion.

In 1958 more than 2.5 million returns were checked and $1.4 billion in revenue resulted. This was 2.4 percent of the more than $59 billion in income taxes collected that year.

Final figures for fiscal 1959 are not yet available, but Latham has estimated that 2.6 million returns were audited and that $7 million more in income taxes was recovered than in 1958. Revenue in 1959 is expected to total nearly $60 billion.

Income taxes that are withheld by employers from the wages of their employees cause few enforcement problems, but less than half of the $60 billion in income taxes collected each year is withheld.

The margins for error and the opportunities for tax evasion are obviously much greater where the tax is not withheld. It has been estimated, however, that only 1 in 10 of these returns is being audited.

Millions of "information returns" which businessmen and others are required to file with the Internal Revenue Service are never looked at by the agency because of its shortage of personnel.

These "information returns" include reports about dividends paid to stockholders and interest paid on savings and loans.

In recent testimony before the House Ways and Means Committee, Harrington estimated that $1 billion in dividends is not reported by taxpayers each year, and that even more income from interest payments goes unreported.

THE KINZUA DAM

Mr. CLARK. Mr. President, on Monday, February 15, as appears at page 2501 of the CONGRESSIONAL RECORD, the distinguished senior Senator from Oregon [Mr. MORSE] made some brief remarks on the subject of the Kinzua Dam, which has been authorized to be built in Warren County, in northwest Pennsylvania. My good friend, the Senator from Oregon, undertook to introduce into the RECORD a letter to the editor of the Washington Post and Times Herald, signed by Arthur E. Morgan, formerly Chairman of the Tennessee Valley Authority. The letter was on the subject of an alternative to the Kinzua Dam.

Mr. President, I know that my friend, the Senator from Oregon, acted completely in good faith. I share his admiration for Mr. Arthur Morgan, who throughout the years has rendered this country fine public service. But I should like to point out to my colleagues in the Senate that not only is the position taken by Mr. Morgan incorrect and wrong, but his letter to the Washington Post contains a number of misstatements which I am sure were inadvertent.

I should like to put this matter in perspective by calling to the attention of my colleagues the following:

AUTHORIZATION OF PROJECT

Allegheny Reservoir is a unit of the comprehensive plan for the Ohio basin authorized by the Flood Control Act of June 28, 1938, and as modified by the Flood Control Act of August 18, 1941. The authorized project provides for construction of a dam on the Allegheny River, near Kinzua, Pa., that will form a reservoir for flood control and low-flow regulation. The reservoir at full pool would cover an area of about 21,000 acres, of which about 9,000 acres would be within the Allegeny Reservation of the Seneca Nation of Indians. The benefits to be achieved exceed the costs by a ratio of 1.3 to 1.

Mr. President, the Seneca Nation of Indians has for many years opposed construction of the Allegheny Reservoir because of its effect on the Allegheny Indian Reservation, in New York. The floodwaters which will be contained by the dam will flood an area extending over the boundary between the States of Pennsylvania and New York, with the result that certain areas in New York State will also be flooded.

Mr. Arthur Morgan was employed by the Seneca Nation as an engineering consultant, to suggest alternative proposals which would lessen the impact of the project on Indian lands.

My first major point is that Mr. Arthur Morgan, when acting in that connection, is acting for a client. Let me say that I think he has done a magnifi-

cent job for his client, and that is what he was paid to do; and I do not quarrel with him for taking that position. But my colleagues should not labor under the illusion that Mr. Morgan is acting in a probono publico status in that regard. Instead, he is a paid engineering consultant to the Seneca Indians. His position is entitled to the utmost respect; but let us not fool ourselves into thinking that he is acting in an impartial capacity.

Let me briefly state the chronology in connection with this matter:

CHRONOLOGY OF CONSIDERATION OF ALTERNATIVE PLANS INVOLVING DIVERSION OF FLOODFLOWS INTO LAKE ERIE

First. Report of Corps of Engineers, 1928: Unfavorable to diversion at that time.

Second. Fiscal year 1958 appropriations hearings: The committees heard testimony by Dr. Arthur E. Morgan and Mr. Barton Jones, representing the Seneca Indians, in support of a plan for diversion of floodflows from Allegheny River into Lake Erie. After consideration of their testimony, as well as the testimony of the Corps of Engineers, the committees included $1 million in the bill for completion of planning and initiation of construction of the authorized Allegheny Reservoir.

Third. Report of engineering firm of Tippets, Abbett, McCarthy, Stratton, 1958: Because of the intense interest shown in alternate plans by various groups and individuals sympathetic to the Indians cause, the Corps of Engineers engaged the firm of Tippetts, Abbett, McCarthy, Stratton to make an engineering study of alternative plans including the proposal of Dr. Morgan.

This firm, Mr. President, is well known; is reputable. It contains eminent and able engineers. It made an engineering study and review of the authorized project and five alternate plans, most of them proposed by Dr. Morgan, which covered the principal possibilities for storage in the dam proposed to be built on Conewango Creek and for diversion of water northward into Lake Erie.

To make it a little clearer, the engineers proposed a dam on the Allegheny River, which flows southward. Dr. Morgan and some others proposed a diversion of water into a swamp to the north of the Allegheny River, with eventual flood dispersal of those waters into Lake Erie; and they suggested that the downstream needs of the Allegheny could be met by having that flooded area in New York State turned downstream when needed and into Lake Erie when needed.

These plans were rejected by the engineering firm, which found that they were feasible, but that they would cost from 25 to 38 percent more than the authorized project, would require 51 to 108 percent more land, and would dislocate 150 to 180 percent more people.

Accordingly, the Corps of Engineers, agreeing with the recommendation of the independent engineering firm, concluded that construction of the authorized project should proceed and that Dr. Morgan's alternate recommendations should be rejected.

We come now to the appropriation hearings for fiscal year 1959. After hearing voluminous testimony by both proponents and opponents on going forward with the Kinzua Dam project, the Corps of Engineers' project, the Appropriations Committees included an additional $1 million in the bill for that project.

The committee reports, however, provided that none of the funds available for this project could be expended pending determination by the courts of the legal issues involved.

I will turn in a minute or two to the legal questions.

Some 6 months after completion of the engineering firm's report, Dr. Morgan proposed the Morgan plan No. 6. He suggested a further variation for additional study which he claimed would be similar to one of the plans studied by the engineering firm except that it would be modified to provide outlet into Lake Erie by Cattaraugus Creek instead of by Silver Creek, as previously studied. The Chief of Engineers personally studied Dr. Morgan's report, but concluded that Dr. Morgan's proposal did not provide a solution to the water resource development problems of the Allegheny River basin that would compare favorably with the authorized plan, that is, the plan for the construction of the Kinzua Dam on the Allegheny River.

A statement by the Chief of Engineers on this matter was presented to the Appropriations Committees during the hearings on the fiscal year 1960 appropriations bill.

We come now to the 1960 fiscal year appropriation hearings. The committees heard extensive testimony from Dr. Morgan and the Corps of Engineers with regard to alternate plans, and concluded that construction of the authorized project should proceed. The bill as passed by Congress and enacted into law contained an additional $1,365,000 appropriation for construction of the Allegheny Reservoir at Kinzua.

I turn now to the legal situation. The Seneca Nation of Indians brought suit in the U.S. District Court for the Western District of New York to enjoin the Government from constructing this reservoir, on the ground that it would flood a substantial amount of Indian lands, that their rights were protected under the treaty of 1794 and that Congress had not intended to take the Indian reservation lands. A full hearing was held by the district court, which dismissed the petition for injunction, in an opinion which pointed out it had been clearly established law for many long years, through decisions of the Supreme Court of the United States, that a treaty with Indian nations was subject to the right of eminent domain to the same extent as property of any individual citizen. Stated differently, Indian lands acquired by the tribe pursuant to treaty were just as much subject to the right of eminent domain as were lands of any Member of this body or of any other American citizen, where those lands were to be taken for a proper purpose, and that construction of flood control reservoirs, in order to limit property damage and loss of human life through floods, was a legitimate public purpose.

This decision of the district court was appealed to the Circuit Court of Appeals for the District of Columbia, and, in an opinion handed down on November 25, 1958, the court held:

> It is undisputed (1) that the proposed flooding will infringe Indian rights acquired by treaties in 1794, 7 Stat. 44, and (2) that Congress can authorize a taking by eminent domain despite the treaty. *Cherokee Nation* v *Southern Kansas Railway Co.* ((1890) 135 U.S. 641, 654–657, 10 S. Ct. 965, 34 L. Ed. 295). The question here is whether Congress has, in a sufficiently clear and specific way, shown an intention to (take these lands by eminent domain).

The court concluded that Congress has shown such an intention. It concluded that Congress has authorized the taking of the lands. The decision of the lower court was affirmed.

That case was reported in 262 Fed. 2d 27.

A writ of certiorari was filed with the Supreme Court of the United States and, on June 15, 1959, the Supreme Court denied the motion of the Seneca Nation for a writ of certiorari.

Mr. President, it is impossible for me as a lawyer to conclude that the Supreme Court, the court of appeals, or the district court could have come to any other possible conclusion, because this has been established law since 1890, at the very latest.

Mr. President, in conclusion, I wish to say that the legal and engineering aspects of this problem have received every possible consideration from the executive and judiciary branches of Government. Voluminous testimony presented by both proponents and opponents of this project over the last several years has afforded an adequate basis for a determination by the Congress. Congress has decided that the project should be constructed, as provided in the authorizing acts. The Corps of Engineers is proceeding with construction of the project in accordance with the directives of the Congress. The legal rights of the Seneca Nation of Indians have been fully preserved, and I can see not the slightest reason for postponing further appropriations to permit this very important public project to go forward.

Mr. President, I should like to comment very briefly but specifically on some of the comments made in Dr. Morgan's letter to the Washington Post and Times Herald, which is printed on page 2501 of the CONGRESSIONAL RECORD. Dr. Morgan says:

> An engineering oversight of 30 years ago, unless it is corrected, will cause great and unnecessary loss to the Seneca Indians, to the cities of Pittsburgh and Warren, Pa., and to our country as a whole.

That statement, Mr. President, is incorrect. There was no engineering oversight. Dr. Morgan's alternative plans have been fully considered. The erection of this dam will cause no great and unnecessary loss to the Seneca Indians, all of whose property rights will be protected by eminent domain proceedings.

Mr. President, I made a personal visit to this area myself, last fall. I went over the site with the representatives of the Corps of Engineers. I saw the available lands to which the Seneca Indians can be moved. I concluded that, in all likelihood, the Indians will be far better off as the result of the building of this dam than they are at present.

Senators may ask me why. I say it is true for this reason: Behind the dam will be created a great lake which will be used for recreational purposes—boating, fishing, camping, and the like. The Allegheny National Forest abuts this area. The National Park Service intends to devote some $15 million, for which they have asked an authorization in the budget, to develop this land for recreational purposes.

The opportunities for employment of the Seneca Indians in that area will thus be substantially increased. The area at the moment is a small backwater of a farming community. I am confident that members of the Seneca Tribe will be economically far better off when the project is constructed than they are now.

Mr. President, I read further from Dr. Morgan's letter:

> The basic design has never been reexamined.

That is not a correct statement. The basic design has been reexamined time after time.

Mr. Morgan further says:

> Located between the cities of Warren and Salamanca, the dam would have limited storage capacity which could not be increased without flooding one or both of these cities. The reservoir would eliminate the only water-level highway through the mountains in this region. And it would take nearly all the habitable part of the Seneca Indians' reservation, destroying their identity as a people.

Mr. President, this statement is also incorrect. The dam has adequate storage capacity, as much as is needed. There is no possibility of the flooding of the city of Warren. The reservoir will not eliminate the only water level highway through the mountains to this region. It will merely call for its relocation. After its relocation the highway will be more beautiful and more usable than it is today. The project would take some of the habitable part of the Seneca Indian Reservation, but it would clearly not destroy their identity as a people.

Mr. President, as I pointed out a minute or two ago, it will increase the opportunities for employment.

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

Mr. CLARK. If the Sentaor will indulge me for about 2 more minutes, I shall have completed and will be happy to yield to the Senator.

Mr. President, Dr. Morgan says further:

> However, this alternative—with potentialities far greater than the Kinzua plan—does exist.

Mr. President, this is not correct. This alternative has been rejected, not only by the Corps of Engineers, but also by an independent consulting firm which has looked deeply into the matter.

Dr. Morgan further says:

> My study disclosed a remarkable geological circumstance which had been entirely overlooked by the Army Engineers in their planning 30 years before.

Mr. President, the Army Engineers have not overlooked this engineering fact. The engineers have studied the matter carefully and have concluded that Mr. Morgan's alternative would be more expensive, would displace more people, and would flood more land.

Dr. Morgan further states:

> And all this could be done at a saving, in increased values and lower costs to the American taxpayer, of some $100 million over the cost of Kinzua.

Mr. President, this statement is incorrect, as my comments above quoting the Army Engineers amply demonstrate.

Finally, Mr. President, Dr. Morgan says:

> Our solemn agreement with the Seneca Indians should not be lightly set aside. No promise by our country ever was more solemnly made than that to the Senecas in that long-honored treaty.

Mr. President, the Seneca Indians have had their day in court. They had it in the district court. They had it in the court of appeals. They had an opportunity to file a petition for a writ of certiorari. I see no reason why American citizens who are American Indians should have higher rights in their property and in their land than the average American citizen, whose land is always held subject to the right of a State to take it for eminent-domain purposes.

I conclude, Mr. President, by pointing out that every member of the Seneca Indian Tribe will receive adequate compensation for the land which is taken and greater opportunities for employment.

Mr. President, I hope very much that this last-minute effort to divert a worthwhile public project will not succeed, and that both the other body and the Senate will stand firm behind the recommendations presented by the President for continuing the construction of this very badly needed public improvement.

Mr. President, I ask unanimous consent that an analysis of Allegheny Reservoir and alternate proposal of Dr. Arthur E. Morgan, by Maj. Gen. E. C. Itschner, Chief of Engineers, be printed in the RECORD at the conclusion of my remarks.

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

ANALYSIS OF ALLEGHENY RESERVOIR AND ALTERNATE PROPOSAL OF DR. ARTHUR E. MORGAN BY MAJ. GEN. E. C. ITSCHNER, CHIEF OF ENGINEERS

The Seneca Nation of Indians engaged the services of Dr. Arthur E. Morgan to suggest alternate proposals for the authorized Allegheny Reservoir as a means of providing flood control and low flow regulation on the lower Allegheny River. Over the past 2 years Dr. Morgan suggested several variations of a scheme for diverting floodwaters from Allegheny River into a storage reservoir on Conewango Creek, with provision for spilling water in excess of requirements for flow regulation into a channel discharging into Lake Erie.

In view of the intense interest shown in alternate proposals and to explore fully the matter of alternate plans, the Corps of Engineers engaged the engineering firm of Tippetts, Abbett, McCarthy, Stratton (hereafter referred to as "TAMS") to study the engineering feasibility of such proposals as a basis for comparison with the authorized Allegheny Reservoir. TAMS made an engineering study and review of the authorized project and of five alternate plans that covered the principal possibilities for storage in the Conewango Valley and for diversion through the Conewango Valley into Lake Erie. Each would provide for (a) a diversion dam on the Allegheny River near Quaker Run, (b) an unlined diversion channel into the Conewango basin, and (c) a storage reservoir with a dam on Conewango Creek near Waterboro, N.Y.

Plans 1, 2, and 3 provided for varying rates of spillway flows to be discharged into Lake Erie by way of Silver Creek. Plan 4 would have no outlet to Lake Erie, but would provide for passage of spillway design flows down the Allegheny utilizing the diversion structure at Quaker Run as the spillway. Plan 5 would provide no spillway into either Lake Erie or Allegheny River, but the reservoir in the Conewango basin would be large enough to store both the reservoir and spillway design floods. TAMS found the alternate plans to be feasible, but they would cost from 25 to 38 percent more than the authorized project, would require 51 to 108 percent more land, and would dislocate 150 to 180 percent more people.

About 6 months after completion of the engineering firm's report, Dr. Morgan suggested a further variation for additional study (hereafter referred to as "plan 6"), which he claims would be similar to plan 1 (then estimated by TAMS to cost $142,338,000, or over $41 million more than the authorized Allegheny Reservoir) except that the plan would be modified to provide outlet into Lake Erie via Cattaraugus Creek in lieu of Silver Creek as previously studied. There were a number of important engineering considerations that were not fully developed but Dr. Morgan concluded that plan 6 could be constructed at a cost materially lower than Allegheny Reservoir. Dr. Morgan also questioned the adequacy of Allegheny Reservoir for flood control and flow regulation purposes for which the project was authorized. Analyses by the Corps of Engineers of the three major issues cited by Dr. Morgan are furnished herewith.

I have personally studied the report of Dr. Morgan, but find that his recommended plan 6 does not provide a solution to the water resource development problems of the Allegheny River basin that compares favorably with the authorized plan. I find that his recommended plan gives insufficient treatment to some important engineering aspects and that the estimates he presents are not reconcilable with the scope of work involved, or the conditions under which it must be performed, to construct a completely operative facility. I consider that the Allegheny Reservoir, as presently planned, is the most economic solution to the problems involved and that construction of the project should proceed as soon as court actions have been completed.

Mr. CLARK. Mr. President, I yield to my distinguished colleague from Pennsylvania.

Mr. SCOTT. Mr. President, if the Senator has concluded, will he be good enough to yield the floor?

Mr. CLARK. I yield the floor, Mr. President.

Mr. WILLIAMS of New Jersey subsequently said: Mr. President, the junior Senator from New Jersey was presiding when the bill—H.R. 3151—was presented to the Senate from the House. At that time the senior Senator from Pennsylvania urged the passage of the bill by the Senate. I had hoped for an opportunity to point out that the effect of the bill would be that employees working within the city of Philadelphia in Federal Government installations would have their tax withheld. However, New Jersey residents who work in Philadelphia must pay the city income tax. It is my understanding that that is the same tax Philadelphia residents pay. We feel that it is a serious inequity to make New Jersey residents pay the full tax without receiving the full services of the city.

Mr. SCOTT. Mr. President, I wish to say that I agree entirely with my distinguished senior colleague from Pennsylvania.

May I ask the distinguished Senator whether he has made reference to the committee report of July 8, 1959, on the public works appropriation bill?

Mr. CLARK. I did not refer to it by quotation, but I did in passing. It would be helpful if the Senator made a more elaborate record in that regard.

Mr. SCOTT. I thank the Senator. That is what I shall do.

Mr. President, I agree that this matter has reached a critical stage, involving the necessary continuance of the project, which has been examined and considered and approved long ago. We would be in a most unfortunate position if the project were to be delayed at this time. The rights of all the parties at interest have been fully explored and heard.

While some reference has been made in the Senate to an investigation by the Committee on Interior and Insular Affairs, may I suggest, Mr. President, that this committee has nothing whatever to do with the matter. This is a public works project. It was handled by the Committee on Public Works. It has been authorized since 1936. It was reauthorized, and has been appropriated for since 1951. The construction phase of the project has been appropriated for since 1957. Four million, ninety-eight thousand dollars has been spent to date, and $4½ million is in the present fiscal budget.

Mr. President, I ask unanimous consent that at this point in the RECORD there may be printed as a part of my remarks the pertinent portion of the report of the Public Works Committee, known as report No. 486, July 8, 1959; namely, pages 25 and 26. On these pages the Senate committee makes a full and, in my judgment, conclusive explanation of the necessity for the continuation of this project.

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

The Senate committee feels that the alternate Conewango Valley proposals have been adequately considered and reviewed, both by the Corps of Engineers and independent consultants.

The original proposal of the engineering consultant to the Seneca Indians was reviewed by the Corps of Engineers. They found that, while the plan was engineeringly feasible, the cost would be considerably in excess of the authorized Allegheny River Reservoir. Subsequently, the engineering consultant for the Indians suggested additional alternate plans. The Corps of Engineers then engaged a well-known and competent firm of consulting engineers to make an independent analysis of the alternate proposals. The findings of this independent investigation of the merits of the five alternate proposals revealed that the schemes presented were engineeringly sound but that all of them would be more costly than the authorized project.

This year during the hearings the opponents of the Allegheny River Reservoir presented a sixth alternate plan. This plan has also been studied by the Corps of Engineers and personally reviewed by the Chief of Engineers. The Chief of Engineers finds that plan 6 does not provide a solution to the water resource development problems of the Allegheny River basin that compares favorably with the authorized plan.

It is interesting to note that during the hearings the attorney for the Indians stated that if the Supreme Court denied his writ of certiorari, he was through legally but not engineeringly, and the engineer for the Indians stated that the possibilities in the Conewango Valley are unlimited. It would appear, therefore, that if an independent investigation was adverse to plan 6, next year the committee would be confronted with plan 7 or 8 for consideration.

The proponents of the Conewango Valley plan deny that their plan provides for the diversion of excess floodwaters into Lake Erie; they claim that it would only be the unwanted waters. At any rate the alternate plan provides a channel having a capacity of 60,000 cubic feet per second. The committee is of the opinion that the State of Pennsylvania would officially oppose any plan that provided for the diversion of Allegheny River waters into Lake Erie. Certainly any plan for the diversion of the Allegheny River waters into Lake Erie would come under the cognizance of the International Joint Commission, as well as the States bordering Lake Erie. The committee has received protests from the Conewango Valley Flood Control Association, Inc. That association points out that the Conewango watershed is a valuable agricultural area. That one-third of the 190,000-acre watershed is highly productive bottomland, and the hills are excellent for livestock production. The association further points out that over the past several years a workplan for the protection and improvement of the valley has been prepared under the provisions of Public Law 566.

The Allegheny River Reservoir was authorized more than 20 years ago. The committee believes that reservoir control in this area is urgently needed to reduce flood damage in the industrial and residential areas of Warren, Oil City, Franklin, and downstream areas. It has confidence in the ability and integrity of the Corps of Engineers, who will have the ultimate responsibility of constructing the project.

Subsequent to the House action the Supreme Court on June 15 denied the petition for certiorari, which removes the last legal obstacle to the construction of the Allegheny River Reservoir.

WHO TAKES THE LOW ROAD?

Mr. SCOTT. Mr. President, as we progress into the second month of 1960, the campaigning for the Presidency of the United States increases in intensity.

The distinguished gentlemen on the other side of the aisle are very much aware of this trend since many of them have been in various postures of candidacy for several months—even years.

None of us who are elected to public office can criticize any man for wanting to better himself with the voters. This is the activity which drives people into the voting booths and it is all to the good.

But I must object to the level to which some people have sunk in their hysteria to grab for a position which might very well be outside their reach. Specifically, I refer to the epithets being directed at the Vice President of the United States.

He has been called a juvenile delinquent, a slicker, and worse.

This type of campaigning is revolting. Men experienced in politics should know that name-calling revolts not only the opposition, but the voters themselves. It is self-defeating.

I am reminded of an appropriate story. A man who was making an address from a public platform heard a heckler shout at him: "I would sooner vote for the Devil than vote for you." And the speaker answered quietly: "But, sir, suppose your candidate does not choose to run for election?"

Mr. President, this problem is discussed in a thoughtful editorial by Malcolm S. Forbes. I have mentioned it most recently in a speech I made in Pittsburgh. I ask unanimous consent to insert at this point in the RECORD the editorial from Forbes magazine of February 15, 1960, and my own remarks in Pittsburgh on February 12, 1960.

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

[From the Forbes magazine, Feb. 15, 1960]

WHO TAKES THE LOW ROAD?

Recently, in Washington, the leading candidates for the Democratic presidential nomination apparently sought to prove their fitness by outdoing one another in reviling Vice President NIXON. I hope this performance does not set a pattern for the months ahead. Calling NIXON a juvenile delinquent, a slicker, etc., hardly enhances the stature of these presidential aspirants. As a matter of practical politics such tactics will doubtless enlist the sympathies of many undecided voters for the Vice President.

But, more importantly, such seedy campaigning denies the people of this country a discussion of some very basic issues which will be at stake this November—such fundamentals as the method and means of combating inflation, expanding the gross national product (and there are those, not including Forbes, who think these are mutually contradictory aspirations), the state of our national defense, the vast and still growing farm problem, and so forth.

In the early days of the administration, when the Vice President carried the campaigning ball for the Eisenhower administration, he was often accused by his critics of overemphasis on some Democratic Party shortcomings. "Eisenhower takes the high road while NIXON takes the low" was shouted often from the rostrums in the hustings.

This early, widespread, continuous use of personal invective about RICHARD NIXON should disturb the Democratic political strategists because it is bound to anger many voters.

It is to be hoped widespread reaction to this false campaign start will put an early end to the low road for the forthcoming campaign.

ADDRESS OF U.S. SENATOR HUGH SCOTT, ALLEGHENY COUNTY REPUBLICAN COMMITTEE LINCOLN DAY DINNER, PITTSBURGH, FEBRUARY 12, 1960

Abe Lincoln was a fighter. He landed many a hard blow but never a foul one. All over the Middle West, wherever he and Douglas met, they hammered out issues on the anvil of debate.

Amidst the turmoil of a land divided, in times of the greatest peril, he spoke in positive, affirmative terms of his convictions. He had a program for the defense of the Republic and he stanchly espoused it.

He had humor. He had wit.

He made many a shrewd point with a humorous turn of phrase. He caused people to think. He gained their admiration. On the famous Cooper Union speech in New York, he emerged upon the national scene as a leader of men.

Lincoln never needed to stoop to name calling, though ambitious demagogs called him baboon or hairy Abe.

Lincoln didn't try to frighten people into voting for him.

Lincoln was a good man.

He set high standards of public conduct and he lived by them.

A hundred calendars have marked the years since the campaign of 1860.

Now it is a century later. Indeed he belongs to the ages. Should we not then pay more than lip service to his good example?

Yet voices are raised among presidential candidates and others, including regrettably some Senators, which label the candidate of Lincoln's party with epithets such as "juvenile delinquent," "slippery," and worse.

Here in Pittsburgh a Senator recently labeled the party of Mr. Lincoln, indiscriminately, as a party of "plutocrats." Mr. Lincoln didn't go in for class hatred or any other kind of hatred. For hatred, 100 years later, is hardly the stuff of which political victory should be made.

How hollow the epithet of "plutocrat" falls, when wealthy men level the accusation.

In the interest of simple truth, must we not here take note that all but one of the Democratic candidates for President (and that one hasn't a chance) are very wealthy men. Do they wish to be disqualified because they loll in prosperous well-being? Will they excuse themselves by saying: "Oh, but we are good, rich men; only Republican prosperity in individuals is bad."

And, in passing, let it be noted that the Republican, RICHARD NIXON, the son of plain average people, does not share their purple nor revel in the plush.

I said, Lincoln didn't try to frighten people.

How unfortunate, that with the lesson of a century behind us, every single would-be presidential candidate in the Democratic Party is indulging in charges of national insecurity and defense insufficiency designed to scare the American people into turning toward one of these prophets of national doom.

Must they allow their vaulting ambition to o'erleap itself and ride roughshod over reason?

Now how strong are we? Are we prepared to withstand the assault of an enemy tempted to destroy us?

President Eisenhower and General Twining, Chairman of the Joint Chiefs of Staff have stated in the most categorical terms that the United States is militarily the most powerful nation in the world. They have stated that our diversity of weapons systems adds up now, and will continue to add up to more than adequate deterrent power to convince any enemy that it would be folly to attack us, at the cost of destruction of its own country.

Defense is not a numbers game to be played by hungry politicians or embittered retired generals.

Against the Soviet lead in a single type missile, we present superiority on the sea, in long-range bombers, in 26 oversea bases (the Russians have none outside their country and their satellites) and in the military might of our allies.

The one-weapon fetish of the critics overlooks the greater importance of our diversified power and disregards our program ultimately to leapfrog the solid-fuel missiles of the present with much more effective liquid-fuel missiles of the next few years.

Meanwhile, both nations will continue to build solid-fuel ICBM's. But after each has its first 200 or so, one wonders where and under what possible circumstances the remainder could be effectively delivered in wartime.

We are asked to choose between the calm judgment of the Commander in Chief and all the Joint Chiefs of Staff on the one hand, and the feverish criticism of partially informed presidential aspirants on the other.

I am satisfied it is safer to follow the military judgment of those who want nothing except a safe and sure defense rather than those who want so very much to win the Presidential Office.

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). The Chair has been requested to announce that the Vice President, pursuant to the order of the Senate of January 24, 1901, has designated Mr. Moss, a Senator from the State of Utah, to read Washington's Farewell Address on February 22 next.

Mr. RUSSELL. 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. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Without objection, it is so ordered.

LEASING OF PORTION OF FORT CROWDER, MO.

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R–I, Missouri.

Mr. TALMADGE. Mr. President, the Chinese have a proverb which goes something like this: "The first time a thing happens, shame on the other fellow; the second time it happens, shame on you."

That, I think, is an appropriate sentiment for the Senate to reflect upon in considering the fact that it is being asked in the pending legislation to bring upon itself the shame of repeating a mistake it first made almost 90 years ago and repented of 23 years later.

I refer, Mr. President, to that part of the measure under consideration embracing the proposal of the Attorney General of the United States that the election machinery of the 50 States be placed in the receivership and under the control of Federal voting referees appointed by Federal judges.

There is nothing new about that proposal. It was first enacted into law in 1871 as a product of the passions which blinded Congress to reason following the War Between the States. Its application resulted in fraud, malfeasance, scandals, and tyranny of such incredible proportions that the American people arose in righteous indignation in 1892 and swept into office an administration and a Congress which repealed it in 1894.

It is incomprehensible to me, Mr. President, how this Senate could even consider giving a second approval to such a proposition in the light of the shameful blot which its unspeakable ancestor put upon the pages of this country's history less than a century ago. And I assure you, Mr. President, that before I have concluded my remarks on this subject no Member of this Senate will be able to claim ignorance of the ignoble facts of the matter.

Mr. President, the offering of this proposal this year marks the second time in 90 years that the Republican Party has come forth with the idea that what this country needs is to have Federal court officials decide who can and cannot vote.

Back in 1870 the Union League Club of New York sent a sharp young lawyer named John I. Davenport to Washington with instructions to draft and get enacted a law which New York Republicans could manipulate to count out the Democratic Tweed machine in New York City.

Davenport, a protege of the infamous General Butler for whom he trained Union Army spies during the War Between the States, had no difficulty in persuading a Republican Resconstruction Congress—which already was in the market for harsher measures with which to subjugate the conquered South—to enact his bill to put election machinery under the control of Federal election supervisors appointed by Federal judges.

He convinced Republicans in Congress that his proposal would implement the ambition of the late Thaddeus Stevens "to secure the perpetual ascendency" of the Republican Party by making Republican voters out of the newly freed slaves in the South. Succeeding in putting it on the statute books on February 28, 1871, he went back to New York and used it to make himself the most ruthless and despised political boss in the history of the United States.

Davenport's law failed miserably in the South but it worked beyond his wildest dreams in New York where he administered it as chief elections supervisor for the southern district of New York.

Before the law was enacted Davenport had set himself up a private detective agency and gotten himself appointed U.S. Commissioner for the southern district of New York. Utilizing the full resources of those two positions coupled with his new job of Chief Elections Supervisor—and spending money made available to him through both the Union League Club and the U.S. Treasury—he undertook a systematic campaign to get Republican votes into the ballot boxes of New York and to keep Democratic votes out.

His method of operation was ruthlessly simple. Using techniques he had perfected in the Army and fully exploiting all of the potentialities of his public and private positions, he set up an advance vote-counting system which enabled him to calculate the number of Democratic votes which would have to be kept out of the ballot boxes to assure Republican victories. Then acting on complaints filed by him as election supervisor, he had that number of individuals arrested and, as U.S. Commissioner, set bail so high that it could not possibly be met before the polls closed. After the election was over, the charges would be dropped.

A select committee of the House of Representatives which investigated his machinations in 1892 reported on his methods as follows:

With the power of the Government behind him and with the money of the Government to use, he has managed for years a detective bureau, by means of which he has sought to get proof of the crimes which he has claimed existed in the city of New York. When, in his first capacity, as a detective, he had obtained such proof as he wished to use, he then, in his second capacity, as a public prosecutor, issued the warrants for the arrest of the alleged criminals. Sometimes he gave these warrants to the U.S. marshal to be executed and sometimes, in a third capacity, as a sheriff, he seems to have made the arrest of the accused parties through his own deputies. Then, in his fourth capacity, as a U.S. commissioner, sitting as a magistrate, he has heard his own charges against the prisoner which he presented to himself as judged by himself, as prosecuting attorney, and has decided himself upon their guilt or innocence. In this way he has arrested many hundred persons at each election. This is not at all difficult under these laws. He has merely to decide on the names of the parties whom he desires to arrest or to keep from voting and issue his warrants for their arrest.

For his services as chief elections supervisor in 15 elections between 1872 and 1893, Davenport collected fees from the Treasury of the United States totaling $283,906.93, an average of $18,927.13 per election. That did not include his annual salary of $3,000 as U.S. commissioner or the sums collected for his work by the Union League Club, which were over and above the $2,854,858.94, paid as compensation to the armies of assistant supervisors whom he appointed to carry out his election-stealing schemes.

His infamy gave Democrats the campaign cry of "Davenportism," which twice swept Grover Cleveland into the Presidency—the second time with a massive majority in both Houses of Congress which wiped the statute books of the Nation clean of every Republican impediment to free elections.

Now, in 1960, the Republicans have revived Davenport's law.

This time the sharp young New York lawyer upon whom they have called to get it enacted is Attorney General William P. Rogers.

This time their sales pitch is to protect the right to vote in the South.

This time their ultimate aim is to hand the Republican Party the minority vote in pivotal metropolitan areas.

In other words, Mr. President, they are asking this 86th Congress to enact a Rogers-Davenport Reconstruction Act to perpetuate the Republican Party in office.

The Rogers-Davenport Reconstruction Act is a dead steal from the Davenport Federal Election Supervisor Act passed February 28, 1871, as one of the unspeakable force bills of the first Reconstruction. The only differences between them are 89 years and the following:

First. The name of the Federal official whose job it would be to steal elections would be changed from election supervisor to voting referee.

Second. The scope would be broadened to include State and local as well as Federal elections.

Third. Instead of preventing voting, its effect would be to stuff the ballot boxes.

In other words, Mr. President, as I endeavored to point out to the Senate when this bleached bone of the past was first exhumed, the scheme is the same; only the technical details have been changed.

The original law was the desperate effort of a slipping Republican Party scared by the Seymour victory in New York in 1868 to keep itself in power. Its contemporary version is the deliberate effort of a slipping Republican Party scared by the Democratic congressional landslide of 1958 to try to make history repeat itself.

In 1871 the Republicans had to run roughshod over the Democrats in Congress to get their way. In 1960 they hope to mesmerize Democrats with the minority vote carrot into helping them pull their Republican chestnut out of the fire.

During the first Reconstruction the bait with which the prize was sought was the promise of 40 acres and a mule. During the second Reconstruction that bait would be changed to the promise of 45 days in jail and $300 fines for Southern Democrats—the maximum nonjury sentence which can be imposed by the Civil Rights Act of 1957.

It is inconceivable to me, Mr. President, that any member of the Democratic Party could give his support to such a proposal in light of these established facts of record which prove conclusively that its 19th century counterpart was used by the predecessors of today's minority party to entrench themselves in power for more than two decades.

It took almost a quarter of a century of continuing struggle for our Democratic predecessors to get Davenport's law off the statute books where it was making a mockery of our cherished democratic institutions. For Democratic Senators of today to vote to put a Rogers-Davenport Reconstruction Act back on the statute books would be to deny the wisdom of such past Democratic greats as Senators Steven M. White of California, John McAuley Palmer of Illinois, Daniel W. Voorhees and David Turpie of Indiana, Francis M. Cockrell and George C. Vest of Missouri, David B. Hill of New York, Calvin S. Brice of Ohio, Richard Coke and Roger Q. Mills of Texas, Charles J. Faulkner of West Virginia, William F. Vilas and John L. Mitchell of Wisconsin, and 26 others who constituted the Democratic majority of the Senate in repealing Davenport's law on February 7, 1894.

Mr. President, why did great men like Senators Turpie, Vest, Hill, Brice, Coke, Vilas, and like-minded colleagues bestir themselves to repeal Davenport's law? Surely statesmen of their character and stature would not have acted without satisfying themselves that their action was in the best interests of the Nation.

The experience of 23 years had proved to them that the law was partisan in origin and destructive of democratic processes in execution. Despite the fact that their party, then in power, could have kept the law on the books and used it to the advantage of the Democratic Party did not deter them from doing what they knew to be the right and just thing—repeal it.

Mr. President, I submit that no man not seeking partisan advantage could read the report of the select committee of the House of Representatives which investigated the administration of that law in New York and not be convinced that it was unjust, unworkable, and a disgrace to a free people living in a free nation.

I shall read to the Senate, Mr. President, that report—House Report No. 2365 of the 2d session, 52d Congress, which was written by three highly respected Democrats, Representatives Ashbel P. Fitch, of New York, J. A. Geissenhainer, of New Jersey, and Robert E. DeForest, of Connecticut. Presented January 27, 1893, it reads as follows:

Mr. Geissenhainer, from the Select Committee To Inquire Into the Supervision and Administration of Election Laws by Officers of the United States, in the City, County, and State of New York, So Far as the Same Relate to Members of Congress, submitted the following report to accompany H.R. 10344.

The select committee of the House of Representatives, appointed by the Speaker in accordance with the resolution of the House of July 19, 1892, to inquire into the supervision and administration of the election laws of the United States within the city, county, and State of New York, respectfully report as follows:

The committee met for organization on September 8, 1892, in the city of New York, and from that time until and including election day, November 8, 1892, the committee held 11 meetings in the city of New York, at which the evidence of 46 witnesses was taken.

The committee, under its authority to issue the mandate of the House to compel the attendance of witnesses, and the production of papers, given by the resolution, served the subpena of the House upon all the officers of the United States having control of the administration and supervision of the United States election laws, in the city of New York, and upon the Secretary of the Treasury, for the production of the records on file in the Treasury Department relating to the matters into which the committee was directed to inquire.

The U.S. marshal for the southern district of New York, the U.S. district attorney for the southern district of New York, and such of their assistants and subordinates as were requested to do so, came promptly before the committee and gave, readily, such evidence as the committee required of them, and the Secretary of the Treasury sent by the hand of the chief of the division of judiciary accounts of the first Comptroller's

office, in his Department, the records and documentary evidence required by the committee, and placed the same fully at the disposal of the committee.

The chief supervisor of elections for the southern district of New York, on being subpenaed to appear before the committee, refused to appear and refused to allow the records and papers in his possession relating to the subject matter of the inquiry ordered by the House to be examined.

"In a written communication, addressed to the chairman of the committee, the chief supervisor, although refusing to appear before the committee at the time when he had been subpenaed by the Sergeant at Arms of the House to appear, that is, on October 14, suggested to the committee that he would be willing to appear and testify on November 16, after the election, then about to occur, was over. The desire of the committee being to inspect and study the working of the Federal election law while in actual operation before and on election day, and the communication being, in the opinion of the committee, an open and impudent defiance of the powers of the House of Representatives, no further attention was given to the witness.

"The evidence taken before the committee and submitted with this report to the House relates entirely to the administration and supervision of the election laws by Federal officers within the city and county of New York.

"It is assumed by the committee that the administration and results of such laws would nowhere appear more clearly or in a better light than in the city of New York.

"It is believed that in the largest city in the country, where every class of our voting population is fully represented and where the respective parties have for years made their principal headquarters at important elections, and under the constant publicity given by the best organized and most effective newspaper press of the world, the actual workings of these laws and their good or evil results can be more clearly seen and appreciated and more intelligently judged than is possible anywhere else.

"Your committee, after a very careful study of the operations of the Federal election laws before election and on election day in the city of New York, are of the opinion that all of these laws have entirely failed to produce any good results in the direction of the purity of elections or the protection of the ballot box, and have been productive of such serious and dangerous results that they ought at once to be repealed.

"The reasons for our recommendation for the repeal of these laws, based on our study of their operation and results in New York, may be classed under four heads. They ought to be repealed—

"First. Because they result in no convictions of offenders, and are therefore useless to prevent or punish crime.

"Second. Because they cause great expense and are fruitful of constant and continuing frauds upon the Treasury.

"Third. Because they are designed to be used and are used only as part of the machinery of a party to compensate voters who are friendly to it, and to frighten from the polls the voters of the opposing party.

"Fourth. Because under and by virtue of these laws the gravest interference with the personal rights and liberty of citizens occur, and voters are punished by arrest and imprisonment for their political opinions."

Mr. President, in those four points the Congress of the United States severely indicted the Davenport Act of 1871. The Congress clearly gave its reasons for that indictment. That law was tried for 23 years, after being enacted when the country was inflamed and in the heat of passion following the War Between the States. Yet now, after passions following the War Between the States are supposed to have died, and almost 100 years after the War Between the States, we see the same groups, with the same motives in mind, trying to reincarnate a Reconstruction statute and—yes—make it even more heinous.

The first Reconstruction Act purported to regulate only Federal elections. Yet the Davenport law as reincarnated by William P. Rogers not only purports to regulate Federal elections, but also purports to regulate State, county, and municipal elections—something that clearly is not within the province of the Constitution.

If such laws are passed by the Congress—which God forbid—even the present Supreme Court, as presently constituted, with its strong tendency to follow psychological and sociological notions, will, in my judgment, strike them down.

I read further from the committee report on the operation of the Davenport Act:

In considering the first point above mentioned, it may be remarked in the first place that these laws are believed to have been, in the main, drafted and their enactment brought about by the present chief supervisor of elections in the southern district of New York. If anyone in the country was able to administer them in such a manner as to get good results from them the author of the system certainly ought to have been. Through most of the time during which he has held his position the National Government has been fully in accord with him and willing to aid him with all its power and resources. He has drawn from the public purse vast sums of money for his compensation in the administration of these laws and for the employment of thousands of deputies and assistants. He holds his office by a tenure which makes him practically independent of any criticism or danger of removal. He not only holds this office of chief supervisor of elections, but he has also had himself appointed a United States commissioner, so that he can sit as an examining magistrate.

With the power of the Government behind him and with the money of the Government to use, he has managed for years a detective bureau, by means of which he has sought to get proof of the crimes which he has claimed existed in the city of New York. When in his first capacity, as a detective, he had obtained such proof as he wished to use, he then in his second capacity, as a public prosecutor, issued the warrants for the arrest of the alleged criminals. Sometimes he gave these warrants to the U.S. marshal to be executed, and sometimes in a third capacity, as a sheriff, he seems to have made the arrest of the accused parties through his own deputies. Then in his fourth capacity, as a U.S. commissioner, sitting as a magistrate, he has heard his own charges against the prisoner which he presented to himself as judge by himself as prosecuting attorney, and has decided himself upon their guilt or innocence. In this way he has arrested many hundred persons at each election. This is not at all difficult under these laws. He has merely to decide on the names of the parties whom he desires to arrest or to keep from voting and issue his warrants for their arrest. But in order to have any of these persons indicted or convicted it is necessary for him to take his alleged evidence before the grand jury, and to try his case before a judge and jury in open court, and without the special advantages which up to this point the Federal election law has given him. He must then have a case. At this point he has invariably failed. With all this machinery in the hands of its inventor and the use of unlimited money the law has resulted in nothing so far as the conviction of offenders is concerned.

During the entire time covered by the examination of the committee there has not been one conviction for illegal voting in the southern district of New York in the United States courts, and under these laws.

Since the present district attorney came into office, a period of nearly 4 years, as a result of many thousand arrests, only three men have been indicted for false registration. One of these men was acquitted. The other two were found guilty, but the cases showed the offense to have been technical merely, and in one of these cases the judge suspended sentence upon the defendant, and in the other allowed the defendant to go without imprisonment on the payment of a fine.

Since 1889 half a dozen persons have been charged with interfering with the Federal supervisors, and in view of the conduct of these supervisors, as shown by the evidence and seen by the committee, it is in the opinion of this committee a great proof of the patience and forbearance of the voters in the city that there has been so little interference with them. But even in these cases nobody has been convicted even of a technical violation of the law since 1889.

It will be therefore seen, although the chief supervisor, the U.S. district attorney, and the U.S. marshal in the city of New York have been in full accord for a period of about 4 years, and have had the fullest support from a friendly administration, that no offender has by reason of their efforts under these laws served 1 hour in prison as the result of a conviction. It is therefore clear that these laws do not result in the punishment of any crime, and they ought therefore to be repealed.

The second reason why, in the opinion of the committee, the law should be repealed is that it causes immense expense, and is purposely so arranged that there is no supervision over the cost, no limit to the amount expended, and no proper responsibility for the payment of the bills.

It is impossible to report upon the exact cost of the system, for the reason that the Treasury Department is unable at this time to state it. The witness Ferrell, sent by the Department before the committee, estimated the expense for this year at $1 million, but it is clear from his evidence that he had no accurate knowledge of the amount, which will doubtless be much more. When it is seen that the payments for the personal compensation of the chief supervisor in the southern district in New York for his services as supervisor and commissioner, entirely aside from the payment of his deputies and aside from the fees and disbursements, and the compensation of deputies of the U.S. marshal, have amounted during the present administration to a sum exceeding $107,000, the abuses under these laws to which your committee desires to call attention will be plain. This amount will doubtless be increased by a further very large payment, the amount of which your committee is unable to ascertain, which has been demanded and is expected by the chief supervisor from the Treasury Department before the close of the present administration. In connection with these payments, attention is called to the fact that from March 1885 until May 17, 1889, during which time a district attorney was in office who desired to examine these bills, the chief supervisor never presented a bill, preferring to go without the money sooner than submit to examination. As soon as the present district attorney came in, the bills were presented and approved and promptly paid.

As to the manner in which these payments are made and the bills verified, the examination of the Treasury officials and of the local district attorney shows an additional reason for the repeal of the law. The Treasury Department takes the ground that the certificate of the judge to whom the accounts are presented, in the presence of the district attorney and after a presumed examination by him, is binding on the Department, and that the bills when certified by the judge must be paid. The U.S. district attorney, in his evidence before the committee, took precisely the opposite view. He testified as follows:

"Of course I did not examine Mr. Davenport, because I understood in accordance with the practice that his work was sent to Washington to the auditing officers of the Treasury Department, and all the items charged for in the account are examined and checked in the Treasury Department before any payment is made."

The district attorney was further asked, "Did you make any personal examination as to how much these charges amounted to altogether?" He answered, "That is a matter of accounting for the officers of the Treasury Department." He also said, "There was no reason why the accounts should be submitted to investigation except such as the Treasury officers always make in all accounts that are presented in court and proved before the court."

In view of the amount paid to the chief supervisor of elections for the southern district of New York, under the present administration, which payment is believed, in New York, to be a public scandal, the evidence of the former assistant district attorney, Mr. Rose, as to the manner of the approval of these accounts in court is interesting. Mr. Rose testifies that no one was present in the courtroom when one of these accounts, calling for the payment of $31,030.21 for the chief supervisor's personal compensation, was presented, except the judge, the chief supervisor and himself; that the supervisor presented his account; that the judge asked him what he knew about the accounts; that he said he knew nothing at all about them, and that he had not examined or approved them; that the judge thereupon signed the certificate approving the account, and that the whole matter was transacted in 5 or 6 minutes. The chief supervisor did not, on that occasion, explain a single item of that long account; he called no witnesses, and yet such a certification and hearing is claimed by the Treasury Department, under these laws, to be binding upon the Department.

It is not deemed necessary to go over in this report the figures of these accounts in order to demonstrate the frauds which may be perpetrated under the present law. It is believed that the law officers of the Government ought to make them the basis of proceedings against the person who has received the money, and the committee will so recommend at the proper time. It is sufficient perhaps to call attention as an example and in connection with the evidence just alluded to, as to the manner of the certification of these bills, to the facts in regard to the special elections in 1891. In that year there were two elections for Members of Congress in the city of New York, one of them caused by the death of General Spinola, who represented the 10th District, and the other by the resignation of the Honorable Roswell P. Flower, who had been nominated for Governor, and who represented the 12th District. In the 10th District the Honorable William Bourke Cockran was nominated, and in the 12th District the Honorable Joseph P. Little was nominated. The election of Messrs. Cockran and Little was absolutely certain. There was no possible reason or motive for any person to attempt to elect either of these gentlemen by fraudulent registration or illegal voting.

The chief supervisor, however, having solely in view his personal profit, proceeded to set in operation at this election in these two districts the Federal local machinery under his control, and 510 marshals and an equal number of supervisors were appointed. In his accounts as commissioner, approved in the manner aforesaid, were included fees in 226 cases at this election, amounting to the sum of $6,989.95. This amount has already been paid him, and is in addition to the pay of a small army of supervisors and U.S. marshals, the fees of the U.S. marshal, the extra bills for printing, and the cost of a special telegraph wire, which the chief supervisor claimed he was obliged to have put in in order to prevent the election of Messrs. Cockran and Little by fraud. Whether he has any further bills for supervising this election we do not know. Of course, of these 226 persons alleged to have been arrested, not 1 was ever indicted or tried for any offense.

A further analysis made by the committee, and shown by the evidence of the U.S. marshal and of Messrs. Frank, Korb, Griffou, and Korzineck, shows that in only 61 cases of the 226 for which the chief supervisor of elections for the southern district of New York has been paid were any warrants given to the U.S. marshal for service, and that as to the remainder of the 226 persons named, only 7 of those named as defendants can be found or identified at all. The seven persons who could be found who were named as defendants had no knowledge of any proceedings having ever been brought against them, and had never been arrested. Full fees were thus paid in 165 cases, which seem from the proof to have had no existence outside of the bill of the chief supervisor, and of which there is no record anywhere except in his accounts against the Government.

This account is only a sample account. In making the bills of the commissioner and chief supervisors for alleged cases of violation of the election laws, no addresses of the defendants are ever given, nor any information as to the polling place at which they are alleged to have been registered. No evidence that the violations of law ever took place or that the cases ever existed, except the statement of the chief supervisor of his fees in the case, is anywhere to be found. In one of the accounts there are 179 cases and in another 426 cases in which there is absolutely nothing but the name of an alleged defendant, who was never arrested, and whose address is not given. Under a system like this the chief supervisor's and commissioner's compensation is only limited by the number of names which he can take from the city directory or from his own imagination. These accounts are, however, certified to by the judge of the U.S. district court in the presence of the district attorney, and have been thereupon paid by the Treasury Department. It is submitted that in no other Department of the Government and in none other of the Federal statutes do such absurdities exist, or is such fraud possible. Any law under which any Federal official can obtain, without evidence other than has been narrated above, such sums of money from the Government as have been paid and are about to be paid to the chief supervisor of elections for the southern district of New York, ought to be at once repealed.

The third reason why the law should be repealed is that, in the judgment of the committee, it is used mainly for partisan purposes. It is believed that this will be admitted to be true in the city of New York by every one who has any knowledge of the facts, and that an examination of the evidence taken before this committee will convince any impartial person that under these laws the power and the funds of the Government are freely used with the direct intention of affecting the result of election.

It is not deemed necessary to enter into an extended argument to show that this should not be allowed.

The establishment for election purposes in the interest of one party of an army of political workers as large in number in the United States as the Regular Army of the United States, and the giving to them the badge and authority of the National Government, is an act of arbitrary power without a precedent in the history of our country. No political party temporarily in power ought to have any such advantage over its opponents, and the majority of this committee would be as unwilling to see any member of their own party in the city of New York clothed with the power now given to the chief supervisor and marshal as they are to allow the present incumbents to remain in the possession of these unfair advantages.

The law was designed for partisan advantage. It is perhaps fortunate that its execution in the city of New York has been mainly intrusted to one of a common class of political adventurers whose only real object has been to get money out of politics.

Mr. JAVITS. Mr. President, in addition to the unanimous consent of the Senate which the Senator so graciously asked so that I might make the insertion in the RECORD, would the Senator mind yielding to me so that I might discuss a point with him in regard to his speech, or is this an inappropriate time?

Mr. TALMADGE. What is it the Senator desires to discuss?

Mr. JAVITS. I should like to ask the Senator a question.

Mr. TALMADGE. I will yield for that purpose.

Mr. JAVITS. I will say to the Senator that I am much interested in the addresses of my colleagues from the South, like the distinguished Senator from Georgia. I shall ask a question, if the Senator will give me a minute.

I will say to the Senator parenthetically that when he and I served on the two-man committee on rule XXII, I thought the Senator acquitted himself most creditably for his point of view.

Mr. TALMADGE. I thank the Senator.

Mr. JAVITS. I will say also I enjoyed serving with the Senator, and I have a very high regard for his skill and ability, and certainly for his devotion to the cause in which he believes.

Mr. TALMADGE. I thank the Senator.

Mr. JAVITS. I believe all the Senators who come from the Southern States who have been speaking are very sincere in their point of view. This does interest me, however. A great point is made about the fact that people like myself, who espouse a strong pro-civil rights position, are called the politicians. It is said that we are simply looking for votes, that we do not really have our hearts in the matter. It is said this is simply a bid for votes in the North, in the Middle West, and in the West.

I must say, without arguing, this is not the case.

Mr. TALMADGE. Will the Senator yield at that point? Does the Senator deny he seeks those votes?

Mr. JAVITS. I should like to finish my statement, and then the Senator will have an adequate opportunity to answer.

I must say I am puzzled by one thing, and I would like to have the Senator's comment. One would think, upon the basis of that contention, that the Senators from the Southern States were not serving not only what they consider to be a public purpose but also a political purpose. It strikes me, with all due deference— and I should like to have the Senator's view on this—that taking the thing on percentages, the Southern Senators are appealing to many more people for what they consider to be votes on a popular position in their part of the country than we are. Would the Senator care to comment on that?

Mr. TALMADGE. Yes, I would. I doubt that the Senator's conclusion is accurate. As I recall, the Senator was elected to the Senate by a substantial majority.

Mr. JAVITS. If the Senator will yield again, I should like to say, in reference to my own election, that I was elected by a majority of 500,000. I wish to say to the Senator that my joy and my happiness in that fine result is always tempered by the fact that although 3½ million New Yorkers favored me, 3 million New Yorkers voted against me. I am always mindful of that, and it never lets me lose my head on the subject.

I wish to say further to the Senator that the theory is that we are appealing in our position to minority groups. Well, those are minority groups in our States. In percentages they are not too large as minorities.

In the States of the South the preponderant opinion, apparently, as it is reflected by the gentlemen who serve in Congress, is for segregation. Is it not, therefore, fair to say that if there is any bidding for votes the Southern Senators are bidding for a lot more of the votes in proportion than we are, and that the charge that ours is a political foray hardly should lie in the mouths of the people who are appealing on a political basis to the majority sentiment in their own States?

Mr. TALMADGE. I will say to the Senator that I have not attempted to cast aspersions on his motives in espousing this cause, but I think I read recently that the Senator from New York stated that 17 populous States would be gained by the Republican Party if a strong civil rights bill were passed. Does the Senator deny making that statement?

Mr. JAVITS. I certainly do not. I said, in addition, that I believed my party, in the tradition of Lincoln, ought to be the hard core of the votes which would pass such a measure. I said it because I believe politics is the stuff of life. As I said to a very distinguished newspaper man from the South the other day on a television program, "Why should people elect you? Because you have a pleasant face? In my case I cannot even claim a hairline. But it is because you espouse positions in which the people believe. That is politics."

What is wrong with what we are doing? What is wrong with what the Senator is doing? I have not assailed any Senator from the South on the ground that he is seeking votes. That is what Senators are here for. They are here to do the job the people want done; and when they are here to do something else, in terms of principle, they are here for the purpose of "selling" the people their point of view. What I object to is that we are charged with some base motives.

Mr. TALMADGE. The Senator has admitted the motive. The Senator from Georgia has never since he has been privileged to sit in this Chamber either espoused or opposed any piece of legislation on the ground that victory to our party would result.

Mr. ERVIN. Mr. President——

Mr. JAVITS. Will the Senator yield to me again briefly in order that I may finish our colloquy?

Mr. TALMADGE. I yield first to the Senator from New York, and then I shall be glad to yield to the Senator from North Carolina.

Mr. JAVITS. What the Senator from New York said—and I think quite accurately—is that when a political party or a group of Members of Congress serve the highest interests of the Nation, as they see it, they have the absolute right to go to the electorate on that basis. I do not think that is anything to be ashamed of, or to apologize for. As I see it, if one is to hurl such accusations around——

Mr. TALMADGE. I am not hurling accusations. The Senator has admitted the motive. The Senator has admitted that he made the statement to which I referred. The Senator from Georgia did not make it.

Mr. JAVITS. It seems to me very clear that Senators from Southern States like the Senator from Georgia, are, if anything, appealing to a much larger group than we are, in terms of the kind of fight they are waging. I repeat that no one quarrels with that, but at the same time our position should not be thrown around constantly as a term of opprobrium.

Mr. TALMADGE. The Senator from Georgia is merely trying to keep the Senator from New York and his allies from reenacting the Reconstruction statute, which was sponsored primarily by people resident in his State in 1871, to punish the South. They wound up by punishing themselves.

The Senator has been sitting in this Chamber listening to me read the report of a select committee of Congress, which was written in 1892, as a result of which the infamous Reconstruction statute was wiped from the law books of the land. But the Senator from New York is trying to put over the same thing. He claims that he is not motivated by the sentiments of Thaddeus Stephens, and I do not say he is. I am not casting aspersions on his motives, even though he did admit that he stated that 17 States would go for the Republican Party if a strong civil rights bill were passed.

Yet it is passing strange that the Senator and his colleagues should resurrect the bones of the old Reconstruction statute, and, not being content with that, make it worse. The Reconstruction statute attempted to regulate only Federal elections, yet the Senator would regulate not only Federal elections, but State, county, municipal, and all other elections. So the Senator goes much further than Thaddeus Stephens ever went.

Mr. President, I now yield to the distinguished Senator from North Carolina [Mr. ERVIN], as I promised.

Mr. JAVITS. Mr. President, will the Senator then yield to me?

Mr. TALMADGE. I shall be delighted to do so.

Mr. ERVIN. I should like to ask the Senator from Georgia if the Declaration of Independence did not assign as one of the reasons why the Colonies separated from the mother country the fact that the British Parliament had robbed the American colonists of the right of trial by jury, by perverting the jurisdiction of the courts of admiralty, so that they might supersede the criminal courts.

Mr. TALMADGE. The Senator is entirely correct; and, as he knows, that was one of the motivating causes of the War of the Revolution, by which we won our independence from Great Britain.

Mr. ERVIN. We rebelled against the British for the reason, among others, that American colonists had been robbed, by indirection, of the right of trial by jury.

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. I will ask the Senator from Georgia if, on two occasions prior to the beginning of the Revolution, the representatives of all the Colonies did not meet and pass resolutions declaring that the right of trial by jury was one of the absolute rights of the colonists, and that the attempted denial of such rights to the colonists was gross tyranny.

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. I ask the Senator from Georgia if, when the Founding Fathers drafted the Constitution, they did not put provisions in the Constitution to prevent any man from being sent to jail unless he was first convicted by the verdict of a jury.

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. I ask the Senator from Georgia if the advocates of civil rights bills have not been attempting to deprive southerners of the right of trial by jury, by indirection—if they did not actually do so in the civil rights bill of 1957.

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. Speaking of politics for a moment, I ask the Senator from Georgia if he would vote to deny any American of any race, residing in any part of the United States, the right of trial by jury, for the sake of obtaining a seat in the U.S. Senate.

Mr. TALMADGE. I would not.

Mr. ERVIN. Does the Senator from Georgia agree with me in the observation that the Supreme Court, in Texas against White, gave the most accurate nutshell definition of the purpose of the Constitution of the United States when it said that the Constitution in all of its provisions looks to an indestructible Union composed of indestructible States?

Mr. TALMADGE. It certainly did.

Mr. ERVIN. I will ask the Senator from Georgia if virtually every one of

the 57 varieties of civil rights bills are bills which are designed and intended to destroy that conception of the Constitution and to rob the States of the rights which are committed to the States by the Constitution.

Mr. TALMADGE. The Senator is entirely correct. I have never read a modern-day version of an alleged civil rights bill in my life which did not propose to transfer the power of the people on the local level, where they live together, to some Federal agency or bureaucrat in Washington, to be denied or withheld as that agency or that bureaucrat saw fit.

As the Senator so well knows, being the keen student of history that he is, when we transfer government from the people on the local level to Washington, and put it in the bureaucracy of Washington, it is beyond the reach and control of the people, and the people cease to be the masters of their Government and become its slaves. That is the purpose and motivation behind all of the so-called civil rights bills.

Mr. ERVIN. I will ask the Senator from Georgia if he would vote for bills calculated and intended to destroy the indestructible Union composed of indestructible States for a seat in the U.S. Senate or for the privilege of occupying the White House.

Mr. TALMADGE. I would not.

Mr. ERVIN. I will ask the Senator from Georgia if he does not agree with me in the observation that all of these civil rights bills are simply proposals to sell the birthright of the American people for a sorry mess of political pottage.

Mr. TALMADGE. Anyone who has any conception of American politics knows that to be true.

Mr. ERVIN. I will ask the Senator from Georgia if all these civil rights bills, like those advocated by Thaddeus Stevens and Ben Butler and Charles Sumner, are not politically motivated.

Mr. TALMADGE. I would say to the Senator that that is certainly my belief.

Mr. ERVIN. I will ask the Senator from Georgia if he does not agree with me in the opinion that if these bills containing provisions like these, were not labeled civil rights bills, they would not receive a single vote in either House of Congress.

Mr. TALMADGE. I would say to the Senator from North Carolina that in my judgment if Congress were to vote on these measures by secret ballot without the pressure groups knowing how they had voted, they would not receive a single vote in the Congress of the United States.

Mr. ERVIN. I will ask the Senator from Georgia if history does not show that the Enforcement Act of May 31, 1870 was passed simply for the purpose of enabling one political party to control the elections in the United States regardless of the will of the people.

Mr. TALMADGE. That was true in 1870, it was true in 1871, and it is true in 1960.

Mr. ERVIN. I thank the Senator from Georgia.

Mr. TALMADGE. I appreciate the questions of my friend, the distinguished Senator from North Carolina.

Mr. ERVIN. I am also thankful for the fact that we have in the U. S. Senate and in national life Americans like the Senator from Georgia, who are not willing to sell the birthright of the American people for a sorry mess of political pottage.

Mr. TALMADGE. I thank the able and distinguished Senator from North Carolina.

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

Mr. TALMADGE. I yield.

Mr. JAVITS. I ask the Senator this question. I know the Senator will tell me what is on his mind with respect to it, because it bears on what we discussed in our colloquy. What the Senator has described with respect to the law—and I have researched the matter, particularly the point on which the Senator is speaking, because the Senator has just mentioned it for the first time today—refers to a situation of, let us say, a little under 90 years ago. I should like to ask the Senator this question: The Federal Civil Rights Commission presented us with a report last fall as to which, at least as to its finding of fact, there was no difference of opinion expressed by the southern members of the Commission, of which there were three, and which showed some very serious deprivations of the voting right. Everyone seems to agree, if they agree on nothing else, that the voting right had been denied with respect to Negroes in Southern States or in certain parts of those States.

I should like to ask the Senator what he and his colleagues have done or feel ought to be done about it, or what the States ought to do about it. Have any proposals been made here as alternatives to the proposals which are put forward by the Federal establishment about the constant denial of the voting rights, which were described in the Federal Civil Rights Commission's report?

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

Mr. TALMADGE. I will yield to the Senator from Louisiana after I have completed my colloquy with the Senator from New York. Before I answer the question of the Senator from New York, will he answer one for me? Is it not true that about half a million Puerto Ricans have been denied the right to vote in New York City?

Mr. JAVITS. Well, I do not know what the figure is with respect to Puerto Ricans, but I would say to the Senator that no Puerto Rican has been denied the right to vote in the State of New York in the sense in which the denial to vote is set forth in the report of the Federal Civil Rights Commission, provided he has the qualifications to vote—and they are very reasonable qualifications. If he has the qualifications, he is not denied the right to vote. The Federal Civil Rights Commission report says that, notwithstanding the possession of qualifications, there are wholesale denials of the voting right in the States to which I have referred.

Mr. TALMADGE. Is it true that the New York State constitution requires a prospective voter to be able to read and write the English language before he is given the right to vote?

Mr. JAVITS. It requires a very simple literacy test.

Mr. TALMADGE. Which effectively disfranchises some half million Puerto Ricans who are citizens of the United States.

Mr. JAVITS. That I deny. It disfranchises no one, because it is a very reasonable requirement. Anyone who meets it can vote. It does not effectively disfranchise anyone.

Mr. TALMADGE. The Civil Rights Commission in its report pointed out, however, that they were disfranchised.

Mr. JAVITS. As a practical matter, they may not be eligible to vote. However, the Civil Rights Commission stated that in the South there was a disfranchisement of people who had every qualification and every eligibility to vote. That is the question that I ask the Senator. What are the people of the South themselves doing about it in their own States?

Mr. TALMADGE. The Senator has answered the question himself as far as the State of Georgia is concerned. Under our law everyone, both black and white, must qualify under our literary test. It applies uniformly. It applies to every citizen of Georgia, regardless of race. There are approximately 175,000 Negroes in Georgia who are registered and are voting. The citizens of Atlanta, Ga., the capital city of my State, have elected a Negro, Dr. Rufus E. Clement, to the city board of education. He is now serving on the board of education. Other Negroes in my State have been elected to public office. Frequently Negro voters have been the balance of political power in electing mayors, legislators, and various other public officers.

No unprejudiced person who came to Georgia and stayed there any length of time and made a thorough study of the matter could report that there was any degree of discrimination whatever between the white and colored people with respect to being registered and permitted to vote.

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

Mr. TALMADGE. I am delighted to yield to the Senator from New York.

Mr. JAVITS. Of course, the Senator is well aware of what the Federal Civil Rights Commission report said on that subject. I will undertake to analyze on the floor, in detail, in due course, what the situation is in every State. The question which I have just put to the Senator again is, in my opinion, a very important question. I hope very much that Senators from every State concerned will address themselves to the question. I should like to rephrase it so that anyone who is interested may be on notice. It is simply this:

If, as the Federal Civil Rights Commission defines, there is in State after State among the Southern States a practice of denying the right to vote to people

who are fully eligible and qualified, because registrars are not appointed, or they go home, or they refuse to act, or they apply unusually severe tests to Negroes, and it does not apply to non-Negroes, white persons, what is such a State doing about its own situation? It seems to me that is a very pertinent question. As I have said, I should like, rather than to ask it in general here, to ask it specifically with respect to each State, and to analyze the findings of the Commission with respect to each State.

Mr. TALMADGE. I once heard my father say—and he was a very practical man—that an expert is a smart man a long way from home. I should say the Senator for New York is a smart man a long way from home. He knows all the answers to give us. Yet he admits that there is a large segment of the population of his own State which is not permitted by law to vote. As I recall, the report of the Civil Rights Commission complained about that particular situation.

Now we will come to the Civil Rights Commission. To begin with, I do not believe it is a very objective or unbiased group. I have proof of that in my office. Someone called my attention, a few days ago, to an article which was published on the front page of the New York Times. I picked up a copy of the Times, and the caption of the article read, "Rights Advocates Split Over Plan for Negro Voting."

The article stated that employees of the Civil Rights Commission were allegedly meeting with groups such as the ADA, the NAACP, and like organizations, to cook up another "Devil's broth" before the U.S. Senate and to put another yoke around the people of this country.

I believe that even the Senator from New York will agree with me that a Government agency is supposed to be objective and unbiased. Yet there was this alleged unbiased, objective agency meeting with these radical groups, helping them to plan their strategy to impose an even more vicious civil rights law on the States.

The Senator from New York is an able lawyer. He knows this statement to be the fact. It would be the equivalent of a trial judge sitting on the case and members of the jury meeting with the prosecuting attorney to make absolutely certain there was a conviction in the case.

So when the Senator from New York refers to some report from the so-called Civil Rights Commission, I say it is not very persuasive evidence with me, and certainly the Senator seems to think that it is not very persuasive evidence insofar as it deals with the disfranchised Puerto Ricans in New York State.

Mr. JAVITS. The Senator from New York feels very strongly that the report of the Federal Civil Rights Commission is excellent, whether it relates to Puerto Ricans in New York State or to Negroes in the South. So far as this Senator is concerned, he found no bias in the Commission. He respected its southern members as much as he did its members from other parts of the country.

I think the Senator from Georgia omitted one "allegedly" in his discussion, and that is the allegedly which is referred to in the newspaper article.

The Senator from Georgia is purporting to state as an absolute fact his interpretation of a newspaper article. I have not read the article. I will not controvert the Senator as to what it says, but it seems to me that if the Senator from Georgia is going to charge that the Civil Rights Commission is biased, his charge will have to be based on much firmer stuff than a report in the New York Times.

Mr. TALMADGE. I complained about it to Gordon Tiffany and he admitted it to me in writing. I have the letter in my files.

Mr. JAVITS. I am certain the Senator from Georgia will make whatever he can of the story, but I still affirm my belief that the country believes that the Civil Rights Commission has made a fair and honest investigation and a fair and honest report, and is entitled to proper credence in that way.

Mr. TALMADGE. I should like to ask the Senator from New York a question. I preface my question by saying that New York is one of the great States of the Union. I am quite certain that the people of New York are capable of governing themselves and of making laws which they deem best for the welfare of their State. I would be the last man on the face of the earth to complain about the qualifications established by the State of New York for its prospective voters. I am certain the able Senator from New York and others from his State have taken care of that.

But I would say also that the citizens of Georgia are quite capable of doing the same thing. Does the Senator from New York agree with me that every State in the Union already has voting laws, and that they are enforcible in the respective State courts?

Mr. JAVITS. So far as I know, that is true.

Mr. TALMADGE. Would the Senator from New York also agree with me that there are at the present time adequate remedies for any allegedly disqualified voter, if he is legally qualified to vote? First, is it not true that he may bring a suit in equity and sue for damages or obtain an injunction in the Federal courts if he is illegally deprived of his right to vote?

Mr. JAVITS. He may go into a Federal court and sue under the 1957 act.

Mr. TALMADGE. The Senator from New York admits that that is true under the 1957 act. Will he admit it as to previous acts?

Mr. JAVITS. Under previous acts, there was apparently some argument about civil injunction suits because of the fact that criminal penalties were included, as well. We debated that fully with respect to the 1957 act. It is, I believe, one of the reasons why the 1957 act was passed.

I can only say to the Senator that that is really immaterial because the fact is that there is a right to sue under the 1957 act.

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

Mr. TALMADGE. I am glad to yield.

Mr. ERVIN. I ask the Senator if, as a matter of fact, there are not at least two statutes on the Federal statute books which antedate the Civil Rights Act of 1957 by many years, and which state in express language that any party denied any right under the laws of the United States can obtain an injunction, if he is threatened with a denial of those rights, and can obtain damages if he is actually deprived of those rights?

Mr. TALMADGE. I respond to the Senator from North Carolina by saying that I hold in my hand a communication from the Library of Congress, dated July 5, 1957, when they prepared at my request a list of the various laws existing at that time to safeguard the right to vote. There are 10 pages of remedies which any alleged disfranchised voter had at that time, prior to the passage of the Civil Rights Act of 1957.

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

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

LIST OF FEDERAL LAWS ON RIGHT TO VOTE CIVIL PROVISIONS, UNITED STATES CODE, 1952 EDITION

Chapter 20—Elective franchise

SEC. 1971. Race, color, or previous condition not to affect right to vote: All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority to the contrary notwithstanding. (R.S., Sec. 2004.)

SEC. 1972. Interference with freedom of elections: No officer of the Army or Navy of the United States shall prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any State, or in any manner interfere with the freedom of any election in any State, or with the exercise of the free right of suffrage in any State. (R.S., sec. 2003.)

Chapter 21—Civil rights

SEC. 1981. Equal rights under the law: All persons within the jurisdiction of the United States shall have the same right in every State and territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other. (R.S., sec. 1977.)

SEC. 1982. Property rights of citizens: All citizens of the United States shall have the same right, in every State and territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property. (R.S. sec. 1978.)

SEC. 1983. Civil action for deprivation of rights: Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law,

suit in equity, or other proper proceeding for redress. (R.S., sec. 1979.)

SEC. 1984. Same; review of proceedings: All cases arising under the provisions of this act in the courts of the United States shall be reviewable by the Supreme Court of the United States, without regard to the sum in controversy, under the same provisions and regulations as are provided by law for the review of other causes in said court. (March 1, 1875, ch. 114, sec. 5.18 Stat. 337.)

SEC. 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 grand 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 in 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. (R.S., sec. 1980.)

SEC. 1986. Same; action for neglect to prevent: Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding $5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within 1 year after the cause of action has accrued. (R.S., sec. 1981.)

SEC. 1987. Prosecution of violation of certain laws: The U.S. attorneys, marshals, and deputy marshals, the commissioners appointed by the district and territorial courts, with power to arrest, imprison, or bail offenders, and every other officer who is especially empowered by the President, are authorized and required, at the expense of the United States, to institute prosecutions against all persons violating any of the provisions of section 1990 of this title or of sections 5506–5516 and 5518–5532 of the Revised Statutes, and to cause such persons to be arrested and imprisoned or bailed, for trial before the court of the United States or the territorial court having cognizance of the offense. (R.S., sec. 1982; June 25, 1948, ch. 646, sec. 1, 62 Stat. 909.)

SEC. 1988. Proceedings in vindication of civil rights: The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of this chapter and Title 18, for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty. (R.S., sec. 722.)

SEC. 1989. Commissioners; appointment of persons to execute warrants: The district courts of the United States and the district courts of the Territories, from time to time, shall increase the number of commissioners, so as to afford a speedy and convenient means for the arrest and examination of persons charged with the crimes referred to in section 1987 of this title; and such commissioners are authorized and required to exercise all powers and duties conferred on them herein with regard to such offenses in like manner as they are authorized by law to exercise with regard to other offenses against the laws of the United States. Said commissioners are empowered, within their respective counties, to appoint, in writing, under their hands, one or more suitable persons, from time to time, who shall execute all such warrants or other process as the commissioners may issue in the lawful performance of their duties, and the persons so appointed shall have authority to summon and call to their aid the bystanders or posse comitatus of the proper county, or such portion of the land or naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged; and such warrants shall run and be executed anywhere in the State or Territory within which they are issued. (R.S., secs. 1983, 1984; Mar. 3, 1911, ch. 231, sec. 291, 36 Stat. 1167.)

SEC. 1990. Marshal to obey precepts; refusing to receive or execute process: Every marshal and deputy marshal shall obey and execute all warrants or other process, when directed to him, issued under the provisions of section 1989 of this title. Every marshal and deputy marshal who refuses to receive any warrant or other process when tendered to him, issued in pursuance of the provisions of this section or refuses or neglects to use all proper means diligently to execute the same, shall be liable to a fine in the sum of $1,000, for the benefit of the party aggrieved thereby. (R.S., secs. 1985, 5517.)

SEC. 1991. Fees: persons appointed to execute process: Every person appointed to excute process under section 1989 of this title shall be entitled to a fee of $5 for each party he may arrest and take before any commissioner, with such other fees as may be deemed reasonable by the commissioner for any additional services necessarily performed by him, such as attending at the examination, keeping the prisoner in custody, and providing him with food and lodging during his detention, and until the final determination of the commissioner; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid out of the Treasury of the United States on the certificate of the judge of the district within which the arrest is made, and to be recoverable from the defendant as part of the judgment in case of conviction. (R.S., sec. 1987.)

SEC. 1992. Speedy trial: Whenever the President has reason to believe that offenses have been, or are likely to be committed against the provisions of section 1990 of this title, or of sections 5506–5516 and 5518–5532 of the Revised Statutes, within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and U.S. attorney of such district to attend at such place within the district and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons so charged, and it shall be the duty of every judge or other officer, when any such requisition is received by him to attend at the place and for the time therein designated. (R.S., sec. 1988; June 25, 1948, ch. 646, sec. 1, 62 Stat. 909.)

SEC. 1993. Aid of military and naval forces: It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under sections 1981–1983 or 1995–1992 of this title, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of sections 1981–1983 and 1985–1994 of this title. (R.S., sec. 1989.)

SEC. 1994. Peonage abolished: The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in any Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of any Territory or State, which have heretofore established, maintained, or enforced, or by virtue of which any attempt

shall hereafter be made to establish, maintain or enforce, directly or indirectly the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, as declared null and void. (R.S., sec. 1990.)

Jurisdiction of civil suits growing out of alleged violations of the Federal civil statutes involving the right to vote are vested in the Federal district courts as follows:

UNITED STATES CODE, 1952 EDITION, TITLE 28, JUDICIARY AND JUDICIAL PROCEDURE

Chapter 85—District courts; jurisdiction

SEC. 1343. Civil rights: The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of title 42;

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of title 42 which he had knowledge were about to occur and power to prevent; and

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States. (As amended Sept. 3, 1954, ch. 1263, sec. 42, 68 Stat. 1241.)

SEC. 1344. Election disputes: The district courts shall have original jurisdiction of any civil action to recover possession of any office, except that of elector of President or Vice President, U.S. Senator, Representative in or Delegate to Congress, or member of a State legislature, authorized by law to be commenced, wherein it appears that the sole question touching the title to office arises out of denial of the right to vote, to any citizen offering to vote, on account of race, color, or previous condition of servitude.

The jurisdiction under this section shall extend only so far as to determine the rights of the parties to office by reason of the denial of the right, guaranteed by the Constitution of the United States and secured by any law, to enforce the right of citizens of the United States to vote in all the States. (June 25, 1948, ch. 646, sec. 1, 62 Stat. 932.)

Chapter 89—District courts: Removal of cases from State courts

SEC. 1443. Civil rights cases: Any of the following civil actions or criminal prosecutions commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending:

(1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof;

(2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law (June 25, 1948, ch. 646, sec. 1, 62 Stat. 938.)

CRIMINAL PROVISIONS—TITLE 18, CRIMES AND CRIMINAL PROCEDURE

Chapter 13—Civil rights

SEC. 241. 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 ten years, or both (June 25, 1948, ch. 645, sec. 1, 61 Stat. 696).

SEC. 242. 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 1 year, or both. (June 25, 1948, ch. 645, sec. 1, 62 Stat. 696.)

SEC. 243. Exclusion of jurors on account of race or color: No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State on account of race, color, or previous condition of servitude; and whoever, being an officer or other person charged with any duty in the selection or summoning of jurors, excludes or fails to summon any citizen for such cause, shall be fined not more than $5,000. (June 25, 1948, ch. 645, sec. 1, 62 Stat. 696.)

Chapter 19—Conspiracy

SEC. 371. Conspiracy to commit offense or to defraud United States: If two or more persons conspire, either to commit any offense against the United States, or to defraud the United States, or any agency thereof, in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor. (June 25, 1948, ch. 645, 62 Stat. 701.)

Mr. ERVIN. I ask the Senator, further, if there is not a statute embodied in title 18, section 242, which makes it a Federal crime, punishable by imprisonment or fine, or both, for any official to deny to any qualified citizen, of any race, the right to register and to vote and to have his vote counted as cast.

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. I will ask the Senator if a few healthy criminal prosecutions in the Federal courts under that statute would not, in his judgment, cure any situation such as that alluded to by the Senator from New York.

Mr. TALMADGE. Certainly. If any violation occurs, the opportunity is afforded to proceed under the criminal statute. Mr. Rogers, the author of the bill, is at present the Attorney General of the United States.

Mr. ERVIN. I will ask the Senator from Georgia if, as a matter of fact, the records do not show that during recent years there has been no effort on the part of the Department of Justice to indict any person in any Southern State, except the States of Mississippi and Louisiana, for a violation of that statute.

Mr. TALMADGE. I know of no other effort.

Mr. ERVIN. I ask the Senator from Georgia, furthermore, if he does not know that in the State of North Carolina a distinguished Negro educator is a member of the State board of education.

Mr. TALMADGE. I know that; yes.

Mr. ERVIN. I ask the Senator from Georgia if he does not know that members of the Negro race are now serving, by election, as members of the city boards of Winston-Salem, Greensboro, and Durham, N.C., and in other North Carolina cities, and that a member of the school board of the capital city of North Carolina, Raleigh, is a Negro.

Mr. TALMADGE. I knew that several had been elected in the State of North Carolina. I did not know the details, the titles or the specific cities.

Mr. ERVIN. I do not know whether the Senator from Georgia knows this to be a fact; but I should like to ask him if it is not a fact that the Advisory Committee on Civil Rights in the State of North Carolina has recently passed a resolution to the effect that it has virtually completed an investigation of voting practices in North Carolina and it has found no discrimination in registration, as against members of the Negro race.

Mr. TALMADGE. I have been informed that that is correct.

Mr. ERVIN. For that reason, I was very much astounded to hear the able Senator from New York state, a few minutes ago, that in all Southern States there was a pattern of denial of the right of Negroes to register to vote.

Mr. TALMADGE. I was likewise surprised.

I thank the distinguished senior Senator from North Carolina for his great contribution.

At this time I should like to ask, if the Senator will permit me to do so, one more question of the Senator from New York: Does the Senator from New York know the name of any qualified individual, anywhere—North, South, East, or West—who claims the right to vote, and has instituted an action in the courts, either State or Federal, and has not been protected in the exercise of that right?

Mr. JAVITS. In response to that question I shall undertake to analyze, in due course——

Mr. TALMADGE. My question is a simple one, and the Senator from New York could answer it by either "Yes" or "No."

Mr. JAVITS. The Senator from Georgia likes to ask very simple questions, and he controls the way in which he asks them. I trust that he will permit me to control my answer.

Mr. TALMADGE. Certainly the Senator from New York knows what he knows.

Mr. JAVITS. Yes; and I will undertake to state what I know, in due course, if the Senator from Georgia will be patient, and will not seek to get only the answer he wants. The Senator from Georgia is a very good trial lawyer; and I am a pretty good one, too.

Mr. TALMADGE. The Senator from New York is admittedly a good trial lawyer.

Mr. JAVITS. Both of us have had experience in that field; so the Senator from Georgia should not try to "panic" me, any more than I would attempt to "panic" him.

Mr. TALMADGE. I am not trying to do so. I asked the Senator from New York a question; I asked him whether he knew the name of any such person. If he does know, he can state the name.

Mr. JAVITS. I shall be glad to take my seat if the Senator from Georgia does not want my reply.

But I was saying that I shall be glad to analyze the report of the Federal Civil Rights Commission with respect to each of the States.

Incidentally, I did not say "all the Southern States." I said "in certain Southern States," and, indeed, in certain sections of those States.

I shall undertake to analyze the report of the Federal Civil Rights Commission and any other information we have; and if I can obtain the names of persons as to whom there has been an actual suit to register, I shall do so.

But I shall submit proof that the criminal remedy was found to be ineffective—as, for instance, in the famous series of cases in Ouachita Parish, La., where it was found that the grand jury would not indict.

I should also like to point out—although it has no germaneness to the matter of voting—that I must say I was rather sad about what occurred in respect to the one single lynching in Mississippi, not long ago, where, as I understood, the grand jury would not even entertain the evidence the FBI had.

Certainly there is no patent on injustice; I am sure that injustice can be found in every State of the Union, including the State of New York. So, to pick out a particular, individual case and build a body of legislation on it would be unworthy of our function. I have no hesitancy in saying that.

But I was referring to a pattern. I do believe that, brought up to date, the pattern shown by the Federal Civil Rights Commission report is entitled to a response from those who take the position—as does my distinguished colleague—that individual States should be given the right, without interference, to deal with these matters on their own.

That is why I said I thought the most efficient way was to marshal separately the particular evidence with respect to each State, and then let us see whether the Senators from each of the States feel that they wish to address themselves to it.

For ought I know now—and I am speaking now only from memory; I did not have the remotest notion that we would now be engaging in this particular colloquy—such names are in the report or are to be obtained from other authoritative sources; and I shall endeavor to produce them, to meet the view which was expressed by the Senator from Georgia.

But my fundamental approach will be to present the facts, so that Senators from the individual States may, if they are moved to do so, address themselves to the particular points which are made by the Commission. I think that will be fair, especially inasmuch as the Senator himself seems to feel, as he has expressed himself here, that the Commission was biased, or that in some way it was not performing the function which Congress has assigned to it. So I shall attempt to do that.

Mr. TALMADGE. I thank the Senator from New York. He has made an able speech, but he has not answered my question. I asked him whether he could produce the name of a single qualified individual, anywhere—north, south, east, or west—who had tried to exercise his voting privileges, and, in that connection, had instituted action in any court—either Federal or State—and had been denied that privilege.

I agree with the Senator that no specific area of the country is lily white when it comes to the commission of crime. Unfortunately, crime occurs in all areas of the Nation. I am proud of the fact that all the States do a magnificent job of law enforcement and of trying to prevent crime.

We read about gangsters who are shot down in the streets—for instance, in the case of Roger Touhy in Chicago. That was not classified as a lynching; it was "just a gang murder," and people did not pay much attention to it. We read of rapes, suicides, and mayhem in public schools in some cities in our country, but I do not observe that the Senate has tried to pass Federal laws dealing with all those lamentable incidents. I would oppose any Federal action in that connection. I think the States are entirely competent to deal with such matters.

All we of the South desire is the same sort of treatment we would guarantee to others; namely, that they not attempt to rape the Constitution of the United States, that they not attempt to disband our general assemblies or supplant our Governors, our courts or our law-enforcement officers. We take the position that we are capable of self-government—even more now than we were in the Reconstruction era.

Mr. President, I continue to read from the report of the House select committee which investigated Davenportism in New York City:

> In the hands of a man of ability who cared little for personal profit, but who was devoted simply and without scruple to the success of his party, it might have been the source of much more serious trouble. The powers which it confers should not under our system of Government be entrusted to anybody. In the interest of the people, whose right it is to act with any of the parties or in opposition to any of them, it ought to be repealed.
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> The fourth and final reason why these laws ought at once to be repealed is that under them great numbers of innocent persons have been and are at every election deprived of their liberty and interfered with in the exercise of their undoubted right to vote. These facts are not to be disputed. They are known to all men in New York, and were brought to the personal knowledge of the committee and proven beyond question. The fact that all of the great number of citizens who were arrested during all these years were, with the exception of two, discharged as innocent after judicial investigation, is conclusive legal proof of the falsity of the charges. That most of them were discharged by the very magistrate who had caused their arrest shows the charges to have been not only false, but malicious.
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> Any system of laws under which, for any reason, citizens entitled to vote can be systematically arrested, held until their opportunity to vote is gone, and then discharged without redress, should have no place in the statutes of the United States. In this connection the members of the committee who sat in the Federal building as a subcommittee on election day, and had before them the supervisors and marshals who made the arrests and the prisoners who were arrested, desire particularly to call attention to the evidence given before them. The prisoners arrested, charged with false registration were, some of them, real estate owners, one of whom, Mr. McKenna, had voted for 30 years at the polling district in which he offered to vote, and had been known as a businessman and houseowner to the marshal who arrested him for 12 years. These defendants included a private tutor, and a teacher, a court officer, a clerk in the register's office, and a rabbi of the Jewish faith. They were almost without exception persons of respectable appearance, who seemed to feel most keenly the arrest and the indignity put upon them, and they were all promptly discharged by the Federal magistrate who heard their cases, no proof being offered against them. Almost all of them were born in the city of New York.
>
> With a few exceptions, the U.S. marshals and supervisors who made these arrests were in appearance most disreputable. Almost all of them were grossly ignorant, and in general they had been evidently recruited from the lowest mass of the population of a great city. Decidedly the best of them were the colored marshals, who were able to give their evidence in an intelligent manner. Undoubtedly, among the U.S. marshals and supervisors who were appointed at this election were very many respectable men, but those chosen to make these partisan arrests were of the lowest class of our population. It is a matter of regret to the members of the committee who were present on election day and heard the evidence in regard to these arrests that it is not possible to reproduce in description the contrast which existed between the persons who were hired to make these arrests and the citizens who were thus arrested, charged with offenses of which they were innocent and thereby deprived of their right to vote.
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> Attention is also called in particular, in this connection, to the evidence of Messrs. Walker and Rose and Hotchkiss as to the excessive bail demanded of such defendants. In one case $10,000 bail was demanded by the chief supervisor, acting as a magistrate, for the appearance of a clerk in the customhouse, a man of excellent character, charged with false registration; and in a number of cases bail which the commissioner acknowledged to be known to him to be good was refused, until Judge Wallace denounced the refusal and the attempt to deprive the prisoners of their votes as an outrage. These laws, instead of constituting a system for the protection of the franchise in the hands of honest citizens, have been used, as is shown by the evidence, to furnish the machinery for the corruption and forcible robbery of the franchise, and they ought, if for that reason alone, to be promptly repealed.
>
> The committee, therefore, presents to the House a bill providing for the repeal of these laws, with a favorable recommendation for its passage.
>
> ASHEEL P. FITCH,
> J. A. GEISSENHAINER,
> ROBERT E. DE FOREST.

Mr. President, that is the official report of an official committee of the Congress of the United States on the outrages which occurred in New York under the administration of Davenport's law by Davenport. But while "Davenportism" was the cry which broke the Republican stranglehold sanctioned by Davenport's law, there were frauds and abuses throughout the country as the result of its application by unscrupulous Republican machine bosses.

Now, 66 years later, after the Congress of the United States had the wisdom to repeal such a nefarious and iniquitous scheme, members of both political parties, including the Attorney General of the United States, come before the Congress urging that this same heinous and obnoxious scheme be reenacted by the Congress. However, this time they urge that it be enacted in a far more extreme form than that in which it was first passed in Reconstruction days.

In Reconstruction days the so-called election supervisors had authority to regulate only Federal elections. Now the modern-day Davenport-Thaddeus Stevens-Rogers clan come in and urge that they not only regulate Federal elections but also State, county, and municipal elections.

How any one can convince himself that the American people desire such iniquitous, obnoxious, and unconstitutional legislation is altogether beyond the comprehension of the junior Senator from Georgia.

The respected public affairs journal, U.S. News & World Report, had one of its correspondents spend 2 weeks researching the effect of Davenport's law, and the article which appeared in its issue of last February 15 is most illuminating as to the widespread skulduggery and tyranny which it perpetrated upon the American people. This is what U.S. News & World Report discovered:

Under the "force bill," so-called "supervisors of elections" were appointed by Federal courts, which then stepped out of the picture. These appointments could be made if two or more citizens in towns with a population of more than 20,000 requested to have "guarded and scrutinized" the registration of voters for any congressional election, or the election itself.

The supervisors were empowered to challenge the qualifications of anyone seeking to register, and to mark the registration lists in such ways as to detect irregularities.

In elections, the supervisors were authorized to challenge any voters and to count the ballots. Federal marshals assisted the supervisors. Interference with these officials was made a criminal offense.

The supervisors reported to a chief supervisor on the fairness of an election. If irregularities were found, the chief supervisor had authority to hold hearings, take testimony and issue subpenas. Results of such investigations were to be filed with the clerk of the House of Representatives.

History records failure of the Federal election law in the South. Federal authorities tried thousands of times to prosecute violations of the act, but few convictions resulted.

In South Carolina, for example, there were 1,392 indictments, but only 114 convictions under the election law.

One-party control by the Democrats made enforcement extremely difficult. Moreover, as the Ku Klux Klan gained strength, it severely restricted voting by Negroes and northern "carpetbaggers."

It was in the big cities of the North that the Federal election law had the most impact. Democrats in Congress charged that Republican Party machines in the North deputized criminals, drunks, and armed thugs as marshals and used them to keep Democratic voters from the polls.

In 1876, of 5,001 Federal deputy marshals appointed to protect voting rights, 4,194—more than 80 percent—were appointed in the three Northern States of New York, New Jersey, and Pennsylvania. One election supervisor in New York City drew fees totaling $145,000 for his services.

In 1892, a special investigating committee of the House of Representatives went to New York City to observe the presidential election. A majority report written by the three Democratic members recommended repeal of the election law because it has "failed to produce any good results in the direction of the purity of elections or the production of the ballot box."

The law was used, the majority report said, "only as part of the machinery of a party to compensate voters who are friendly to it and to frighten from the polls the voters of the opposing party."

In House debate on a move to repeal the law in September 1893, Representative John C. Black, Democrat of Illinois, described the use of Federal marshals in the 1892 election in Chicago:

"* * * Early in the morning of that day, or rather in the shades of the preceding night, the supervisors and deputy marshals were arrayed, and there came 3,786 of them, more than a full brigade of such troops as they were.

"They were drawn from the alleys, this militia of oppression. They were drawn from the slums, this battalion of bummers * * * and thus they stood, armed and equipped for their service, to 'protect the election' in the city of Chicago and the great State of Illinois."

In the Republican minority report, it was said that Federal supervisors and marshals were needed to combat ballot-box stuffing and the issuance of fraudulent naturalization certificates by Democratic Party machines.

With Democrats in control of Congress, the force bill regulating voting was repealed in 1894.

The debates on the repeal of Davenport's law as contained in the CONGRESSIONAL RECORD of the 1st and 2d session of the 53d Congress are replete with more specific detail of the frauds and abuses which were worked on the country under this political statute.

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

Mr. TALMADGE. I am delighted to yield to my distinguished senior colleague.

Mr. RUSSELL. I am grateful for the fact that my distinguished colleague is demonstrating so clearly that there is nothing new or original in this legislative proposal to appoint a Federal receivership of the election processes in the Southern States. It is old, it has been tried, and it has failed. Its failure was more marked in its application in the large cities of the country outside the South than it ever was in the Southern States themselves. The Senator is making a real contribution.

I believe it was last Sunday that I noticed in the comic section of one of the newspapers a cartoon called Hatlo's History. It showed a man representing Old King Cole, who as you all know was reputed to have been a merry old soul. King Cole was beating on the ground with his walking stick or with his insignia of rank as monarch, or whatever kings use, and he said, "Where are those three fiddlers?" He had called for his fiddlers three, and they did not come.

Just outside the door the three fiddlers were arguing with a man who was trying to give them two florins or two pieces of money to play a piece of music he had written. The fiddlers were saying, "No, you must give us three florins to play that piece of music."

The point of the cartoon was that the payola we hear so much about today was not new, that payola existed in the time of King Cole and King Cole's fiddlers three. The fiddlers three were undertaking to exact from the composer some money to play some music he had written.

I have always regarded this bill in all of its aspects as being vote bait. I consider this measure to be a "votola" bill. There is nothing new under the sun. "Votola" existed back in the days when the first reconstruction bill was enacted, and its operation resulted in tremendous loss to the morals of the people and the funds of the National Treasury. Finally it took a national election where it was the principal issue to get rid of the original votola law.

I am sure that if this "votola" bill should ever be enacted into law it would not be long before the American people would rise up in their wrath when they saw what a fraud had been perpetrated on them by calling any such proposal as this a civil rights proposal, and they would sweep out the votola of 1960, just as the voters of three generations ago swept out the votola of the Reconstruction period.

I am sure that my colleague, by his splendid, graphic description of the approach to this same legislation, will be able to say, "I told you so," even if this monstrosity does find its way to the statute books. Whatever else it may be called, it is really "votola." I thank the Senator.

Mr. TALMADGE. I thank the distinguished senior Senator from Georgia for his magnificent contribution to the debate. He is entirely correct. It is the reincarnation, as the Senator well knows, of one of the infamous force bills. The only difference is that it goes much further than Thaddeus Stevens and his allies went in those days. It purports to regulate not only Federal elections, but State, county, and local elections as well.

As the Senator has so ably stated, it is the very opposite of a civil rights bill. Instead of being a civil rights bill, it would prevent the elected, constitutional officials of every State in the Union from performing their duties under the laws and constitutions of their States.

As the Senator so well knows, the registrars of our own State of Georgia are nominated by grand juries. They are appointed by the judges of the superior courts. The law specifies qualifications which they must meet. They must be honorable and upright men. The bill would deprive them, and would deprive similar State officials of the

other 49 States, of the right to perform their duties.

In addition, the bill would deprive the Democratic Executive Committeemen of every precinct in the State of Georgia—and there are approximately 1,800 of them who are elected by the people—of the right to perform their duties in connection with the Democratic primaries. It would also deprive their Republican counterparts of the same rights.

Finally, in the general election, as the Senator so well knows, the ordinaries, who are elected by the people in each of the counties of our State, and are charged with the duty of holding the general election, would be prevented from exercising their responsibilities and duties under the law.

What I have stated about Georgia would apply with equal force to the other 49 States of the Union. Whom would it place in their stead? Some referee appointed by a Federal judge, who is appointed for life. Furthermore, the bill does not require any qualifications.

The judge, if he wanted to, could appoint an alien to conduct an election in Kentucky. He could appoint someone from India to go down and hold an election in Milan, Ga. He likewise could appoint someone from Burma to hold an election in Arkansas. There is no qualification required as to character; nothing is required except that such persons move in and take charge of elections and run them just as Mr. Davenport used to do.

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

Mr. TALMADGE. I am glad to yield to my colleague again.

Mr. RUSSELL. My colleague has correctly described the situation. This is really an effort in Washington to declare that election officials in the Southern States—people who are just as good as those who live anywhere else in this country—are bankrupt and inefficient, and to appoint trustees to administer the elections.

The junior Senator from Georgia has had wide experience in public life; in fact, I know of no other young man who has had more. Has the Senator had any familiarity with a man of this kind in public office, one who sets himself up as an absolute king to run the government to suit himself, and who would receive very substantial compensation, who would ever be willing to relinquish his post? Would he not continue to reach out and reach out to get more power and build it up and get a larger salary from year to year?

Mr. TALMADGE. That is what he would want. He would want more subordinates and he would want his salary increased. He would want his jurisdiction enlarged from one end of the country to the other. Then he would not be satisfied with that. He would want to set up a political machine of his own, in which he could name Governors, Senators, Representatives, sheriffs, mayors, and city and county officials. That is the history of the granting of power when the person to whom it is granted is responsible to no power on earth.

I thank the Senator for his comments and for his generous personal remarks.

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

Mr. TALMADGE. I yield.

Mr. McCLELLAN. I commend the Senator from Georgia for the able presentation he is making with respect to the dangers which are inherent in some of the bills now pending before the Senate. They are simply designed to reduce further the sovereignty of the States and, by destroying their sovereignty, to reduce them to a mere provincial status and thus impose a Government foreign to the authority of the local community and of the sovereignty of the people in that community.

I congratulate the Senator upon his able address.

Mr. TALMADGE. I thank the distinguished Senator from Arkansas for the generosity of his comments.

I think, Mr. President, that the Senate should know about what happened in the 1870's and 1880's under the color of the law it is being asked to reenact in a more stringent form. Therefore, I shall read from the CONGRESSIONAL RECORD some of the accounts of the violence done to free elections by the predecessor of the pending proposal.

For example, on pages 1622–1645 of the CONGRESSIONAL RECORD of January 30, 1893, the eloquent Democratic Senator David Turpie, of Indiana, is quoted as follows about the situation which prevailed in Indiana:

We have had a political judge in Indiana now in the succession, much distinguished for his rulings pro and con upon the subject of these laws, who has devoted very great attention to the practical administration of them. What is the consequence? The consequence in such case is that this judge, a man sitting to decide questions of life, of property, of character every day in his court, finds himself in closest alliance with most unscrupulous, the most unprincipled actors in the local party politics of Indiana, and that the judge's chambers upon the recurrence of every political campaign become headquarters for the management and administration of the political party to which he is allied, and the same feeling pursues such a one from his chambers to the bench.

There never has been any ruling in favor of a political opponent indicted in our court; always against him. There never has been any conviction of a Republican for any political offense in our court—not a single one. Eighty Republicans were indicted, indicted upon full hearings, upon lawful information, and upon full evidence, for violation of the election laws. The indictments were quashed, and what is known as the general jail delivery occurred in Indianapolis, and all the defendants were discharged.

Now, what does such a judge do? What is his employment? How does he earn his salary? By midnight councils prior to the election held in the judge's chambers. I acknowledge he may pay some attention to other questions and cases pending in his court, but his chief employment, that which calls into action the whole faculties of his mind, is this: to decide how he may make appointments as supervisors and marshals in the different counties to decrease the Democratic vote, and how he may make the same appointments in other counties to increase the Republican vote. This is the gist of his labors. The consequence is, the judge's name has become a byword throughout Indiana. There is no precinct in Indiana which you can visit where you will not find it the subject of the coarsest objurgations on the one hand, and of the coarsest, falsest partisan praise and laudations on the other. It has become a reproach in the eyes of both parties. * * *

There is an election approaching for Congressmen in my district. A petition is presented for the appointment of supervisors and marshals. Now, who are selected for such officers? It is pretended that the supervisors and marshals are to protect the purity of the ballot and to prevent the violation of the election laws. Invariably, without any exception, the person charged with that duty appoints to these offices, being a Republican, some weak-kneed Democrat who will take the appointment and the pay as a bribe, and vote against his party in order to earn the hire of his corruption. * * *

Having then collected all these weak-kneed and feeble folk of whom I have spoken, the chief supervisor proceeds also to consider men who are utterly indifferent, called the floaters. You generally find quite a large quota of the floaters in a contested district wearing the badge of U.S. marshals and supervisors, put there for the purpose of determining their votes, of determining the course of the current that the floater will swim in.

Again, you will find in every community certain men who are corrupt, who are utterly without principle, who have no opinions that they are not willing to sell—to sell for money. These men, a very large quota of them of no party and of all parties—these mercenary miscreants are certain to be appointed. They are never left out of the list of deputy U.S. marshals and deputy U.S. supervisors.

Indiana Congressman William Dallas Bynum had given another example of the situation prevailing in that State during the debate the preceding year in the House of Representatives. He is recorded on page 1858 of the CONGRESSIONAL RECORD of September 27, 1893, as stating as follows:

Allow me to give an illustration of the grossly offensive manner in which these laws have been executed—a case that occurred in my own county. At the election previous to the last a supervisor inside commanded a marshal outside to arrest a voter for making an affidavit as to the right of another man to cast his vote. Under our laws, when a person offering to vote is challenged it is essential, before he can vote, that a voter of the precinct make affidavit to his residence; and in this instance when a voter stepped up and made such affidavit the supervisor commanded a marshal to arrest him, and he was arrested and taken away in order to prevent him from making affidavits in the cases of other voters. In this way 50 men were deprived of their right to vote under this construction of the State law by supervisor and marshal.

What happened in the State of Illinois and the city of Chicago was the subject of a speech by Congressman John Charles Black, of that State. Here is an excerpt from his remarks, taken from page 1899 of the CONGRESSIONAL RECORD of September 28, 1893:

As the tide of opposition rose, the power of the Federal supervising law was transferred from the States of the South, in a large degree, and brought into the great States of the North.

What did we want with supervisors? Our elections had never been challenged, and when peaceful contests had been made they had been settled by the constitutional tribunals, the Senate and the House, in accordance with the laws, the facts, and the immemorial usage of the country; and there was no Illinoisan anywhere who believed for

one instant that he needed the interposition of a new set of laws to determine who had been elected, or to make accurate and judicial returns of the results of any election that sent a Representative here or a Senator to the other end of the Capitol.

In 1892 this great State was believed by the Republican management to be in danger, and so the power and resources of this law were invoked. I can never forget the day. All over this continent it was as beautiful as any election day that ever lighted the people to the exercise of the franchise, a phenomenal day, and phenomenal in its results.

There was a belief that the action that might be taken by the city of Chicago would have great effect in determining the result in the Nation. The eyes of both parties were turned to it as to a decisive point in the campaign. And so an army of deputy marshals and assistant supervisors was secured, and I have here the figures showing the number employed on that election day in the city of Chicago.

In the year 1892, according to statements furnished from the records of the U.S. marshal for the northern district of Illinois, there were employed as supervisors of election and assistant supervisors 1,386 men in the city of Chicago, and as special deputy marshals 2,400 men, the first at a cost of $68,973 and the second at a cost of $32,908, making a total cost, as shown by the record of the marshal of the northern district of Illinois, in conducting this supervision of election on that day, of $101,953.26.

I recall the incidents of that day. Intense excitement had prevailed throughout the entire land. Appeals had been made to the reason, the judgment, and to the patriotism of American citizens upon all of the great issues that separated the parties. There was no argument that was not applied. There was no blandishment that was not employed. There was no persuasion that was not used to bring a great vote to the polls, and a great vote came.

Early in the morning of that day, or rather in the shades of the preceding night, the supervisors and deputy marshals were arrayed, and there came 3,786 of them, more than a full brigade of such troops as they were. They were drawn from the alleys, this militia of oppression. They were drawn from the slums, this battalion of bummers. And from down on the lake front, where "the Back Jack Yattaw Bum Boat Flotilla" anchored, came the piratic marine, a part of the force of supervisors and deputy marshals of this election; and thus they stood, armed and equipped for their service, to protect the election in the city of Chicago, and in the great State of Illinois.

Think of this battalion of bummers summoned into the service of the United States to protect the franchise in the State of Illinois. Think of that array of motleys that came to assist the city of Chicago in conducting her elections. What a glorious sight. Republicanism, through its officials, had summoned these men and they came, not all of them such as I have described, but many of them the disreputables and the unfortunates of human life. They wore the stars of the deputy marshals of the United States upon their breasts. What was the result?

The city of Chicago, the magnificent queen of the interior commerce of the American world, she that prides herself not alone on what her commerce has done and what have been her financial and her monetary achievements, but as well upon the fact that within her borders today the churches of all denominations point with solemn monition to the sky, that public schools are in every ward and in every border of her great and spreading domain, that over her lines enlightened commerce runs to the ends of the earth, that she is a great, peaceful metropolis, that her courts are open forever to the call of justice—the city of Chicago put herself at the back of her merchants, her judges and lawyers, and ministers, and in response to the challenge of this tatterdemalion host, her would-be supervisors and guardians, she gave 35,000 Democratic majority. * * * That was a proper response of a great, free constituency to an outrageous assault corruptly made upon the liberty of the franchise of the citizens.

Laws that have produced nothing to the party working them; laws in the execution of which such results have followed, can not do any good to the Republican Party as a constituent part of the people of the land, and can not do any good to the Democratic Party that loathes and spurns them.

Next to those in New York, the worst scandals in the country under Davenport's law probably occurred in the State of Missouri. Here is what the illustrious Democratic Senator George Graham Vest, of that State, had to say about them as recorded on pages 981–83 of the CONGRESSIONAL RECORD of January 18, 1894:

In 1876 the necessities of the Republican Party (and I will prove this from the sworn testimony of their own witnesses) demanded that three congressional districts in Missouri should be carried for the Republican ticket. A determined effort was agreed upon here in Washington to carry the U.S. House of Representatives for the Republicans. Mr. W. D. W. Barnard was the confidential friend of General Grant and the chosen instrument of the administration to do that thing. He was the national bank examiner of the State of Missouri, appointed by Grant. The U.S. marshal in the St. Louis district was H. W. Leffingwell, whom I know very well—a real estate man of high character and a very old citizen. Leffingwell was an honest man, conservative and patriotic.

Barnard carried the instruction of Mr. Taft, the Attorney General of the United States, to the Republicans of St. Louis that those three districts must be carried for the Republican Party by the use of the instrumentalities provided in the Federal election law. He carried the instructions of the Attorney General to Leffingwell, the U.S. marshal, and they both swear to it. Leffingwell said, "Why, there is profound peace in Missouri; there is no danger of any tumult or riot here in the city of St. Louis. The calm is profound politically, socially, and otherwise." Barnard said to him, "Here are your orders. Who made you marshal?" "Well," said Leffingwell, "you had a good deal to do with it. You are very near the President." "Well, sir," he said, "the man who made can unmake; and if you do not carry out these orders I will put you out of this office."

It is hardly necessary for me to remark that the conspiracy was carried out and that the three districts were carried for the Republican Party. R. Graham Frost was beaten by a Republican named Metcalfe on the return, though he was elected at the polls. Frost contested the election, and here is the testimony taken in that contest. It is found in House of Representatives Miscellaneous Document, 2d session, 45th Congress, 1877–78, volume 4, page 317. Mr. Barnard was put upon the stand; he was asked this question:

"Question. You had great influence with General Grant about that time, I believe?

"Answer. That I cannot say. General Grant and myself had been acquaintances for 30-odd years.

"Question. And great personal friends?

"Answer. I think so, sir.

"Question. What did Mr. Leffingwell say to you?"

(Objected to as irrelevant.)

"Question. What was the nature of Mr. Leffingwell's dilemma?"

(Objected to as irrelevant and immaterial to this issue.)

"Answer. Well, Mr. Leffingwell had been engaged in the real estate business here for years, and a good many of his friends whom he had done business for had rather influenced him that Mr. Tilden would be the President, and if he puts this law, which he was instructed to in force that he would make enemies and he would get out of office, and his business would be injured by it. A committee composed of a number of very prominent Democrats waited on him, and after an interview he promised to give them an answer the next day.

"Question. What was the nature of the interview, right there?

"Answer. In reference to enforcing the law.

"Question. Were they protesting against it?

"Answer. Yes, so I understood. I had a desk in the office, and I had overheard the conversation.

"Question. You stated he would give them an answer.

"Answer. An answer at 11 o'clock.

"Question. He said he would give them an answer the next day?

"Answer. Yes sir.

"Question. Did they call the next day?

"Answer. They did; a portion of them called and he turned them over to me.

"Question. What took place after the conversation that you had on the first day about this protesting committee?

"Answer. Mr. Leffingwell and myself lived at Kirkwood, and on the train going there that evening he told me that he was in a great deal of trouble, and he did not know what to do. During the evening he said he did not know what he should do, and I said, 'He had got his orders and instructions?' 'Yes.' 'Well, you certainly will carry them out.' He did not know. The next morning early, quite early, he sent for me and told me he was in a good deal of trouble and did not know what to do. I was somewhat amused at his position, and said to him after there was quite a conversation. I told him, 'Leffingwell, have I had anything to do with your appointment as marshal?' "

"Question. He stated to you?

"Answer. Yes. 'And you have got instructions from the Attorney General to enforce the laws of the United States?' 'Yes.' 'Yes.' 'And you refuse to do it?' He hesitated. 'Yes,' he said, he did not know what he should do; he never was in such a position in his life. 'I then was influential in making you a marshal?' 'Yes.' 'And if you do not execute your orders I will see that you are not marshal much longer. The man that makes can unmake.' Then he said to me, 'What am I to do?' I said to him, 'I can relieve you of that dilemma. Give me control of those marshals'; and he says 'I will do it.'

"Question. Well, did he do it?

"Answer. I think so, sir.

"Question. Well, what did you proceed to do then?"

Mr. Barnard goes on to state that he himself took the authority away from the chief marshal and appointed 1,028 deputies, organized them into regiments, battalions, and companies; the captains reported to the majors, the majors to the colonels, and the colonels to him, and he reported to the Attorney General of the United States. They put the city of St. Louis under a military organization under this law.

Now, Mr. Barnard under this authority from the Attorney General, * * * which had no foundation except the necessities of the Republican Party, proceeded to carry those elections. Mr. Barnard testifies that he disfranchised 5,700 voters; he took the registration lists and struck off 5,700 names; and amongst them were some of the most reputable and oldest citizens of St. Louis, men who had fought the Indians for sover-

eignty over their territory, men who had blazed the pathway of civilization with the ax in one hand and the rifle in the other. They were arrested on the morning of the election by these military deputy marshals, and terror seized the whole community. Many Democrats refused to go near the polls. Conservative businessmen remained at home during the entire day. Three Republican Congressmen were brought to the House of Representatives under that proceeding from three Democratic districts in my State.

It was charged here yesterday by the Senator from Delaware (Mr. Gray) and the Senator from Illinois (Mr. Palmer) that this law was enacted for political purposes and not in the interest of fair suffrage and the purity of the suffrage. Let us see what was the object, according to Mr. Barnard's own testimony. He is asked further:

"Question. Was there any more danger for the commission of frauds and for disturbance at this election than there was at previous elections?

"Answer. Oh, well, all our large communities had become very corrupt in the exercise of the elective franchise, and it was thought essential to the protection of voters.

"Question. Independently of political consideration, was there any more necessity for the appointment of marshals at that election than any previous election?"

Objected to on the ground that there can be nothing connected with the election independent of political associations.

"Question. In order to be precise, I will say, independently of all party consideration, was there any more necessity for the appointment of marshals for that election than for any previous election?

"Answer. Oh, well, you gentlemen know very well that in a political struggle for party ascendancy it is necessary for the coordinate branches of the Government to be in accord, and there was an effort on the part, so I interpreted it, of the party which I acted with to regain control of the House of Representatives."

There was no pretense that there was any disturbance in the city of St. Louis. There was nothing but absolute peace and tranquillity. Mr. Barnard, as he himself swears, received his orders in Washington from the Attorney General to carry those three election districts under the election law, and that he went out to St. Louis and achieved the purpose, and then he had the hardihood to avow it when a sworn witness upon the stand. The conspiracy was successful. Fifty-seven hundred men were disfranchised. Hundreds were arrested on the morning of the election. It was an ex parte proceeding.

Mr. President, this man Barnard called from the purlieus and dens of vice throughout the great city of St. Louis every reckless and characterless mercenary who for $5 a day would take his marshal's badge and arrest men at the polls. There were appointed at $5 a day 1,028 men without responsibility, without character, willing for this pitiful sum to strike down the liberties of any man, no matter how old, how respectable, how influential. It cost the people of the United States $21,000 to consummate that infamy. The bill was made out, and Barnard, following the conspiracy to its end, came back to report to his masters, with Henry T. Mudd, a deputy marshal, with him, and here is the account of his interview with Taft:

"Question. You think those marshals did very good service in the congressional election, do you not, Mr. Barnard?

"Answer. When I went to Washington with Mr. Mudd, who was chief deputy marshal for the settlement of this account, Mr. Taft asked Mr. Mudd how many marshals he had.

"Mr. Shields. Taft, the Attorney General?

"Answer. The Attorney General * * * Mr. Taft asked Mr. Mudd how many marshals he had. Mr. Mudd referred him to me and said I had charge of the marshals; and he turned to me, and I said, '1,028.' The old gentleman wheels around in his chair and says, 'Were there no others out in Missouri you could have made marshals?' Says I, 'Mr. Taft, we went in to win and if it had been necessary to have had a posse comitatus—I think that is what you call it, and every other man over 15 years of age should have seen a fair election,' and he said, 'You bring a good deal of sugar in your spade.'"

And he signed the voucher.

But going back to the episode, which I neglected to name, there was one precinct in that great city in which the Democrats, notwithstanding all this fraud and force, secured a majority—precinct No. 71, well known in the political history of my State. Barnard found it had gone Democratic, and our returning board, composed of the county judge and the county clerk and another State officer, under the statutes of Missouri, met the next day or the day afterwards, the second day, to count the votes and make the return. Barnard, booted and spurred and armed, with an armed deputy marshal at his heels, went into the room in the courthouse where the State returning board, under our law, met. He said, "I understand you are about to count precinct No. 71." Mr. Garesche, the county clerk, said, "What right have you in here, sir; this is a State board." And he ordered him out of the office. Barnard said, "I am under Federal authority, and if you dare to count the vote in that precinct I will put every one of you in jail before night." He swears that he did so, and Garesche then again told him that he must leave the office, and a personal difficulty was averted by pushing Barnard out of the door.

These facts are beyond any sort of controversy. They happened in my own State. They are recited here in a document printed by the Congress of the United States, and everything I have said is substantiated upon the sworn testimony of these men.

Missouri's eloquent and colorful Congressman Champ Clark on October 2, 1893, gave the House of Representatives the following version of that and other outrages which occurred in that State under the election supervisor law:

In 1876 the Republicans thought it was necessary to have three Representatives in Congress elected from the city of St. Louis. There was a United States marshal by the name of Leffingwell, a Republican. I like to embalm his name in the CONGRESSIONAL RECORD, because he had conscience enough to refuse to take charge of the deputy marshals and supervisors to do the dirty work of defrauding American citizens on election day. He would not do it. But one W. D. W. Barnard, a man who claimed that he had made Leffingwell marshal, said, "Well, you need not bother about that, I will do it myself," and he did it with a vengeance and to his lasting infamy. They returned three Representatives as elected. Now, how many deputy marshals do you suppose it took to elect three Republican Congressmen? It took 1,028 deputy marshals besides the supervisors.

When the marshal's report was referred to Attorney General Taft, he said, "Mr. Marshal, how many deputies had you?" The latter answered, "I had 1,028." Mr. Taft inquired in amazement, "Were there no more men in Missouri you could have made marshals also?" How much do you suppose it cost the taxpayers? Twenty-odd thousand dollars. When that bill was presented to Mr. Taft it sort of stunned him, but finally he OK'd it with this suggestive, statesmanlike remarks, "Well, you bring a great deal of sugar in your spade." What sugar was it? Three Republican Members of Congress.

Thus was accomplished another victory for purity and reform, as those virtues are regarded by the Republican leaders.

In order to secure a majority on the face of the returns for the three Republican congressional candidates, Mr. Bernard and his minions arrested and held in custody until the polls closed, thereby preventing them from voting the Democratic ticket, several hundred honorable citizens, who were as well known in St. Louis as we are in the towns in which we live. After the polls closed, they were released and no charges of any sort were ever preferred against them. They had been humiliated and insulted by arrest and defrauded of their suffrages, which was the greatest desideratum of Barnard and his masters.

These outrages against justice, decency, and liberty, were committed under and by virtue of these laws which we are commanded to repeal by an overwhelming majority of the American people.

In 1888, by colonizing illegal voters on a large scale, by unblushing bribery, and by the employment of an army of deputy marshals and supervisors, three Republicans were returned as elected from St. Louis to the 51st Congress. This was accomplished through the machinations and manipulations of one Chauncy Ives Filley, whom so high a Republican authority as the Globe-Democrat has pronounced to be "the grand pastmaster boodler."

That trio of St. Louis Republican Congressmen sent hither through fraud, corruption, and intimidation, made the 51st Congress Republican by two majority, a calamity from whose baleful effects the country still suffers.

One reason that impelled the Democratic legislature to enact their Australian system of voting was the high-handed performances of the Republicans in 1888. I will give you one example. At Crystal City, where a great quantity of plate glass is made, the managers were so thoroughly determined to defeat Martin L. Clardy for Congress because he would not do their bidding here that they prepared the ballots for their employees and, fearing they might change them while en route to the polls, compelled them to march to the voting place holding the prepared ballots above their heads in plain view of the bosses, on pain of being discharged from employment if they refused.

The Democratic legislature determined to put an end to such infamous proceedings, and they did so far as in them lay, and would have succeeded completely but for the intimidation of voters by deputy marshals and supervisors.

At all of these three elections, in 1876, in 1888, and in 1892—in fact, in all elections, but in these three particularly—the deputy marshals, by preconcerted arrangements, willfully, premeditatedly, and of their malice aforethought, entered upon a systematic course of arresting Democrats and holding them till after the polls closed, and then discharging them without even a semblance of prosecution. Hundreds of prominent businessmen were thus maltreated—men who were in St. Louis while the red Indians still paddled their canoes on the Mississippi. Such outrages burned themselves into the minds and hearts of the people.

Another able Democratic Senator of the period—Senator James Henderson Berry of Arkansas—told the Senate about the abuses in his State. As found on pages 383–384 of the CONGRESSIONAL RECORD of December 19, 1893, this is what he said:

Prior to the advent of the Republican Party in the South, in 1868, I do not think I had ever heard, with one solitary exception in Louisiana, of the use of money in elections or of false counting brought against

any party in any of the States of the South, but from 1868, to 1874, under Republican rule in my own State, and I presume it was so in other Southern States, the practice of falsifying election returns became so universal, so widely and well known, that they ceased to excite comment. And yet we find the Republican Party here always posing as the champion of fair elections, ignoring these well-known facts and hurling charges of wrongdoing at their political opponents.

When the Reconstruction Acts of 1868 were passed, the whites in the State of Arkansas largely outnumbered the blacks, and the great and overwhelming majority of the whites were in sympathy with the Democratic Party. But when these laws were passed and the right of suffrage conferred upon the Negro the State was infested with a horde of adventurers from the North, men who could obtain neither power nor position in their former abodes, but there under the protection of the troops of the United States they took possession of the State government, framed a constitution and submitted it to the people, and when it was rejected by more than 10,000 majority, they deliberately falsified the returns and declared it adopted.

When the people protested military forces were organized and swept over a large portion of the State, leaving murdered citizens and burning houses to mark the line of their march. The people were powerless and helpless to protect themselves for the reason that they knew that the U.S. Government was behind those who were controlling the powers of the State government. In the elections of 1870 the same frauds were perpetrated, and they became so shameless and glaring in the election of 1872, after the passage of the laws we now seek to repeal, that actual war ensued in 1874 between the opposing factions of the Republican Party, and by reason of this contest the people were enabled to recover possession of their government.

The chief supervisor in Arkansas today is Judge John McClure. The people throughout the State almost universally believe that he was perhaps more largely responsible for the frauds upon the ballot boxes which were committed from 1868 to 1874 than any other one man in the State. He has since he has held the office of chief supervisor used his power in every election to harass and annoy the election officers of the State in every possible way. He secured the appointment under President Harrison of assistant or special district attorney for the eastern district of Arkansas, and through this power and that of chief supervisor and under a Republican district judge succeeded in having indictments preferred against many of the best citizens of the State.

The prosecution and trial of these causes cost the Government of the United States many thousands of dollars, and notwithstanding it was a Republican judge and district attorney, and a majority of Republican jurors, nearly all of these parties were acquitted; and in the few cases where convictions were secured it was for some technical violation of the law where no fraud had been committed or intended, and where the result was in no way changed, and as I now remember, not a single man indicted was shown to have committed actual fraud in a single precinct within the State.

Just preceding the election of 1890 a deputy marshal in the State of Arkansas, accompanied by a large posse which had been taken from the city of Little Rock, went into the county of Lee under pretext of summoning witnesses to attend the Federal court, and yet they showed by their acts that it was their sole object and purpose to freighten and intimidate the Negroes who had expressed a determination to vote the Democratic ticket. Written communications were distributed amongst the colored people commanding them to go to the polls and vote for the Republican candidate for Congress.

Representative Hugh Anderson Dinsmore of Arkansas elaborated on the machinations of McClure in his address before the House of Representatives on October 2, 1893. The following is an excerpt from his remarks on that occasion:

Let it not be forgotten that these officers are appointed for the purpose of preventing fraud and bringing about a fair and pure election. Yet, sir, in the State of Arkansas the Republican Party has selected, constituted, and appointed as the chief supervisor for the control and direction of all the other supervisors, as the man best fitted and most suitable for the performance of this sacred work, one John McClure, known throughout the State, and beyond its confines, by the name of Poker Jack, who, in Reconstruction, was made, without the will of the people whose rights he was to take in his hands, chief justice of the supreme court—God save the mark—and who, while holding this position is said to have boasted that he had never yet seen the case in which he could not render as good a decision on one side as on the other.

A man who was in at the birth of rascality in elections, and all other political iniquities in the State of Arkansas, where his name is a synonym for all that is ignoble, immoral, and objectionable. And this man in the performance of his supposed duties has had various and divers good citizens of the country, without any foundation whatever, arrested and brought before the courts and harassed with prosecutions for which there was not the slightest ground and which had to be dismissed by the prosecutor without a trial. He has dragged from different parts of the State peaceful and law-abiding citizens to attend the courts and sacrifice their time and means waiting to appear as witnesses in cases where there was no reason to believe there would ever be any necessity for their presence.

And this man, Mr. Speaker, while he was holding the high and dignified office of chief justice of the State of Arkansas, was at the same time chairman of the Republican executive committee of the State. Not only so, but while chief justice and chairman of the Republican executive committee he was editor in chief and had his name at the head of a partisan political paper in the city of Little Rock which was receiving the public printing from the State. In the archives of this Government, in a report made to the House of Representatives, will be found a record where he himself admits under oath these facts which I have stated. Now, is not that a beautiful agent to select to preserve the purity of the ballot?

As a compensation for his supposed services he sent up his accounts to the Federal Government which are stated in a letter which I have received from the Treasury Department, and which by permission of the House I will read * * *. It is true that this is but a small demand in comparison with that which has been shown to have gone up from the State of New York; but of this sum of more than $6,000, which he stated was due him on this account, Republican officials of the Treasury Department, who are not supposed to be niggardly in paying out the money of their country nor oversensitive as to the character of the service rendered, could not find it in their conscience to approve, but reduced the amount $5,418.65, or to $618.30. Is it any wonder, Mr. Speaker, that our people, under these conditions, have grown weary and sick of this law? Is it surprising that they should resent the insult conveyed in its very enactment and existence, when, under a sham and hypocritical pretense of a desire for fair elections, the law has been administered in such a spirit and by such agents?

One of our most respected Georgia statesmen of the last century—Congressman Thomas Graves Lawson—dealt with conditions in Ohio in his address before the House of Representatives on September 27, 1893. Taken from pages 1858–1859 of the CONGRESSIONAL RECORD of that date, here is what he related:

Mr. Speaker, I read from a report made to this House in March 1885, by the distinguished Member from Illinois, Mr. Springer, in the investigation of Lot Wright, U.S. marshal, and here is the indictment against him which I am obliged to read in order to show the pertinency of the report on the subject. A friend was kind enough to hand me the report this morning. Hon. John F. Follett, a Representative from the State of Ohio, introduced the following preamble and resolution:

"I do impeach Lot Wright, U.S. marshal of the southern district of Ohio, of high crimes and misdemeanors. I charge him with usurpation of power in violation of law:

"In that he appointed a large number of general and special deputy marshals to serve at the several voting precincts in the city of Cincinnati, in the State of Ohio, at an election for members of Congress, held in said city on the 14th day of October, A.D. 1884, and armed said deputy marshals with pistols and other deadly weapons, said to have been furnished by the War Department of the U.S. Government.

"In that a large number of the deputy marshals so appointed and armed were notorious criminals, and men of known vicious and brutal habits and reputation, and many of them nonresidents of said city of Cincinnati and State of Ohio.

"In that the said deputy marshals, acting under his orders and directions, aided, abetted, and encouraged fraudulent voting, intimidation of voters, and gross outrages upon the elective franchise, and the rights of the honest voters of said city, in furtherance of the interests of a political party and its candidates: Therefore

"*Resolved*, That the Committee on Expenditures in the Department of Justice be required and directed, as soon as the same can be reasonably done, to investigate such charges and report to this House."

I will now read so much of the report of the committee as is to the point. They investigated and made their report, the evidence taken amounting to more than 600 pages. Listen to the report:

"From the testimony taken by your committee it will appear:

"That the deputy marshals appointed by Marshal Wright were largely in excess of the necessities of the situation.

"That they were appointed as Republican partisans and political workers, and in most cases prostituted their official position to partisan ends.

"That they were armed with revolvers and other deadly weapons furnished by the national committee of the Republican Party.

"That many of such deputy marshals so appointed and armed were notorious criminals and men of known vicious and brutal habits, and many of them were nonresidents of the State of Ohio.

"That many of said deputy marshals, acting under the orders of Marshal Wright, aided, abetted, and encouraged fraudulent voting, intimidation of voters, and committed gross outrages upon the elective franchise and the rights of honest voters."

From the evidence before the committee it appears that 1,600 deputy marshals were appointed, and God only knows how many more would have been appointed if the blank commissions had not given out, as the marshal

testifies they did. The pistols used were what is known as English bulldog revolvers of .44 caliber. I do not know what kind of a weapon it is myself, but a gentleman informs me that one of these identical weapons is in possession of Colonel Hill, deputy sergeant-at-arms, and I have no doubt that he will take pleasure in exhibiting it to any gentleman who may be curious to see it.

There were rioting, bloodshed, and murder at the election. There were armed deputy marshals from many States in this Union, while the law under which they were proceeding to act in order to insure an honest election and a fair count required that the deputy marshals should be qualified voters of the precinct where they were employed. It is true that they were from Colorado, Texas, Missouri, Illinois, Kentucky, New York, New Mexico, and many other parts of this country. To show their respectability and capacity for controlling the people of that large city for 1 day, one witness, a partner in law with Governor Hoadley, describes a considerable number that he saw there:

"They were not respectable colored men, such as I have seen about Cincinnati, but looked like roustabouts, dressed in all sorts of costumes; coats nearly off their backs, hardly a shirt on; some of them without shirts, the dirtiest looking lot I ever saw in my life."

Although there were riots and bloodshed while the polls were thus guarded, at the presidential election, which came off 3 weeks later, there were no deputy marshals, and the election was conducted quietly and peacefully. The election in that single city cost the government $14,800, with no good results, except to give the city of Cincinnati "a free ballot and a fair count."

If there is any better evidence than this that great abuses and outrages arise under the administration of these laws by partisans and for partisan effect (and they will never be otherwise used), I hope that some gentleman will produce it. If they have a redeeming feature it has escaped my search. They are, I presume, abused in every instance that they are used. The medicine is a great deal worse than the disease. I would not lodge such power in the hands of any party; not in the hands of the Democratic Party as intense as is my loyalty to it.

Representative James Alexander Dudley Richards, of Ohio, also touched on the subject of Marshal Lot Wright and the abuses which occurred under his administration of the law in Cincinnati. As found in page 2001 of the CONGRESSIONAL RECORD of September 30, 1893, he declared:

On a parallel with this was the conduct of Lot Wright in Cincinnati, Ohio, the vile proceedings of whom are sufficient to condemn any party which will put it into the power of any man to commit such iniquity. Gangs of the most infamous of Negroes were made kings for the day, to lord it over respectable and intelligent citizens. Riot, bloodshed, and disorder reigned supreme, disgraceful to the city and to the country, and all under an attempt to promote the success of the Republican Party under the guise of endeavoring to preserve the purity of the election.

There is no more thorough or persuasive argument against measures of the character of the pending Rogers-Davenport Reconstruction Act than the text of Report No. 18 of the House of Representatives of the 1st session, 53d Congress. It is the report of the Committee on Election of President and Vice President accompanying the bill to repeal Davenport's Law. Written by Virginia's eloquent Representative Henry St. George Tucker and presented to the House of Representatives on September 20, 1893, it reads in part as follows:

The appointment of supervisors presumes something to supervise and the right of supervision. These sections relate to the right of supervisors and deputy marshals to supervise the election of Representatives in Congress; and the initial point, therefore, is as to the right of the United States to supervise the election of Members of Congress, and if the right exists whether it is proper for them to do so.

This subject has been discussed before in Report No. 1882, part second, page 5, first session of the 51st Congress, as follows:

The power is sought in the fourth section of article 1 of the Constitution, which is as follows:

"The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

We shall invoke the simple method of construction laid down by the writers, of seeking first, from the words themselves, their intrinsic meaning, and then invite the testimony of those who made them as to their meaning and their intent in making them, and, finally, the construction put upon them by Congress itself and recognized authors on the Constitution.

We notice, first, that the times, places, and manner of holding elections, etc., is primarily confided to the legislature of each State; secondarily, it is given to the Congress.

The language itself and the arrangement of the two clauses show this:

"The times, places, and manner, etc., shall be prescribed by the legislature of each State.

"But the Congress may, by law, at any time make or alter, etc."

The first is original and primary, the second is permissive and contingent. The legislatures and Congress cannot both have original and primary power to act on the same subject at the same time. Such a conflict would never have been sanctioned. Nor can we believe that the men who drafted this section intended to distinguish it from every other in the Constitution in granting to two distinct and separate authorities coequal power over the same subject at the same time. Nor can we conceive a greater absurdity than the grant of plenary power to the legislatures of the States in the first clause of the section, only to be abrogated and annulled in the second clause of the same section.

We cannot believe that the intelligence which framed that great instrument, careful in avoiding any conflicts that would probably arise between the State and Federal authorities (for that hour was resonant with jealousies of power), deliberately placed this power into two distinct hands to be exercised, it may be, at the same time and in different ways; and it is equally improbable that the power given the legislatures of the States, as the authority best suited in the minds of the makers of the Constitution, to provide "the times, manner, and places of holding, etc.," was intended, without reason or cause, to be taken from them and arbitrarily assumed by Congress; and that, too, when there had been no failure on the parts of the States to provide the necessary machinery and no impropriety in the machinery provided.

We conclude, therefore, that the obvious and plain meaning of the section under discussion is that the legislature of each State should have the primary authority to prescribe "the times, places, and manner of holding elections, etc.," and that Congress should have such power ultimately. When? For what cause? What circumstances or conditions prevailing in the States shall be sufficient to cause a forfeiture of this right in the legislatures of each? This section and the Constitution are silent upon this subject; but the history of the adoption of the Constitution and the contemporaneous evidence of those who made it supply the answers.

Of the Original Thirteen States that framed the Constitution seven were outspoken on the subject, while in some of the others there was likewise a strong sentiment against the adoption of the Constitution containing this and other sections.

The language of some of them is most striking and instructive. On the 6th of February 1788, Massachusetts, through her State convention, presided over by the great Revolutionary patriot, John Hancock, ratified the Constitution. In the report of ratification, after expressing the opinion that certain amendments should be made to "remove the fears and quiet the apprehension of many of the good people of this Commonwealth, and more effectually guard against an undue administration of the Federal Government," the following alteration of and provision to the Constitution is suggested:

"That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress, agreeably to the Constitution."

Not satisfied with the mere suggestion of such amendment, and with a prophetic fear that, if such suggestions were not adopted by the first Congress to assemble under the Constitution, some erring son of this ancient Commonwealth might someday waiver in his support of those principles in the Halls of Congress, the convention added this strong language:

"And the convention do, in the name and in behalf of the people in this Commonwealth, enjoin it upon their Representatives in Congress at all times, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of the said Constitution, to exert all their influence, and use all reasonable and legal methods to obtain a ratification of said alterations and provisions, in such manner as is provided in the said article."

South Carolina ratified on the 23d of May 1788, with the following recommendation:

"And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operation of a General Government that the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature, should be forever inseparably annexed to the sovereignty of the several States: This convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of the said Constitution."

New Hampshire ratified June 21, 1788, and made a recommendation in the same language used by the State of Massachusetts.

Virginia on the 26th of June, 1788, ratified with a recommendation in the following words:

"That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same."

August 1, 1788, North Carolina ratified, having held out against ratification on account of this and other objectionable

clauses. The convention recommended an amendment in the same language as did the State of Virginia.

New York ratified July 26, 1788, and the recommendations of its convention are in some respects the strongest of any on this subject. Before the formal statement of ratification, a declaration of rights is set forth in which, among other provisions, we find:

"That nothing contained in the said Constitution is to be construed to prevent the legislature of any State from passing laws at its discretion, from time to time, to divide such State into convenient districts and to apportion its Representatives to and amongst such districts.

"Under these impressions and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution will receive an early and mature consideration, we, the said delegates * * * do, by these presents, assent to and ratify the said Constitution.

"In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the Constitution * * * that the Congress will not make or alter any regulations in this State respecting the times, places, and manner of holding elections for Senators or Representatives unless the legislature in this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same; and that in those cases such power will duly be exercised until the legislature of this State shall make provision in the premises."

And in accordance with this declaration the convention suggested an amendment to Congress embodying the above idea.

Rhode Island did not ratify until June 26, 1790, and the language of her convention on the subject and the amendments suggested were in almost the identical words of those of the State of New York, only stronger. The above extracts have been made that it might be seen how strong was the feeling on this subject at the time of the ratification of the Constitution, and that the Constitution itself was only finally adopted in the faith and belief of a majority of the States that Congress would never exercise this power except when the States had failed to do so, or from any cause could not do so.

Not alone did the States above enumerated speak out with no uncertain sound, but in the debates in the Pennsylvania convention to ratify the Constitution, James Wilson, a member of the Federal convention that framed the Constitution, and a member of the State convention, explained this provision to mean in effect that the States were primarily to act, and Congress only in case of their failure to do so; and the convention recommended an amendment in the following words:

"That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose; and then only for such time as such neglect or refusal shall continue."

In the 58th number of the "Federalist" Mr. Hamilton discusses this subject and says:

"They (the Convention) have submitted the regulation of elections for the Federal Government, in the first instance, to the local administrations; which in ordinary cases, and when no improper views prevail may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety."

Judge Storey, in his Commentaries on the Constitution, volume 2, chapter XI, discusses the whole subject and holds that the power will not be exercised by Congress unless "an extreme necessity or a very urgent exigency" should arise. (Secs. 820, 823, 824, et seq. See also 1 Tucker's Black. Comm. App., 191, 192; Curtis on the Constitution, 479, 480.)

We conclude, therefore, that Congress has the power to "prescribe the times, places, and manner of holding elections" for Members of Congress, but that such power is contingent and conditional only, not original and primary.

Under what conditions or upon what contingency?

If we accept the evidence of the States in their State conventions, ratifying the Constitution, and that of the men who made the Constitution, the conditions are—

First. Where the States refuse to provide the necessary machinery for elections; and

Second. Where they are unable to do so for any cause, rebellion, etc.

Mr. Madison, in the Virginia convention, when asked his opinion of this section, said:

"It was found necessary to leave the regulation of these [times, places, and manner] in the first place to the State governments as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution. * * * Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State legislatures, the congressional control will very probably never be exercised."

Mr. John Jay, subsequently Chief Justice of the United States, in the New York convention said, when this clause was under discussion:

"That every government was imperfect unless it had a power of preserving itself. Suppose that by design or accident the States should neglect to appoint the Representatives, certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was that, if this neglect should take place, Congress should have power by law to support the Government and prevent the dissolution of the Union. He believed this was the design of the Federal convention."

Again, Mr. Madison says:

"This was meant to give the National Legislature a power not only to alter the provisions of the States, but to make regulations in case the States should fail or refuse altogether." (Madison Papers, vol. 3, 1282.)

Has any State refused to provide the necessary election machinery, or is any State unable to do so for any cause, or what extraordinary circumstances, what extreme necessity, what urgent exigency exists now for the exercise of this power by Congress? None has been suggested, and we confidently assert none can be.

Mr. THURMOND. Mr. President, will the distinguished Senator from Georgia yield?

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. TALMADGE. I yield.

Mr. THURMOND. Mr. President, I wish to take this opportunity to commend the able and distinguished Senator from Georgia for the magnificent address he is making. The Senator from Georgia was a very able Governor of that great State, and he is a profound constitutional lawyer. The address he is making here in the Senate is a splendid contribution to the cause of constitutional government in these United States.

Mr. TALMADGE. Mr. President, I am deeply grateful to my learned and distinguished friend, the junior Senator from South Carolina, for his extremely generous personal references.

The Senator from South Carolina himself has been a very able judge. He had an outstanding war record. He has been highly decorated. He served as president of the Reserve Officers Association of the United States. He made an outstanding Governor of his State, and he is a great U.S. Senator.

When such generous personal references come from so distinguished and outstanding a man, I am deeply grateful.

I continue to read:

For Congress to attempt to exercise this power now in this bill against the protests of a majority of the States that made the Constitution, and when those States only ratified it upon the faith and assurance that this and other powers would never be exercised except under certain conditions, which have not arisen, is a fraud upon the Constitution that should not be tolerated.

But, conceding for the moment that section 4, article I, gives to Congress the full powers claimed by the advocates of this bill, still it must be construed in the light of the subsequent section (8) of the same article, which declares that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." Admit the power to be ample in the Constitution, yet the same authority limits the legislative branch of the Government in the enactment of laws, to such as shall be "necessary and proper" for carrying into execution the foregoing power. In *Hepburn* v. *Griswold*, 8 Wall., 614, Chief Justice Chase, in defining these words, says, "the words 'necessary and proper' were intended to have a sense, to use the words of Justice Story, 'at once admonitory and directory,' and to require that the means used in the execution of an express power should be 'bona fide appropriate to the end.' "

But again, the States for a hundred years and more have provided election laws, appointed officers for their proper execution, and provided the machinery of election. They have prescribed duties for such officers, and have imposed penalties for the failure to discharge these duties. This machinery and these officers, without distinction as to the character of the election, whether it be State or Federal, have the same duties imposed upon them in all essential qualities. With this state of things we find these statutes which are sought to be repealed create officers whose duties it shall be to supervise, scrutinize, and watch every act of the officers of the States. This of itself must create friction, and the history of the country since the enactment of these laws, has demonstrated their unwisdom in this respect. The power to guard, scrutinize, and inspect implies the power to correct or prevent that which is scrutinized. The power to supervise implies the power to compel the doing or to prevent the doing of the thing which is the subject of the supervision. How then can the United States, by its supervisors, and deputy marshals, supervise an election under a law which it has not enacted or scrutinize the registration (a condition of suffrage in many of the States) when the right of suffrage emanates from the State itself and the State alone can determine it?

The second section of article I of the Constitution declares: "The House of Represent-

atives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

This leaves the right of suffrage and the conditions of suffrage in the States. By what authority, then, can a Federal officer, by challenge or otherwise at the polls or on registration day, determine the question of suffrage which the Constitution of the United States has left solely to the States to determine?

Many of these statutes also impose penalties upon the election officers of the States, in the conduct of elections, for a violation of the State laws. Was ever a more monstrous proposition written on the statute books of a free country? The power to make laws is a sovereign power. It carries with it the power to punish for the violation of such laws, but the two powers must be coordinate. The power that creates the law can inflict punishment for its violation, but no power can inflict punishment rightfully for the violation of a law which it never made. To attempt it, as has been done in the past, has resulted only in irritation, contention, and criticism of the government that has proposed it.

The object of legislation should be to prevent conflicts between the State and Federal authorities. These statutes have been fruitful in engendering them. Enacted in Reconstruction times, when it was deemed necessary to carry out those measures, the purpose for which they were framed having happily passed away, we feel that they can not be too quickly erased from the statute books.

But we regard these statutes as chiefly inimical to the best interests of the people because they are in effect a vote of lack of confidence in the States of the Union. The inference is irresistible that they were enacted because of a lack of confidence in the honesty if not in the ability of the States to conduct their own elections. With such an intention plainly on their face, with what consideration could they be met by the people for whom they were intended except that of distrust and suspicion? Would the U.S. Government suffer less by the prevalence of fraud in elections than the States whose officers we sent to represent it in the Government of the United States? Is fraud in elections any less contemptible because it emanates from the people of the States without Federal interference? Or is it any less dangerous to the people of the States because it lacks Federal supervision?

Let every trace of the Reconstruction measures be wiped from the statute books; let the States of this great Union understand that the elections are in their own hands, and if there be fraud, coercion, or force used they will be the first to feel it. Responding to a universal sentiment throughout the country for greater purity in elections many of our States have enacted laws to protect the voter and to purify the ballot. These, under the guidance of State officers, have worked efficiently, satisfactorily, and beneficently; and if these Federal statutes are repealed that sentiment will receive an impetus which, if the cause still exists, will carry such enactments in every State in the Union. In many of the great cities of the country and in some of the rural districts, under the force of these Federal statutes, personal rights have been taken from the citizens and they have been deprived of their liberty by arrest and imprisonment. To enter into the details in many cases where citizens have been unjustifiably arrested and deprived of their liberty would be useless in this report. We content ourselves in referring to Report No. 2365 of the 2d session of the 52d Congress on this subject, where many such instances are detailed.

Finally, these statutes should be speedily repealed because they mix State and Federal authority and power in the control and regulation of popular elections, thereby causing jealousy and friction between the two governments; because they have been used and will be used in the future as a part of the machinery of a political party to reward friends and destroy enemies; because under the practical operations of them the personal rights of citizens have been taken from them and justice and freedom denied them; because their enactment shows a distrust of the States, and their inability or indisposition to properly guard the elections, which, if ever true, has now happily passed away; and last, but not least, because their repeal will eliminate the judiciary from the political arena, and restore somewhat, we trust, the confidence of the people in the integrity and impartiality of the Federal tribunals.

Representative Tucker, who presented the report I have just read, led the successful effort to repeal Davenport's law in the House of Representatives. No speech ever delivered from the floor of Congress approaches the heights of masterful eloquence which he achieved. His wise words of more than half a century ago are as appropriate today in the light of the pending measure as they were then.

I quote from his conclusions—as found on pages 1808–1811 of the CONGRESSIONAL RECORD of September 26, 1893—and commend them for the careful consideration of my colleagues:

He declared:

If these laws are wrong in principle they are certainly wrong in practice. From one end of the country to the other a sentiment has grown from day to day and year to year in favor of their ultimate repeal. They are founded upon a false principle. They have nothing but partisanship to sustain them, and they have become an eyesore to the whole country. Under their operations human liberty has been trampled upon, human rights have suffered, and human beings unjustly punished. The merciless exactions of the chief supervisors in the great cities have added additional horrors to the law.

Men have been torn from their families and brought to trial with no ground of action except the desire to deprive them of the right of suffrage. To continue such laws longer would be an insult to the intelligence of the people. "Davenportism" has become a byword and a word of reproach throughout the land. The atrocities of the Duke of Alva do not exceed the crimes against liberty which have been committed under these laws in the State of New York and elsewhere. The voices of those who have passed away within the past 20 years, who have suffered by imprisonment, privation, and ultimate death at the hands of this despot cry out to us for vengeance.

No trophy has been too large for his greed and no victims too low for his rapacity. The scholar, the divine, the hoodlum, all alike share his vengeance; but we can well imagine that when the free citizens of this country were in common suffering the unjust penalties of these laws, the statement of the prelate of old amid the tortures of the stake was often heard:

"Be of good cheer, brother; we shall this day kindle such a torch in England as I trust in God shall never be extinguished."

And, Mr. Speaker, the day has come, and now is, when we, responding to that cry of the freemen of the country, will wipe from the statute books the last remnant of these laws, and if the blood of the martyr is the seed of the church, then

"Each single wreck in the warpath of might
Shall yet be a rock in the temple of right."

Davenportism.

I hold in my hand a statement of the accounts of this man, taken from the files of the Treasury Department. This statement shows that from March 4, 1889, to March 4, 1893, he drew from the Treasury of the United States, as supervisor and commissioner of the circuit court, fees amounting to the neat sum of $145,591.81. This paper shows another fact. It shows that from March 4, 1885, to March 4, 1889, when Grover Cleveland was President of these United States and John I. Davenport was chief supervisor of New York, not an account was presented by him for payment. It shows, however, that although no account was presented during Mr. Cleveland's former administration ending on March 4, 1889, yet on April 11, 1889, 1 short month after President Harrison came in, Mr. Davenport put in an account of $3,000-odd, covering his services from August 1 to November 10, 1888, a period when Mr. Cleveland was President.

It shows another remarkable fact; namely, that on the 1st of June 1889, 2 months later, he put in an account of over $2,000 for services in the November election of 1885. It shows further that on the 15th of June 1889—for his appetite was being whetted—he put in another account for services in the November election of 1886, during Mr. Cleveland's first administration, of $23,000. Those "services" were rendered while Mr. Cleveland was President. Again, on October 30, 1889, he put in another account covering the time to the 6th of November 1888, amounting to only $31,000. Then on January 31, 1893, just before Mr. Harrison went out of office, he put in a little account of $3,000, and on February 24, 1893, 10 days before the expiration of Mr. Harrison's term, he put in and had allowed an account of $31,000.

Why, Mr. Speaker, here is a man who draws from the Treasury of the United States nearly a hundred thousand dollars for services which he claims were rendered while Mr. Cleveland was President, yet he had not the manhood to present his accounts to Mr. Cleveland's administration, but waited until that administration had come to an end, and then handed over these accounts to the Harrison administration, and had them allowed. Truly, truly, "the ox knoweth his owner, and the ass his master's crib."

Mr. Speaker, I say to the gentleman who asks me what these facts have to do with the question of the rightfulness or the wrongfulness of these laws, that they show one of two things—either that this man Davenport, who has a life tenure, should be abolished because he is a corrupt man, or else that the laws are so corrupt and so difficult to execute that they make even as pure a man as Davenport commit these outrages.

Mr. Speaker, I can only say, in closing, about this gentleman, that his character as an officer may be summed up in the following:

"Too cautious or too sly to feign
A love he never cherished,
Beyond the bounds of office gained
His patriotism perished,

"While others hail in distant skies
The glories of the Union
He only sees its glory shine
Through this (holding up the account)
and many hundreds."

Mr. Speaker, I object to these laws for another reason. The true policy on the part of this Government toward the State governments should be to have perfect confidence existing between the two. One of the chief reasons of my objection to these laws is that they show a lack of confidence on the part of the Federal Government toward the State

governments. On their face they amount to a charge of distrust—a charge that the Government of the United States cannot trust the people of the country; and I tell you, Mr. Speaker, that no country will long flourish where such a state of things as that exists.

Where there is distrust and suspicion written upon the laws of the country toward the people, you are going to find that it will react against the government which indulges in it. Put the election of Representatives into the hands of the States, where the Constitution intended it should be put; wipe from the statute books these laws that cause jealousy and friction all the time among the people, and you will find there will arise throughout the country an increased love and increased patriotism among the people such as we have not experienced in the country for the last 30 years.

Why, Mr. Speaker, this matter of trust and confidence is not to be despised. If you bring up your child with the understanding that he is to be watched and guarded and scrutinized through life—that you are a detective upon his movements, with your eyes suspiciously upon him all the time—let me tell you that when he grows to manhood he will not be able to look you in the face. If you want to bring up and encourage a nation of sneaks, let it be understood that the Government which the people are expected to love, honor, and revere is a detective on their track. I do not believe in that principle.

The public press of the country has declared that this bill proposes to wipe out the 15th amendment to the Constitution; that the object of the bill is to do away with this amendment. It is not so. There is not a statute among those sought to be repealed that touches in the slightest degree the 15th amendment except one. The object of the committee was clear. We recognize this amendment as part of the organic law of this country, and we bear full allegiance to it.

But these laws which we seek to repeal have no such purpose. The only provision that bears on the 15th amendment in section 2010, which refers to a contest for a State office, not a Federal office, where a man has lost the office by reason of the denial of the right of suffrage on account of race, color, or previous condition. We eliminate that, because the statute gives the right of action to the Federal court instead of to the State court, whose office is sought to be recovered. Of course if the contest proceeds under the State courts, and the question arises as to whether a man has been deprived of his right under the 15th amendment, the appeal is had as a matter of right to the Federal court.

These laws ought to be repealed, Mr. Speaker, because they seek to take away from the State, that alone can bestow suffrage on the citizen, the power of determining the right to vote; they ought to be repealed, because they have been the subject of collisions and jealousies and unnecessary clashing of authorities since their enactment; they ought to be repealed, sir, because they are Reconstruction measures, the unhappy reminders of a period in our history forever gone, except from the memory of the people; they ought to be repealed, because the States are as much interested in seeing that their Representatives are properly elected as the Federal Government can possibly be.

Sir, I want to say to our friends on the other side that there is no doubt about the repeal of these laws. They are going to be repealed. We are sorry that there should be any objection from the other side of the House. We are sorry that our friends thought it necessary to filibuster for a week before this bill could even be reported to the House; but they are going to be wiped away, because they are the lingering evidence of a past unhappy era in our history. We belong now to that generation which has gotten away from the old unpleasantness, and is looking no longer to the dead past, but to the future. We want to obliterate from the statute books every evidence of that fratricidal strife, so that the hardships which those days entailed upon us may be forgotten, that we may go forward as a band of brothers in the development of the constitutional history of our country and the constitutional development of our people.

I belong to a party that is not a sectional party—that knows no North, no South, no East, no West. It is you who have reared a sectional party in this country; you have lived upon it for the past 30 years; your laws have been based on sectionalism; you have ruthlessly taxed one set of people for the benefit of another; you have violated the pledges of the fathers; you have overridden the Constitution; you have denied the right of habeas corpus to the people in time of peace; you have in times and ways without number shown to the people of the country that you are unworthy of confidence, and therefore, on the 6th of November last, the triumphant democracy assumed its rightful place in the control of the Government, pledged to redeem their promises to the people, and we are here today to begin that good work and carry it on until it is finally and fully achieved.

Mr. President, the American people have a right to expect better of this Senate and this 86th Congress than the reenactment of an unworkable law of doubtful constitutionality which brought the United States and its democratic processes to the brink of chaos last century.

I know of no patriotic American who values his freedom who does not favor the full and unfettered right to vote by every qualified citizen. That is the position of the people of my State of Georgia and I certainly believe it to be the position of all the people of all the other 49 States.

But I do not believe it to be the wish of the people of any State that the control of election machinery be taken out of their hands on the State and local levels of the Nation.

Mr. President, it always has been my strongly held conviction that the cherished processes of freedom inherent in our republican form of government are best served and perpetuated through the widest possible exercise by all qualified citizens of the right to vote consistent with the best interests of society.

While I feel that there should be reasonable safeguards against abuse of that right, it is my view that those restrictions should be held to the absolute minimum necessary to protect society from exploitation at the hands of those few individuals who have proved themselves to be intellectually and morally incapable of recognizing and exercising the restraints and responsibilities of good citizenship.

I am proud to be able to say to this Senate, Mr. President, that my State of Georgia has not been found wanting in this regard.

I cite as my authority for that statement not only my personal knowledge of the situation but also the assertion by the Chairman of the Commission on Civil Rights, Dr. John A. Hannah, in testimony before a House appropriations subcommittee on April 30 of last year that—and I quote—"The voting situation in Georgia is pretty good and getting much better."

In Georgia, Mr. President, all qualified citizens—regardless of their race, color, creed, or sex—are freely exercising their right to vote.

At last count the State of Georgia had more than 160,000 colored voters and present estimates place that number in the neighborhood of 175,000 and still growing.

We have several counties in our State in which more colored than white citizens are registered to vote.

In two of our cities colored candidates have been elected to municipal office and in at least two recent instances the colored vote proved to be the margin of victory in municipal elections.

While there have been a very few isolated instances of citizens who have gone to court to contest the decisions of registrars in their cases, I do not know of a single instance in which anyone who possessed the qualifications required by State law has not received redress in the courts.

Human beings being the imperfect creatures they are, there always will be instances of citizens who feel that they have not been accorded their full rights under the law. But I challenge anyone to cite a single instance in which any person possessing the qualifications required by the law of his State and claiming infringement of his right to vote has not received ultimate redress when taking his case into the courts.

Mr. President, in the light of the facts, I think it goes without saying that the State of Georgia need apologize to no one for its record in assuring all of its qualified citizens the free exercise of their right to vote.

Mr. President, I also would like to point out to the Senate that Georgia was the first State in the Nation to lower its voting age to 18.

Our experience over the past 15 years in that regard demonstrates conclusively that our teenaged citizens exercise their right of franchise conscientiously and intelligently and have proved themselves to the satisfaction of the most doubtful that they are responsible participants in the processes of government which they are required by law to defend in the armed services of our country.

Georgians are proud, Mr. President, of our teenaged voters.

I would also call attention to the fact that with the ratification of our new State constitution in 1945, the State of Georgia eliminated the payment of the poll tax as a requirement for voting. I might add that it has worked well, and we have had no reason to regret the change.

However, Mr. President, let me emphasize that the people of the State of Georgia would not presume to advocate or recommend that other States should do as it has done in lowering the voting age or in eliminating the poll tax.

Georgians believe the Constitution of the United States means what it says when it reserves to the individual States the matter of determining voter qualifications and they would be vigorously

opposed to any attempt by Congress to legislate in this field in the absence of clear authority to do so obtained through the amendatory process.

Georgians feel that the question of voter qualifications is one which addresses itself solely to the citizens of each State and their elected representatives acting in their behalf.

While the payment of poll, or capitation, taxes as a prerequisite for voting is an academic issue in Georgia, Mr. President, it is my strong conviction that the decision to terminate it should come from within each State concerned.

It is to the credit of this Congress that it has recognized that a proposed constitutional amendment is the only constitutional vehicle through which it can act on the subject.

But, feeling as I do that the issue should be determined by each State individually, I could not in good conscience support the proposed amendment when it was before the Senate recently.

I had hoped, however, Mr. President, that the consideration of that question in the form of a constitutional amendment would have served as a precedent for any other action by Congress in the field of voting. I am saddened that my hope in that regard has not been borne out.

Mr. President, there already exist three more-than-adequate remedies at Federal law for any citizen who feels that he has been denied the right to vote.

First, there are civil remedies whereby the individual may go into Federal court and obtain an injunction and collect damages.

Second, there are criminal remedies whereby prosecution resulting in fine, imprisonment or both upon conviction may be initiated against any person who has deprived another of his right to vote.

And third, there is the Civil Rights Act of 1957 whereby any citizen may engage the services of the Attorney General of the United States as his taxpaid lawyer to seek enforcement of his right to vote in the Federal courts.

Mr. President, I asked the Library of Congress to compile for me a list of the then-existing Federal laws protecting the right to vote. I have already asked unanimous consent and have received permission to print that information in the RECORD during the colloquy with the able and distinguished senior Senator from New York [Mr. JAVITS]. That insertion clearly shows that, together with the Civil Rights Act of 1957, any citizen who feels he has been wrongly, erroneously, or illegally denied the right to vote has clear and adequate remedies in at least three specific instances—two of them being civil in nature, under which he may secure damages and receive equitable relief, and the other being criminal in nature.

Mr. President, the Civil Rights Act of 1957 for the first time in the history of the United States guarantees to one class of citizens the so-called right to be represented by the Attorney General of the United States as their taxpaid lawyer and, indeed, if the Attorney General sees fit to do so, the Attorney General may bring the suit in the name of the United States of America—yes, he may bring the suit even over the objection of the person he purports to be representing.

Mr. President, since it can be established as a matter of record that there already exists adequate Federal law to protect the right to vote and that the pending proposal was modeled after one of the infamous Reconstruction acts, I think the American people are entitled to ask Attorney General Rogers why he feels the country needs a Rogers-Davenport Reconstruction act.

It is interesting to note that this same Attorney General Rogers is the man who has preached both before and since assuming the office he now holds about congested dockets in the Federal courts and the need for more Federal judges to cope with the situation.

Mr. President, it is difficult to understand why, if the dockets of our Federal courts are as congested as Mr. Rogers contends, he would want to increase the burden by forcing Federal courts to assume receivership of State and local election machinery.

Is it possible, Mr. President, that the congestion is not as great as Mr. Rogers would have us believe, but rather that he wants to see judges recommended by him put on the Federal benches of the land to administer such a law?

And, Mr. President, since most of the so-called congestion in Federal courts apparently exists in the large cities of the North, is it not possible that Mr. Rogers wants election referees appointed by Federal judges recommended by him to assure that the closely divided vote in pivotal metropolitan areas goes to the Republicans rather than to the Democrats?

Could it be, Mr. President, that the Attorney General of the United States is looking at this scheme through the eyes of a potential candidate for Vice President?

Could it be, Mr. President, that the Attorney General of the United States is laying the groundwork for a revival of "Davenportism" on a national scale with himself both appointing the judges who name the election referees and then prosecuting before those same judges the cases their referees make?

Mr. President, on the basis of the facts at hand, it is impossible to accept at face value Mr. Rogers' pious contention that his only interest is in protecting the right to vote in the South.

Mr. President, I think the Attorney General owes the citizens of this country some frank answers about just exactly what he does have in mind.

Mr. President, after the Attorney General announced that he had revived Davenport's law, I contacted the Honorable Charles J. Bloch of Macon, Ga., one of our Nation's foremost authorities on constitutional law—and asked him to draft for me a memorandum on the legal and constitutional questions raised by Mr. Rogers in his latter-day force bill.

Mr. Bloch has sent me such a presentation. I have studied it carefully and am convinced that it raises unanswerable legal and constitutional objections to the scheme which Mr. Rogers would foist upon the Nation under the guise of protecting the right to vote.

I shall read it to the Senate, but before I do, I should like to say a word about Mr. Bloch. Not only is he a nationally recognized authority on constitutional law, but he also is a scholar of history without peer. He was president of the Georgia Bar Association in 1944–45 and served during my administration as Governor of Georgia as chairman of the Judicial Council of Georgia and a member of the Board of Regents of the University System of Georgia.

He is the author of the widely acclaimed book, "States' Rights—Law of the Land"—which I hope that I shall later have an opportunity to read in full to the Senate before the conclusion of the present debate—and of many excellent articles in the American Bar Association Journal and other prominent legal publications. Suffolk University of Boston, Mass., in awarding him the honorary degree of doctor of jurisprudence last June, paid tribute to him as a "champion of States' rights"—an accolade which no American more richly deserves or has more rightly earned.

He has appeared many times before committees of both the Senate and House and has won commendation and praise for his profound and scholarly arguments from even those who hold an opposite view.

Mr. Bloch has analyzed the Rogers-Davenport Reconstruction Act and these are his conclusions:

Doubtless the drafters of the bill proposed on January 27, 1960, by Attorney General Rogers conceived its basic idea from the acts of 1870 and 1871 set out rather fully in *Ex parte Siebold* (100 U.S. 371, 379–380). Those laws relate to elections of Members of the House of Representatives, and were an assertion on the part of Congress, of a power to pass laws for regulating and superintending said elections.

Those laws were a part of the comprehensive Reconstruction legislation passed after the Civil War. It was repealed by the act of February 8, 1894 (28 Stat. 36), an act which was designed to restore control of election frauds to the States. (Justice Douglas, in *United States* v. *Saylor*, 322 U.S. at pages 390–391).

After that quotation, Justice Douglas alluded to and quotes from the committee report (House Report No. 18, 53d Cong., 1st sess., p. 7) which sponsored the repeal and stated:

"Let every trace of the Reconstruction measures be wiped from the statute books; let the States of this great Union understand that the elections are in their own hands, and if there be fraud, coercion or force used they will be the first to feel it. Responding to a universal sentiment throughout the country for greater purity in elections many of our States have enacted laws to protect the voter and to purify the ballot. These, under the guidance of State officers, have worked efficiently, satisfactorily, and beneficently; and if these Federal statutes are repealed that sentiment will receive an impetus which, if the cause still exists, will carry such enactments in every State in the Union" (325 U.S. 391–392).

Justice Douglas then said:

"This Court now writes into the law what Congress struck out 50 years ago. The Court now restores Federal control in a domain where Congress decided the States should have exclusive jurisdiction. I think if such an intrusion on historic States' rights is to

be made, it should be done by the legislative branch of government" (op. cit. 392).

Justice Douglas was thus championing historic States' rights and complaining so bitterly because the majority of the Court had held that the Federal statute denouncing conspiracy to injure a citizen in the free exercise of any right or privilege secured to him by the Federal Constitution or laws embraced conspiracy by election officers to stuff a ballot box in an election at which a Member of Congress was to be elected.

Now 66 years after Congress decided that this was a domain in which the States should have exclusive jurisdiction, the executive branch of the Government, through the Attorney General, is asking the legislative branch not only to make "such an intrusion on historic States' rights," but to make an even greater intrusion, an intrusion beyond the wildest machinations of Thaddeus Stevens, and Wade, and Butler, and other noted wavers of the bloody shirt.

Why is such an intrusion—such an unwarranted invasion of the rights of the States—requested at this time by the executive branch, of the legislative branch?

Certainly it cannot be that the request is timed so as to be debated, and perhaps enacted during a period immediately preceding the national conventions of the two major political parties.

Certainly it cannot be that the request is made in this election year because those two parties are vying for a vote which has in recent years become concentrated in larger centers of several non-Southern States.

Sixty-six years ago, the Congress solemnly stated that the laws enacted by the States to protect the voter and purify the ballot were working efficiently, satisfactorily and beneficently.

Georgia was one of the States which enacted such statutes. A list of them is attached (see footnote A). When did they cease to work efficiently, satisfactorily and beneficently? If and when they ceased to work efficiently, satisfactorily, and beneficently, was any complaint ever made to any court of Georgia complaining of any lack of efficiency, dissatisfaction, malevolence, fraud or wrongdoing in the administration of Georgia's laws?

Oh, I know that in recent months—the last 4 or 5 years—at the instigation of someone or ones, a few suits have been filed in Federal courts, but has any Negro citizen alleging that he was wrongfully deprived of his right to register, ever appealed from the decision of the board of registrars to the superior court and thence to the court of appeals or Supreme Court? This is not a rhetorical question. I am asking for information. I know of no such case.

If there be one, certainly the efficient legal staff of the Department of Justice, the senior Senator from New York, or of the National Association for the Advancement of Colored People, know of it.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. TALMADGE. I am delighted to yield to the distinguished Senator from North Carolina.

Mr. ERVIN. I should like to ask the Senator from Georgia how any Federal court can ever truthfully find that any State has denied a qualified citizen the right to register for voting until an allegedly qualified citizen has exhausted the administrative remedies set up by the State for the purpose of determining that very question.

Mr. TALMADGE. It is clear that the courts have held time after time that they will not intervene in these matters until all administrative remedies have been exhausted. It is clear why that should be so. To bypass all the administrative officers of the Government would keep the courthouses continuously jammed with litigants who had never tried to have the matters handled administratively.

Mr. ERVIN. So whenever a Federal court, acting under the provision of the act which gives the Attorney General of the United States the very arbitrary power to strike down State statutes and administrative remedies, finds that a qualified citizen has been denied the right to register for voting purposes, without requiring that person to exhaust those remedies, the court is finding something which is essentially not supported by the testimony, and cannot be supported by the testimony. Is that correct?

Mr. TALMADGE. The Senator is entirely correct. Instead of being the judge, he would be a usurper of the power to determine what had occurred in that particular matter, without ever hearing the evidence.

Mr. ERVIN. Is not a procedure of that type about on a par with a court making a decision before it had heard the evidence?

Mr. TALMADGE. That is entirely correct. It would be getting back to the same sort of tyranny which caused our Founding Fathers in the Declaration of Independence to wrest independence from our mother country.

Mr. ERVIN. As a matter of fact, as I stated on the floor the other day, in 1957 the then Attorney General of the United States appeared before the committee considering the civil rights bill and cited three cases in three little precincts in my State, out of a total of 2,200 or 2,300 precincts, as illustrating the necessity for passing an entire law to give the Attorney General the power to supervise all elections held in all precincts of all the States. Although the Attorney General professed to be ignorant of the fact, an investigation by myself showed that the very condition of which he complained had been cleared up by the State Board of Elections of North Carolina within a few days after it had allegedly arisen, and there was no necessity whatever for any legislation on account of that situation, because the alleged wrongs had been redressed by the proper State officials.

Mr. TALMADGE. I would say to the distinguished Senator that perhaps the then Attorney General was a good example of the adage: "There are none so blind as those who refuse to see." I believe that many of our brethren are suffering from the same condition in this case.

Mr. ERVIN. I would also say that the then Attorney General of the United States was more interested in politicking than in the administration of justice, because if he had been concerned about the administration of justice in those three precincts, he would have conducted a further investigation to see whether the alleged denial of rights had persisted.

Mr. TALMADGE. Of course he would have. Instead of enforcing the rights of the litigants, he came to Congress and demanded a law. Before the law was passed he found that the rights had already been enforced.

Mr. ERVIN. Yes.

Mr. TALMADGE. But not through any efforts of the Attorney General. The officials of North Carolina did it. I thank the Senator for his contribution.

Mr. ERVIN. In other words, in that particular case, it was the absolute duty of the then Attorney General of the United States to continue his investigation to ascertain whether the conditions of which he complained had been remedied. If they had not been remedied, it was his duty to do something about it.

Mr. TALMADGE. I am in full accord with the Senator. He abandoned his duty and went about what he considered to be a higher calling—the pursuit of politics.

Mr. ERVIN. The strange thing about it was that he took no testimony about this condition, which he said demanded a change in the whole law of the United States, after the condition which had allegedly arisen had actually been corrected.

Mr. TALMADGE. I would say that the example the Senator points out is typical of the siren call of the zealous advocates of civil rights that we hear on the floor of the Senate, in Congress, and in the executive branch of the Government these days. We know that they are not interested in real civil rights, but rather are interested in the next election.

Mr. ERVIN. Does not the Senator think that the circumstances I have mentioned prove beyond any possibility of doubt that the interest which was to be served was the exploitation of persons for political purposes, rather than the administration of justice?

Mr. TALMADGE. Indeed it was. Any Attorney General who was interested in real civil rights would not have come before Congress and recommended a law which denied the right of jury trial, which is guaranteed, as I recall, in the Constitution of the United States not once but in four separate provisions. The Constitution specifically guarantees the right of jury trial. Yet in the name of civil rights he advocated laws which would deny jury trials to every citizen.

Mr. ERVIN. Will the Senator yield for one more question?

Mr. TALMADGE. Indeed I will.

Mr. ERVIN. Does not the Senator agree with me that the accepted legal definition of a civil right is a right which is enjoyed by all citizens alike?

Mr. TALMADGE. It certainly is.

Mr. ERVIN. Yet these civil rights bills propose to rob some citizens of civil rights under the pretense that it is necessary to do so to confer civil rights on other people.

Mr. TALMADGE. Exactly; and to convey to them the supercivil right to be represented by the Attorney General at the taxpayers' expense. It is a civil right which no other citizen in America enjoys.

I thank the Senator from North Carolina for his able and timely remarks and questions. He has been a tower of strength in this field and a great credit to the State he represents and to the

Senate, to which he lends such charm, honor, and eloquence.

I continue to read from Mr. Block's conclusions:

Let us examine title 42, United States Code, 1971, as amended by the Civil Rights Act of 1957, and see just what the Attorney General is asking the legislative branch of the Government to enact into law in these United States of America—supposed to constitute a constitutional Republic.

In making that examination, let us remember that the portion of the Civil Rights Act of 1957 sought here to be amended was declared unconstitutional by a Federal district judge in Georgia last April (*United States* v. *Raines* (172 F. Supp. 552)). An appeal by the Government was argued before the Supreme Court of the United States, with the Attorney General appearing in person on behalf of the United States in an unprecedented appearance (for him) on January 12, 1960. As this is written, that case has not been decided. If it is affirmed on the basis of the decision of the trial judge, this proposed legislation automatically would fall with it.

Why is the Congress asked to receive and pass on this legislation while the fate of the basic legislation is at issue before the highest court of the land?

As I recall, in all three instances this question has been before the Federal courts in Alabama, Louisiana, and Georgia. Those courts have invalidated the act. The cases are now pending before the Supreme Court for final decision. I do not know what that Court will do. I always approach with fear, trembling, and trepidation any matter before the present Supreme Court for determination, because I know that the preeminent authority one can cite before our Supreme Court at the present time is not the Constitution of the United States, but a book entitled "American Dilemma," written by a Swedish Socialist named Gunnar Myrdal. I do not like to substitute the opinions and predilections of a Swedish Socialist for the Constitution of the United States of America. But I fear that that philosophy might be more persuasive with our present Supreme Court than the Constitution and its precedents.

Is there some sort of a contest or game being played in which rival opponents are the two political parties vying to see which can strike the South the sooner and the harder?

But, to proceed with the examination.

Under title 42, United States Code, section 1971(c), if it should be held valid, whenever any person (whether or not his acts constitute abridgements or denials by a State) has engaged in or is about to engage in acts or practices which would deprive any other person of any right or privilege secured by title 42 United States Code, section 1971(b) or (a), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief.

Section 1971(d) confers jurisdiction on the district courts of the United States of such proceedings.

The Attorney General's bill proposes to add to title 42–1971 a subsection (e) (in lieu of present (e) which would become (f)) authorizing the court in which a proceeding under subsection (c) might have been instituted, in certain events to appoint one or more persons as voting referees.

It is interesting to see that the court may not appoint such persons as referees in just any proceeding which may have been instituted pursuant to subsection (c). The condition precedent to such appointment is that the court must find that under color of law or by State action a person or persons have been deprived on account of race or color of a right or privilege secured by (a) or (b).

Tacitly, the Attorney General here seems to concede the validity of the constitutional attack which has been made, and successfully maintained in a district court on 1971(c) coupled with 1971(a). The present proposed limitation to the proposed further action of the court demonstrates that under (c) as it now stands the Attorney General may institute a suit whether or not the acts or practices complained of constituted abridgements or denials by the State. Tacitly, therefore, there is an admission that the opinion of Judge T. Hoyt Davis is correct, based as it was on *United States* v. *Reese et al.* (92 U.S. 214).

Furthermore, the court may not appoint those persons as voting referees unless the court further finds that the alleged deprivation under color of law or by State action was or is pursuant to a pattern or practice. If the pattern or practice is that of individuals, there is no abridgement or denial by the State and the legislation is not appropriate under the 15th amendment.

What persons may the court appoint as voting referees?

The bill doesn't even provide that the person must be disinterested. It contains no provision for any qualifications either as to ability, training, or residence. An employee of the United States may be appointed. A person absolutely untrained in the law may be appointed. A resident of New York, Illinois, or the District of Columbia may be appointed in a case pending in Georgia.

As will be presently seen, it is the object of this proposed legislation that these voting referees supplant registrars appointed under State law. In Georgia registrars under the State law are required to be upright and intelligent citizens of the county (code 34–301). They must be bipartisan (34–302). They must take an oath, faithfully to perform their duties (34–303).

Federal voting referees are not even required to take an oath, and for all the bill requires, they may be just as ignorant as those whom they might permit to register.

In fact, it does not even require them to be citizens of the United States. Presumably citizens of Patagonia could be appointed as voting referees by every court of the land, to take over the duties of the elected officials of the respective 50 sovereign States.

Let us assume that a proceeding under subsection (c) were filed in the District Court of the United States for the Middle District of Georgia, Americus division, against registrars of Terrell County, and that the court makes the findings required by the proposed bill, and appoints Tom, Dick and Harry as voting referees.

What are those voting referees authorized by the proposed bill to do?

Their first authorization is to receive applications from any person claiming such deprivation as to the right to register or otherwise to qualify to vote at any election.

Federal, State, county, or municipal.

Under that language, if a decree were had as to Terrell County Registrars, would the phrase "any person" (from whom application might be received) include a resident of Randolph County, or even Bibb or Fulton or Chatham? Is this language to be used as the basis of creation of a Board of Voting Referees having statewide powers though appointed on the basis of alleged wrong doings in only one county? Don't think these fears are farfetched imaginings. I have observed it solemnly maintained in a Federal court that the word "person" in the statute as it now reads embraces a sovereign State. (*U.S.* v. *State of Alabama* (171 F. Supp. 720, 267 F. 2d 808)).

I have no reason to believe that the phrase "any person" would be limited so as to mean "any person resident of the county involved in the action," particularly in the light of the fact that the quoted language uses the phrase, "any election." "Any election" means what it says. I do not anticipate any voluntary narrowing of its meaning if this legislation should be passed.

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

Mr. TALMADGE. I am happy to yield to the distinguished Senator from North Carolina.

Mr. ERVIN. We have already commented on the fact that all of the so-called civil rights bills are abhorrent to the very definition of the term "civil rights." This is an effort to change the legal meaning of the word "person," as it has been virtually uniformly interpreted in all the courts of the United States, from the time the first court sat down to this day, to include something which it has never been construed to include before.

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. So we not only have had the Constitution—to use a North Carolina expression—"mummicked up," and our governmental system "mummicked up" and our legal system "mummicked up," but we are also to have our dictionary "mummicked up."

Mr. TALMADGE. The Senator is entirely correct.

Mr. ERVIN. And all in the name of civil rights.

Mr. TALMADGE. That is correct; that is the all-inclusive, magic phrase in election years. Whenever politicians seek to win victories, they come forward with, and parade, something in the name of civil rights. But every civil rights bill I have ever read—and I am sure the Senator from North Carolina will agree with me—would destroy more civil rights than it purports to grant to anyone.

The real civil rights are already vested in the Constitution of the United States of America—specifically, in the first nine amendments thereto. They are unalienable to every citizen of the United States of America, white or colored. They are enforceable in the courts—either State or Federal; and they do not depend upon an Attorney General of the United States—be he Brownell, Rogers, or anyone else—in order to be enjoyed by any American citizen. Whenever we have to depend upon an appointive officer for the proper enforcement of constitutional civil rights, we shall be just about ready to put the headstone on the grave of civil rights.

I read further from the memorandum:

The persons so appointed as voting referees would take evidence. Where?

The proposed act does not contain any provision about that.

I read further:

Upon what notice to interested parties?

Nothing about that appears in the proposed act.

I read further:

Under oath?

Nothing about that appears in the proposed act.

I read further:

Would the witnesses giving evidence be subject to cross-examination?

Nothing about that appears in the proposed act.

I read further from the memorandum:

These voting referees would report to the court, findings as to whether such applicants or any of them (1) are qualified to vote at any election, (2) have been (a) deprived of the opportunity to register to vote or otherwise to qualify to vote at any election or (b) found by State election officials not qualified to register to vote or to vote at any election.

By the application of what standards will the voting referees determine whether the applicants are qualified to vote?

But nothing about that appears in the proposed act.

I read further:

Must the applicants have the qualifications requisite for electors of the most numerous branch of the State legislature? What age must they have attained?

This report will be reviewed by the court, and the court shall accept the findings unless clearly erroneous. The court shall then enter a supplementary decree which shall specify which persons named in the report are qualified and entitled to vote at any election within such period as would be applicable if such person or persons had been registered or otherwise qualified under State law.

Bear in mind, this scheme doesn't apply only to Negroes. It applies to white people as well.

Mr. President, although civil rights, as defined by those who favor the enactment of such a measure, are generally considered by them to be basically or primarily those of Negroes, let me remind those who favor the enactment of such a bill that when a similar Reconstruction Act was placed on the statute books, those who favored its enactment had the same idea. However, earlier today—in fact, for almost this entire afternoon—I have reported to the Senate what distinguished Members of the Senate and distinguished Members of the House of Representatives had to say on the floor of the Senate and on the floor of the House of Representatives in 1893 and 1894, when the Congress repealed that law, after the Congress found that swarms of supervisors—as they were called then, instead of referees—had been organized into armies in New York, Chicago, St. Louis, and other areas, for the purpose of intimidating, coercing, and arresting honorable citizens of the country and "stealing" and "rigging" elections in whatever way the supervisors wished, until finally the people rose up in righteous indignation and struck down that Reconstruction Act.

But now, 66 years later, the Attorney General of the United States, led by a parade of zealous politicians, wants to reenact and rewrite the same old statute for the same old purpose.

Mr. President, I read further from the memorandum:

What has any Federal court to do with whether a person is qualified to vote at any election unless he has been deprived of the right on account of his race, color, or previous condition of servitude. The phrase "any election" embraces municipal and State elections as well as congressional elections. The Federal power as to congressional elections is quite different from the Federal power as to elections of State officers.

What Congress may have the power to regulate and what it definitely has not are so intermingled in this bill as to render it totally unconstitutional.

Even if it should be held that subsection (c) of section 1971 of title 42, United States Code is valid, and that in a proceeding instituted pursuant to it there may be a decree granting to the United States of America the preventive relief or injunction sought by it, it would not follow that Congress had the power to grant authority to the court to appoint voting referees to receive applications from any person claiming deprivation of his right to vote, and to empower the court, or judge thereof, then to sit as chairman of a superboard of registrars, issue voting certificates, and punish violations of them.

Even if it be assumed that the proceeding now authorized by subsection (c), if it is valid, constitutes a case or controversy within the meaning of article 3, section 2, clause 1 of the Constitution, Congress has no constitutional power to confer on a Federal district court the hermaphroditic powers it would seek to confer by this bill.

The judicial power extends to the cases described in the said clause, and to controversies to which the United States is a party.

The so-called proceeding which would follow the decree or finding of the court would not be a case or controversy within the meaning of the Constitution. In the first place, it would not even be confined to alleged deprivations committed by the defendants in the case. It would not be confined to adjudicating the rights of those for whose benefit the United States had brought the suit. It would convert the case or controversy into a universal registration proceeding in which there were no named plaintiffs and no named defendants.

Mr. ERVIN. Mr. President, that is a very interesting observation. Under this specific proposal, as I interpret it, after the "referee" was appointed, he would receive applications from persons who claimed that they had been denied the right to register to vote. Then the "referee" would pass on the applications. But there would be no adverse party; and there would be no requirement of notice to anyone; and there would be no opportunity for anyone who might be prepared to deny the accuracy of the allegation to be heard. So how in the world could anyone claim that that would be a judicial proceeding?

Mr. TALMADGE. There would be no witnesses; neither would there be any opportunity for cross-examination.

As I understand it, if there were only one applicant, his application—only one application—would "jet propel" the "referee," so that he could go all over the country, like the locusts of old Egypt, and could hunt up candidates for the voting rolls.

Mr. ERVIN. The Constitution gives the States jurisdiction in cases of this kind; and the process attempted to be dealt with by these proposals belongs to the judicial power of the States.

Mr. TALMADGE. Entirely so; and that has been so ever since the Constitution was ratified in 1789, and even before then.

I read further from the memorandum:

A case is defined as a suit instituted according to the regular course of judicial procedure (*Muskrat* v. *United States*, 219 U.S. 346).

In an ancient volume (2 Dallas 409–10) the rule was announced in 1792:

"Neither the legislative nor the executive branches can constitutionally assign to the judicial any duties, but such as are properly judicial, and to be performed in a judicial manner."

Registration officers are not judicial officers, and the registration of a prospective voter is not a judicial act (*Murphy* v. *Ramsey*, 114 U.S. 15, 37).

The term "controversies," if distinguishable at all from "cases," is so that it is less comprehensive in its nature than the latter, and includes only suits of a civil nature (*Aetna Life Ins. Co.* v. *Haworth*, 300 U.S. 227, 108 ALR 1000).

In *United States* v. *State of Alabama*, 171 F. Supp. 720, affirmed 267 F. 2d 808, it was held that the State of Alabama was not a "person" within the meaning of section 1971 (c) of title 42, and consequently was not a proper party to an action under that section brought by the United States. The case was brought to the Supreme Court of the United States upon petition for certiorari filed by the United States, and granted by the Court. The case is No. 398, October term, 1959. I am advised that it will be heard in March.

This bill seeks an advance and favorable decision of the case by seeking to add at the end of subsection (c):

"When any official of a State or subdivision thereof has resigned or has been relieved of his office and no successor has assumed such office, any act or practice of such official constituting a deprivation of any right or privilege secured by subsection (a) or (b) hereof shall be deemed that of the State and the proceeding may be instituted or continued against the State as a party defendant."

Congress has no constitutional power to enact that.

In the first place, the determination of what acts or practices constitute a deprivation of rights or privileges under the 15th amendment is a judicial and not a legislative function.

In the second place, Congress, in a case such as comprehended by section 1971(c), cannot authorize a suit by the United States against a State of the Union. The 11th amendment forbids it. I realize that the 11th amendment does not prevent the United States from suing a State in a proper case in a proper court. I realize that Congress in some cases has the power to confer on district courts jurisdiction with respect to actions brought by the United States against a State. (*Farnsworth* v. *Sanford*, 115 F. 2d 375, 379; *Ames* v. *Kansas*, 111 U.S. 449; *United States* v. *Louisiana*, 123 U.S. 32.)

But, this power does not exist when the action is a derivative one, one in which, while the name of the United States is used by authority of Congress, the persons allegedly aggrieved are individuals.

To hold otherwise would destroy the 11th amendment.

That case, which originated in Georgia, I believe, motivated adoption of the 11th amendment. Since that time it has been held that a State cannot be sued by an individual.

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

Mr. TALMADGE. I am delighted to yield to my distinguished friend from Louisiana.

Mr. LONG of Louisiana. Some persons attempt to make it appear that

Federal action is necessary when a person who allegedly has been discriminated against has not taken any steps in order to protect his own voting rights. We have had a number of situations in Louisiana in which someone has been challenged on the ground that he has been improperly prevented from being registered. All the person had to do was have three persons who were registered voters simply affirm, by signing a little form in the registrar's office, that they knew the person was a citizen of the State and had been living at the residence described in the registration application. If the fact was otherwise than had been alleged, he could reregister by properly filing the application form.

Oddly enough, in most of these instances about which some persons bitterly complain, there has been no showing that the person made any effort at all to follow the ordinary procedure to have his name reconstituted on the books. Furthermore, the registrar has available in his office a little form that the applicant can sign. If there is any contest about it, a judge is required by law, within 48 hours, to hear the matter, at the expense of the State. It does not cost that voter a cent. If there was no basis for having taken the applicant off the rolls, the judge would require the registrar to put the name of that person back on the rolls. Those procedures have been followed in very, very few instances.

As a matter of fact, in one instance where a large number of persons were challenged, only a single person undertook to follow the ordinary procedure, and the name of the one who did so was returned to the rolls.

Some persons would have us believe that a citizen has no right to challenge the correctness of having the name of another citizen on the rolls. The Senator from Louisiana can recall an election that occurred about 25 years ago in Louisiana in which the very success of the side which won depended on the ability to have canceled from the rolls 20,000 names of alleged voters who did not, in fact, exist. It was simply a matter of advertising in the newspapers to the effect that, "Is this your name? Someone is challenging the fact that there is such a person living at the address given." In most cases, the person would not come into the office, the allegation would appear to be correct, and the name of the person would be taken off the rolls.

Though it would be unfortunate that someone might be improperly challenged as to whether he should be registered, it would be even more unfortunate to have someone steal an election by having 20,000 fake names on the list. These were honest election laws, calculated to assure that the outcome of the election would be based on democratic processes.

We had the Civil Rights Commission come to Louisiana and render a report with a chapter entitled, "Louisiana Roadblock," as though someone was trying to prevent people from having their rights achieved. In that case the Civil Rights Commission ran afoul of the honest election laws. The Commission issued subpenas duces tecum to all the registrars within 250 miles to bring their books to Shreveport, La., so the Commission could look the books over, study them, and decide what questions they wanted to ask.

The difficulty was that the laws of the State would not permit a registrar to take his books away from his office, unless he had a court order to do so. If he did so, he was subject to being fined $500 and put in jail for 6 months. The Commission had no power to issue any such subpena. It was not a court. Congress had given it no such power. All the Commission had to do was to go to the local U.S. attorney in the Federal court and the order would be presented to the registrars. The Commission did not bother to do that. Then the Commission proceeded to complain bitterly that it could not get the books, when the registrar would have been subject to going to jail if he brought them there.

I may point out that the reason for that law was that in some earlier period a registrar who belonged to one political faction, might put the books in his automobile, and when someone would show up to register, the registrar would say, "I am sorry. Unfortunately, I did not bring the books with me," and the person could not be registered. We had a situation in which it took one poor fellow years to register, because the local registrar always had the books out and would not have them in the office whenever the person came to be registered.

That is just the type of thing that the Commission should be criticizing. Yet it was the other way around. The Commission sent a report to Congress trying to make it appear that there was subversion going on in Louisiana because the poor registrar, under penalty of being put in jail for violating the registration laws, could not comply with the request of the Commission.

Mr. TALMADGE. I could not agree more with the Senator from Louisiana. I appreciate his question. I appreciate his very able and accurate statement. It is axiomatic that one cannot seek a redress in court until he has pursued all of his administrative remedies. It is also well known that these persons who complained had not pursued their administrative remedies.

In a colloquy with the distinguished senior Senator from New York [Mr. JAVITS] early in the afternoon, I asked him if he could name one prospective qualified voter in the north, south, east, or west—anywhere in the United States of America, in any one of the 50 States—who claimed he was entitled to vote and had tried to enforce that right, either in a State or Federal court, and had been denied that right. The Senator from New York could not name a single one. He made a long statement, but he did not say "Yes" and he did not say "No." That is the sort of argument we get when we get down to cases in these matters.

Mr. LONG of Louisiana. In a Louisiana case, the Federal judge said, in his opinion, right in the report of the case, that if the Commission had asked the Attorney General, or the local U.S. attorney—which would be the same thing—for a court order to require that the books be brought in, he would have been delighted to give the order; but nobody came around to ask him for it.

The Commission also ran into another problem. The Commission apparently did not realize that it was subject to the laws and the Constitution of the United States, just as everybody else was. The Commission wanted to haul registrars in before the Commission, cross-examine them, and obtain their evidence, without giving the registrars any notice as to what they were accused of doing wrong, what the allegations against them were, or any opportunity to cross-examine those who were making allegations against the registrars.

Mr. TALMADGE. They wanted to hold a kangaroo court, without conforming to the guarantees of the Constitution.

Mr. LONG of Louisiana. The Administrative Procedure Act applies to all executive agencies of the Government, and civil rights as guaranteed by the Constitution, are accorded to all citizens. Persons accused have the right to be accorded the use of counsel, the right to know what charges are made against them, the right to confront their accusers, the right to cross-examine those giving adverse testimony. Those are rights any citizen is presumed to have. Presumably, the type of evidence the Commission was trying to get was evidence which might prove that the registrars had violated State and Federal law.

If that were the case, they were certainly entitled, before they were jeopardized by their testimony, assuming somebody might have been guilty, to know what they were charged with and to hear the nature of the case against them.

The Commission discovered it was not beyond the Constitution and the law itself. If Congress had not wanted the Commission to be subject to any laws, Congress could have so stated.

Mr. TALMADGE. The big trouble with these overzealous civil rights advocates is that in their eagerness to enforce an imagined civil right for someone else they completely disregard all other civil rights.

Mr. LONG of Louisiana. The Senator well knows that the Congress itself is not under the provisions of the Administrative Procedure Act. The Congress of the United States and the courts are not covered by that act. Yet even in Congress we recognize the same concept which the Commission tried to violate.

I cannot recall whether the Senator was a Member of the Senate at the time we had the controversy over the matter of the treatment that former Senator Joseph McCarthy afforded certain witnesses before his committee.

Mr. TALMADGE. That was before my tenure, but I remember the controversy very well from reading the press reports.

Mr. LONG of Louisiana. Congress at that time went through quite a soul-searching experience on the question of whether Senate committees, even though not required by law to do so, should violate the traditional rights of fair play, which include the right of a man to know of what he was being accused, to have counsel, and to have the right to cross-examine everyone appearing against him. That was a question with regard to the conduct of Senate committees.

As a member of the Committee on Rules and Administration, I know the Senator is familiar with the fact that most committees of the Senate have imposed rules on themselves, which they must follow. In general these rules support the same concepts that the Civil Rights Commission did not want to follow, even though it was required by law to do so.

Mr. TALMADGE. I am well aware of that. As I understand it, the matter is now pending before the Supreme Court of the United States. The proposal which is now before the Senate is an attempt to prejudge that.

Mr. LONG of Louisiana. One of the witnesses was Mr. Storey, the law school dean from Texas. I believe he was a former president of the American Bar Association.

Mr. TALMADGE. I think that is correct.

Mr. LONG of Louisiana. It was absolutely amazing to the junior Senator from Louisiana that a man with such a background as that would not recognize the Commission had no power to issue subpenas and had to go to court to get subpenas.

Mr. TALMADGE. Some of the things which some of these groups do are incomprehensible to me.

Mr. LONG of Louisiana. While the Commission attempted to take the attitude that it was beyond the law and could issue all kinds of subpenas and order people around without a court order to support its position, the great Mr. Storey then proceeded to write an article for the American Bar Association, in the American Bar Association Journal, in which he proceeded to recommend that the Commission should be given the power by law to subpena records, although the Commission had been proceeding for a year contending falsely that it had to do exactly the thing which he asked that they be given the power to do. Apparently he must now know that the Commission did not have the power. Otherwise, why would he write an article for the American Bar Association Journal and say that the law should be amended to give the Commission that power?

Mr. TALMADGE. I cannot conceive of that sort of activity.

I thank the Senator very much for his questions and for his contribution.

Mr. President, I ask unanimous consent to have printed as a part of my remarks the footnote A to the memorandum I have read.

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

FOOTNOTE A

Georgia election statutes

I. STATUTES ENACTED BETWEEN 1890 AND 1910

Section of code of 1910	Year enacted	Subject matter
36	1894	Oath of voter as to payment of taxes.
41	1894	Application and method of registering.
52	(1)	Appointment of county registrars.
55-65	1894	List of registered voters, hearings, etc.
68-72 and secs. 660, et seq., Penal Code.	1894	Ballots, by whom and where cast.
86	1895	Election blanks.
669, et seq., Penal Code.	1890-1	Various penal laws.
92	1908	Publication of campaign expenses.
127, et seq	1890-1	Primary elections.
129	1908	Amendments to primary laws.

II. STATUTES ENACTED BETWEEN 1910 AND 1933

Section of code of 1933	Year enacted	Subject matter
34 to 401, et seq	1924 1911 1914 1913	Amendments to registration laws.
34 to 805	1913	Challenge of voter.
34 to 1303	1921	Manner of conducting elections.
34 to 1901, et seq	1922	Australian ballot law.
34 to 3213, et seq	1917	Amendments to primary law.
34 to 3301, et seq	1924	Absentee voting.
34 to 9913	1922	Various penal laws.

[1] Prior to 1895.

Mr. TALMADGE. There, Mr. President, we have the full picture of Davenportism reincarnated.

And I predict, Mr. President, that like the portrait of Dorian Gray time will show it to exist in all its ugliness and corruption, which its proponents would hide from view with high-sounding assertions of noble purposes.

I cannot bring myself to believe, Mr. President, that it is a reincarnation which is desired by the American people. I hope that as the news media of the Nation take to the people reports of this debate on this proposal and the facts which are being brought forth about it that they will with their telegrams and telephone calls show this Senate in no uncertain terms they feel that Davenport's law should be left interred in history where it belongs.

Since there is no need for the legislation, there can be only one reason that it is proposed—the hope of political gain for its advocates.

Mr. President, it is the American tradition that political fortunes of all parties should rise and fall on the merit of their programs. Any party which has so low regard for its program that it feels that it must resort to legislative trickery to maintain itself in power is not deserving of the support of the electorate. And members of another party which would abet a rival party in perpetrating such a fraud in the hope that their party might fall heir to it are beneath contempt.

Those who adhere to the principles of Jefferson and Jackson would do well to give heed to the words uttered on this floor by the distinguished Senator Arthur Pue Gorman, of Maryland, during the debate on the repeal of the forerunner of the present measure. He declared:

> Those of us who are in favor of repealing these laws are content to leave the regulation of elections to the people of the States, to trust them. If they cannot be trusted, * * * Mr. President, the whole theory of our Government is a failure.

In considering legislation like that now pending, Mr. President, I think we should give sober consideration to the forceful warnings of two of our greatest Presidents.

It was Andrew Jackson who said:

> Motives of philanthropy may be assigned for this unwarrantable interference; and weak men may persuade themselves for a moment that they are laboring in the cause of humanity, and asserting the rights of the human race; but everyone, upon sober reflection, will see that nothing but mischief can come from these improper assaults upon the feelings and rights of others.

And it was Woodrow Wilson who declared:

> Moral and social questions originally left to the several States for settlement can be drawn into the field of Federal authority only at the expense of the self-dependence and efficiency of the several communities of which our complex body politic is made up. Parental morals, morals enforced by the judgment and choices of the central authority at Washington, do not and cannot create vital habits or methods of life unless sustained by local opinion and purpose, local prejudice and convenience—unless supported by local convenience and interest; and only communities capable of taking care of themselves will, taken together, constitute a nation capable of vital action and control.

Mr. President, there is no comfort in those words for those bent upon reincarnating "Davenportism."

In closing, Mr. President, I challenge those who would revive Davenport's law to cite for the Senate the words of any of our great and revered leaders of the past sanctioning so rank and unjust an invasion of the sacred and inalienable rights of the American people to manage their own affairs.

Mr. President, I yield the floor.

During the delivery of Mr. TALMADGE's remarks,

Mr. JAVITS. Mr. President, will the Senator yield to me so that I may make an insertion in the RECORD?

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield to the Senator from New York so that he may make an insertion in the RECORD, to be printed in the RECORD after the conclusion of my remarks, with the understanding that I shall not lose my right to the floor.

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

Mr. JAVITS. Mr. President, in connection with the hearings on S. 2783,

before the Committee on Rules and Administration of the Senate, which relate to various proposals for Federal voting registrars, questions were raised as to constitutionality of such proposals. I had the honor to submit a number of opinions holding such a measure constitutional.

The RECORD was closed for the insertion of such opinions, but I now have received an opinion from the chairman of the Committee on the Bill of Rights, Kenneth A. Greenawalt, and the chairman of the Committee on Federal Legislation, Richard W. Hogue, Jr., sustaining the constitutionality of S. 2783. This is a subject of debate before the Senate, and is quite germane to the issue, so I ask unanimous consent that the opinion may be printed in the RECORD as a part of my remarks.

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

HUGHES, HUBBARD, BLAIR & REED,
New York, February 13, 1960.

Re S. 2783 and Attorney General's proposal.

Hon. THOMAS C. HENNINGS, Jr.,
Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR SENATOR HENNINGS: The committee on Federal legislation and the committee on the bill of rights of the association of the bar of the city of New York have reviewed S. 2783, providing for the appointment of temporary Federal registrars, and the proposal of the Attorney General providing for the appointment of voting referees. Both bills seek to protect the right of citizens to vote. S. 2783 is restricted to the right to vote for Federal office. The Attorney General's proposal includes elections for both State and Federal office.

We have not undertaken to discuss the relative merits of the two bills, but we wish to state that we are in complete agreement with the purpose of both bills, to provide effective means of protecting the right of all citizens to vote.

We believe that the Congress has adequate constitutional power to enact effective legislation in this field, and we hope for constructive action on the subject from this session of the Congress.

The two bills, in essence, would do the following:

S. 2783 provides for the appointment of temporary Federal registrars by the President in order to protect the right of voters qualified under State law to vote in elections wherein Federal officers are to be elected. Such appointments would be made upon the basis of a certificate of the Civil Rights Commission that citizens of a registration district are being deprived of the right to register, vote, or have their vote counted in Federal elections, solely because of their race, religion, color, or national origin.

The Attorney General's proposal provides for the appointment of voting referees who would be authorized to certify as qualified to vote in any election, for either State or Federal office, all persons applying for a certification who are found to possess the necessary qualifications provided by State law. The starting point of the Attorney General's proposal is the institution of a proceeding by the Attorney General under the Civil Rights Act of 1957 to protect persons from being denied a right to vote upon the basis of racial discrimination. The findings of the referees would be subject to review by the appointing court. The provisions for voting referees are designed as a means of enforcing voting rights judicially declared by a court. The Attorney General stated in his testimony before your committee:

"The court will not be exercising administrative functions in violation of article III of the Constitution. The duties and powers of the voting referees appointed by the court are designed only to give full effect and force to the court's adjudication that there has been a denial of voting rights in violation of the Constitution and laws of the United States."

It is the judgment of both committees that the Attorney General's proposal and S. 2783 are each constitutional. We believe that the power of the Congress to pass legislation to protect the right of citizens to vote against deprivation by State action under color of law, is amply supported by the 15th amendment, the 14th amendment, and the necessary and proper clause of article I, section 4, of the Constitution. *Ex parte Virginia*, 100 U.S. 339 (1880); *Shelley* v. *Kraemer*, 334 U.S. 1 (1948); *Terry* v. *Adams*, 345 U.S. 461 (1953); *Guinn* v. *U.S.*, 238 U.S. 347 (1915); *Lane* v. *Wilson*, 307 U.S. 268 (1939); *Ex parte Siebold*, 100 U.S. 371 (1880); *Ex parte Yarbrough*, 110 U.S. 651 (1884); *U.S.* v. *Classic*, 313 U.S. 299 (1941); *Smith* v. *Allwright*, 321 U.S. 649 (1944); *Burroughs* v. *U.S.*, 290 U.S. 534 (1934).

Very truly yours,

KENNETH A. GREENAWALT,
Chairman, Committee on the Bill of Rights.

RICHARD W. HOGUE, Jr.,
Chairman, Committee on Federal Legislation.

LOOPHOLES IN SO-CALLED CLEAN ELECTIONS BILL

During the delivery of Mr. TALMADGE'S address on civil rights,

Mr. GOLDWATER. Mr. President, during the debate on the so-called clean elections bill, I tried, unsuccessfully, to convince the author and my colleagues that the bill would be meaningless without including under its reporting sections all groups who participate in elections. In fact, I recall calling this measure a phony for the very reason that there were left large loopholes by which politically motivated and activated groups could take advantage of expenditures without reporting same to the Federal Government. At the time of the debate I was using the organization known as COPE—the Committee on Political Education—which is the political arm of the AFL–CIO, as an example. While I do not now back away from that case, I find that I could as well have included another group equally as well known to all of us. This would have been the Americans for Democratic Action, more commonly referred to as the ADA. Some months ago a student at Princeton, Mr. Frank Childers, interviewed me for the purposes of a paper he was preparing in connection with his studies at that institution. When that paper was completed he left a copy in my office, and included in its well-researched pages was an interesting account of his meeting and discussion with an official of that group. The details of that discussion are included in the pages I have with me on the floor at the moment, which I ask to have printed in the RECORD at this place in my remarks.

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

I asked Mr. Taylor if Senator GOLDWATER was right when he stated that ADA receives 35 percent of its money from the UAW. Mr. Taylor said that this was not true, as ADA actually receives "slightly less" than 35 percent of its total moneys from the UAW. He then stated that I must remember that ADA got support from "many unions" other than the UAW. He admitted that labor unions contributed most of ADA's total funds.

Next, I asked exactly what ADA does with these funds it receives. I was told that ADA tries to influence the outcome of as many elections as it can. Men and money are sent to States, towns, and cities to support candidates favorable to ADA policy. If no favorable candidates exist, as much influence as is possible is exercised on the unfavorable candidates. ADA is active in national politics, too. Men are sent to Congress to talk with "our men" there and to exert pressure on others. Mr. Taylor denied flatly that pressure ever took the form of hiring goons. He denied the charge made by GOLDWATER that Walter Reuther hired goons and sent them either to Michigan or to Arizona.

I asked what ADA's political platform was, and I was given a pamphlet entitled "A New New Deal for the 1960's." According to this pamphlet, "ADA proposed that the Congress adopt these as goals that can be realized within a generation: (1) End poverty in the United States; (2) eliminate slums and provide a decent home for every American family; (3) offer a first-class education to every American child; (4) bring the miracles of modern medical science to every American when and as he needs it; (5) secure equal rights and opportunities and civil liberties for every American; and (6) provide, in concert with other developed nations and consistent with our great economic capacity, our share of the seed capital and know-how required to help underdeveloped countries on the way to self-sustaining economic growth."

Assuming that all these goals could be obtained, I asked how ADA proposed to do it. I was given copies of the ADA newspaper (the ADA World). One copy was that of February-March 1959; the other was for May 1959. I will paraphrase and list some of the proposals found in these two papers and the aforementioned pamphlet: (1) Increase Federal old age and survivors insurance program; (2) build 2 million federally financed dwellings a year; (3) increase unemployment benefits to 50 percent of wages; (4) build 100,000 schoolrooms a year for the next 5 years through Federal aid; (5) raise teachers' salaries 50 percent; (6) enact a universal insurance program, federally administrated; (7) raise the minimum wage to at least $1.25 an hour; (8) have a defense second to none in the world; (9) expand program for oversea aid; (10) award 100,000 federally financed scholarships; (11) provide true parity of income to farmers by Federal aid; (12) through collective bargaining, substantial increases in wage rates and fringe benefits; (13) organize an effective farmers' union; (14) Federal assistance to give food to people who have little to eat; (15) Federal construction and operation of atom-electric powerplants; (16) "integrated multipurpose development of the resources of all our regions by valley authorities of the TVA type."

The above list is not, by far, exhausted. I think, however, that enough of ADA's program has been listed to give a clear idea of what they want.

It is interesting that ADA favors a balanced budget. The only way to this is to

tax more. Mr. Taylor said that ADA opposes the present situation which allows a man to inherit large sums. He favors taxing estates nearly 100 percent at death. This will do away with an "idle class" and will make it necessary for one to actually work to gain wealth. Only competent men will enjoy high places. ADA wants to tax all capital gains as income and drastically raise and revise taxes on all present net incomes greater than about $30,000 per year in order to virtually tax large incomes out of existence. Taxes affecting lower incomes should be reduced.

I asked Mr. Taylor if he would favor a plan to confiscate all the money and private property in the country; line up all the citizens in a row; and give each man a proportional share. The answer was one word—"Yes." I was amazed.

When asked, Mr. Taylor said that the workingman is entitled to (and the Federal Government should insure it) a greater income than a man who lives off investments. The workingman is in the majority, and he should be favored to the exclusion of the rich.

Mr. GOLDWATER. Mr. President, I should like, however, to read a few words from this work I have quoted to detail my charges that this is a political group working for candidates and issues at the Federal level and spending money for the same, of which I am unable to find any record in the office of the Clerk of the House of Representatives.

When Mr. Childers interviewed Mr. Taylor, of the ADA, Mr. Childers asked Mr. Taylor if a statement I had made was correct when I said the ADA receives 35 percent of its money from the UAW.

Mr. Taylor said—

And I am reading from the statement I have placed in the RECORD—

that this was not true as ADA actually receives "slightly less" than 35 percent of its total moneys from the UAW. He then stated that I must remember that ADA got support from "many unions" other than the UAW. He admitted that labor unions contributed most of ADA's total funds.

What I read next is interesting because it points out what these funds are used for. I quote again from the statement:

Next, I asked exactly what ADA does with these funds it receives. I was told that ADA tries to influence the outcome of as many elections as it can. Men and women are sent to States, towns, and cities to support candidates favorable to ADA policy. If no favorable candidates exist, as much influence as is possible is exercised on the unfavorable candidates.

One other thing that I think would be of interest to my colleague is another part of this summary, when Mr. Childers asked Mr. Taylor another question:

I asked Mr. Taylor if he would favor a plan to confiscate all the money and private property in the country; line up all the citizens in a row; and give each man a proportional share. The answer was one word—"Yes." I was amazed.

Mr. President, I have read these excerpts from the report I have included in my remarks to point out that here is a political group that does not come under the reporting requirements of the recently passed clean elections bill; and this is only one of a number of organizations that I could name which receive money from labor unions that participate in politics.

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

Mr. GOLDWATER. Yes, I yield to the Senator from Georgia.

Mr. RUSSELL. Where does Mr. Taylor live and what is his official connection with the ADA?

Mr. GOLDWATER. I do not have the other part of the report with me, but he must be on the executive staff, because he was interviewed here in Washington by Mr. Childers. I will find out and furnish the Senator with that information.

Mr. RUSSELL. It is a rather remarkable statement.

Mr. GOLDWATER. I agree. If the Senator would like to know some of the other philosophies they cling to, I might read from the report a copy of the ADA newspaper, called the ADA World. I refer to one copy for February–March 1959, and one for May 1959. These are paraphrased by Mr. Childers. These are the proposals found in the two papers:

1. End poverty in the United States.
2. Eliminate slums and provide a decent home for every American family.
3. Offer a first class education to every American child.
4. Bring the miracles of modern medical science to every American when and as he needs it.
5. Secure equal rights and opportunities and civil liberties for every American.
6. Provide, in concert with other developed nations, and consistent with our great economic capacity, our share of the seed capital and know-how required to help underdeveloped countries on the way to self-sustaining economic growth.

I do not think anybody can find any fault with most of those. I think that is what we try to do in this body as we discuss our problems every day. But how they want to go at this is interesting.

They want to increase the Federal old age and survivors' insurance program.

They want to build 2 million federally financed dwellings a year.

They want to increase unemployment benefits to 50 percent of wages.

They want to build 100,000 schoolrooms a year for the next 5 years through Federal aid.

They want to enact a universal insurance program, federally administered.

They want to raise the minimum wage to at least $1.25 an hour.

They want this country to have a defense second to none in the world.

They want to expand our program for oversea aid.

They want to award 100,000 federally financed scholarships.

They want to provide true parity of income to farmers by Federal aid.

That is a portion of their desires. I might read the next one.

They want integrated multipurpose development of the resources of all our regions by valley authorities of the TVA type.

This group very plainly wants to socialize America. Here we have a case of workers' money being applied to this group, money taken from the funds of the unions. I have many union friends who have no use for ADA, and I know their money goes to help support this organization and other organizations similarly oriented.

But the point I would like to make is that the ADA is a political body, and under the recently enacted clean elections bill it does not have to report. I can find no record of its reporting in the House of Representatives. If there is a record of it, my search has not disclosed it.

Mr. RUSSELL. I could deal with a number of other organizations that are the recipients of benefactions from the UAW and others. The funds donated to them are taken from the working people and the members of unions without regard to their views and are oft-times spent for purposes detested by those who are compelled to contribute money for those purposes.

I share the Senator's apprehension about the so-called clean elections bill. It has gotten to the point where, if I may use a common term, we are suckers for titles of legislation. I was walking along with a colleague who said to me, "It is hard to vote against a bill like that. It has that kind of a title." I said, "Yes, it did. It would have been more properly described if it had been labeled a bill to increase the political power of labor union leadership in the United States of America."

I think that is a perfectly proper statement. I thought so, at least, from my study of the bill.

Mr. GOLDWATER. I thank the Senator. I might remind my colleagues from Georgia that from the State of Georgia there has come a case known as the Looper case, now before the Supreme Court. That august body is going to have to decide whether or not civil rights apply in labor unions, whether or not unions have the right to use money as they wish from the general fund for political purposes. In other words, can the money of a Democrat be taken and used against a Democrat for whom that member might want to vote for in the South or can money be taken from a Republican in the North and used for the purpose of defeating that candidate on issues in which the Republican member of the union is interested with regard to a problem in the North?

I think there is just as much tampering with the franchise when a union is allowed to use money against a man's will as there is in cases being discussed before the Senate today.

Mr. RUSSELL. I completely agree with the conclusion of the Senator. Of course, in my own State at one time the members of the automobile unions—and we have many thousands of them—violently protested the contributions of Mr. Reuther, I think in the sum of $75,000 and certainly in a large sum, to the National Colored People's Association, so that they could litigate to integrate the schools. If any people in my State are unalterably and vigorously opposed to the mixing of the races in the schools it is the members of those unions.

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

Mr. GOLDWATER. I wanted to finish my remarks, and then I shall be glad to turn back the floor.

Mr. ERVIN. I wanted to make an observation in regard to the clean elections bill, but I will wait.

Mr. GOLDWATER. I did not hear the Senator.

Mr. ERVIN. I wanted to make a statement germane to the Senator's opposition to the clean elections bill, if the Senator from Georgia will permit.

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield to the Senator from North Carolina so that he may make an observation, without my losing the privilege of the floor, and I ask unanimous consent that his remarks be printed after my remarks in the RECORD.

Mr. ERVIN. I can wait.

Mr. GOLDWATER. If the Senator does not mind, I had not finished my remarks.

Mr. ERVIN. I know the Senator had not. I think it would be well to have the observations about the clean elections bill in one place.

Mr. TALMADGE. Mr. President, I renew my request.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Is there objection to the request of the Senator from Georgia? The Chair hears none, and it is so ordered.

Mr. ERVIN. Mr. President, like the Senator from Arizona I was astounded when I studied the so-called clean elections bill. My State of North Carolina I think has the finest and most stringent reporting act in respect of political expenditures both in primaries and in general elections of any State in the Union. The law requires a candidate to report every contribution he receives of any amount, together with the name and address of the contributor. The law requires the candidate to report every expenditure of any amount, together with the name and address of the person to whom the expenditure is made.

The law requires the same thing with regard to political committees operating under the auspices of either one of the political parties. There is also a provision that any person who expends anything for a candidate or for a political committee has to report it within 5 days to the candidate or the political committee, and the candidate or the political committee has to include that in its report.

This so-called clean elections bill repeals the laws of North Carolina to the extent of their inconsistency—and they are wholly inconsistent.

I came to the conclusion, after reading the so-called clean elections bill, that a group of people not ostensibly acting under the auspices of either one of the great political parties of the country could collect untold millions of dollars in individual contributions, not exceeding in any particular case $99.99, and could spend those untold millions of dollars for the nomination of or for the election of or for the defeat of any candidate, through an unlimited number of committees, none of which would spend more than $2,500, and they would not have to report any of their activities. They would not have to report any contributions received or any expenditures made.

If that be a clean elections bill, then may the good Lord help America if we ever have a dirty one.

Mr. GOLDWATER. I will say to my friend from North Carolina, that was the point I belabored on the floor with the author of the bill; that we were excluding groups like the Committee on Political Education and Americans for Democratic Action and other groups which actively participate in politics from the reporting procedures of the bill.

Mr. President, surely no one in this Chamber can say that the ADA, from the descriptions given of its intents and actions, is not a political group and can therefore be exempted from reporting under the clean elections bill or any act of the Congress touching on the subject.

I do not like to belabor the point, and I will not press the subject more at this time other than to say that what we passed in this Chamber as a piece of legislation aimed at finding out who spends what and for whom in Federal elections falls short by virtue of not having included groups like COPE and the ADA among others that I am sure will come to light.

Mr. President, as I came into the Chamber I saw in today's Washington Daily News a very interesting article, which I shall not read in its entirety. I think it demonstrates very fully what is the end intent of the moneys which are donated by the labor unions to one political party. The headline is "Leaders See Unions Doing Dem Picking." The "Dem" means Democrats. It is written by Jack Turcott.

This is a very interesting observation, from Bal Harbour, Fla. I read the second paragraph:

A check among the more politically savvy union leaders at the federation's 29-man executive council meeting indicated that AFL–CIO unions count on having more than 300 of their own officials as delegates to the Democrats' convention in Los Angeles next July. They anticipate that another 300 delegates from industrial States like New York, Ohio, Pennsylvania, Michigan, Illinois, and Indiana will be pliable to the pressures of labor groups.

Mr. President, that is a total of 600 delegates. That is almost enough to win the presidential nomination. In fact, I am sure any one of the presidential hopefuls in this Chamber would be tickled to death to walk into that convention with 600 pledged delegates.

Mr. President, I read a bit further from the article:

AFL–CIO President George Meany refused to discuss the federation's anticipated role at the convention, except to say again today that "we won't sit on our hands in this election."

Mr. President, I ask unanimous consent that the article from the Washington Daily News 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:

LEADERS SEE UNIONS DOING DEM PICKING

(By Jack Turcott)

BAL HARBOUR, FLA., February 17.—The AFL–CIO's top political strategists confidently expect the merged labor federation, through control of 40 percent of the Democratic convention's delegates, to play a kingmaker role in picking the party's presidential candidate next summer.

A check among the more politically savvy union leaders at the federation's 29-man executive council meeting indicated that AFL–CIO unions count on having more than 300 of their own officials as delegates to the Democrats' convention in Los Angeles next July. They anticipate that another 300 delegates from industrial States like New York, Ohio, Pennsylvania, Michigan, Illinois, and Indiana will be pliable to the pressures of labor groups.

AFL–CIO President George Meany refused to discuss the federation's anticipated role at the convention, except to say again today that "we won't sit on our hands in this election."

LESS CLOSE MOUTHED

Other federation officials were less close mouthed. Several of them told the News that the AFL–CIO, which has felt for 16 years it could exert a veto power over Democratic convention choices, will not be satisfied with a secondary role this time, but will insist on taking a key part in tapping the candidate.

In 1944, organized labor, through President Roosevelt's "clear it with Sidney" Hillman edict, shoved South Carolina's Gov. James Byrnes out of the vice presidential spot in favor of Harry Truman. In 1952 AFL and CIO leaders turned thumbs down on Vice President Alben Barkley, which gave the party's nomination to Stevenson.

FAVOR HUMPHREY

Most of the federation's bigwigs here personally favor U.S. Senator HUBERT HUMPHREY, Democrat, of Minnesota for President, although HUMPHREY's original No. 1 backer, auto union President Walter P. Reuther, is edging away from him and moving closer to Senator JOHN F. KENNEDY, Democrat, of Massachusetts. Meany is also convinced, says his intimates, that KENNEDY stands the best chance of defeating Vice President RICHARD NIXON.

Most of the labor leaders here privately express the belief that Senator STUART SYMINGTON, Democrat, of Missouri, will eventually win the nomination in a stop KENNEDY coalition of supporters of SENATOR LYNDON B. JOHNSON, Democrat, of Texas, HUMPHREY and SYMINGTON.

MASON DAM PROJECT, OREGON

During the delivery of Mr. TALMADGE'S speech,

Mr. MORSE. Mr. President, I ask unanimous consent that I may interrupt the speech of the distinguished Senator from Georgia in order to make a statement which I need to make for the RECORD on an important bill which is being introduced in both Houses of Congress today, with the understanding that my remarks will be printed in the RECORD subsequent to the speech of the Senator from Georgia, and will in no way interrupt it.

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

Mr. MORSE. Mr. President, I express my very deep appreciation to the Senator from Georgia for granting me this courtesy.

Mr. President, I introduced for appropriate reference, a bill to authorize the Secretary of the Interior to construct, operate, and maintain the upper division of the Baker Federal reclamation project, Oregon.

Mr. President, I ask unanimous consent that the text of the bill be printed at the end of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, as requested by the Senator from Oregon.

The bill (S. 3063) to authorize the Secretary of the Interior to construct, operate, and maintain the upper division of the Baker Federal reclamation project, Oregon, and for other purposes, introduced by Mr. MORSE (for himself and Mr. NEUBERGER), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

(See exhibit 1.)

Mr. MORSE. Mr. President, one of the key developments in this Oregon reclamation project, which has been under review for many years, is the Mason Dam, to be located on the Powder River approximately 18 miles from Baker, Oreg.

The dam would be constructed of rock and earth, would be 180 feet in height and would provide 100,000 acre-feet of storage.

Mason Dam would provide full irrigation for 5,390 new acres and supplementary water for 12,610 acres of the Baker project.

Flood control, recreation, and fish and wildlife benefits would be among the benefits to be derived from the construction of the dam.

The total project cost will be $6,168,000, of which $1,114,000 will be repayable under contracts to be entered into with the water users; $3,743,500 of the project cost will be reimbursed to the Federal Government through power revenues of the McNary Dam over and above the amounts required to amortize the power investment at McNary Dam and to return interest on the unamortized balance of the investment in this great multipurpose project.

This project has been under review for many years and local interests have expressed strong and enthusiastic support. In recent days I have received many communications from residents of Oregon expressing their views on the Mason Dam project. I ask unanimous consent, Mr. President, that these letters be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. MORSE. Mr. President, a precedent for legislation of the type envisaged in this bill is found in S. 3101 of the 84th Congress, which proposed authorization of the Crooked River Dam. I take great pride in the thought that the Crooked River project is a reality.

Projects of this type will provide the irrigation that will, in turn, make possible the production of food and fiber for our own generation and Americans of the future. The day is not far off at which we will be seeking every possible additional acre with which to feed a vastly increased population in our country. Future generations will thank us for having had the vision and foresight to provide for the future through these outstanding reclamation projects.

EXHIBIT 1

S. 3063

A bill to authorize the Secretary of the Interior to construct, operate, and maintain the upper division of the Baker Federal reclamation project, Oregon, and for other purposes

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That for the purposes of providing irrigation water, controlling floods, conserving and developing fish and wildlife, and providing recreational benefits, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate, and maintain the facilities of the upper division of the Baker Federal reclamation project, Oregon. The principal works of the project shall consist of a dam and reservoir, pumping plants, and related facilities.

SEC. 2. The period provided in subsection (d), section 9, of the Reclamation Project Act of 1939, as amended (43 U.S.C., sec. 485h), for repayment of the construction cost properly chargeable to any block of lands and assigned to be repaid by irrigators may be extended to fifty years, exclusive of any development period, from the time water is first delivered to that block or to as near that number of years as is consistent with the adoption and operation of a variable repayment plan as is provided therein. That portion of the cost of constructing the project which is allocated to irrigation but is in excess of the amount determined by the Secretary to be within the ability of the irrigators to repay within a fifty-year period shall be charged to and returnable to the reclamation fund from net revenues derived by the Secretary of the Interior from his sale of power from McNary Dam, which are over and beyond the amounts required to amortize the power investment therein, as provided in section 5 of the Act of December 22, 1944 (16 U.S.C., sec. 825s), and to return interest on the unamortized balance of said investment.

SEC. 3 (a) The Secretary of the Interior is authorized, in connection with the upper division of the Baker project, to construct minimum basic public recreation facilities and to arrange for the operation and maintenance of the same by an appropriate State or local agency or organization. The cost of constructing such facilities shall be nonreimbursable and nonreturnable under the reclamation laws.

(b) The Secretary may make such reasonable provisions in the works authorized by this Act as he finds to be required for the conservation and development of fish and wildlife in accordance with the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C., secs. 661-666c, inclusive), and the portion of the construction costs allocated to these purposes and to flood control, together with an appropriate share of the operation, maintenance, and replacement costs therefor, shall be nonreimbursable and nonreturnable. Before the works are transferred to an irrigation water users' organization for care, operation, and maintenance, the organization shall have agreed to operate them in a manner satisfactory to the Secretary of the Interior with respect to achieving the fish and wildlife benefits and to the Secretary of the Army with respect to achieving the flood-control benefits on which the allocations of costs therefor are predicated, and to return the works to the United States for care, operation, and maintenance in the event of failure to comply with its requirements to achieve such benefits.

SEC. 4. There are hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated such sums as will be necessary to carry out the purposes of this Act.

EXHIBIT 2

LOWER POWDER IRRIGATION DISTRICT,
Keating, Oreg., February 6, 1960.

Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR SIR: In reference to the Baker Valley irrigation project with its Mason Dam, the Lower Powder Irrigation District would like to go on record as being heartily in favor of the project.

We are a downstream district with our dam, the Thief Valley Dam, being located some 7 or 8 miles below North Powder. It holds approximately 17,000 acre-feet, so is not nearly large enough to control the spring runoff of the Powder River. We suffer extensive damage from these floods. With the Mason Dam in existence we believe we could largely control this damage.

Also, with Baker Valley irrigated, we would derive benefits in supplemental late summer waters from their waste waters.

Sincerely,

JAMES S. WEBER,
President.

BAKER, OREG., *February 11, 1960.*

Hon. WAYNE MORSE,
The U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Water storage from the proposed Mason Dam (Baker project) will be of utmost benefit to this valley and area. Will you give your full support in securing final approval by the Commissioner of Reclamation and pushing the required legislation?

Our eastern Oregon economy needs this type of small storage projects and if there is anything I as a citizen can do please let me know.

Yours truly,

RICHARD K. EVANS.

BAKER COUNTY
CHAMBER OF COMMERCE,
Baker, Oreg., February 9, 1960.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: It is the understanding of the Merchants Committee of the Baker County Chamber of Commerce that Representative AL ULLMAN is drafting a bill to introduce in the House authorizing the construction of the Mason Dam in Baker County.

We know of no one project which would do more for the city and county of Baker than this dam.

According to the bill being drafted, the project would receive power revenue from either McNary or John Day Dam, which would make it feasible from the standpoint of payment by the farmers coming under this project.

We would appreciate any support you might be able to give us in passage of a similar bill in the Senate authorizing the Mason Dam, as well as working toward an appropriation for the building of same.

Thanking you in advance, we are

Yours very truly,

RICHARD KIRBY,
Chairman, Retail Merchants Committee.

BAKER PRODUCTION CREDIT ASSOCIATION,
Baker, Oreg., February 12, 1960.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We are sure you will join with Representative AL ULLMAN'S bill in securing legislation to build the Mason Dam, a badly needed project, long overdue.

Nothing could happen in Baker County that would add as much to the economy of the farmers under the project or to the county as a whole over a long period of time as furnishing full supply of water to land within the district.

For many years past all water for irrigation is completely gone by July 1. That leaves 70 days of our best growing season without any water. The flood-control feature of this project will be of great benefit, not only to the lands under the project but land under the Thief Valley project. Two to three years out of every five, floodwaters stand on large portions of the farmlands 1 to 3 feet deep and from 1 to 3 weeks at a time, doing thousands of dollars damage to crops. This water coverage kills all clovers and other good grasses, and only leaves the sour water grasses which are very low in protein.

As you know our project is not one that will grow surplus crops. Practically all farm income in the valley comes from livestock, hay, and pasture. There are not to exceed 300 to 400 acres of wheat grown on the project. That is grown on a rotation plan and would only be in wheat every fourth or fifth year.

The project will not face problems experienced by many new projects where they are unable to finance themselves until they get started. These landowners have their buildings and livestock and are going concerns.

Practically all groups are participating, including banks, merchants associations, civic clubs, county court, in fact everyone is taking an active part in the project.

The Baker Production Credit Association has furnished funds to 90 percent of the landowners under the project for their annual operation expenses for the past 25 years. They have always liquidated their obligations. Not one of them has defaulted. They are deserving people and are entitled to stored water from Mason Dam.

We hope you will be able to assist us in getting an appropriation as well as approval of the project.

Thanking you in advance, we are

Respectfully yours,

F. A. PHILLIPS,
President.

CALIFORNIA-PACIFIC UTILITIES CO.,
Baker, Oreg., February 11, 1960.

Hon. WAYNE MORSE,
The U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: We have been informed by Mr. F. A. Phillips, chairman of the irrigation committee for the Baker County Chamber of Commerce, that the proposed Mason Dam has been approved by the Bureau of Reclamation at Boise and Denver and is now before the Commissioner of Reclamation at Washington, D.C.

We urge that you do everything possible to get the project approved this session of Congress.

This irrigation project will not only be beneficial to the farmers of Baker Valley but will improve the economy of our entire area.

Yours truly,

L. G. GRAY,
District Manager.

BAKER, OREG., *February 12, 1960.*

Hon. WAYNE MORSE,
Senate Building,
Washington, D.C.:

We understand the Mason Dam will come up for consideration on the 15th. The officers of this bank have given the project much consideration. We feel it will be of extreme benefit not only to the people of this county but to the State as a whole. This branch of the United States National Bank of Portland heartily endorses the project.

LESTER HANSEN,
Manager, and Assistant Vice President, the United States National Bank of Portland.

BAKER, OREG., *February 12, 1960.*

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.:

I feel that the Mason Dam will benefit Baker County and the State at large by providing needed irrigation, drainage, and flood control. I fully recommend it.

RIVES WALLER.

FUTURE POLICY ON CORN

Mr. MORSE. Mr. President, in the February 12 issue of the Washington State Grange News, the master of the Washington State Grange, A. Lars Nelson, has raised a most pertinent question for the Senate in our consideration of future farm policy.

The article is entitled "Is Corn Debacle Ahead for Wheat?" I particularly direct the attention of my colleagues to that portion of the comments of the master of the grange wherein he states:

First, I should remark that the corn growers had little choice, and as a result about 14 percent voted in the referendum. Hardly a dramatic endorsement of Mr. Benson or his policies.

Mr. President, in view of the fact that the article contains valuable contributions to our understanding of the results that would follow the acceptance of some proposed policies, I ask unanimous consent that it be printed at this point in my remarks.

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

IS CORN DEBACLE AHEAD FOR WHEAT?

As we continue working with the second session of the 86th Congress, all general farm organizations and commodity groups are confronted with the blunt proposal to eliminate Government completely from agricultural programs. Apparently we are to be accorded the opportunity to choose between nothing and the corn debacle, if the recommendation were to be accepted by the Congress.

According to recent publicity, there is a mounting drive by the administration, with approval of others, to push a plan similar to the corn program down the wheat growers' throats, whether they like it or not. In the first place, most observers agree—and I concur—that Congress is not about to accept such a proposal. Possibly, by this time the implications of the decision of the wool and lamb checkoff referendum may have fortified congressional and farm organization thinking, as well as penetrated the thinking of administration advisers.

The Secretary of Agriculture said in the December 1959 issue of Successful Farming, "Some of the rigidity has been removed from price support and acreage control programs, though not enough. Permitting corn growers to vote for freedom of choice was a long time coming, but it was finally achieved. That alone is a good example of gaining our stated objectives."

First, I should remark that the corn-growers had little choice, and as a result about 14 percent voted in the referendum. Hardly a dramatic endorsement of Mr. Benson or his policies.

What would happen to wheat if all controls were removed and the crop left to be moved on the basis of the law of supply and demand? On July 1 of last year, we had a carryover of 1½ billion bushels, or 3 years' domestic consumption. To this we are adding 1.116 billion bushels of the 1959 crop. This would make approximately 2.616 billion bushels available for domestic consumption and export.

In view of this year's program already being determined, not until 1961 could the desire of the nonsupport group be a reality. By that time, assuming an average 1960 crop similar to 1959, we could easily find supplies of 3 billion bushels on hand following the 1960 crop. Again, assuming no controls, Government interference and supports, we could easily jump to a seeded acreage of 79 million in 1961, which could, at an average of 25 bushels, produce a 2-billion-bushel wheat crop.

Now assume our disappearance in the 1960 and 1961 marketing years at 915 million bushels each. We could still have 3 million bushels asking for a home in 1961. Prices could slump to the bottom unless the Government moved into the emergency.

My production estimate in wheat is pretty well underscored by the experience of William J. Breckenridge in corn as related in a special feature (p. 138) of the December 7 issue of Life magazine. I quote: "Last year we had 120 acres planted in corn. This year we had 400. We regretted putting all this land in corn, but it looked like the last chance we would have to cash in on the fertility we had built up by complying with acreage allotments and by letting some of our land lie fallow. Under the present corn program, all controls are off; the inducements for holding down crop acreage are eliminated, and now the rat race is on. I just hope we don't have to go through the wringer again the way we did in the thirties, before the days of controls and supported prices."

I am glad to see Life magazine secure information from someone who has gone through the mill and is still active. Farmer Breckenridge said again of corn, "I think the farmer should be assured a fair price for corn grown on a controlled amount of acreage * * * the Government must not support the farmers who do not comply with acreage controls. * * *"

In conclusion he said, "I don't know all the answers, but I know we can't have price props and unlimited production. Agriculture has a choice—either bankruptcy through surpluses and ruinously low prices on the free market, or control of production to maintain a fair return to the farmer."

One can agree or disagree with his conclusions, but the problem posed has to be met.

I have listened with impatience to some conclusions reached about high supports. Many have said glibly that they were not realistic and didn't work. I suspect that it is a matter of opinion, but if our wheat program had been as selectively and carefully administered as the sugar and tobacco programs it would still be working. As a producer, I got along fine with it until the fixers began to tamper with it. If cross-compliance had been enforced and shifts of allotted crops from one State to another had been prohibited, much of today's surplus dilemma for the wheat grower and feed grain producer would not have developed.

The most serious handicap for high supports was that the high price kept wheat out of feed grain and other uses. Another drawback was the constant reliance on subsidies to provide and bolster an export program. The unfavorable features of high rigid supports apply equally to flexible

supports, once the level becomes fixed by the Secretary of Agriculture. It was these features plus others which attracted most of us to the domestic parity concept for the long pull. An effective wool and lamb program has heightened our interest.

CONDITIONS IN THE MIDDLE EAST

Mr. MORSE. Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a column entitled "In the Know," written by Samuel B. Gach, and published in the California Jewish Voice of February 5, 1960. The article has to do with certain operations of the United States in the Middle East. I think the column is one which should be read by all Members of Congress.

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

IN THE KNOW—WRECKOLLECTION

(By Samuel B. Gach)

I'm waiting for that word of warning, aren't you? The silence is deafening.

It just seems that for almost 8 years the dice have been cold for little Israel or—and the suspicion is being confirmed more and more by a series of setbacks—the little democracy, friendly to the West, just doesn't find any grace in the eyes of the Eisenhower-Nixon administration.

An Arab-Israel war could prove more disastrous to world peace than any single problem facing East and West today. Yet nary a syllable of deterrent has been uttered by Eisenhower to Syria or Egypt about their unprovoked attacks on the Jewish State these past few days. Syria is actually shooting and Nasser has mobilized the Egyptian Army on the Sinai border.

This seeming indifference on the part of Eisenhower to the dilemma in which Israel finds herself because of flagrant military aggression against her by her Arab neighbors is in startling contrast to the speed with which Ike interfered when he sent U.S. troops into Lebanon when he thought she was threatened from without—even though not a shot was fired against her—and the rapidity with which he stormed against Israel when she was chasing the murderous Fedayeen infiltrators back into Egypt.

All around, the record shows that neither Israel, or for that matter, the American Jewish citizen, has had too much luck with this administration. It may be that Eisenhower is not himself in touch with things or perhaps his memory is not too good.

For instance, we never heard that he protested the fact that a soldier of the United States was barred from serving his country in Saudi Arabia and other Arab lands, merely because the soldier was a Jew. Or that he protested other indignities to other American Jews who were abroad on economic pursuits.

It was weeks after the world was shocked by the universal upsurge of Nazi desecrations before Eisenhower uttered a very feeble statement, but did nothing at all about ex-Navy Commander Rockwell who, in Eisenhower's own Washington is still raising a Nazi army to kill American Jews as he publicly proclaimed he would. The Nation was shocked recently when it discovered that the U.S. Navy was aiding the Arab blockade of Israel shipping, but heard no word of explanation from our jolly Commander in Chief.

Just as on many vital domestic and foreign problems affecting all Americans, where we find the President giving mostly lipservice rather than concrete policy and action, I am beginning to suspect that the genial smile which accompanied the "cook's tour" in behalf of peace, freedom, and justice recently completed, was also a vain effort in the quest for genuine peace.

Peace should be a universal blessing intended to benefit all peoples. So why should the President remain silent when Israel is attacked, and why should he rush to the aid of the Arabs who are bent on destroying Israel when they are merely threatened? As a Jew I perhaps sense the reasons.

Further, Eisenhower says he wants the good will of the people of the world in his try to stop communism. Then how come that in the face of the voting record of Egypt and Syria in the United Nations, which shows that they supported the Soviet line all the way, and the knowledge that Russia alone will complete the whole Aswan Dam, Ike is silent on U.A.R. aggression against Israel, which is completely loyal to the United States?

And why does Ike stuff Nasser with our money like a goose is stuffed for Thanksgiving? What has Ike to be thankful for to Nasser except betrayal of the West? And why has Ike given Nasser hundreds of millions of our dollars without attempting to get in return a promise to keep the peace the President so arduously preaches? And why did he not force the Red stooge of Cairo to open the Suez to Israel as Ike promised he would? It seems the President is even indifferent to saving face, for he doesn't seem to mind that a President of the United States has broken a promise and the world knows it.

And then the question of memory. In defense against Anthony Eden's revelations of Eisenhower-Dulles duplicity against America's most loyal allies, Britain and France, on the Suez issue, Ike told a press conference in Washington that he warned Abba Eban, former Israel Ambassador, in October 1956, before Israel sent its forces into Sinai, of what the American response would be if Israel resorted to force.

Well, we know he never once warned Arabs to lay off of Israel. But what most of us don't know is that there is no Israeli Government record, or report by Eban to his Government, of any such conversation with Ike. And high political sources in Jerusalem expressed doubts about the accuracy of Ike's recollections of events preceding the Sinai campaign.

Forgetting a thing is a human frailty. Conjuring up a yarn in defense of the indefensible is surely not in the rulebook of a President of the United States.

THE INTERSTATE HIGHWAY PROGRAM

During the delivery of Mr. TALMADGE'S remarks,

Mr. GORE. Mr. President——

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may yield to the junior Senator from Tennessee [Mr. GORE] with the understanding that his remarks will appear in the RECORD following my own, and with the further understanding that in yielding to him at this time I shall not lose my right to the floor.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). Is there objection? Without objection, it is so ordered.

Mr. GORE. Mr. President, on a number of occasions I have expressed to the Senate my deep concern over the threat to our highway improvement program. As recently as February 15, I addressed the Senate, and demonstrated, I believe, the consequences of the policies now being pursued by the administration with respect to the Interstate Highway System. At that time I based my concern largely on inadequate financing and the fact that commitments made to the States, through apportionments legally made under the law enacted by Congress, were not being honored.

It appears now that another aspect of the stretchout, slowdown program has come to light. A new instruction manual has just recently been issued by the Bureau of Public Roads and sent to the States and to district engineers of the Federal Bureau of Roads. I have a copy of this manual. It is called Instruction Manual for Preparation and Submission of Revised Estimate of Cost of Completing the Interstate System.

I asked for a copy of this instruction manual from the Bureau of Roads yesterday, but was unable to secure a copy from the Bureau. Through a friend, I did secure a copy.

As I said, the administration has attacked the highway program by reneging on the schedule of construction. In this way the very integrity of the concept can be destroyed.

President Eisenhower originally recommended that this new System of Interstate and Defense Highways be completed in 10 years. The President gave three principal reasons for it: First, national defense needs; second, demands of our national economy; third, safety of travel on the highways.

I submit that those three requirements are even more demanding and acute now than they were when the President submitted his recommendations for the program.

Congress enacted the program, not exactly as it was recommended, but with changes which the Congress considered appropriate. Instead of a 10-year construction program, Congress provided for a 13-year program. The highway system was to be constructed to design standards to meet the traffic needs of 1975.

Those of us who have been following the development of the highway program are aware that a committee, under a General Bragdon, whose first name I do not recall, has been undertaking studies for the White House, with a view to making a comprehensive report to the President on this program.

From time to time disturbing rumors have been heard to the general effect that the Bragdon committee would recommend a drastic cutback of the interstate program, particularly within urban areas.

In the instruction manual to which I have just referred, I think I see strong indication that the Bragdon committee may not issue a public report, but that an attempt may be made to accomplish its recommended objectives through step-by-step administrative procedure. In other words, the executive branch may whittle away at the highway program by introducing and implementing, piecemeal, certain recommendations of the Bragdon committee.

I would like to call to the attention of my colleagues certain points in this manual.

First. Although this manual is officially issued for the guidance of State

highway department and bureau offices in preparing the revised estimate to be submitted to Congress in January 1961, there are disturbing indications that it is to become an operational manual and that the provisions thereof may be regarded as maximum design standards for the submission of any new projects.

I trust this is not the case. I was pleased to hear Mr. Tallamy, Administrator of the highway program, say earlier today, before the Commerce Subcommittee of the Senate Appropriations Committee, that these recommended plans were not, in fact, standards.

I have heard from officials of my State and from citizens of my State, and also officials of other States, however, that this instructional manual is regarded by many as a set of standards. I hope that the Department of Commerce will make this unmistakably clear to the chief executives of our 50 States.

Second. The manual, if its provisions are regarded as standards, would drastically limit the number of interchanges which can be built on the Interstate System within urban areas. This is of vital concern to our cities, where plans are already far advanced and where projects are already underway.

This new manual specifies that interchanges within urban areas should not be spaced "closer than an average of 2 miles."

While there is an admission that variations must be allowed for, it is flatly stated that in urban areas "the distance between interchanges should not be less than 1 mile."

Mr. President, I do hope that these instructions are not to be treated and regarded as rigid maximum standards, because there are many instances in which they would not be appropriate.

Third. This manual bases the number of traffic lanes on the Interstate System within cities on the 1960 population of the city concerned. I should like to read from the manual, page 18, the following:

> In 1975 the number of lanes in cities exceeding 1 million population shall not exceed 8; for cities in the population range of 400,000 to 1 million shall not exceed 6; and for cities under 400,000 inhabitants shall not exceed 4 (population references are to the estimated 1960 population).

Mr. President, if this is in fact a standard, then the whole concept of building an interstate and defense highway system interconnecting all of our principal cities, adequate for the traffic needs of 1975, would be destroyed. If we are to build these highways adequate to handle only the traffic of 1960, and if the system is to be completed sometime in the late 1970's or 1980's—if, indeed, under the present plans it would be completed in this century—then the highway system will be antiquated long before it is even completed.

To illustrate how this is interpreted by local highway and public works officials, I wish to read a telegram which I received last evening from Memphis, Tenn.:

> Senator ALBERT GORE,
> *Senate Building,*
> *Washington, D.C.:*
>
> U.S. Bureau of Public Roads new policy cutting expressway interchanges in half will drastically affect Memphis expressway program. My feeling is strong against this new directive. This threatens to seriously cripple our program, if not in fact destroy it. Your assistance will be greatly appreciated in attempting to return the original design of our system.
>
> Signed by Commissioner Bill Farris.

I wish to read what the law provides with respect to standards. This is taken from the act of 1956. Construction standards shall be "adequate to accommodate the type and volume of traffic forecast for the year 1975."

I realize that there is a very determined effort to cut back, to roll back, and to stretch out public expenditures, but surely, if this Republic is to subsist and thrive as a government of law instead of a government of men, then the law should be followed. For the first time since 1916, when Federal-State highway programs were undertaken, the States cannot now rely upon an apportionment of highway funds apportioned to the States by an act of Congress. Heretofore all States have, without question, depended upon reimbursement for the Federal share of the cost of highway projects whenever the vouchers were submitted. Now, however, in this fiscal year the administration has undertaken a system of Federal contract control. The States are now being apportioned funds by bureaucratic edict instead of by an act of Congress. This I cannot accept, and I shall seek whatever remedy may be available to me in this body to require compliance with the Highway Act of 1956.

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

Mr. GORE. I yield.

Mr. RUSSELL. Mr. President, I am more concerned, really, about the first criticism which the Senator voiced, in regard to the narrowing of the size of the highways, than I am in regard to the latter criticism. Both things are bad. If we are going to base the new system on prospective traffic for 1960 rather than for 1975, as we started to do, we shall be wasting a large amount of the money. The whole concept of building a great Interstate System to last through the years will have been abandoned.

Did I correctly understand the Senator to say some regulation had been drawn in the Department of Commerce which says these highways are to be based on four lanes in cities of a certain size in 1960, instead of depending upon the law? Of course, I am not nearly so familiar with the law as is the distinguished Senator from Tennessee, but as I recall the law, we were undertaking to have a system which would be modern by the time we got through paying for it in 1975.

Mr. GORE. The people are paying for it now.

Mr. RUSSELL. The people are paying now for a system to be finished by 1975. What we are going to get, however, will not even meet the needs of 1960, if I understand correctly the Senator's construction of the regulation.

Mr. GORE. In all candor, I must say that the instruction manual has been interpreted differently by different people. That is the way I understand it.

Let me show the manual to the Senator. I will read what it says on page 18, under the subhead "Number of Traffic Lanes."

It states:

> In 1975 the number of lanes in cities exceeding 1 million population shall not exceed eight; for cities in the population range of 400,000 to 1 million shall not exceed six; and for cities under 400,000 inhabitants shall not exceed four (population references are to the estimated 1960 population).

How would the Senator interpret that language?

Mr. RUSSELL. Mr. President, I would interpret the language to say that it was the idea the growth of this country would be frozen in a pattern which would be indicated by the 1960 census. That is giving it the most favorable construction. Certainly there is nothing in the growth experience of this country to indicate that all our communities are going to attain exactly the same rate of growth, and I see no reason why the 1960 population should be the final standard. It could be an element entering into a formula to estimate what would be the population in 1975, but it should not be conclusive on any community of the country or any State of the Nation in undertaking to construct its portion of the interstate highway.

Mr. GORE. As the able Senator well knows, there is a great population movement in our country from the rural districts to the cities. I cannot say that I am too happy over the movement of people from rural areas to the urban areas, but whether I am happy with it or not, there is a vast movement. In my State, for example, the few large urban areas have had great increases in population, but most of the rural counties for the past 20 years have lost population.

Mr. RUSSELL. That is true not only in the large urban centers, but in my State—and I believe the Senator will find that it holds true in his State—even in the rural counties which have lost considerable population, the largest communities within those counties, in most instances, have maintained their population or increased somewhat. There has been a great movement away from the land into the towns and communities of every size throughout the Nation.

Mr. GORE. I believe the Senator will agree that the traffic pattern may not, in fact, relate to the population of a community at all. As we develop in our economic life, the per capita ownership of automobiles rapidly increases.

I trust that there will not be a drastic slowdown in the program, and that there will not be an undercutting of the standards; but the able Senator from Georgia heard me read the interpretation of an official in my State with respect to the manual. I hope that if this is an erroneous interpretation the Department of Commerce will say to our Governors unmistakably that these are not maximum standards, but only an advisory manual of instruction for preparing cost estimates.

Mr. RUSSELL. I share the Senator's hope. It is regrettable if we must reduce the tempo of this construction, but it would certainly be compounding the

tragedy to build the system on a scale which would not answer the purposes which Congress intended in the year 1975.

Mr. GORE. I thank the Senator.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. GORE. I yield.

Mr. ERVIN. Is it not true that the volume of traffic which uses these highways is not necessarily proportionate to the size of the communities through which the traffic passes? In other words, these highways carry a vast amount of traffic from one area of the country to the other, and the amount of the traffic in many cases has no relation whatever to the community through which the highway passes.

Mr. GORE. For example, Atlanta is the hub of a large portion of the South, through which passes a large amount of traffic moving from the southeast to the north and northeast.

Mr. ERVIN. I should like to ask the Senator from Tennessee another question. How can the States and the road contractors devise long-term plans for the construction of these highways when they cannot rely upon the allotment of moneys which the act of Congress contemplated should be made.

Mr. GORE. Only yesterday the Highway Subcommittee of the Governors Conference met in Washington. I met with them. I am sure that they called upon a number of Senators and Representatives. These Governors were greatly disturbed by their inability, for the first time since 1916, to rely upon a moral commitment and a legal apportionment of funds to the States. Of course, that affects the highway construction industry, as the Senator has indicated. It adversely affects the progress of the highway program, and makes it more costly rather than less.

Mr. ERVIN. It not only makes it more costly, rather than less, but also endangers the investments of those who invest in machinery for the purpose of constructing highways.

Mr. GORE. I was advised yesterday by one of the Governors that in one town in his State $12 million worth of construction equipment was lying idle and rusting away, and that people in the construction industry who had invested in that machinery, relying upon the highway program which had been enacted by Congress upon the recommendation of the President, are now threatened with bankruptcy.

Mr. ERVIN. I have received information to the same effect from a number of road contractors in my State who have equipped themselves for the purpose of carrying out the program envisioned by the act of Congress.

Mr. GORE. That is regrettable; but I point out to the Senator that a far more serious threat looms in the growing number of fatalities on our highways, and the delay and added cost involved in the completion of the system.

Mr. ERVIN. I commend the Senator from Tennessee for the great work he has done in connection with this entire program, and for calling the attention of the Senate and the country to the failure to carry out the program as it was envisioned by the act of Congress. I think he has rendered and is rendering a service of inestimable value to the Nation.

Mr. GORE. I thank my friend.

SPECIAL SCHOOL MILK PROGRAM—ADDITIONAL COSPONSOR OF BILL

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the name of the Senator from Kentucky [Mr. COOPER] may be added as a cosponsor of the school milk bill, S. 2751, and I ask unanimous consent that the name of the Senator be included as a cosponsor in the report by the committee.

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

THE SPECIAL SCHOOL MILK PROGRAM

Mr. HUMPHREY. Mr. President, with reference to the report I have today presented on behalf of the Committee on Agriculture and Forestry, I should like to point out that the proposed amendment to this legislation would make it possible for schools to plan ahead on the school lunch and special milk programs with a much greater sense of security than they now have. This proposal would in no way relieve the Congress of its responsibility to keep a watchful eye on the progress of the program to insure that maximum benefits are realized by the schoolchildren of the Nation. When these provisions prove inadequate, I would certainly want to take steps to make additional funds available for this most worthy program, and I am confident that I would be joined in this by a majority of my colleagues in the Senate.

We have with regard to the special school milk program, as the Senate will be interested to know, increased the authorization and made this a permanent piece of legislation, rather than maintaining it on an emergency basis.

WILDERNESS LEGISLATION

Mr. ALLOTT. Mr. President, on Tuesday of this week, the Senate Committee on Interior and Insular Affairs again took up consideration of the wilderness bill, S. 1123. At that meeting the senior Senator from Wyoming [Mr. O'MAHONEY], whom I and many of us here consider one of the great lawyers not only of the Senate but in this country, presented to the committee some of his thinking about the bill. I thought his analysis so sound and so important as to warrant a broader audience than just the committee members. Accordingly, I requested his permission to have some of his thoughts inserted in the RECORD, to which he graciously agreed.

Because my learned friend and colleague from Wyoming has brought his great wisdom to bear on this bill, I feel certain that any legislation which our committee reports on this subject will be infinitely more sound and realistic than would otherwise be the case. I believe that all of us in the West, where most of the wild and primitive areas of this country remain, are deeply in debt to the senior Senator from Wyoming for the extent to which he has given of his valuable energies and capabilities in the cause of sound government.

I commend to all my colleagues this little treatise on the meaning and effect of the Constitution and the need for straightforward and clear legislation. Whether or not interested in the wilderness bill as such, anyone who cares about good government will appreciate the thoughts expressed here by a true legal scholar. I ask unanimous consent that excerpts from Senator O'MAHONEY's remarks be printed at this point in the RECORD, as well as the amendment offered by the Senator from Wyoming.

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

EXCERPTS FROM STATEMENT BY SENATOR O'MAHONEY

Senator O'MAHONEY. Mr. Chairman, you were good enough last year to postpone consideration of this matter (wilderness system bill) until I could be here. I want to explain to the membership of the committee that I made the request because, on reading the bill, I came to the conclusion that it was a bill of such vague language that it is impossible to determine from a reading what is meant or what could be done by the executive officials of lower stature in the Government if they desired to do something.

I am personally not opposed to a wilderness. I have the greatest admiration for what the Forest Service has done. But I definitely feel that a careful reading of this bill would convince anybody that it should be entitled "A bill to relieve Congress and its Members of their responsibilities under the Constitution," instead of a bill to create a wilderness system.

WOULD BIND FUTURE CONGRESSES

Let me call your attention to the fact that it definitely provides for a system—not for a national wilderness, but for a system of national wilderness. That means—if you read the bill, I think you will come to the same conclusion—that what it attempts to enact is in the nature of a constitution, not a law. No Congress can bind another Congress. Yet in this bill we give to the Secretary of Agriculture 15 years to examine and review primitive areas in the national forest. The bill does not attempt to put into the wilderness now, when this act is passed, any primitive areas. Those are simply earmarked for review by the Secretary.

Since I have been speaking about the 15-year period for review given to the Secretary of Agriculture, I must speak to you of the fact that a 10-year period is given to the Secretary of the Interior to review inclusions into the wilderness system. Why the difference? Why should the bill presented by this committee to the Congress of the United States say that the Secretary of Agriculture should have 15 years and the Secretary of Interior should have 10 years?

There was another point here that I would like to point to. This is to be found on page 12 of committee print No. 3.

There have been three prints of this committee bill, Mr. Chairman, and there are so many amendments that have been added that it is absolutely essential, in the interest of the ordinary process of legislation, for the committee, if it wishes to report a bill, to report out a clean bill. It would be a time-consuming and opposition-creating procedure to report a bill that looks anything like committee print No. 3.

WOULD GIVE AUTHORITY TO ANONYMOUS OFFICIALS

Now, however, let us see this paragraph. It is entitled "Other Units," on page 12. This is section 2(d).

"The Wilderness System shall also include such units as may be designated within any federally owned areas by the official or officials authorized to determine the use of the areas involved, including any area or areas acquired by gift or bequest by any agency of the Federal Government. * * *"

Now I ask, who is such an official? By whom has such an official been authorized? What does any sponsor of this bill know about "by the official or officials authorized to determine the use of the areas involved?" When did Congress pass a law authorizing certain unnamed officials to determine the use of the areas involved? Are these officials the Secretaries of Agriculture and Interior? Apparently not.

The bill is full of vague language such as that. Let me call your attention to this.

FOREST FUNDS COULD BE WITHDRAWN

You gentlemen, all the members of this committee, are interested in the public land laws. In fact, we were set up for the purpose of passing the public land laws. These laws were enacted for the purpose of enabling miners and settlers and other citizens of the United States to acquire title to the public lands.

Now I call your attention to page 7, line 19, the last sentence.

"The publication of a proposal to add any national forest area or part thereof to the Wilderness System shall segregate the public lands involved from any or all appropriations under the public-land laws to the extent deemed necessary by the Secretary of Agriculture."

There is a statement, clear as day, "The publication of a proposal." Does it say by whom? No, it does not. But if a proposal is made "to add any national forest area or part thereof to the Wilderness System," it has the immediate effect of an executive order of withdrawal by the President of the United States. Is any member of this committee willing to stand up here and now and say that he is willing to give to almost anybody the right to make a proposal for the addition of a national forest area which shall segregate all the public lands involved from any or all appropriations under the public land laws? I do not believe there is a single member.

This, Mr. Chairman, is one of those bills using the device of wonderful words, standing for some generally accepted idea—motherhood, patriotism, conservation—but lacking any definition of what is meant. During my years as a Member of the Senate, I have seen such bills, but none as emphatic an example as this one.

Let us take, for example, the very first paragraph of this bill: "That (a), in order to secure for the American people of present and future generations"—now we are legislating for the future, just like the constitutional fathers did, when they wrote the Constitution—"the benefits of an enduring resource of wilderness * * *."

OUR PIONEERS CONQUERED THE WILDERNESS

When was wilderness denominated a resource? Is it a resource? Of course, it is a beautiful thing; it is a fine thing to establish and preserve a wilderness for people to enjoy and examine. But wilderness is not a resource. It does not produce a thing. Why, the whole United States was a wilderness until the settlers of the Thirteen Colonies came here, and they were not activated by a desire to preserve a wilderness by any law. They could have preserved a continental wilderness, but they were not interested in that. They wanted to make something out of this country, and they did. Why should we abandon their idea now?

However, "benefits of an enduring resource of wilderness, there is hereby established a National Wilderness Preservation System * * *."

You see? It is a preservation system. This is not an act; this is something that will go on and on and on into the future.

Every member of this committee knows that no Congress can bind a succeeding Congress. Each must act within its constitutional power.

Let me proceed: "Hereby established a National Wilderness Preservation System, to be composed of federally owned"—the word "control" was dropped, because whoever drew the original document included the Indian reservations, of which the United States is a trustee, and the authors of this bill at first presumed to give to the managers of this "system" the authority to take away from the Indians the reservations that have been given to them by treaty. That is a startling and amazing thing to contemplate.

DEVELOPMENT WOULD BE BARRED

"Federally owned areas in the United States and its territories and possessions as hereinafter approved, retaining their primeval environment and influence. * * *"

Well, what is an "environment"? The environment of this room is outside of the room, is it not? So the primeval environment is outside of the wilderness—showing again how inexact the authors of this bill were in attempting to draw the legislation.

"* * * and being managed for purposes consistent with their continued preservation as wilderness * * *."

What does that mean: "consistent with their continued preservation as wilderness"? Why, of course, it means to prevent the areas from being developed in any way; that is clear.

VAGUE LANGUAGE OBSCURES MEANING

The bill continues in line 5 on page 2:

"* * * which areas shall serve the public purposes, including recreational, scenic, scientific, educational, conservation, and historical use and enjoyment by the people in such manner as will leave them unimpaired for future use and enjoyment as wilderness."

My contention is that the second sentence is contrary to the first sentence. I respectfully suggest to my colleagues here that since the words "recreation, scenic, scientific, educational, conservation" are not defined in this bill they mean anything that any reader may conceive them to mean. That, of course, is the purpose of raising as a flag a standard like conservation. Everybody says conservation is good. But if you do not state it in clear and specific language, you can make it very bad.

Let me ask about the definition of the word "scientific." Does that not mean the scientific action of knowing how to drill for oil and producing mineral resources? Is not some science involved in that? And if that is done, if mining is permitted, if drilling for oil is permitted in the national parks, in the national wilderness, then the purposes of the conservationists are defeated. But it sounds awfully good to say "scientific," if you do not define it.

What does "recreation" mean? Well, recreation as meant by a hunter is taking his gun, going into the outdoors, and shooting wild animals. What about wildlife refuges? Are we going to turn hunters loose into the wildlife refuges or in the national parks? Of course, we are not going to do so.

But the suggestion is made to sportsmen's clubs all over the West that they are going to have a gala hunting season all over the West, all the year around. No such proposal is intended.

I say, Mr. Chairman, that it is perfectly clear, just from a reading of the lines in this bill, that a very poor job of draftsmanship was done on it. I think I can prove that in just a minute, referring again to that 15-year proposal.

Bear in mind that this bill has gone through three reformations; I am reading from the third, page 6, beginning on line 4: "Following enactment of this Act, the Secretary of Agriculture shall, within fifteen years, review, in accordance with paragraph (c), section 251.20, of the Code of Federal Regulations, title 56, effective January 1, 1959, the suitability of each primitive area in the national forests for preservation as wilderness."

You see the distinction between primitive areas and wilderness areas? Here it is stated for you.

INCONSISTENCIES APPEAR IN PROVISIONS

The Secretary is given 15 years to review the suitability of "each" primitive area. Of course, the word should have been written "every," to emphasize that none be excepted. But all through this bill the word "each" is used instead of the word "every."

Now let us proceed.

"Before the convening of Congress each year, the Secretary of Agriculture shall advise the President who shall advise the United States Senate and the House of Representatives of his recommendation for the inclusion and designation as wilderness area, or exclusion from the wilderness system, of each area on which his review has been completed in the preceding year * * *."

Now, what does that mean? Obviously, it means that the Secretary of Agriculture shall make the review and make the recommendation and transmit them to the President, and the President shall transmit to Congress the recommendations of the Secretary of Agriculture. The President here becomes the messenger boy for the Secretary of Agriculture, any person who holds that job in the next 15 years. Do we mean that? Of course we do not mean that.

But let me call your attention now to another fact. We change now to the Secretary of the Interior.

"Any proposed admission to, modification of, or elimination from any area of wilderness established in accordance with this Act, and any proposed addition or elimination of any unit to or from the wilderness system, shall be made only after not less than ninety days' public notice and the holding of a public hearing,"—observe—"if there is demand for such a hearing and shall be reported with map and description to the President by the Secretary of Agriculture, the Secretary of the Interior, or other official or officials having jurisdiction over the lands involved."

Here again we find the "other officials."

Now we will proceed: "The President shall transmit the proposal to Congress as he deems appropriate, and his recommendation shall take effect * * *."

Now, you see how much more carefully that is drafted. That is no affront to the President, because it contains the phrase, "as he deems appropriate," his recommendation being the recommendation of the President, whereas with respect to the Secretary of Agriculture, the language is so vague that it means the recommendations of the Secretary of Agriculture.

All through this bill there are interlineations that I have made and suggestions I have made, comments I have made, discussions of which I shall be very glad to postpone. I came here this morning from the hospital, omitting the physical therapy which I usually take in the mornings, because this date was set by the chairman to deal with the wilderness system bill and, not wanting to be accused of using my illness for the purpose of delaying action on it, I

made no request that it not be considered at this session. I would be very happy now if you would call on Mr. Stong to proceed with an explanation of the bill before the committee.

SUBSTITUTE BILL OFFERED

Before he does, however, I would like to ask unanimous consent to insert in the record an amendment which I drafted. It was intended to be offered as a clean bill, striking out all after the enacting clause, and inserting what I have written here. A space has been left, however, for the description of the actual area which is going into wilderness if this bill should pass, the idea being that I am convinced that the people of all of the Western States should know exactly, when this bill is passed, what areas have been made into wilderness. If they do not, they will be dependent upon the executive officials, whose opinions will bear great weight.

(The amendment referred to follows:)

Senator ALLOTT. Mr. Chairman, before Mr. Stong proceeds, I would like to say this to my colleague and neighbor from Wyoming. I think he has pointed out, certainly, with the great legal clarity which he always has, and certainly in very forceful language, some of the things and some of the concerns many of us have with this particular bill. I cannot compliment him too highly on the simplicity in the way he has presented it, and I would like to say to him that I would be very happy if he would permit me to introduce into the RECORD, the CONGRESSIONAL RECORD, his comments on this bill, because I feel that they should be widely read and widely understood.

CONGRESS MUST RETAIN ITS AUTHORITY OVER PUBLIC LANDS

Senator O'MAHONEY. I might say in that connection that some weeks ago the editor of the New York Times was good enough to publish a letter I wrote him, but at the end of the letter, in italics, he inserted words to this effect: "All of the lands affected are owned by the Government," thinking that was a complete answer to what I had said.

His concept of the Government left Congress out of the picture. The first article, article I, of the Constitution says: "All legislative powers herein granted shall be vested in a Congress of the United States. * * *"

This is a definite mandate and we are disregarding it by delegating away our power. And here is a case in which we are dealing with an area of land so great that it involves more than 40 percent of the area of several Western States. We are giving a power to unknown officials in the departments to denominate as wilderness, lands that might be necessary for the economic fate or the defense fate of the United States.

LAND MAY HOLD UNKNOWN RESOURCES

I remember when I was a member of the Appropriations Committee during World War II, when the Manhattan Project was created, the United States had to buy from foreign countries the uranium to make the atomic bomb. We had no uranium in the United States. Now, however, the Nation is free from dependence upon foreign sources. We have uranium ourselves, and the State of New Mexico, represented by Senator ANDERSON, and the State of Wyoming, are the two largest producers of uranium in this country.

Nobody ever dreamed in World War II that uranium would be found in the United States. In Wyoming it was found in a desert area, which some Secretary might have wished to bring into a wilderness area. One cannot tell from this bill what we would want him to do.

Nobody can pretend to predict what will happen during the next 15 years, when some presently unknown deposit of some kind, not the old minerals, but some new minerals, may be discovered within this area. And yet here we are blithely proposing to legislate without giving any protections to the people of the United States for the preservation of the right to seek those minerals.

I have attempted to write a clean bill. I know it is defective, because I did not have the time that I normally would use for such purpose. But in this bill it is provided that the Geological Survey shall report to Congress with respect to every area that any Secretary proposes to add to the wilderness system what its prospective value is for minerals or other deposits.

I think the time has come when, if we are going to lead the world to freedom, the Congress of the United States must assert its constitutional power. We cannot permit dictators to arise, as they have in various countries around us, as they have in Europe, for instance. We cannot permit Mikoyan to visit Castro in Cuba, on our very shores, and think that by allowing Congress to delegate away its powers we are preserving freedom. We are not preserving freedom in that way.

I would say to the Senator from Colorado that it was a great Republican President, Abraham Lincoln, who in his Gettysburg Address created the immortal phrase, "A government of the people, by the people, and for the people." We cannot keep that sort of government if we allow Congress to surrender its position of stature and integrity.

I will be very happy, I will say to the Senator from Colorado, if you will place my remarks in the CONGRESSIONAL RECORD.

Senator ALLOTT. Thank you very much, because I deem it an honor to do it.

"AMENDMENT INTENDED TO BE PROPOSED BY MR. O'MAHONEY TO THE BILL (S. 1123)

"Strike out all after the enacting clause and insert, in lieu thereof, the following:

" 'That to secure for the people of the United States of present and future generations the benefits of the preservation of wilderness without denying at the same time the opportunity of developing for national defense and a progressive economy all resources of such areas, there is hereby established a national wilderness to consist of all lands within the national forests classified on February 1, 1960, by the Secretary of Agriculture or by the Chief of the Forest Service as wild, wilderness or roadless, as described hereafter, and such additional lands as shall hereafter be included by the Congress in conformity with the provisions of this Act.

" 'SEC. 2. (a) Following the enactment of this Act the Secretary of Agriculture and the Secretary of the Interior shall, within ten years, in the case of the Secretary of Agriculture, review the suitability of each primitive area in the national forests for preservation as wilderness and, in the case of the Secretary of the Interior, review such units of the national park system which have been proposed for addition to the wilderness system.

" '(b) If any area is found to possess inherent qualities, the tangible and intangible benefits of which demonstrably indicate the desirability of adding it to the wilderness and likewise offset the benefits to be derived from any other use or uses, each respective Secretary shall send to Congress a recommendation for its inclusion in the wilderness setting forth the boundaries and legal descriptions, together with a report from the United States Geological Survey, independently made and without regard to any views that may be held by either the Secretary of Agriculture or the Secretary of the Interior with respect to lands under their respective jurisdictions, stating that a geological reconnaissance of such area reveals that it is not prospectively valuable for minerals or other deposits that may be useful for the national defense or the needs of a progressive economy. Each Secretary may also report to Congress his recommendation for the withdrawal of any area from the existing wilderness.

" '(c) During any such review public hearings shall be held by the respective Secretaries at a place conveniently adjacent to any area proposed for addition. In presenting such wilderness addition plan to Congress each Secretary shall enumerate and summarize any objections which may have been lodged against the inclusion of such area in the national wilderness, together with a recitation of the facts upon which he relies in setting aside such objections.

" '(d) The areas classified by the Secretary of Agriculture or the Chief of the Forest Service mentioned in section 1(a) above are hereby made a part of the national wilderness and are described as follows:

" 'SEC. 3. In establishing a national wilderness within the national forests it is further declared to be the policy of the Congress to administer the national forests with the general objectives of multiple use and sustained yield. In order to carry out this policy the Secretary of Agriculture is, accordingly, directed to administer the national forests on a multiple-use basis so that all the uses thereof, including grazing, recreation and wildlife, will be fostered and developed to produce a sustained yield of products and services, including the establishment and maintenance of wilderness areas, for the benefit of all the people of this and future generations: *Provided, however,* That no land from which revenue has heretofore been obtained and disbursed to the States for the benefits of the counties in which such lands are located shall be administered in any manner so as to deny to such States and counties any revenues which might otherwise accrue. Such areas of wilderness like all other national forest lands shall be so managed as to protect and preserve the watersheds, the soil, the beneficial forest and timber growth, and all beneficial vegetative cover. The purposes of this Act are further declared to be within and supplemental to, but not in interference with the purposes for which the national forests were established as set forth in the Act of June 4, 1897 (30 Stat. 24, 25, 26; 16 U.S.C. 471–78, 551.)

" 'SEC. 4. (a) Nothing in this Act shall be interpreted as interfering with the purposes stated in the establishment of or pertaining to any national park or monument, national forest, national wildlife refuge or other Federal area included within the national wilderness, except that the Secretary of Agriculture and the Secretary of the Interior shall be responsible for preserving the wilderness character of any area under their respective jurisdictions placed within the national wilderness.

" '(b) Except as specifically provided in this section and subject to any existing private rights, no portion of any area included within the national wilderness shall be used for any form of commercial enterprise not contemplated in the purposes of this Act. Within such areas, except as otherwise provided in this Act, there shall be no permanent road; nor shall there be any use of motor vehicles, motorized equipment, or motorboats, or landing of aircraft, or any other mechanical transport of persons or supplies. In addition there shall be no construction of any temporary road, or any structure or installation, in excess of the minimum required for the administration of the area for the purposes of this Act.

" '(c) The following special provisions are hereby made:

" '(1) Within national forest areas included in the national wilderness grazing of livestock where it has already become well established may be permitted to continue subject only to such restrictions as the Secretary of Agriculture finds, after public hearing, to be necessary. Within national forest areas included in the national wilder-

ness such measures may be taken as may be necessary in the control of insects and diseases, subject to such conditions as the Secretary of Agriculture finds necessary.

"'(2) Within any area included in the national wilderness the President may, within a specific area and in accord with such regulations as he may find necessary, authorize prospecting (including exploration for oil or gas), mining (including the production of oil or gas), and the establishment and maintenance of reservoirs, water conservation works and other facilities needed in the public interest including road construction and maintenance essential to development and use thereof upon his finding that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial.

"'(3) Other provisions of this Act to the contrary notwithstanding, the management of the Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou roadless areas in the Superior National Forest, Minnesota, shall be in accordance with the purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the area, particularly in the vicinity of lakes, streams, and portages: *Provided*, That nothing in this Act shall preclude the continuance within the area of any already established use of motorboats. Nothing in this Act shall modify the restrictions and provisions of the Shipstead-Nolan Act, Public Law 539, Seventy-first Congress, second session, July 10, 1930, the Thye-Blatnik Act, Public Law 733, Eightieth Congress, second session, June 22, 1948, and the Humphrey-Thye-Blatnik-Andersen Act, Public Law 607, Eighty-fourth Congress, second session, June 22, 1956, as applying to the Superior National Forest or the regulations of the Secretary of Agriculture.

"'(4) Any existing use or form of appropriation authorized or provided for in any Executive order or legislation establishing any national wildlife refuge or range existing on the date of the enactment of this Act may be continued under such authorization or provision.

"'(5) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water law.

"'(6) No prohibition against hunting or fishing shall be made on any area included within the national wilderness where hunting and fishing were permitted on the date of the enactment of this Act.

"'SEC. 5. The Secretary of Agriculture and the Secretary of the Interior shall each maintain, available to the public, records of areas in their respective jurisdictions included within the national wilderness, such records to include maps and descriptions, copies of regulations governing them, copies of all public notices with respect thereto, reports and recommendations to the Congress. At the opening of each session of Congress the Secretary of Agriculture and the Secretary of the Interior shall jointly submit a report to the President for transmission to Congress on the status of the national wilderness together with a copy of regulations they may care to make.

"'SEC. 6. All hearings and proceedings conducted under this Act shall be held in conformity with the Administrative Procedure Act (60 Stat. 237) and any Act amendatory or supplemental thereto.

"'SEC. 7. This Act shall be known as "The National Wilderness Act".'"

Mr. ALLOTT. Mr. President, in several respects, including one very basic point—the procedure for establishing new wilderness areas—the remarks of Senator O'MAHONEY and his substitute bill coincide with a series of amendments to the wilderness bill that I offered last year. I should like also at this point to have inserted in the RECORD a copy of those amendments, along with explanations thereto, and I ask unanimous consent that this be done.

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

EXPLANATION OF AMENDMENTS TO S. 1123 PROPOSED BY SENATOR ALLOTT BASED ON THE ASSUMPTION THAT AMENDMENTS CONTAINED IN COMMITTEE PRINT NO. 2 WILL BE ADOPTED

The report of the Bureau of the Budget points out that the language of section 2(d) apparently changes the basic purposes for which national forests are established, and suggests that this should not be done in legislation dealing solely with wilderness areas. The point is well taken, and the bill should be so amended.

"Strike from line 18, page 3, the words 'to administer', strike all of the balance of page 3, and strike the first and second lines of page 4 through the word 'generations'."

3. The method of establishment of wilderness areas by executive department recommendation, subject to objection by Congress, is contrary to the precedent established in providing for the creation of national parks. Hence, the legislation would be amended to provide for establishment of wilderness areas only by affirmative act of Congress with respect to each proposed wilderness area.

"Strike section 2(a) and insert in lieu thereof the following:

"'SEC. 2. The national wilderness areas shall comprise (subject to existing private rights, if any) the federally owned or controlled areas established as provided for in this section.

"'NATIONAL FOREST AREAS

"'(a) Wilderness areas shall include areas within the national forests which are so designated by Act of Congress. The Secretary of Agriculture shall recommend to the Congress the areas which he finds should be established by the Congress as wilderness areas. Such finding shall be based on a determination that such area so recommended is predominantly of wilderness value, and that its value as wilderness exceeds its total value for other beneficial uses.

"'Wild, wilderness, primitive, and canoe areas heretofore established in substantial accordance with Agriculture Department regulations now existing or as they may hereafter be amended shall continue to be within the administrative jurisdiction of the Department of Agriculture, and shall be subject to modification as such by action of the Department of Agriculture, and shall be subject to the provisions of section 3 of this Act.'"

3(a). If the amendments proposed above are adopted, other amendments to the language of the legislation are required to eliminate what would otherwise be inconsistencies, and certain deletions are required to eliminate surplusage.

"Page 3, strike lines 10–13, beginning with the words 'that the National', and ending with the words 'its provisions.' Insert in lieu thereof the following: 'that provision is made for the recognition and establishment of national wilderness areas. The areas that may be designated in accordance with the provisions of this act'.

"Page 4, line 16, strike the words 'provided for in' and insert the words 'designated under the provisions of'.

"Page 16, strike all of lines 7 through 25; page 17, strike lines 1 through 4."

3(b). In conformity with the principle that areas should be set aside as wilderness areas only by affirmative action of Congress, such affirmative action should be required, especially in the case of Federal lands other than Forest Service lands. Otherwise, hundreds of millions of acres of land could be included by act of an administrator of the lands, subject only to a rather rapid adoption of the resolution opposing it by both Houses of Congress. Hence, the provision for other units should be amended to provide for inclusion only by act of Congress, with the exception of donated private land.

"Strike lines 7 through 25, page 12, and lines 1 through 3, page 13, and insert in lieu thereof the following:

"'OTHER UNITS

"'(B) Wilderness areas shall also include such areas as may be designated by act of Congress within any federally owned area, and shall also include any area or areas entrusted to or acquired by gift or bequest by any agency of the executive branch of the United States Government for preservation as wilderness. Regulations with regard to any privately owned area given, bequeathed or entrusted to a Federal agency for preservation as wilderness shall be in accordance with such agreements as may be made at the time of the gift, bequest or trust.'"

3(c). In conformity with the principle that areas should be established only by specific act of Congress, modifications, additions and deletions should be similarly accomplished only by affirmative act of Congress. It seems wise, however, to retain the provisions for public hearings before such proposals are made to the Congress.

"Strike lines 4 through 24, page 13, and 1 through 7, page 14, and insert in lieu thereof the following:

"'ADDITIONS, MODIFICATIONS, AND ELIMINATIONS

"'(c) Any recommendation of a proposed addition to, modification of, or elimination of any wilderness area established by any Act of Congress, may be made by the Department of Agriculture to the Congress after not less than 90 days' public notice of the proposal and the holding of a public hearing, if there is a demand for such a hearing.'"

4. Under S. 1123, as originally presented, certain Indian lands might have been included in the wilderness system. The amendments included in committee print No. 2 would eliminate those Indian lands. This elimination, as well as the elimination proposed by these amendments, render it unnecessary to refer to "federally controlled" areas and such references should be eliminated.

"Strike lines 22 through 24, page 7, all of pages 8 and 9, and lines 1 through 4 of page 10.

"Strike the words 'national park or monument' from line 11, page 14."

5. The national park system, in existence for many years, has been very adequately administered and protected. It serves the purpose of providing areas which are developed and made accessible to the general public. These are large islands of undeveloped areas, but the general purpose is to provide for the enjoyment of these developed areas by masses of persons. The purpose of wilderness areas is to provide areas which are virtually totally undeveloped, giving an opportunity to the few to enjoy solitude in a natural setting. These are contradictory purposes, and there is no apparent reason for including national parks in wilderness area legislation.

"Strike lines 5 through 25, page 10, and all of page 11.

"Strike the words 'national wildlife refuge' from line 12, page 14.

"Strike lines 5 through 9, page 17."

6. Wildlife refuges and ranges are areas set aside for the propagation of wildlife, and this frequently requires management and development of the area. This purpose is inconsistent with the purpose of wilderness areas, and there is no apparent reason for

including wildlife refuges and ranges, nor for changing the method of administration thereof, in legislation dealing with wilderness areas. Hence, provisions dealing with wildlife refuges and ranges should be eliminated.

"Page 14, line 25. Strike the words 'used for any form of' and insert in lieu thereof the words 'developed for'.

"Page 15, line 3, after the word 'road' insert the words 'except those required for protection of the areas from damage by fire, disease, or insect infestation;'.

"Page 15, line 6, after the word 'supplies' insert the words 'except as required for emergency purposes'.

"Page 15, lines 13 and 14, strike the words 'use of aircraft or' and insert the words 'landing of aircraft or use of'.

"Page 15, line 15, strike the word 'may' and insert in lieu thereof the word 'shall'.

"Strike from lines 15 through 17, page 15, the words beginning with 'subject to' and ending with 'desirable', and insert in lieu thereof the following: 'similar regulations as are generally applicable to the administration of forest service lands. Nothing herein contained shall be construed to prohibit the operation of aircraft over wilderness areas'.

"Page 15, line 19, insert after the word 'diseases', the following: 'or fire, or as may be desirable for the prevention of damage by fire'."

7. Several amendments are made in the language concerning restriction on activities within wilderness areas. The amendments proposed are for the following purposes:

(a) To broaden and clarify the extent of exceptions permitted.

(b) To permit the use of mechanical equipment and the establishment of roads in the areas when necessary for prevention of damage by fire, insect infestation or diseases.

(c) To make it clear that commercial enterprises can rent horses for taking guests into the areas, and include trips into the areas as part of a dude ranch vacation.

(d) To make it clear that the use of mechanical equipment required for emergencies, such as rescue operations, would be permitted.

(e) To permit operation of aircraft over the areas.

"Strike lines 21 through 25, page 15, and lines 1 through 6, page 16, and insert in lieu thereof the following:

" 'Within wilderness areas, the establishment and maintenance of reservoirs, water conservation works, and facilities for the conservation of water and its delivery to points where it is to be used, whether such facilities are to be constructed by public or private agencies, shall be permitted in accordance with applicable State and Federal law, including the road construction and maintenance essential to development and surveys and investigations preliminary thereto.'

" 'In addition, the Secretary of Agriculture shall grant rights-of-way for communication lines, power transmission lines, pipelines, and other utilities in any case where the failure to grant such rights-of-way would unreasonably increase the cost of providing for the transmission of information, power or fuels. In addition, the Secretary of Agriculture, in accordance with such regulations as he may deem desirable, authorize prospecting, mining, the construction of roads, or other developments, upon his determination that such use in the specific area will produce a greater yield of products and services than will its denial'."

8. The special provisions for exceptions to restrictions on use in the present legislation are too restrictive and could well cause unnecessary and unreasonable limitation on the utilization of the areas for purposes of great value to the people of the Nation. Hence, several amendments are proposed to broaden the scope of these permitted uses. The principal points sought to be accomplished are:

(a) To permit rights-of-way for water developments which affect vast areas other than the wilderness areas themselves but have small, if any, effect on the wilderness areas.

(b) To permit rights-of-way for utilities, where the denial would unreasonably increase the cost. This would be of particular advantage to rural electric cooperatives, who have continual problems of economically expanding service to rural customers.

(c) To permit other exceptions to be made by the Secretary of Agriculture under a clearer and more reasonable standard. The standard in the proposed legislation is subject to vast differences in interpretation. Substituted for this nebulous and ambiguous standard is a clear standard based on the productivity of the area.

"Add a new paragraph at the end of section 2(e), page 14, line 7, to read as follows:

" 'Each proposal for the creation of, or the addition to or modification of any wilderness area shall be submitted to the chief executive of the State wherein such area is to be established, added to, or modified. If within 120 days after such submission, the chief executive of the affected State shall object to the establishment of, addition to, or modification of the proposed area, he shall file a report of his objections with the Secretary of Agriculture and such report shall accompany the Secretary's recommendation to the Congress.' "

9. Federally owned areas, although the property of all the people of the United States, also have a very serious effect on the States in which they are located. It has been the historic policy of the Federal Government to give due consideration to legitimate interests of the sovereign States within the Federal structure. This bill should carry out that policy.

"Strike lines 10 through 12, page 17."

10. The bill should be amended to eliminate reference to States water rights. This question in connection with wilderness areas is no different than the same question in connection with all Federal reserved lands and should be considered in legislation dealing with all such reserved lands. The apparent disclaimer contained in section 3(c)(5) does not solve any problem, raises serious questions of construction, and creates a possible conflict with section 3(c)(2).

"Page 1, strike from the title the words 'establish a National Wilderness Preservation System' and insert in lieu thereof the following: 'recognize and establish national wilderness areas'.

"Page 1, lines 5 and 6, strike the words 'there is hereby established a National Wilderness Preservation System'.

"Page 2, line 23, strike the words 'an' and 'system'.

"Page 3, lines 10 and 11, strike the words 'that the National Wilderness Preservation System is established' and insert in lieu thereof the following: 'that provision is made for the recognition and establishment of national wilderness areas'.

"Page 3, lines 11 and 12, strike the words 'units of this System designated for inclusion by this Act, and those', and insert the word 'areas' before the words 'that may'; and in line 13, page 3, strike the word 'later'.

"Similar language changes would be made at page 4, lines 16, 18, 19.

"Strike line 20, page 4; page 14, lines 13 through 17; page 14, line 24; page 15, lines 12 and 13; page 15, lines 17 and 18; page 15, lines 21 and 22."

11. The bill should be amended to change the concept of a wilderness system by stating that the purpose of the act is to establish wilderness areas, and by amending the legislation, where it refers to the wilderness system, to refer only to wilderness areas. It seems unnecessary to create a wilderness system within the national forest system, rather than to simply provide for the creation of wilderness areas within the national forest system. This amendment has been requested by several organizations and interested individuals.

"Page 4, line 5, strike the words 'the beneficial forest and timber growth and all' and insert the word 'the'.

"Page 14, line 20, substitute the word 'uses' for 'use'.

"Page 14, line 22, substitute the word 'Act' for the word 'section'.

"Page 15, lines 2 and 3, strike the words 'section and in section 2 of this'.

"Page 15, line 5, strike the word 'other'."

12. There are several minor amendments which are proposed for grammatical reasons, and to eliminate unnecessary wording. These are shown at:

"Page 4, line 5, strike the words 'the beneficial forest and timber growth and all' and substitute the word 'and'.

"Page 14, line 20, strike the word 'use' and substitute the word 'uses'.

"Page 14, line 22, strike the word 'section' and substitute the word 'Act'.

"Page 15, lines 2 and 3, strike the words 'section and in section 2 of this'.

"Page 15, line 5, strike the word 'other'."

RECESS TO 11 A.M. TOMORROW

Mr. ERVIN. Mr. President, if no other Senator desires to address the Senate, I move that the Senate stand in recess until 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 40 minutes p.m.) the Senate took a recess until tomorrow, Friday, February 19, 1960, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate February 18 (legislative day of February 15), 1960:

SUBVERSIVE ACTIVITIES CONTROL BOARD

Francis Adams Cherry, of Arkansas, to be a member of the Subversive Activities Control Board for a term of 5 years expiring March 4, 1965. (Reappointment)

COMMISSION ON CIVIL RIGHTS

Robert S. Rankin, of North Carolina, to be a member of the Commission on Civil Rights, vice John B. Battle, resigned.

SECURITIES AND EXCHANGE COMMISSION

Harold C. Patterson, of Virginia, to be a member of the Securities and Exchange Commission for the term expiring June 5, 1965. (Reappointment.)

FEDERAL COMMUNICATIONS COMMISSION

Robert E. Lee, of the District of Columbia, to be a member of the Federal Communications Commission for a term of 7 years from July 1, 1960. (Reappointment.)

DEPARTMENT OF THE AIR FORCE

Courtland D. Perkins of New Jersey to be Assistant Secretary of the Air Force, vice Joseph V. Charyk.

APPOINTMENTS IN THE REGULAR AIR FORCE

Lt. Col. Wesley W. Posvar, XXXX for appointment as permanent professor of the U.S. Air Force Academy, under the provisions of section 9333(b), title 10, United States Code.

The following persons for appointment in the Regular Air Force in the grades indicated, under section 8284 of title 10, United States Code, with a view to designation under section 8067 of title 10, United States Code, to

perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be captains, USAF (Medical)

William B. Dye, xxxxxxxxx.
John W. Funk, xxxxxxxxx.
John L. Hazlehurst, xxxxxxxxxx.

To be captains, USAF (Dental)

George C. Kiser, xxxxxxx.
Peter R. Reiner, xxxxxxxxx.

To be captains, USAF (Judge Advocate)

Billy B. Burton, xxxxxxxxx.
Gale I. McGrew, xxxxxxxx.
Charles R. Minich, xxxxxxxxx.
Robert E. Moore, xxxxxxxx.

To be captains, USAF (nurse)

Mary M. Clarke, xxxx.
Elizabeth M. Davis, xxxx.
Anne T. Hines, xxxx.
Sarah P. Wells, xxxx.
Ona F. Whitlock, xxxx.

To be first lieutenant, USAF (Medical)

Robert E. Wildin, xxxxxxxxx.

To be first lieutenants, USAF (Dental)

Harold J. Crosthwaite, xxxxxxxxx.
Henry A. Giertych, Jr., xxxxxxxxx.
Kenneth W. Lovern.
Billy W. Sandefur, xxxxxxxxx.
Brice N. Wilson, xxxxxxxxx.

To be first lieutenants, USAF (Medical Service)

Omar V. Greene, Jr., xxxxxxxxx.
Lloyd W. Johnston, xxxxxxxxx.

To be first lieutenants, USAF (Judge Advocate)

Gene H. Hall, xxxxxxxxx.
Robert W. Norris, xxxx.

To be first lieutenants, USAF (nurse)

Gladys R. Badgett, xxxx.
Margaret A. Dame, xxxx.
Lorraine M. Davenport, xxxx.
Kay F. DeYoung, xxxx.
Joanne M. Evans, xxxx.
Lila M. Garcia, xxxx.
Winifred L. Gorseth, xxxx.
Dorothy A. Hunte, xxxx.
Mary T. Kehoe, xxxx.
Joann B. O'Toole, xxxx.
Dorothy M. Welsh, xxxx.
Clara E. Young, xxxx.

The following persons for appointment in the Regular Air Force in the grades indicated, under section 8284 of title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be first lieutenants

Richard G. Abbott, xxxxxxxxx.
Richard F. Abel, xxxxxxxxx.
Eugene A. Adamek, xxxx.
Francis R. Adams, Jr., xxxxxxxxx.
Paul P. Adams, xxxxxxxxx.
Richard J. Adams, xxxxxxxxx.
Billy D. Adcock, xxxxxxxxx.
John K. Aden, xxxxxxxxx.
Thomas E. Aicher, xxxxxxxxx.
James R. Aiken, xxxxxxxxx.
Bernard F. Albers, xxxxxxxxx.
Robert J. Albers, xxxxxxxxx.
Theodore L. Albright, xxxxxxxxx.
Richard B. Aldrich, xxxxxxxxx.
Robert M. Alexander III, xxxxxxxxx.
Robert S. Allee, xxxxxxxxx.
Fred L. Alleman, xxxxxxxxx.
Benny J. Allen, xxxxxxxxx.
Otto O. Allgeier, xxxxxxxxx.
George B. Allison, xxxxxxxxx.
Paul J. Allison, xxxxxxxxx.
Thayer W. Allison, xxxxxxxxx.
Fred D. Allman, xxxxxxxxx.
Francis J. Almeter, xxxxxxxxx.
Noel F. Alsdorf, xxxxxxxxx.
Harry A. Amesbury, Jr., xxxxxxxxx.
John D. Amundson, xxxxxxxxx.
Vernon H. Amundson, xxxxxxx.
Billy W. Anderson, xxxxxxxxx.
Bruce E. Anderson, xxxx.
Dean M. Anderson, xxxxxxx.
Everett E. Anderson, xxxxxxxxx.
John M. Anderson, xxxxxxxxx.
Sidney E. Anderson, xxxxxxxxx.
Wayne C. Anderson, Jr., xxxxxxxxx.
James R. Andrew, xxxxxxxxx.
Harvey D. Angel, xxxxxxxxx.
Bernard Appel, xxxxxxxxx.
Harold J. Arata, xxxxxxxxx.
Paul W. Arcari, xxxxxxxxx.
James B. Archer, xxxxxxxxx.
Stuart H. Archer, xxxxxxxxx.
James B. Armstrong, xxxxxxxxx.
Albert G. Arnold, xxxxxxxxx.
Paul D. Ashley, xxxxxxxxx.
Donald M. Atkinson, xxxxxxxxx.
John C. Attebury, xxxxxxxxx.
Harold D. Austin, xxxxxxxxx.
Frank K. Babbitt, Jr., xxxxxxxxx.
Kenneth J. Bachman, xxxxxxxxx.
Merle D. Bacon, xxxxxxxxx.
Gary D. Baetz, xxxxxxxxx.
William L. Bagwell, xxxxxxxxx.
Benjamin N. Bailey, xxxxxxxxx.
William L. Bailey, Jr., xxxxxxxxx.
Thomas P. Baker, Jr., xxxxxxxxx.
Duane M. Bakken, xxxxxxxxx.
Paul Baldasari, xxxxxxxxx.
James E. Baldinger, xxxxxxxxx.
Robert L. Baldwin, xxxxxxxxx.
Donald G. Balish, xxxxxxxxx.
Ronald J. Balma, xxxxxxxxx.
Ronald L. Balo, xxxxxxxxx.
Thomas H. Bankard, xxxxxxxxx.
Charles A. Bankston, xxxxxxxxx.
John P. Bannon, xxxxxxxxx.
Raymond M. Bara, xxxxxxxxx.
Michael R. Barbolla, xxxxxxxxx.
Basil L. Bargery, xxxxxxxxx.
Gordon L. Barnes, xxxxxxxxx.
Walter E. Barnes III, xxxx.
Dale C. Barnum, xxxxxxxxx.
William R. Barr, xxxxxxxxx.
Richard A. Barron, xxxxxxxxx.
Thomas L. Barrow, xxxxxxxxx.
Adelbert P. Bartek, xxxx.
Richard A. Bartholomew, xxxxxxxxx.
Gordon Bass, xxxxxxxxx.
Louis R. Batson, Jr., xxxxxxxxx.
Robert S. Beale, xxxxxxxxx.
Raymond F. Beauregard, xxxxxxxxx.
Donald P. Beck, xxxxxxxxx.
Marvin H. Beezley, xxxxxxxxx.
Conrad L. Beggs, xxxxxxxxx.
Douglas C. Bell, xxxxxxxxx.
Francis J. Belmonte, Jr., xxxxxxxxx.
James E. Belt, xxxxxxxxx.
Lorenzo P. Benet, Jr., xxxxxxxxx.
Donald F. Benoit, xxxxxxx.
Albert E. Benson, Jr., xxxxxxxxx.
Jerry G. Berkowitz, xxxxxxxxx.
Albert M. Bernal, Jr., xxxxxxxxx.
James V. Berryhill, xxxxxxxxx.
Theodore R. Beuke, xxxxxxxxx.
Frank A. Bianco, xxxxxxxxx.
Kenneth C. Bibb, xxxxxxxxx.
Earnest J. Bickley, xxxxxxxxx.
John R. Bieberstein, xxxxxxxxx.
Robert L. Biggs, xxxxxxxxx.
Melvin J. Bina, xxxxxxxxx.
Thomas G. Birr, xxxxxxxxx.
Alexander Y. Bishop, xxxxxxxxx.
Douglas P. Bishop, xxxxxxxxx.
Lloyd K. Bishop, xxxxxxxxx.
Nolan A. Bissell, Jr., xxxxxxxxx.
Eugene E. Bittrolff, xxxxxxxxx.
Richard L. Blair, xxxxxxxxx.
Donald P. Blake, xxxxxxxxx.
Jule J. Blake, xxxxxxxxx.
Norman D. Blakely, xxxxxxxxx.
William A. Blaker, xxxxxxxxx.
Theodore E. Bliss, xxxxxxxxx.
Donald M. Blue, xxxxxxxxx.
Emil E. Boado, xxxxxxxxx.
Jack W. Bobbitt, xxxxxxxxx.
Robert D. Bocock, xxxxxxxxx.
James T. Boddie, Jr., xxxxxxxxx.
Charles A. Bodeen, xxxxxxxxx.
Kenneth D. Bodenhamer, xxxxxxxxx.
Lawrence F. Bonderer, xxxxxxx.
John C. Boockholdt, xxxxxxxxx.
Roland T. Boone, xxxxxxxxx.
Roderick D. Booth, xxxxxxxxx.
William K. Booth, xxxxxxxxx.
Joseph C. Bors, xxxxxxxxx.
Ronnie O. Bouldin, xxxxxxxxx.
Lloyd M. Bouton, xxxxxxxxx.
Charles K. Bowden, xxxxxxxxx.
John W. Bowden, xxxxxxxxx.
Edmund L. Bower, xxxxxxxxx.
Dave E. Bowersock, xxxxxxxxx.
Robert T. Boyette, xxxxxxxxx.
Teodoro Bozzetti, xxxxxxxxx.
George D. Brabson, xxxxxxxxx.
Harold E. Bradberry, xxxx.
Bruce V. Bradley, xxxxxxxxx.
Charles W. Bradley, xxxxxxxxx.
Claude J. Bradshaw, Jr., xxxxxxxxx.
Cecil H. Braeden, xxxxxxxxx.
Dale L. Brakebill, xxxxxxxxx.
Andrew J. Breen, xxxxxxxxx.
Donald R. Brian, xxxxxxxxx.
Gary W. Brindley, xxxxxxxxx.
George W. Brinkman, xxxxxxxxx.
Kenneth G. Brinson, xxxxxxxxx.
Charles C. Brittain, Jr., xxxxxxxxx.
Douglas B. Brittain, xxxxxxxxx.
Donald L. Brooks, xxxxxxxxx.
Robert E. Brooks, xxxxxxxxx.
Wiley S. Brooks, Jr., xxxxxxxxx.
Donald F. Broschat, Sr., xxxxxxxxx.
Harmon M. Brotnov, xxxxxxxxx.
Charles D. Brown, xxxxxxxxx.
Charles J. Brown, xxxxxxxxx.
Charles R. Brown, xxxxxxxxx.
David M. Brown, xxxxxxxxx.
Donald D. Brown, xxxxxx.
Floyd W. Brown, Jr., xxxxxxxxx.
Robert M. Brown, xxxxxxxxx.
Tommy M. Brown, xxxxxxxxx.
David C. Broxterman, xxxx.
Robert D. Brubaker, xxxxxxxxx.
Clarence K. Bruce, xxxxxxxxx.
Alvin H. Bruder, xxxxxxxxx.
John B. Bruno, xxxxxxxxx.
Andrew R. Brusini, xxxxxxxxx.
Bert Bryant, Jr., xxxx.
Frank A. Buchanan, xxxxxxxxx.
Melvin L. Buck, xxxx.
Louis C. Buckman, xxxxxxxxx.
Edward P. Bucko, xxxx.
Otto M. Budig, Jr., xxxxxxxxx.
Francis J. Buglewicz, Jr., xxxxxxxxx.
Mark L. Bumgardner, xxxxxxxxx.
Merle O. Bunde, xxxxxxxxx.
Bruce Burch, xxxxxxxxx.
Rollie K. Burcham, xxxxxxxxx.
John C. Burchard, xxxxxxxxx.
Arthur F. Burger, xxxxxxxxx.
Elvin A. Burgess, Jr., xxxxxxxxx.
Donald E. Burggrabe, xxxxxxxxx.
Jesse H. Burington, xxxxxxxxx.
David J. Burke, xxxxxxxxx.
Dennis M. Burke, xxxxxxxxx.
James T. Burns, xxxxxxxxx.
Theodore A. Burns, Jr., xxxxxxxxx.
Myron W. Burr, xxxxxxxxx.
William H. Burton, xxxxxxxxx.
Edward M. Burwell, xxxxxxxxx.
Warren L. Busch, xxxxxxxxx.
Gaston O. Bush, xxxxxxxxx.
Robert E. Bush, xxxxxxxxx.
Samuel L. Butler, xxxxxxxxx.
Lucious C. Butt, xxxxxxxxx.
Ray F. Butts, xxxxxxxxx.
Bobby R. Butz, xxxxxxxxx.
Loren L. Buyher, xxxxxxxxx.
Earl M. Buys, Jr., xxxxxxxxx.
Starr A. Byarlay, xxxxxxxxx.
Joseph J. Bylinski, xxxxxxxxx.
Vincent D. Calbi, xxxxxxxxx.
Bruce T. Caldwell, xxxxxxxxx.
Charles C. Caldwell, xxxxxxxxx.
Cecil O. Calhoun, Jr., xxxxxxxxx.
Joseph T. Callahan, Jr., xxxxxxxxx.

William J. Callahan, xxxxxxxxx.
Richard C. Campbell, xxxxxxxxx.
Gene A. Carew, xxxxxxxxx.
Kenneth V. Carey, xxxxxxxxx.
James P. Carino, Jr., xxxxxxxxx.
Kenneth B. Carpenter, xxxx.
Rolland T. Carpenter, xxxxxxxxx.
Joseph A. Carriere, xxxxxxxxx.
Malcolm H. Carroll, Jr., xxxxxxxxx.
William S. Carrothers, Jr., xxxxxxxxx.
David L. Carson, xxxxxxxxx.
David P. Carson, xxxxxxxxx.
Dale E. Cartee, xxxxxxxxx.
John L. Carter, xxxxxxxxx.
James W. Cartwright, xxxxxxxxx.
Don A. Cassada, xxxxxxxxx.
Donald M. Cassiday, Jr., xxxxxxxxx.
William R. Castner, xxxxxxxxx.
John T. Chain, Jr., xxxxxxxxx.
Thurman Chamblee, Jr., xxxxxxxxx.
James C. Chapman, xxxxxxxxx.
Robert S. Chase, xxxxxxxxx.
Robert L. Chastain, xxxxxxxxx.
Eddie J. Chauvin, Jr., xxxxxxxxx.
Gabriel V. Chavez, xxxxxxxxx.
Everett A. Cheney, xxxxxxxxx.
John R. Cherrington, Jr., xxxxxxxxx.
Don T. Cherry, xxxx.
Alexander Chism, xxxxxxxxx.
Donald J. Christensen, xxxxxxxxx.
Richard E. Christian, xxxxxxxxx.
Charles H. Clark, xxxxxxxxx.
Gene D. Clark, xxxxxxxxx.
Richard R. Clark, xxxxxxxxx.
John F. Clarke, xxxxxxxxx.
David H. Clegg, xxxxxxxxx.
Maurice V. Clegg, xxxxxxxxx.
Edward Y. Cleveland, xxxxxxxxx.
Raymond H. Cleveland, xxxxxxxxx.
Harold C. Clinger, xxxxxxxxx.
David B. Clogston, Jr., xxxxxxxxx.
Jerry D. Cobb, xxxxxxxxx.
Richard Coffee, xxxxxxxxx.
Richard A. Coffland, xxxxxxxxx.
William J. Coggin, xxxxxxxxx.
Edward D. Cohen, xxxxxxxxx.
Earle R. Cole, xxxxxxxxx.
James L. Cole, xxxxxxxxx.
David Collins, xxxxxxxxx.
Harold G. Colson, xxxxxxxxx.
Harold D. Colwick, xxxxxxxxx.
Norman D. Comfort, xxxxxxxxx.
Lloyd E. Conduff, xxxxxxxxx.
John L. Conley II, xxxxxxxxx.
Joseph H. Connolly, xxxxxxxxx.
William M. Constantine, xxxxxxxxx.
Charles O. Coogan, xxxxxxxxx.
Donald E. Cook, xxxxxxxxx.
James Cook, xxxxxxxxx.
James D. Cooke, xxxxxxxxx.
William R. Cooksey III, xxxxxxxxx.
Walter S. Cooledge III, xxxxxxxxx.
John E. Coon, xxxxxxxxx.
Ezra D. Coons, xxxxxxxxx.
Charles S. Cooper III, xxxxxxxxx.
Grayson V. Cordell, Jr., xxxxxxxxx.
Roger W. Corley, xxxxxxxxx.
Gerald A. Cory, Jr., xxxxxxxxx.
Raymond E. Cosgrove, xxxxxxxxx.
Dennis E. Cost, xxxxxxxxx.
William T. Costas, xxxxxxxxx.
John P. Costner, xxxxxxxxx.
William E. Countryman, xxxxxxxxx.
Willis D. Covert, xxxxxxxxx.
Richard T. Cowern, xxxxxxxxx.
Eldon W. Cox, xxxxxxxxx.
John T. Craddock, xxxxxxxxx.
Donald C. Crandall, xxxxxxxxx.
Edmund H. Crandall, xxxxxxxxx.
George W. Crane, xxxxxxxxx.
William M. Crane, xxxxxxxxx.
Jack C. Crawford, xxxxxxxxx.
Joe E. Crenwelge, xxxxxxxxx.
Jerald L. Crew, xxxxxxxxx.
Manley W. Crider, Jr., xxxxxxxxx.
Azro C. Crim, Jr., xxxxxxxxx.
James A. Crim, xxxxxxxxx.
Marcus F. Crook, xxxxxxxxx.
Patrick B. Crotty, xxxxxxxxx.
Arthur F. Crum, Jr., xxxxxxxxx.
Donald E. Cruzan, xxxxxxxxx.

Andres N. Cuellar, xxxxxxxxx.
Arnold A. Culbreth, Jr., xxxxxxxxx.
David Q. Cummings, xxxxxxxxx.
Jack C. Cummings, xxxxxxxxx.
James T. Cummings, xxxxxxxxx.
Richard L. Cummings, xxxxxxxxx.
William F. Cummings, xxxxxxxxx.
Lawrence R. Cunningham, xxxxxxxxx.
Norman M. Cupfender, xxxxxxxxx.
Gene D. Curry, xxxxxxxxx.
Herbert B. Curtis, xxxxxxxxx.
John W. Curtis, xxxxxxxxx.
Charles L. Cusenbary, xxxxxxxxx.
Donald R. Czech, xxxxxxxxx.
William M. Dabrock, xxxxxxxxx.
Harry R. Dagwell, xxxxxxxxx.
Johannes U. Dahle, xxxxxxxxx.
Gerald K. Dahmen, xxxxxxxxx.
William R. Dailey, xxxxxxxxx.
Donald G. Dair, xxxxxxxxx.
Jack N. M. Dale, xxxxxxxxx.
Joseph A. Daley III, xxxxxxxxx.
Robert J. Daley, xxxxxxxxx.
Ronald K. Dalrymple, xxxxxxxxx.
Joseph M. Daly, xxxxxxxxx.
Jan G. Dame, xxxxxxxxx.
William J. Danaher, xxxxxxxxx.
Donald A. Daniel, xxxxxxxxx.
James O. Daniel, xxxxxxxxx.
Louis E. Daniels, Jr., xxxxxxxxx.
Richard E. Daniels, xxxxxxxxx.
Robert E. Dannenbring, xxxxxxxxx.
Gerald P. D'Arcy, xxxxxxxxx.
Frederick R. Darling, xxxxxxxxx.
Norman W. Darlington, xxxxxxxxx.
Lyle E. Darrow, xxxxxxxxx.
Wilbur A. Darsey, xxxxxxxxx.
Walton F. Dater, Jr., xxxxxxxxx.
James M. Daugherty, xxxxxxxxx.
George R. Davidson, xxxxxxxxx.
Douglas E. Davis, xxxxxxxxx.
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Fred M. Davis, xxxxxxxxx.
Harry A. Davis III, xxxx.
James C. Davis, Jr., xxxxxxxxx.
John O. Davis, xxxxxxxxx.
Ronald S. Davis, xxxxxxxxx.
Wayne E. Davis, xxxxxxxxx.
William R. Davis, xxxxxxxxx.
Winston J. Daws, xxxxxxxxx.
James H. Dayley, xxxxxxxxx.
Donald R. Delauter, xxxxxxxxx.
John J. Dell, xxxxxxxxx.
Robert E. Delong, xxxxxxxxx.
Robert I. DeLong, xxxxxxxxx.
Rocco A. Demarino, xxxxxxxxx.
Derrel L. Dempsey, xxxxxxxxx.
Everett E. Dencklau, xxxxxxxxx.
Floyd C. Denney, xxxxxxxxx.
Jack E. Denny, xxxxxxxxx.
George T. de Ogburn, Jr., xxxxxxxxx.
William C. DePaepe, xxxxxxxxx.
Van A. DePriest, xxxxxxxxx.
Kelam S. Derderian, xxxxxxxxx.
Robert R. Des Roches, xxxxxxxxx.
John W. Dettmer, xxxxxxxxx.
Alton H. Deviney, xxxxxxxxx.
John N. Dick, Jr., xxxxxxxxx.
Gary T. Dickey, xxxxxxxxx.
Orville E. Dickerson, xxxxxxxxx.
Francis A. Didamo, xxxxxxxxx.
James H. Diggs, xxxxxxxxx.
Edward Dillard, xxxxxxxxx.
Louis S. Dillard, Jr., xxxxxxxxx.
Roy B. Dille, Jr., xxxxxxxxx.
John J. Dillon, xxxxxxxxx.
Jack C. Dimski, xxxxxxxxx.
Bernard N. Disteldorf, xxxxxxxxx.
Donald D. Dittmar, xxxxxxxxx.
Chris O. Divich, xxxxxxxxx.
William D. Dixon, xxxxxxxxx.
Orme L. Dockins, xxxxxxxxx.
Eddy J. Doerschlen, xxxxxxxxx.
James C. Doggette, Jr., xxxxxxxxx.
William J. Dollahon, xxxxxxxxx.
Wayne R. Dommer, xxxxxxxxx.
John W. Donahue, Jr., xxxxxxxxx.
William R. Donald, Jr., xxxx.
Robert J. Donaldson, xxxx.
Jose A. Donate, xxxxxxxxx.
Laurence W. Donoho, xxxxxxxxx.

Charles F. Donohue, xxxxxxxxx.
Joe A. Dotson, xxxxxxxxx.
Larry B. Downes, xxxxxxxxx.
William L. Doyle, Jr., xxxxxxxxx.
Gilbert L. Dozier, xxxxxxxxx.
Donald S. Drablos, xxxxxxxxx.
Carl W. Drake, xxxxxxxxx.
Christian F. Dreyer, Jr., xxxxxxxxx.
Dennis R. Driscoll, xxxxxxxxx.
John J. Drislan, xxxxxxxxx.
Daniel H. Duffy, xxxxxxxxx.
Hugh H. Durkee, xxxxxxxxx.
Patrick F. Durning, xxxxxxxxx.
Brock W. Dutton, xxxxxxxxx.
Delmar R. Dyer, Jr., xxxxxxxxx.
Robert J. Dyer, xxxxxxxxx.
James D. Eagle, xxxxxxxxx.
William L. Eakin, xxxxxxxxx.
Stanley G. Ebner, xxxxxxxxx.
James R. Echols, xxxxxxxxx.
Raymond O. Eddy, xxxxxxxxx.
John H. Edgar, xxxxxxxxx.
Lloyd Edwards, xxxxxxxxx.
Ollie H. Edwards, xxxxxxxxx.
Richard C. Edwards, xxxxxxxxx.
James F. Egbert, xxxxxxxxx.
William Y. Ehrhart, xxxxxxxxx.
Robert L. Elder, xxxxxxxxx.
Albert M. Elliott, xxxxxxxxx.
Donald A. Elliott, xxxxxxxxx.
Philip D. Elliott, xxxxxxxxx.
Richard D. Elliott, xxxxxxxxx.
Robert L. Elliott, xxxxxxxxx.
Robert J. Ellis, xxxxxxxxx.
James D. Elmer, xxxxxxxxx.
Niles T. Elwood, xxxxxxxxx.
Richard K. Ely, xxxxxxxxx.
Robert H. Emmons, Jr., xxxxxxxxx.
Guy E. Enabnit, xxxxxxxxx.
Louis E. Endris, xxxxxxxxx.
Earle M. Enger, Jr., xxxxxxxxx.
Gilbert G. Engle, xxxxxxxxx.
Robert O. Ennever, Jr., xxxxxxxxx.
Dale L. Eppinger, xxxxxxxxx.
Robert E. Epting, Jr., xxxxxxxxx.
Eugene A. Erb, Jr., xxxxxxxxx.
Bill D. Ericson, xxxxxxxxx.
Ralph D. Erwin, xxxxxxxxx.
Francis E. Esterlin II, xxxxxxxxx.
Frederic D. Estes, xxxxxxxxx.
Jack A. Evans, xxxxxxxxx.
David Everson, xxxxxxxxx.
Don R. Ewing, xxxxxxxxx.
Charles V. Fada, xxxxxxxxx.
Daniel M. Fagan, xxxxxxxxx.
Frank T. Faha, xxxxxxxxx.
William A. Fall, xxxxxxxxx.
Gerald J. Farrell, xxxxxxxxx.
Jackie L. Faulkner, xxxxxxxxx.
Donald G. Fava, xxxxxxxxx.
David Y. Fawcett, xxxx.
Peter G. Fay, xxxxxxxxx.
Richard V. Feaster, xxxxxxxxx.
George K. Feather, xxxxxxxxx.
Norman E. Featherston, xxxxxxxxx.
John E. Feldmann, xxxxxxxxx.
Jerry J. Felmley, xxxxxxxxx.
Johnny C. Fender, xxxxxxxxx.
Roger W. Fenneman, xxxxxxxxx.
Harold B. Ferguson, xxxxxxxxx.
Richard S. Ferguson, xxxxxxxxx.
William R. Ferguson, xxxxxxxxx.
Austin O. Fernow, xxxxxxxxx.
Paul S. Ferrell, xxxxxxxxx.
Robert O. Ferrell, xxxxxxxxx.
Albert L. Ferzacca, xxxxxxxxx.
David E. Fetherston, xxxxxxxxx.
Verdis N. Fiddelke, xxxxxxxxx.
Lawrence H. Field, xxxxxxxxx.
Leland R. Fillmore, xxxxxxxxx.
Charles L. Finch, xxxxxxxxx.
Thomas H. Fincher, xxxxxxxxx.
John C. Findley, xxxxxxxxx.
Gerald Finn, xxxxxxxxx.
William V. Finn, xxxxxxxxx.
Wade E. Firmin, xxxxxxxxx.
Charles E. Fischer, xxxxxxxxx.
Arnold G. Fisher, xxxxxxxxx.
Phillip R. Fisher, Jr., xxxxxxxxx.
Ronald A. Fishter, xxxxxxxxx.
James C. Fitzgerald, xxxx.
Marvin A. Flaks, xxxxxxxxx.

George W. Fleischer, xxxxxxxxx.
David A. Fleming, xxxxxxxxx.
Robert M. Fletcher, xxxxxxxxx.
George L. Florman, xxxxxxxxx.
Brendan P. Foley, xxxxxxxxx.
William J. Follmer, xxxxxxxxx.
James D. Forbes, xxxxxxxxx.
Cleveland E. Forrester, xxxxxxxxx.
David C. Forster, xxxxxxxxx.
Lawrence J. Fortenberry, xxxxxxxxx.
Dewey D. Foster, Jr., xxxxxxxxx.
Raymond L. Foster, xxxxxxxxx.
Warren W. Foster, xxxxxxxxx.
Charles R. Fox, xxxxxxxxx.
George M. Fox, xxxxxxxxx.
Robert J. Foy, xxxxxxxxx.
Philip B. Francis, xxxxxxxxx.
Reilous A. Franklin, xxxxxxxxx.
Sidney B. Franklin, xxxxxxxxx.
Francis J. Franzago, xxxxxxxxx.
Robert L. Frederick, xxxxxxxxx.
Robert W. Frey, xxxxxxxxx.
Roger A. Frey, xxxxxxxxx.
Malcolm G. Fries, xxxxxxxxx.
Hubert H. Frisinger II, xxxxxxxxx.
Donaldson D. Frizzell, xxxxxxxxx.
Alan C. Frost, xxxxxxxxx.
Vernon L. Frye, xxxxxxxxx.
George S. Fulgham, xxxxxxxxx.
Robert R. Fuller, xxxxxxxxx.
Robert G. Fullwood, xxxxxxxxx.
Robert H. Fulton, Jr., xxxx
James D. Furlow, xxxxxxxxx.
Joseph P. Fuss, xxxxxxxxx.
Kenneth H. Gaasch, xxxxxxxxx.
Grant E. Gabel, xxxxxxxxx.
Arnald D. Gabriel, xxxxxxxxx.
James M. Gafney, xxxxxxxxx.
Donald R. Galarowicz, xxxxxxxxx.
Richard S. Gamble, xxxxxxxxx.
Frank T. Gammage, Jr., xxxxxxxxx.
Rudy M. Garcia, xxxxxxxxx.
Anthony Gardecki, xxxxxxxxx.
Clarence M. Garrett, Jr., xxxxxxxxx.
Lewis E. Garrett, xxxxxxxxx.
Samuel B. Garris, xxxxxxxxx.
Richard E. Garrison, xxxxxxxxx.
John W. Garten, xxxxxxxxx.
Roger O. Gary, Jr., xxxxxxxxx.
Donald V. Gatchel, xxxxxxxxx.
Thomas R. Gates, xxxxxxxxx.
John M. Gatt, xxxxxxxxx.
David Gay, xxxx
John P. Gee, xxxxxxxxx.
George T. Gehrig, xxxxxxxxx.
Philip G. Geib, xxxxxxxxx.
Robert J. Generaux, xxxxxxxxx.
Frederick B. Gerbing, xxxxxxxxx.
Leslie B. Gerlach, xxxxxxxxx.
Thomas C. Germscheid, xxxxxxxxx.
Ludwig Gesund, xxxxxxxxx.
John R. Giancola, xxxxxxxxx.
Charles A. Gibbs, xxxxxxxxx.
Donald R. Giddens, xxxxxxxxx.
John E. Gilbert, xxxxxxxxx.
Richard L. Gilbert, xxxxxxxxx.
Thomas E. Gillen, xxxxxxxxx.
Ronald W. Gillespie, xxxxxxxxx.
Ray G. Gilligan, xxxxxxxxx.
Malcolm E. Gillis, Jr., xxxxxxxxx.
Robert F. Gilmore, xxxxxxxxx.
Horace M. Gladney, xxxxxxxxx.
James M. Glenn, xxxxxxxxx.
Lloyd N. Goble, xxxxxxxxx.
Dean S. Goddard, xxxxxxxxx.
Harold T. Godfrey, Jr., xxxx
Jerome R. Goebel, xxxxxxxxx.
Earl E. Goetze, xxxxxxxxx.
Theodore W. Golder, xxxxxxxxx.
Morris M. Goldhamer, xxxxxxxxx.
Richard R. Golemboski, xxxxxxxxx.
Robert D. Golightly, xxxxxxxxx.
Don T. Gonzales, xxxxxxxxx.
Russell C. Goodman, xxxxxxxxx.
Ivor K. Goodrich, xxxxxxxxx.
George W. Goodwin III, xxxxxxxxx.
Bruce E. Gordon, xxxxxxxxx.
Robert C. Gordon, xxxxxxx
Samuel T. Gore, xxxxxxxxx.
Richard J. Gorey, xxxx
James L. Gorman, xxxxxxxxx.

Vincent E. Gormley, xxxxxxxxx.
Eugene S. Gorski, xxxxxxxxx.
Ronald V. Grabler, xxxxxxxxx.
Frank J. Gradyan, xxxxxxxxx.
Joseph E. Graetch, xxxxxxxxx.
John C. Graham, xxxxxxxxx.
George E. Grammer, Jr., xxxxxxxxx
Joseph S. Grant, Jr., xxxxxxxxx.
Stanley C. Grant, xxxxxxxxx.
David C. Graves, xxxxxxxxx.
William F. Graves, xxxxxxxxx.
Russell W. Gray, Jr., xxxxxxxxx.
Henry W. Green, Jr., xxxxxxxxx.
Howard J. Greene, xxxxxxxxx.
Robert S. Greever, xxxxxxxxx.
Gerald D. Gregory, xxxxxxxxx.
Henry M. Greybill, xxxxxxxxx.
Robert H. Grice, xxxxxxxxx.
Francis L. Griffin, xxxxxxxxx.
Glenn A. Griffith, xxxxxxxxx.
Joe T. Griffith, xxxxxxxxx.
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James H. Love, XXXXXXXXX
Joe E. Lowe, XXXXXXXXX
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Dennis K. Lowry, XXXXXXXXX
John I. Lowry, XXXXXXXXX
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Fred A. Lucas, XXXXXXXXX
Clive D. Luckenbill, XXXXXXXXX
Guy D. Luke, XXXXXXXXX
Kenneth W. Lukens, XXXXXXXXX
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Robert L. Lundin, XXXXXXXXX
David Y. F. Lung, XXXXXXXXX
John C. Lynch, XXXXXXXXX
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Paul J. Madsen, XXXXXXXXX
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Caril F. Magdefrau, XXXXXXXXX
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Robert E. Magnusson, XXXXXXXXX
James P. Maguire, XXXXXXXXX
Lothar T. Maier, XXXXXXXXX
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Jimmie L. Makinson, XXXXXXXXX
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Juanita Mancha, XXXX
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Dalton L. Mann, XXXXXXXXX
Michael R. Marcellino, XXXXXXXXX
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Ronnie G. Maricle, XXXXXXXXX
Arthur A. C. Markl, XXXXXXXXX
Stanley L. Marrs, XXXXXXXXX
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Richard C. Marshall, XXXXXXXXX
Richard N. Martel, XXXXXXXXX
Charles P. Martin, XXXXXXXXX
Edward P. Martin, XXXXXXXXX
Eugene F. Martin, XXXXXXXXX
Frederick A. Martin, XXXXXXXXX
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James F. McClanahan, XXXXXXXXX
Anderson G. McConnell, XXXXXXXXX
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Gerald A. McIntire, xxxxxxxxx.
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Walter L. Ray, xxxxxxxxx.
Robert H. Rea, xxxxxxxxx.
Edward C. Redican, xxxxx.
Robert Redmond, xxxxxxxxx.
Anthony D. Reed, xxxxxxxx.
James E. Rees, xxxxxxxxx.
James C. Regan, xxxxxxxxx.
Marvin L. Rehkop, xxxxxxxxx.

Joseph N. Reid, xxxx
David H. Reiner, xxxxxxxxx
Thomas Retherford, xxxx
John O. Reynolds, xxxx
Richard H. Rhoad, xxxxxxxxx
Donald G. Rhoads, xxxxxxxx
Frank J. Rice, xxxxxxxxx
Tommy E. Rice, xxxx
Carroll J. Rich, xxxx
Kenneth R. Richard, xxxx
Thomas C. Richards, xxxxxxxxx
David A. Richardson, xxxxxxxxx
Floyd D. Richardson, xxxxxxxxx
Samuel E. Riddlebarger, xxxxxxxxx
James G. Rider, xxxxxxxxx
Richard N. Riecke, xxxxxxxxx
Robert W. Riegel, xxxxxxxxx
James E. Risinger, xxxxxxxxx
Horace H. Roberts, xxxxxxxxx
Glenn L. Robertson, xxxx
Malcolm B. Robertson, xxxx
Donald F. Robillard, xxxxxxxxx
Clifford L. J. Rodriguez, xxxxxxxxx
Salvador O. Rodriguez, xxxxxxxxx
David J. Rogers, xxxxxxxxx
John A. Rogers, xxxx
Sidney D. Rogers, xxxxxxxxx
Donald J. Rohr, xxxxxxxxx
Jimmy Roland, xxxxxxxxx
Leo F. Rollman, xxxxxxxxx
Frederick W. Romig, xxxxxxxxx
Arthur J. Roscoe, Jr., xxxxxxxxx
George R. Rose, xxxxxxxxx
Eugene H. Ross, xxxxxxxxx
James S. Ross, xxxxxxxxx
Lyndell E. Ross, xxxxxxxxx
Robert D. Rossmeisl, xxxxxxxxx
Lloyd J. Rowe, xxxxxxxxx
Julien E. Roy, xxxxxxxxx
Dennis W. Rube, xxxxxxxxx
Charles B. Ruble, xxxxxxxxx
Norman A. Ruby, xxxxxxxxx
Harry G. Rudolph, Jr., xxxx
William A. Rush, xxxxxxxxx
Robert D. Russ, xxxx
Charles H. Russell, Jr., xxxxxxxxx
Howland S. Russell, xxxxxxxxx
George L. Rutland, Jr., xxxxxxxxx
Arthur R. Ryan, xxxxxxxxx
Eddie W. Ryan, xxxxxxxxx
Melvyn I. Safer, xxxxxxxxx
William G. Sailer, xxxxxxxxx
George L. Salmi, Jr., xxxxxxxxx
Richard C. Samdahl, xxxxxxxxx
Norman R. Sandell, xxxxxxxxx
Gordon M. Sandercox, xxxxxxxxx
Carl R. Sanders, xxxxxxxxx
Lawrence N. Sanders, xxxxxxxx
Jerry K. Sandifer, xxxxxxxxx
Dwight E. Sarber, xxxxxxxxx
Laurence G. Sargent, xxxxxxxxx
Thomas B. Sauer, xxxxxxxxx
Thomas H. Saunders, xxxxxxxxx
Paul F. Sautter, xxxxxxxxx
Walter E. Savage, xxxx
Donald V. Savickas, xxxxxxxx
Sam J. Scamardo, xxxxxxxxx
Tony H. Scamardo, xxxxxxxxx
Tracy A. Scanlan, xxxx
Donald T. Schaeffer, xxxxxxxxx
Gordon B. Schaeffer, xxxxxxxxx
Glayden L. Schafer, xxxxxxxxx
Robert M. Schaff, xxxxxxxxx
Teddy C. Schaffer, xxxxxxxxx
Ramon F. Schapley, xxxxxxxxx
Donald J. Scheid, xxxxxxxxx
James E. Scherer, xxxxxxxxx
William O. Schism, Jr., xxxxxxxxx
Richard A. Schlenker, xxxxxxxxx
John Schmid, Jr., xxxxxxxxx
Wilbert A. Schmid, xxxxxxxxx
Gerald A. Schmidt, xxxxxxxxx
Conrad H. Schminke, xxxxxxxxx
Merle R. Schneekloth, xxxxxxxxx
Darrell A. Schneider, xxxxxxxxx
Raymond A. Schneider, xxxxxxxxx
Walter J. Schob, Jr., xxxxxxxxx
John N. Schofield, Jr., xxxxxxxxx
John E. Schroer, xxxxxxx
John G. Schutes, xxxxxxxxx
Michael F. Schwabacher, xxxx
Gerald C. Schwankl, xxxxxxxxx
Leroy J. Schwartz, xxxxxxxxx
Karl K. Schwenzfeier, xxxxxxxxx
Richard D. Schwieren, xxxxxxxxx
Arthur L. Sclater, Jr., xxxxxxxxx
Glyndon V. Scott, xxxxxxxxx
Jack E. Scott, xxxxxxxxx
Richard E. Scrafford, xxxxxxxxx
David J. Scully, xxxx
Richard G. Semple, xxxxxxxxx
Jasper A. Setliff, xxxxxxxxx
William H. Settle, Jr., xxxxxxxx
Donald E. Severe, xxxxxxxxx
Paul A. Seymour, xxxxxxxxx
Murray M. Shain, xxxxxxxxx
Sidney S. Shatford III, xxxxxxxxx
Thomas D. Shaw, xxxxxxxxx
Ward C. Shaw, xxxxxxxxx
William H. Shaw, xxxxxxxxx
William M. Shaw, Jr., xxxx
Jackie L. Sheffer, xxxxxxxxx
John M. Sheffield, Jr., xxxxxxxxx
Jack W. Sheppard, xxxxxxxxx
Bertrand E. Shields, Jr., xxxxxxxxx
Gerald W. Shields, xxxxxxxxx
Henry Shimabukuro, xxxxxxxxx
Jimmy F. Shiramizu, xxxxxxxxx
Robert J. Schroeder, xxxxxxxxx
Richard R. Shrove, xxxxxxxxx
Claude R. Shrum, xxxxxxxxx
Allen L. Shumway, Jr., xxxxxxxxx
Ben A. Shuppert, xxxxxxxxx
Joseph Siciliano, xxxx
Eric T. Siemers, xxxxxxxxx
Willibrord T. Silva, xxxxxxxxx
Robert K. Simm, xxxxxxxxx
Carl L. Simmons, xxxx
Thomas N. Simmons, xxxxxxxxx
John D. Sims, xxxx
John W. Sims, Jr., xxxxxxxxx
James R. Sink, xxxxxxxxx
Marvin L. Skillen, xxxxxxxxx
Charles P. Skipton, xxxxxxxxx
Lyman A. Slack, Jr., xxxxxxxxx
Elmer Slaten, Jr., xxxxxxxxx
Thomas M. Slawson, xxxxxxxxx
Leslie C. Slaybaugh, xxxxxxxxx
Roger A. Slocum, xxxxxxxxx
John W. Small, xxxxxxxxx
Francis E. Smiley, xxxxxxxxx
Dean G. Smith, xxxxxxxxx
Donald E. Smith, xxxxxxxxx
Douglas D. Smith, xxxx
Gordon C. Smith, xxxxxxxxx
Hall Smith II, xxxx
James E. Smith, xxxxxxxxx
James M. Smith, xxxxxxxxx
Kruger B. Smith, xxxxxxxxx
Norman R. A. Smith, xxxxxxxxx
Richard E. Smith, Jr., xxxxxxxxx
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Robert B. Smith, Jr., xxxxxxxxx
Ronald C. Smith, xxxxxxxxx
Ronald T. Smith, xxxxxxxxx
Thomas W. Smith, xxxxxxxxx
Wylie E. Smith, xxxxxxxxx
Richard T. Snell, xxxxxxxxx
Richard A. Snook, xxxxxxxxx
Richard M. Snowden, xxxxxxxxx
Earl P. Snyder, Jr., xxxxxxxxx
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Robert C. Solomon, xxxxxxxxx
Harlan J. Soppe, xxxxxxxxx
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Thomas R. Spears, xxxxxxxxx
Todd A. Spoerl, xxxxxxxxx
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Donald L. Spurrier, xxxxxxxxx
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Royal T. Squires, Jr., xxxxxxxxx
Evan D. Stackfleth, xxxxxxxxx
Gordon E. Stalcup, xxxxxxxxx
William R. Stamler, Jr., xxxxxxx
Donald G. Stamp, xxxx
Grant C. Stanfill, xxxxxxxxx
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Thomas L. Staples, xxxxxxxxx
Richard A. Starner, xxxxxxxxx
Don L. Steed, xxxxxxx
Tommy R. Steel, xxxxxxxxx
John P. Steele, xxxxxxxxx
John A. Steen, xxxxxxxxx
Malcolm H. Stehman, xxxxxxxxx
Albert M. Stephens, xxxxxxxxx
Larry M. Stevens, xxxxxxxxx
Max L. Stevens, xxxxxxxxx
Carl G. Stevenson, xxxx
Lowell A. Stewart, xxxxxxxxx
Roger E. Stiles, xxxxxxxxx
Kenneth R. Stilwell, xxxx
Samuel O. Stine, xxxxxxxxx
Robert E. Stirnitzke, xxxxxxxxx
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Herald W. Stockton, xxxxxxxxx
Willard E. Stockwell, xxxxxxxxx
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Thomas A. Stout, xxxxxxxxx
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Werner Stricker, xxxxxxxxx
Bryan E. Stroder, Jr., xxxxxxxxx
David M. Stroup, Jr., xxxxxxxxx
Ridley M. Stuart, xxxxxxxxx
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Glenn H. Stumpff, xxxxxxxxx
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Franklin D. Taylor, xxxx
Robert H. Taylor, xxxxxxxxx
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John D. Vickery, xxxxxxxxx.
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Larry D. Waller, xxxxxxxxx.
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Merrill B. Walters, xxxxxxxxx.
Ralph D. Walters, xxxxxxxxx.
Rives M. Walters, xxxxxxxxx.
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Robert H. Watson, xxxxxxxxx.
Dewayne L. Weatherford, xxxxxxxxx.
Kenneth L. Weaver, xxxxxxxxx.
Peter J. Webber, xxxxxxxxx.
Daniel R. Weber, xxxxxxxxx.
Henry C. Wedemeyer, Jr., xxxxxxxxx.
William E. Weingarz, Jr., xxxxxxxxx.
Bernard L. Weiss, xxxxxxxxx.
Edwin V. Wells, xxxxxxxxx.
Reuel T. Werner, Jr., xxxxxxxxx.
Merle H. Wessel, xxxxxxxxx.
Donald W. Wesselman, xxxxxxxxx.
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James H. West, xxxxxxxxx.
Jerry G. West, xxxxxxxxx.
Russel G. Westcott, Jr., xxxxxxxxx.
William R. Weston, xxxxxxxxx.
Richard W. Wetzel, xxxxxxxxx.
Thomas G. Wetzl, xxxxxxxxx.
Karl A. Wheeler, xxxxxxxxx.
John F. White, xxxxxxxxx.
Noble L. White, xxxxxxxxx.
Alvin D. Whitley, xxxxxxxxx.
Richard A. Whitney, xxxxxxxxx.
Bismarck Wichy, xxxxxxxxx.
Thomas J. Wicker, xxxxxxxxx.
Rodney C. Wilde, xxxxxxxxx.
Thomas A. Wilde, xxxxxxxxx.
Mary H. Wildman, xxxx.
Billie J. Williams, xxxxxxxxx.
James A. Williams, xxxxxxxxx.
Jimmy R. Williams, xxxxxxxxx.
Joseph B. Williams, xxxxxxxxx.
Lee E. Williams, xxxxxxxxx.
Pete C. Williams, xxxxxxxxx.
Robert W. Williams, xxxxxxxxx.
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Stanley P. Williams, xxxxxxxxx.
Thomas C. Williamson, Jr., xxxxxxxxx.
Franklin E. Willis, xxxxxxxxx.
William S. Willis, xxxxxxxxx.
Albert H. Wilson, xxxxxxxxx.
Charles A. Wilson, xxxxxxxxx.
Donald G. Wilson, xxxxxxxxx.
Harold D. Wilson, xxxxxxxxx.
Jack L. Wilson, xxxxxxxxx.
John P. Wilson, xxxxxxxxx.
Robert W. Wilson, xxxxxxxxx.
Darrel E. Wilt, xxxxxxxxx.
Jack W. Wimer, xxxxxxxxx.
Theodor R. Winford, xxxxxxxxx.
Joe G. Winslow, xxxxxxxxx.
Malcolm D. Winter, xxxxxxxxx.
William R. Wirth, xxxxxxxxx.
Lee B. Wise, xxxxxxxxx.
Lester Wise, xxxxxxxxx.
Bobby L. Withrow, xxxxxxxxx.
Donald K. Wolf, xxxxxxxxx.
Richard H. Wolf, xxxxxxxxx.
William F. Wolfe, xxxxxxxxx.
Peter F. Wolniewicz, xxxxxxxxx.
Clarence E. Womack, xxxxxxxxx.
Vernon L. Womack, xxxxxxxxx.
Daryl L. Wood, xxxxxxxxx.
Gordon R. Wood, xxxxxxxxx.
James T. Wood, xxxxxxxxx.
Gerald E. Woodcock, xxxxxxxxx.
Sidney B. Woodson, xxxxxxxxx.
David F. Woolwine, xxxxxxxxx.
Dwight C. Worden, xxxxxxxxx.
John N. Worley, xxxxxxxxx.
Mark J. Worrick, xxxxxxxxx.
William E. Worthy, xxxxxxxxx.
Bobby R. Wright, xxxxxxxxx.
Chris D. Wright, xxxxxxxxx.
Dade M. Wright, xxxxxxxxx.
David G. Wright, xxxxxxxxx.
Charles F. Wrobleski, xxxxxxxxx.
Thomas F. Yackiel, xxxxxxxxx.
Donald R. Yates, xxxxxxxxx.
William V. Yelton, xxxxxxxxx.
H. Sheldon Yingst, xxxxxxxxx.
Russell W. Youngblood, xxxxxxxxx.
Robert J. Yunk, xxxxxxxxx.
John D. Zachary, xxxxxxxxx.
Donald A. Zaike, xxxxxxxxx.
John P. Zakovich, xxxxxxxxx.
Robert J. Zampino, xxxxxxxxx.
Harold D. Zantop, xxxxxxxxx.
Frederick R. Zerbe, xxxxxxxxx.
Chester A. Zielinski, xxxxxxxxx.
Clarence E. Zienert, xxxxxxxxx.
Duane L. Zink, xxxxxxxxx.
Bennett B. Zinnecker, xxxxxxxxx.

To be second lieutenants

Joseph H. Abbott, xxxxxxxxx.
Patrick G. Achee, xxxxxxxxx.
Herbert H. Acheson, xxxxxxxxx.
George W. Acree II, xxxxxxxxx.
Jimmie V. Adams, xxxxxxxxx.
Theodore C. Adams, Jr., xxxxxxxxx.
Russell W. Adelsperger, xxxxxxxxx.
James R. Agar, xxxxxxxxx.
Charles F. Aiello, xxxxxxxxx.
Edward A. Akerson, Jr., xxxxxxxxx.
John R. Albrecht, xxxxxxxxx.
Wiley A. Allgood, Jr., xxxxxxxxx.
Claude F. Alsup, xxxxxxxxx.
James Altman, xxxxxxxxx.
Jack E. Anderson, xxxxxxxxx.
John S. Anderson, xxxxxxxxx.
Richard N. Anderson, xxxxxxxxx.
Edward D. Arbaugh, xxxxxxxxx.
Bobby J. Argumedo, xxxxxxxxx.
Lawrence D. Arnold, xxxxxxxxx.
Donald L. Ashley, xxxxxxxxx.
Peter J. Attarian, xxxxxxxxx.
Bruce M. Bailey, xxxxxxxxx.
Thomas A. Baker, xxxxxxxxx.
Charles J. Ballot, Jr., xxxxxxxxx.
James V. Barr, xxxxxxxxx.
Ronald A. Bartlett, xxxxxxxxx.
Jimmy R. Bason, xxxxxxxxx.
James S. Batts, xxxxxxxxx.
Robert E. Beale, xxxxxx.
Gary W. Bedford, xxxxxxxxx.
Alva E. Beers, xxxxxxxxx.
Robert A. Belcher, xxxxxxxxx.
Richard L. Bennett, xxxxxxxxx.
William T. Bennett, Jr., xxxxxxxxx.
Richard L. Benson, xxxxxxxxx.
Glen A. Bentz, xxxxxxxxx.
Morton B. Berman, xxxxxxxxx.
Hubert M. Berthold, xxxxxxxxx.
Donald J. Bickford, xxxxxxxxx.
Donald R. Biehn, xxxxxxxxx.
Richard F. Bishop, xxxxxxxxx.
Donald P. Bjornson, xxxxxxxxx.
Charles L. Blood, xxxxxxxxx.
Albert A. Bonner III, xxxxxxxxx.
Kenneth W. Boothe, xxxxxxxxx.
Donald D. Bowers, xxxxxxxxx.
Oscar E. Bowles, xxxxxxxxx.
Robert G. Bowman, xxxxxxxxx.
John T. Boyd, xxxxxxxx.
Ernest P. Bozzy, xxxxxxxxx.
William R. Brackett, Jr., xxxxxxxxx.
Joe L. Bradfield, xxxxxxxxx.
Robert G. Bradshaw, Jr., xxxxxxxxx.
Richard J. Brady, xxxxxxxxx.
Paul S. Brahler, xxxxxxxxx.
Stanley W. Braman, xxxxxxxxx.
Carl K. Branan, xxxxxxxxx.
Lowell E. Brandenburg, xxxxxxxxx.
Raymond F. Brant, xxxxxxxxx.
Cecil O. Braun, xxxxxxxxx.
David G. Brenner, xxxxxxxxx.
Max C. Brestel, xxxx.
Edward P. Brininstool, xxxxxxxxx.
Henry M. Brown, xxxxxxxxx.
James H. Brown, xxxxxxxxx.
Truman A. Burch, Jr., xxxxxxxxx.
Kerry E. Burleson, xxxxxxxxx.
James R. Burton, xxxxxxxxx.
Clarence H. Bush, Jr., xxxxxxxxx.
Gerald Q. Bussell, xxxxxxxxx.
Robert J. Butschek, xxxxxxxxx.
John B. Calhoun, xxxxxxxxx.
Maynard S. Calkin, Jr., xxxxxxxxx.
David M. Callis, xxxxxxxxx.
Howard F. Carlton, Jr., xxxxxxxxx.
Jack V. Carnahan, xxxxxxxxx.
John A. F. Carnochan, xxxxxxxxx.
Charles T. Chapin, xxxxxxxxx.
Arthur L. Chase, xxxxxxxxx.
Charles J. Chase, xxxxxxxxx.
Jack Chewning, xxxxxxxxx.
Norman K. H. Ching, xxxxxxxxx.
Ronald L. Chrisley, xxxxxxxxx.
Merton J. Christensen, xxxxxxxxx.
Ronald E. Christensen, xxxxxxxxx.
Donald O. Christman, xxxxxxxxx.
Wynn L. Church, xxxxxxxxx.
George R. Cilek, xxxxxxxxx.
Carl F. Clair, xxxxxxxxx.
Donald G. Clarke, xxxxxxxxx.
Herbert F. Clarke, xxxxxxxxx.
William D. Clarke, Jr., xxxxxxxxx.
Wayne J. Clay, xxxxxxxxx.
Harold T. Cleaver, xxxxxxxxx.
Charles G. Cloutier, Jr., xxxxxxxxx.
Walter J. Coker III, xxxxxxxxx.
Robert L. Collins, xxxxxxxxx.
Ronald L. Cone, xxxxxxxxx.
David C. Connett, xxxxxxxxx.
George E. Cook, xxxxxxxxx.
Tom R. Cook, xxxxxxxxx.
Bradley K. Cooper, xxxxxxxxx.
George D. Cooper, xxxxxxxxx.
Stanley A. Cooper, xxxxxxxxx.
Donald L. Coss, xxxxxxxxx.
Alan G. Cox, xxxxxxxxx.
Hugh L. Cox III, xxxx.
James W. Cox, xxxxxxxxx.
Charles B. Crawford, xxxx.
Richardson H. Crook, xxxxxxxxx.
Charles A. Cross, xxxxxxxxx.
George H. Crowl, Jr., xxxxxxxxx.
Donovan C. Croxton, xxxxxxxxx.
Harry R. Crumley, xxxxxxxxx.
David R. Cummock, xxxxxxx.
Clair M. Cunningham, xxxxxxxxx.
Ellis F. Curtis, xxxxxxxxx.
Anthony S. Cushenberry, xxxxxxxxx.
James E. Cushman, xxxxxxxxx.
Harold G. Cutler, xxxxxxxxx.
Jack R. Cyrus, xxxxxxxxx.
Benjamin H. Daigre, xxxxxxxxx.
Boyd L. Dailey, xxxxxxxxx.
Robert F. Daley, xxxxxxxxx.
Dominick D'Anna, xxxxxxxxx.
Ronald L. Davenport, xxxxxxxxx.
Alexander K. Davidson, xxxx.
Esker K. Davis, xxxxxxxxx.
James E. Davis, xxxxxxxxx.
James E. Davis, xxxxxxxxx.
Rex L. Davis, xxxxxxxxx.

Stuart C. Davis III, AO3080712.
Edward L. Day, AO3083074.
Jerry G. Daye, AO3073139.
Charles W. Dean, AO3047964.
Dion E. De Camp, AO3080531.
Lyle M. Delano, AO3071448.
Denis A. De Luchi, AO3084363.
Sergi L. Demchuk, AO3051346.
William J. Devitt, AO3085289.
Jason G. Diaville, AO3073195.
John P. Dickey, AO3089533.
Richard C. Dischler, AO3073978.
Ralph E. Doerzbacher, Jr., AO3082948.
James C. Dozier, AO3027558.
Elliott J. Dubreuil, AO3083669.
Robert E. Duhnke, Jr., AO3073473.
William F. Dulin, AO3074494.
Henry J. Durivage, AO3073689.
Paul H. Dwyer, AO3081048.
Joel C. Edson, AO3072804.
John L. Eisinger, AO3083523.
Armand Eknayan, AO3080410.
Jess B. Elgan, AO3087062.
Arthur D. Ellington, Jr., AO3074455.
William E. Ellis, AO3087550.
Charles L. Elson, AO3071659.
James L. Evans, AO3084473.
Ralph B. Evans, AO3082688.
Mary L. Fake, AL3060275.
Howard J. Falk, AO3071686.
William B. Fanelli, AO3084060.
Ross W. Farnsworth, AO3082481.
William A. Fencken, AO3083576.
Gene Fenstermacher, AO3087553.
Ralph E. Fernandez, AO3072834.
Clifton F. Fincher, AO3072635.
William W. Fink, Jr., AO3084511.
Gailon K. Fletcher, AO3080301.
James M. Flint, AO3084171.
Kenneth H. Flowers, AO3082806.
Gerald L. Floyd, AO3072636.
James F. Fluhr, AO3084216.
Frank A. Flynn, AO3073045.
Laymond N. Ford, AO3074660.
Richard T. Ford, AO3067059.
Edward R. Fortanbary, AO3074496.
Denny F. Foscarini, AO3101074.
John F. C. Fox, AO3087672.
James A. Francis, AO3083700.
Ronald A. Francoeur, AO3072433.
Rodney E. Franklin, AO3084137.
Ronald V. Franzen, AO3083603.
James M. Free, AO3073952.
Donald J. Fremming, AO3074056.
Robert S. Fry, Jr., AO3087673.
Cecil B. Fulford, AO3087867.
Glenn L. Fuller, AO3087791.
Richard E. Fuller, AO3071407.
John F. Funck, AO3072130.
Richard J. Galloni, AO3087895.
Robert D. Gallup, AO3072595.
Joseph L. Gardner, AO3072288.
Raymond L. Gardner, AO3083310.
Robert W. Garrett, AO3084793.
William S. Garrison, AO3081247.
Ralph A. Gauthier, AO3080249.
William J. Gazzerro, AO3073808.
James D. Geddes, AO3083142.
Larry L. Geick, AO3071207.
Francis E. Geiger, AO3080961.
Ronald M. Gerkin, AO3083311.
John M. Gilreath, AO3085125.
Frank H. Gingerich, AO3069185.
Franklin J. Gingrich, Jr., AO3074557.
Paul E. Glaab, AO3074208.
Charles F. Gladish, AO3085140.
Dean H. Glazier, AO3074011.
Edmund S. Gober, AO3087558.
James W. Goebel, AO3071703.
Ewing P. Goff, AO3080658.
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Rudolph Greis, AO3087671.
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Allan F. Guarino, AO3072251.
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Michael D. Hall, AO3084234.
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Willis L. Hargrove, AO3087680.
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Corbet L. Harrison, AO3087681.
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William G. Duke, xxxxxxxxx.
Michael W. Hawkins, xxxxxxxxx.
Richard O. Himley, xxxxxxxxx.
Struan L. Paddon, xxxxxxxxx.
Bruce G. Taylor, xxxxxxxxx.

Subject to medical qualification and subject to designation as distinguished military graduates, the following distinguished military students of the Air Force Reserve Officers' Training Corps for appointment in the Regular Air Force, in the grade of second lieutenant, under section 8284 of title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Gerald R. Abelsen
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Duane A. Adams
John F. Altenburg
Wendell L. Anderson
Robert L. Atwell, Jr.
Roger J. Austin
Wayne R. Barcelo
John H. Barr
Sumner Barr
Robert D. Bartunek
Merrill J. Bateman
Thomas W. Beardemphl
James D. Beatty
Charles A. Benson
James A. Bettersworth
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Pearre A. T. Bibb, Jr.
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Eugene H. Vieh, Jr.
John T. Viola
Jerry W. Vitt
Donald M. Wade
Thomas J. Wagner
David E. Walker
Richard L. Walker
Thomas H. Walker
Carl I. Walters
Fletcher L. Walters, Jr.
Charles J. Ward
Thomas M. Ward
Philip K. Ware
Dan K. Waylett
Charles J. Weisul, Jr.
Gustav E. Wendland
Dennis M. Werking
Charles L. Wesen.
Larry D. White
Richard E. White
John P. Whitescarver
George L. Whitington, Jr.
Jack N. Whitmire
Warren H. Widener
Stanley F. Wied
Luther R. Wilhelm
Thomas S. Will
Paul G. Williams
Ronald R. Willis
John M. Wilson, Jr.
Paul W. Wilson
Harry H. Wise
Dennis B. Wolfe
William J. Wolff
Elbert T. Woodward, Jr.
James E. Wright
James R. Wright
William B. Wright
Douglas R. Young
Larry M. Young
Casimir Zabinski, Jr.
Robert F. Zembraski
Werner J. Zumbrunn

CONFIRMATIONS

Executive nominations confirmed by the Senate February 18 (legislative day of February 15), 1960:

INTERNAL REVENUE SERVICE

Hart H. Spiegel, of California, to be Assistant General Counsel (Chief Counsel of the Internal Revenue Service).

U.S. DISTRICT JUDGE

Walter H. Hodge, of Alaska, to be U.S. district judge for the district of Alaska, (new position).

U.S. ATTORNEY

Kenneth G. Bergquist, of Idaho, to be U.S. attorney for the district of Idaho for a term of 4 years, vice Ben Peterson, resigned.

U.S. MARSHALS

Dudley G. Skinker, of Maryland, to be U.S. marshal for the District of Columbia for a term of 4 years, vice Carlton G. Beall, resigned.

William K. Holt, Jr., of Georgia, to be U.S. marshall for the middle district of Georgia, vice Billy E. Carlisle, resigned.

HOUSE OF REPRESENTATIVES

THURSDAY, FEBRUARY 18, 1960

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Acts 11: 24: *He was a good man, and full of the holy spirit and of faith.*

God of all grace and goodness, constrain us now by Thy love to open widely the doors of our minds and hearts to the peace and power of Thy holy spirit.

We humbly confess that daily we are confronted by needs which we cannot supply, problems we cannot solve, questions we cannot answer, and tasks which are too great for our unaided strength.

Impart unto us those qualities of faith and fortitude which will lift and liberate us from the fears and anxieties, the moods of complaint and self-pity, which so often assail and seek to enslave us.

Grant that in all the human relationships of life we may be true to one another, dealing honestly, showing kindness, and seeking the health and happiness of all mankind.

Hear us in the name of the Master who went about doing good. Amen.

THE JOURNAL

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries.

PROGRAM FOR NEXT WEEK

Mr. HALLECK. 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 Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, I take this time for the purpose of inquiring as to the program for next week.

Mr. ALBERT. Mr. Speaker, responding to the gentleman, Monday is George Washington's birthday. There is no legislative business. George Washington's Farewell Address will be read.

On Tuesday the supplemental appropriation bill for the National Aeronautics and Space Administration for 1960, and the Treasury and Post Office Department appropriation bill for 1961.

Wednesday and the balance of the week is undetermined. Any further program will be announced later. Conference reports may be brought up at any time.

Mr. HALLECK. Mr. Speaker, supplementing what the gentleman has said—and I thank him for his response—it is possible that there will be a veto of a measure now at the White House. If it is vetoed, I think it will be vetoed before the President leaves. I wonder if I might discuss with the acting majority leader some arrangement by which we can fix a definite time to vote. Say on Wednesday, if that is satisfactory.

Mr. ALBERT. I will be happy to discuss it with the gentleman and come to a decision as early as possible.

Mr. HALLECK. Very well.

COMMITTEE ON BANKING AND CURRENCY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Subcommittee No. 2 of the Committee on Banking and Currency may sit today during general debate.

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

There was no objection.

COMMITTEE ON WAYS AND MEANS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight Friday, February 19, 1960, to file a report on the bill, H.R. 5, to amend the Internal Revenue Code of 1954 to encourage private investment abroad and thereby promote American industry and reduce Government expenditures for foreign economic assistance, and to also include therein a minority report and certain individual and supplemental views.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

SUBVERSIVE ORGANIZATIONS

Mr. WALTER. 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 Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, I take this time because of an editorial that appeared in this morning's Washington newspaper. The editorial stated, concerning the Committee on Un-American Activities, that "the committee has succeeded in persuading a great many who are gullible that any organization which seeks social justice or racial equality or freedom of expression or restraints on police authority has been infiltrated by Communists." This is the line the Communists have been handing out for years and is completely false.

Mr. Speaker, I have in my hand the Guide to Subversive Organizations, and I call now on the writer of this editorial to point out which of the organizations set forth in this guide have as their true purpose the seeking of "social justice or racial equality or freedom of expression or restraints on police authority," and are not controlled by members of the Communist Party.

The guide reads as follows:

GUIDE TO SUBVERSIVE ORGANIZATIONS
AS OF JANUARY 2, 1957

(Prepared and released by the Committee on Un-American Activities, U.S. House of Representatives, Washington, D.C.)

ORGANIZATIONS

Abolish Peonage Committee.
Abraham Lincoln Brigade or Battalion.
Abraham Lincoln School (Chicago, Ill.).
Academic and Civil Rights Committee.
Academic and Civil Rights Council of California.
Action Committee To Free Spain Now.
Actors' Laboratory.
Actors' Laboratory Theater.
Alabama Peoples Educational Association.
All-American Anti-Imperialist League.
All-California Conference for Defense of Civil Rights and Aid to Labor's Prisoners.
Allied Labor News.
Almanac Singers.
Ambijan Committee for Emergency Aid to the Soviet Union.
American Association for Reconstruction in Yugoslavia, Inc.
American Branch of the Federation of Greek Maritime Unions.
American Christian Nationalist Party.
American Committee for a Free Indonesia.
American Committee for a Free Yugoslavia (The).
American Committee for a Korean People's Party.
American Committee for Democracy and Intellectual Freedom.
American Committee for European Workers' Relief (see also Socialist Workers' Party).
American Committee for Protection of Foreign Born.
American Committee for Russian Famine Relief (L.A. and S.F.).
American Committee for Spanish Freedom.
American Committee for Struggle Against War.
American Committee for the Settlement of Jews in Birobidjan, Inc.
American Committee for Yugoslav Relief, Inc.
American Committee for Yugoslav Relief of the War Relief Fund of Americans of South Slavic Descent.
American Committee in Aid of Chinese Industrial Cooperatives.
American Committee To Aid Korean Federation of Trade Unions (S.F.).
American Committee To Aid Soviet Russia.
American Committee To Save Refugees.
American Committee To Survey Labor Conditions in Europe.
American Committee To Survey Trade Union Conditions in Europe.
American Continental Congress for Peace (September 5–10, 1949, in Mexico City) (see also Committee for U.S. Participation in the American Continental Congress for Peace).
American Council for a Democratic Greece.
American Council, Institute of Pacific Relations. (See Institute of Pacific Relations.)
American Council on Soviet Relations.
American Croatian Congress.
American Federation for Political Unity.
American Federation of Labor Trade Union Committee for Unemployment Insurance and Relief.
American Friends of Spanish Democracy.
American Friends of the Chinese People.
American Friends of the Mexican People.
American Friends of the Spanish People.
American Fund for Public Service (Garland Fund).
American Jewish Labor Council.